

19-7143
No. _____

USCA No. 19-35246

Supreme Court of the United States

Re

NOV 26 1973

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

STEVEN DARBY MCDONALD — PETITIONER
(Your Name)

vs.

SIDNEY R. THOMAS, Chief Judge, Ninth Circuit, and,
KENNETH LAUREN, MD, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
PETITION FOR WRIT OF MANDAMUS

NINTH CIRCUIT COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

STEVEN DARBY MCDONALD #703852/A-114

(Your Name)

Monroe Correctional Complex/TRU
Twin River Unit
PO Box 888, Monroe, WA 98272

(Address)

(City, State, Zip Code)

(Phone Number)

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Steven Jewitt, MD	9. Tim Thrasher
2. Steven Hammond, MD	10. Peter Maxson
3. Areig Ali Awad, MD (Subsstituted By Court For Dr. Lauren)	
4. Edith Kroha, ARPN	
5. Michael Holthe	
6. Robert Herzog	
7. John Campbell	

RELATED CASES

None

QUESTION(S) PRESENTED

1. WHY IS THE NINTH CIRCUIT COURT OF APPEALS AND THE WESTERN DISTRICT OF WASHINGTON ALLOWED TO ACT AS THE RIGHT ARM OF THE DOC? (See GO 09-16)
2. WHY DOES THIS COURT ALLOW WASHINGTON STATE TO OPERATE ITS MEDICAL FACILITIES AS EXTERMINATION DEATH CAMPS? (See July 14, 2019 Seattle Times Front Page Article, Exh-B)
3. WHY IS THIS GREAT COURT SUPPRESSING THESE FACTS FROM THE PUBLIC BY ITS ENGAGING IN DISTRACTIONS SUCH AS THE "DONALD TRUMP REALITY SHOW", MALES WHO WANT TO WEAR GIRLS CLOTHES, FOREIGNERS WHO WANT TO COME TO THIS COUNTRY, etc.?
4. WHY IS THE NINTH CIRCUIT COURT OF APPEAL ALLOWED TO ORDER APPELLANT TO NOTIFY IT IF HE WANTS TO FILE A PRO SE BRIEF ON APRIL 30, 2019 GIVING HIM TWO WEEKS TO DO SO, THEN COMPLETELY IGNORING HIS MAY 18, 2019 RESPONSE REQUESTING TO FILE A BRIEF OF HIS PRELIMINARY INJUNCTION SEEKING EMERGENT MEDICAL CARE: WHICH IT HAS IGNORED FOR OVER SIX (6) MONTHS, DESPITE BEING INFORMED SEPTEMBER 21st 2019 THAT HIS CONDITION HAD WORSENED?.
5. WHY WILL THE NINTH CIRCUIT NOT ORDER THE LOWER COURT TO UNSEAL THE RECORDS SHOWING THAT THE DEFENDANTS AND THEIR AGENTS ARE DRUG ADDICTS, PRESCRIPTION FORGES, CONVICTED FELONS, PEDOPHILES, SEX FREAKS, NAZI'S AND KKK MEMBERS, WITH NUMEROUS MEDICAL MALPRACTICE JUDGMENTS: WHEN THE DISTRICT COURT INCORRECTLY SEALED THE RECORD TO PROTECT THE DEFENDANTS AND PROHIBIT THE PLAINTIFF FROM BEING ABLE TO PROVE HIS CASE AND REFUTE SUMMARY JUDGMENT?
6. WHY HAS THIS COURT ALLOWED THE NINTH CIRCUIT AND WESTERN DISTRICT TO SUPPRESS ALL THE DEATHS OF DOC INMATES, ENACT GENERAL ORDER 09-16 TO PROHIBIT INMATES FROM ACCESSING VITAL DISCOVERY REQUIRED TO PROVE THEIR CASES, AND ACT AS THE RIGHT ARM OF THE DOC?
7. WHY ARE TERMINALLY ILL INMATES NOT ALLOWED TO RECEIVE THE APPOINTMENT OF COUNSEL WHEN THEIR SITUATIONS REQUIRE IT?

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Offutt v. US., 348 U.S. 11, 99 L.Ed 11, 75 S.Ct. 11 (1954) (Justice must satisfy the appearance of justice)	
In re Murchison, 349 U.S. 133, 136, 99 L.Ed. 942, 75 S.Ct. 623 (1955)(Fair trial in a fair tribunal is a basic requirement of due process)	
Indiana v. Edwards, 554 U.S. 164, 128 S.Ct. 2379, 171 L.Ed, 2d 345 (2008)(Proceedings must not only be fair, they must appear fair to all who observe them)	
These cases were presented in all Plaintiff's/Appellants motions. Yet he was not appointed counsel to address his serious issues.	

STATUTES AND RULES

1. Petition For Writ of Mandamus
28 U.S.C. §1651(a)

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APPENDIX C	C. Appellants Reply To Washington Medical Commission About Defendants Receiving Bonuses For Not Treating
APPENDIX D	D. September 21, 2019 Urgent Motion Requesting A Ruling Due To Worsening Physical Condition
APPENDIX E	E. Website <u>StevenDarbyMcDonald.com</u> , Abuse of Discretion, Outing Over Twenty-Two (22) DOC Medical Providers With Histories Of Wrongdoing
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[] reported at April 30, 2019 Order From Court; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[] reported at Not BeingAppealed Yet; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

1.

JURISDICTION

[] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was They Refuse To. This Is A Petition For Writ Of Mandamus

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

** The Jurisdiction of this Court is invoked under 28 U.S.C. §6151(a), Requesting A Petition For Writ Of Mandamus To Compel The Ninth Circuit Allow Appellant File His Brief In His Preliminary Injunction Appeal Seeking Emergent Medical Relief
Please See Pages 7-9 For Supreme Court Rule 20.1 Compliance.

[] For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First, Fifth, Eighth And Fourteenth Amendments.

COMPLIANCE WITH RULE 20.1

i. Aid In Appellant Jurisdiction/Exceptional Circumstances

All Circuit Courts should follow their own rules to maintain uniformity. Just because Appellant is a pro se litigant he should not be singled out for special treatment by the Ninth Circuit by their refusal to follow their own rules. Other Circuit Court's follow their own rules when dealing with all litigants, equally, across the board. So should the Ninth Circuit. And their failure to do so a profound bias and prejudice towards this pro se litigant. Now warranting this Court's intervention.

The Court failed to follow Circuit Rule 3-3, Preliminary Injunction Appeals, that says a litigant will receive a "expedited preparation", a "briefing deadline within 28 days", after the notice of appeal is docketed in the district court. Appellant's NOA was docketed April of 2019: Yet still no briefing schedule has been issued.

Further, April 30, 2019 the Court issued Order informing Appellant that "The briefing schedule will be re-set upon disposition of the April 2, 2019 motion" he had filed pursuant to Rule 52(b) Motion To Amend And Make Additional Findings. Dkt#238,264. See Appendix-A. And he had to notify the Court if he still wanted to appeal. He did both these things and still the Ninth Circuit refused to set a briefing schedule.

Appellant waited four (4) months and did not receive a ruling. He next filed a Circuit Rule 27-3(b) Urgent Motion notifying the Court of

the above. And produced new medical records showing his medical condition had grown significantly worse, and requested that it allow a briefing schedule within 30 days. Appendix-D. Yet the Court ignored the Appellant's request and did nothing.

The Appellant's issue is a emergent medical issue which the Ninth Circuit is ignoring. The Court follows its rules when dealing with all other litigants. Its now been over six (6) montns since Appellant's NOA has been filed. And still no briefing scheduled has been issued. Or rulings entered on his collateral motions seeking counsel, resumption of medication and treatments, and opening of sealed records.

Appellant submits that these reasons require this Court's intervention to aid its jurisdiction. And that they constitute "exceptional circumstances" that also require this Court to use its discretionary powers.

ii. Adequate Relief Cannot Be Obtained In Any Other Form

Appellant did try to obtain relief from the Ninth Circuit notifying them of the inordinate time delay in his case. And his worsening physical condition, by his filing of CR 27-3(b) Motion. Which they too ignored.

iii. Relief In District Court

Appellant cannot seek relief for these issues in the district court because he already has, and it was denied. He's appealed to the Circuit Court, which the district court lacks jurisdiction over. The district court cannot tell the Circuit Court to rule on his briefing schedule and his collateral motions.

STATEMENT OF THE CASE

Appellant's prior attorney, E.Gary Donion, discovered that all the Appellant's medical providers were either drug addicts, rapists, convicted felons, prescription forgers, alcoholics or mental patients under going substance abuse treatment and sexual deviancy treatment for pedophilia, exhibitionism, voyeurism, frotteurism, and numerous medical malpractice judgments. He then set up a website called "Abuse of Discretion" at StevenDarbyMcDonald.com outing this disabled medical providers, who had gravitated to their only possible source of employment: a prison.

To retaliate, these dregs of society stopped or curtailed or slow-walked his medical care. Presently he had a new MRCP test that disclosed chronic pancreatitis, a clogged bile duct or SOD disorder, and possible "lesions" in his bile duct system. They stopped all his pain management hoping he will commit suicide or expire from stress. He notified the Court of these developments. And who did nothing.

During the pendency of his appeal, he filed several motions requesting the resumption of his pain management and to speed up the process, which is supposed to be expedited because it is a preliminary injunction appeal. But the Court will not follow its own rules. See Appendix A through E for support of the above.

He also requested that the Court unseal the Defendants acts of wrongdoing that the District Court sealed contrary to law. This prohibited him from also defeating Defendants motion for summary judgment. Now everything Appellant said about these drug addicts and nut jobs has come true: See July 14, 2019 Seattle Times article about them killing seven (7) Patients. (See Appendix-B). They are doing this to get "bonuses for not providing medical care.

REASONS FOR GRANTING THE PETITION

A preliminary injunction is supposed to be an expedited motion, especially when its involving medical issues. Yet in this case, despite Appellant complying with the Court's April 30, 2019 Order, it still refuses to allow briefing to proceed. He's now in chronic pain some some type of "chronic pancreatitis, lesion in the major papilla or biliary obstruction." See May 20, 2019 MRCP. Now since Appellant has filed these new documents/complaints the Defendants have not done a thing. (See Washington Medical Commission Complaint, Appendix-C)

Appellant's issues are fully set forth before the Ninth Circuit for review in his several notices of appeal he filed and collateral motions before it. Yet they will not act. They are bias and prejudice as was the District Court because he has the skinny on the Defendants and their agents/employees. And has put them on blast on his website under his First Amendment rights. Their facade of respectability has crumbled and they are exposed as who they really are: Dr. Mengelers and Dr. Frankinstine. They murdered seven inmates by denial of medical care and are being propped-up by the Attorney Generals Office as several state agencies investigate their wrongdoing.

Because Appellant has exposed this contagion, they are retaliating with the help of the Ninth Circuit and District Court it seems, to ensure he does not receive any medical treatment, diagnostic testing and pain management to ensure he suffers. This Court should not allow this abuse to take place.

Further, both the Ninth Circuit and the entire Western District of Washington, are no more than mere vassals of the State of Washington.

ton's DOC. They function as The Right Arm Of DOC, and show much more than favoritism. The Ninth Circuit has condoned and the Western District has enacted General Order 09-16 that allows the Washington State Attorney General to dictate what discovery records he wants to release to this then Plaintiff to prove his case. Said Order does not apply to attorneys, because the Western District Court judges would be sued by the legal community off the bench. It only applies to the most disadvantaged citizens in the Country: prisoners. This Order allowed the AG to withhold all inculpatory records that Plaintiff need to prove his case. Both the Ninth Circuit and the Western District are riddled with collusion and corruption and require this Courts intervention.

CONCLUSION

For the above reasons, this Court should Order The Ninth Circuit enter Order on all his pending motions for Counsel, Pain Management, and The petition for a writ of certiorari should be granted.
to brief his appeal and unseal his records, to expose this wrongdoing.
Further, it should Order the Ninth Circuit to show cause why it has allowed these things to take place.

Respectfully submitted,

12/13/19