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CLION 1/27/20

IN THE UNITED STATES SUPREME COURT

19-7565

Case no.: TBD

ORIGINAL

D.C. Doc. No.: 3:17-cv-00665-BJD-JRK
Appeal No.: 18-15121

Supreme Court, U.S.
FILED

JAN 27 2020

OFFICE OF THE CLERK

TYREE WRIGHT,
Petitioner,

v.

STATE OF FLORIDA / S. ALVAREZ, et al.
Respondent. DEFENDANTS.

PETITION FOR WRIT OF CERTIORARI

On Review From The Eleventh Circuit Court of Appeal

RECEIVED

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SUPREME COURT, U.S.

TYREE WRIGHT # J23621
TOMOKA CORRECTIONAL INSTITUTION
3950 Tiger Bay Road
Daytona Beach, FL 32124

Petitioner, *Pro se & A.D.A. Certified*

QUESTIONS PRESENTED

1. While you are incarcerated in the Florida Department of Corrections (FDOC), how are you supposed to notify Medical of your prior medical history/head injury?
2. When you are prescribed medication ibuprofen, how do you let medical know that the medication they prescribe you isn't helping stop the pain in your head? *See Doc. #1*
3. Isn't not giving an inmate an x-ray (CT-Scan/MRI) deliberate indifference?
4. How long does medical have to put off an x-ray, an x-ray that could have discovered Mr. Wright had a tumor growing on his brain? Thus, stopping it or discovering it and destroying/terminating it before it's considered deliberate indifference? *See Ancata, 769 F. 2d at 704.*

The questions presented in this petition arose from the proceedings herein...

QUESTIONS

1. When an inmate notifies medical of his prior head injury/medical history & asks them to retrieve his medical records from Shands Hospital, in Jacksonville, Florida, for a better understanding of his prior and/or current, head history (a gunshot wound, brain swelling & craniotomy) is that inmate's actions adequate to his medical situation? *See Exhibits 12, 19.*
2. Although Mr. Wright was provided ibuprofen, does that constitute adequate medical care? *See Doc. #1.*
3. After receiving said info of Mr. Wright's prior head injury/medical history isn't it deliberate indifference not to give him a C.T. Scan/MRI (an x-ray of his brain)?
4. A C.T. Scan/MRI, when requested by Mr. Wright because of his daily headaches & loss of balance, would have stopped the advancement (permanent disabilities, speech impairment, pain & suffering) of the tumor before it matured & caused the damage on Mr. Wright's body that Mr. Wright suffered (and continues to suffer from). Isn't that deliberate indifference?

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TABLE OF CITATIONS

<i>Ancanta v. Prison Health Services, Inc.,</i> 769 F. 2d 700 (11 th Cir. 1985)
<i>Boretti v. Wiscomb,</i> 930 F. 2d 1150 (6 th Cir. 1991).....
<i>Brown v. District of Columbia,</i> 514 F. 3d 1279 (D.C. Cir. 2008)
<i>Carswell v. Bay County,</i> 854 F. 2d 454 (11 th Cir. 1988)
<i>Conn. v. Gabbert</i> , 526 U.S. 286, 119 S.Ct 1292, 143 L. Ed. 2d 399 (1999)
<i>County of Sacramento v. Lewis</i> , 523 U.S. 833, 118 S.Ct 1708, 140 L. Ed 2d 1043 (1998)
<i>Estelle v. Gamble</i> , 429 U.S. 97, 97 S.Ct. at 290, 50 L. Ed. 2d 251 (1976)
<i>Gutierrez v. Peters</i> , 111 F. 3d 1364 (7 th Cir. 1997)
<i>Harris v. Coweta County</i> , 21 F. 3d 389 (11 th Cir. 1994)
<i>Humphreys v. State</i> , 334 N.W. 2d 757 (Iowa 1983)
<i>Howell v. Evans</i> , 922 F. 2d 712 (11 th Cir. 1991)
<i>Jett v. Penner</i> , 439 F. 3d 1091 (9 th Cir. 2006)
<i>Mandell v. Doe</i> , 888 F. 2d 783 (11 th Cir. 1989)

McElligot v. Foley, et al.,
182 F. 3d 1248 (11th Cir. 1999)

McKenna v. Wright,
386 F. 3d 432 (2d Cir. 2004)

Meloy v. Bachmeier,
302 F. 3d 845 (8th Cir. 2002)

Scott v. Ambani,
577 F. 3d 642 (6th Cir. 2009)

Smith v. Michigan,
256 F. Supp. 2d 704 (E.D. Mich 2003)

Spruill v. Gillis,
372 F. 3d 218 (3d Cir. 2004)

Waldrup v. Evans,
871 F. 2d 1030 (11th Cir. 1989)

West v. Alkins, 487 U.S. 42,
108 S.Ct. 2250, 101 L. Ed. 2d 40 (1988)

OPINIONS BELOW

The opinion of the highest State Court to review the merits appears at APPENDIX
S. ALVAREZ, et al. - DEFENDANTS
“A” to the (my) petition and is reported at *Tyree Wright v. State of Florida*, (1st
DCA 2019).

STATEMENT OF JURISDICTION

The date of which the highest State Court decided Petitioner’s case was on
N/A, 20N/A.

A copy of that decision at APPENDIX “B”, from the Florida Supreme Court
denying Petition for review.

This Court has jurisdiction pursuant to 28 U.S.C. § 1257(A).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Constitutional Provision Involved in the following Petition is the Eighth Amendment to the United States Constitution, asserting the protection against cruel and unusual punishment was violated.

STATEMENT OF FACTS

At the end part of “2013”, while housed at Florida State Prison, Mr. Wrights had a tumor (a small tumor) growing on his brain that was causing him pain, daily headaches, & loss of balance.

Mr. Wright complained to medical at Florida State Prison (said defendants) the only way he knew how, through inmate request forms, sick-call forms, & grievances. In which he complains of his severe pain, prior head (brain) injury & sends them a report from a licensed psychologist, Mr. Waldman & Mr. Bloomfield, Ed. D, who explains, Mr. Wright has prior craniotomy & his being diagnosed with a perceptive Aphasia. *See Exhibits 1-28.*

Mr. Wright asked/begged medical, (said defendants) for a C.T.-Scan/MRI, for fear of brain damage. *See Exhibits 12-22.* Said tumor (Meningoima) had over a year to grow & mature, which is the reason Mr. Wright is permanently disabled on the entire right side of his body, deaf in his right ear, partly blind in his right eye & has permanent speech impairment.

If an x-ray, C.T.-Scan/MRI, was given to Mr. Wright months earlier, the tumor would have and could have been discovered earlier & terminated. Therefore, stopping all pain & suffering Mr. Wright had to endure, for months because of the deliberate indifference, in violation of Mr. Wright’s 8th Amendment Right... *See McElligott v. Foley, et al., 182 F. 3d 1248 (11th Cir. 1999).*

REASON FOR GRANTING A WRIT OF CERTIORARI

Defendants, S. Alvarez, P. Enochs & R. Vivas are being sued in their individual & official capacities for deliberate indifference, in violation of Mr. Wright's 8th Amendment Right.... *See Lauren Elmore McElligott v. Michael G. Foley, Sharon Wagner, et al.*, 182 F. 3d 1248; 1999 U.S. App. LEXIS 18165; 12 Fla. L. Weekly Fed. C1130 (No.: 98-3451).

ARGUMENT

When Mr. Wright started having severe headaches & loss of balance daily, he contacted medical & informed them of his prior head/brain injury, being diagnosed as Perceptive Aphasia & begged them for a C.T.-Scan/MRI. *See Mandell v. Doe*, 888 F.2d 783 (11th Cir. 1989); *Exhibits 1-28*.

At the end part of 2013 did Mr. Wright start to notify medical at FSP/said defendants, of his pain & asked for help; *i.e.* an x-ray, C.T.-Scan/MRI, only to be put off/ignored until March 2015.

CONCLUSION

WHEREFORE, based on the foregoing facts, arguments, and cited authorities, the Petitioner prays that this Honorable Court will serve justice, and grant certiorari.

Date: 1-27-20

Respectfully submitted,

Print TYREE L WRIGHT
S Tyree Wright #J23621
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