

No. 19-7210

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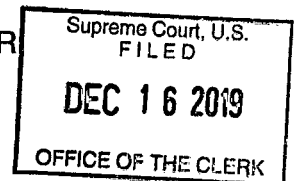
SUPREME COURT OF THE UNITED STATES

WASHINGTON D.C.

CALVIN RAY CASH — PETITIONER
(Your Name)

vs.

JOHN RUPERT — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO
The United States Court of Appeals of the Fifth Circuit

The United States District Court of the Eastern District of Texas
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CALVIN RAY CASH
(Your Name)

Michael Unit, 2664 FM 2054
(Address)

Tennessee Colony, Texas 75886
(City, State, Zip Code)

(903) 928-2311 (prison number)
(Phone Number)

QUESTION(S) PRESENTED

1. What constitutional protections inside the United States or retained by prisoners?
2. What amendments rights or retained by prisoners?
3. What is the Supreme Court doctrine of qualified immunity?
4. What is the Senate doctrine of qualified immunity?
5. What is the Supreme Court function of prisoners medical fees?
6. What is the Senate function of prisoners medical fees?
7. What is the Doctors function of Doctors visit fees to medical visit by person medical L.V.N's?

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:

PAMELA PACE, PRACTICE MANAGER,
DEADRA R. MARTIN NURSE-L.V.N.,

RELATED CASES

Estelle v. Gamble, 429 U.S. 97, 104, 97 S.Ct. 285 (1976)
Farmer v. Brennan, 511 U.S. 825, 847, 114 S.Ct. 1970 (1994)
Domino v. Tex. Dep't of Cr. Justice, 239 F.3d 752 (5th Cir. 2001)
Woodford v. Ngo, 548 U.S. 81, 95, 126 S.Ct. 23 (2006)
Ritter v. Alexander, 460 Fed. Appx. 629-30 (2011)
Mullenix v. Luna, 136 S.Ct. 305 (2015)
District of Columbia v. Wesby, 138 S.Ct. 577 (2018)
Jones v. Tex. Dep't. of Cr. Justice, ~~880~~ 880 F.3d 756 (2018)

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APPENDIX A	Motion To Extend Time to file Rehearing. Denied.
APPENDIX B	Motion Appeal the United States District Court. Affirmed; Motion denied.
APPENDIX C	Motion To Proceed In Forma Pauperis on Appeal. Granted.
APPENDIX D	Motion For Appointment of Counsel. Denied.
APPENDIX E	Motion For Appointment of Counsel. Denied.
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Estelle v. Gamble _____	285-294
Farmer v. Brennan _____	825-835
Domino v. Tex. Dept. of Crim. Justice _____	752-755
Woodford v. Ngo _____	23-78
Ritter v. Alexander _____	629-630
Mullenix v. Luna _____	305-309
District of Columbia v. Wesby _____	577-594
Jones v. Tex. Dept. of Crim. Justice _____	757-760

STATUTES AND RULES

Constitutional Violation 42 U.S.C. § 1983
 Federal Rules Civil Procedure Rule 59(e)
 United States Congress § 42 U.S.C.A. § 1983
 Constitutional Amendments; Eighth Amendment
 Deliberate Indifference; Eighth Amendment

OTHER

Tex. Code Crim. Proc., art. 26.04(a)
 Fed. Rules Civ. Proc. Rule 7(a); *Choking in Schutte v. Wood*

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 N to the petition and is

☐ reported at N; 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 N to the petition and is

☐ reported at N; 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 N to the petition and is

☐ reported at N; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

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

☐ reported at N; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 18-40673.

[] 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: 10/08/2019, and a copy of the order denying rehearing appears at Appendix A.

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

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

[] For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Petitioner's right to not be charged an Health Care Services Fee, was involved, illustrated in the TDCJ Policies AD-06.08, also to be found in the Texas Government Code §§ 501.014 and 501.063. Amended by acts 2011, 82nd Leg., 1st C.S., ch. 4 (S.B. 1), § 65.02, eff. Sept. 28, 2011.

03/06/2012 Corrections, Clarifications: In Wednesday's Metro section, a story said that a bill to increase inmate medical fees in state prisons to \$100 per year had failed. The bill did die, but a similar amendment to another bill passed increased inmate medical fees in state prisons from \$3 per Doctor's visit to \$100 per year for medical care, unless they are poor. (Raw: Friday, February 24, 2012).

A bill that would have increased inmate medical fees in state prisons the House in June, but died after failing to receive support in the Senate. The bill, authored by state Rep. Jerry Madden, R-Plano, would have charged prisoners \$100 per year for medical care unless they were poor.

Currently state prisoners pay \$3 per Doctor's visit. But critics of such fees have called them a tax on inmates' families, who are putting money into inmate trust fund accounts.

STATEMENT OF THE CASE

On or about the 11th day of January 2016 petitioner filed a request to renew his allergic medication and he was seen by Lemaster, Patricia J., who ORDERED NP-Chlorpheniramine 4 MG Tablet.

On or about the 6th day of May 2016 petitioner filed another request to renew his same allergic medication and he was seen by Martin, Deadra R., L.V.N., who ORDERED NP-Chlorpheniramine 4 MG Tablet. But she charged petitioner an \$100 Health Care Doctor's visit.

On or about the 9th day of May 2016 petitioner filed some requests to Rupert and Pace about the illegally charge, and those requests were ignored.

On or about the 3rd day of June 2016 petitioner filed some more requests to Rupert and Pace about the illegally charge, and again all of those request were ignored.

On or about the 1st day of July 2016 petitioner filed the (PLRA's) exhaustion requirement that is mandatory and the proper exhaustion is determined by reference to a two step grievance procedures. Petitioner pursued both steps of the grievance process giving the prison grievance system a fair opportunity to consider the grievance.

On or about the 8th day of February 2017 petitioner filed his prison civil rights complaint and Application to Proceed In Forma Pauperis. GRANTED.

REASONS FOR GRANTING THE PETITION

Calvin Ray Cash, a Texas prisoner #1784450 was assessed a \$100 Annual Health Care Services Fee for a repeating condition chronic allergies. Petitioner showing herein of deliberate indifference requires the prisoner to submit evidence that prison officials refused to treat him, ignored his complaints, intentionally treated him incorrectly or engaged in any similar conduct that would clearly evince a wanton disregard for and serious medical needs.

HEALTH CARE is any act or treatment performed or furnished or that should have been performed or furnished, by any health care provider for, to, or on behalf of a patient's medical care or confinement or treatment. Also that the defendant's owed a duty to supervise or train the TDCJ OFFICERS and to take steps to prevent events such as occurred here, to wit, the violations of falsifying records, omitting facts and falsifying charges.

INCREASED MEDICAL FEES, a bill that would have increased inmate medical fees in state prisons passed the House in June, but "died" after failing to receive support in the Senate. The bill, authored by state Rep. Jerry Madden, R-Plano, would have charged prisoners \$100 per year for medical care unless they were poor.

DORSEY NUNN, "when i look at the victim restitution fund, what i see is a hostage relationship," said Dorsey Nunn, executive director of Legal Services For Prisoners with Children. We're taxing the family members of incarcerated people by seizing money that they send their loved one. They're demanding RANSOM.

FOR THE REASON ABOVE, this Court should grant petitioner writ of certiorari the rights at issue herein, were clearly established when the incident occurred, even if there is no case involving fundamentally similar, or materially similar facts involving a illegal charge for requiring CONTINUING medical care.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Calvin Ray Cash

Date: 12/16/2019