

No. 20-6748

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Edward David
(Your Name)

— PETITIONER

(Your Name)

VS.

FILED

NOV 13 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Eloy Ituarte; et al. — RESP

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals 9th Cir.

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

PETITION FOR WRIT OF CERTIORARI

Edward David

(Your Name)

E.S.P.-P.O.Box 1989

(Address)

Ely, Nevada 89301

(City, State, Zip Code)

(Phone Number)

RECEIVED

NOV 24 2020

**OFFICE OF THE CLERK
SUPREME COURT, U.S.**

QUESTION(S) PRESENTED

Within The Standard of Care

14th Amendment Due-Process Clause violation

Deliberate Indifference

Improper Medical Treatment

Physical Damage

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:

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Jett-vs-Penner, 439 F.3d 1091, 1096 (9th Cir. 2006)	
ESTELL-vs-Gamble, 429 U.S. 97, 104, 97 S.Ct 285, 50 L.Ed. 2d 251 (1976)	
Jett, 439 F.3d at 1096	
McGuckin-vs-Smith, 974 F.2d 1050, 1059 (9th Cir. 1992)	

STATUTES AND RULES

OTHER

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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 ____ 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 is unpublished.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 United States district 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 is unpublished.

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 is unpublished.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 is unpublished.

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was
10-26-2020.

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).

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

14th Amendment Due Process Clause Violation

8th Amendment Deliberate Indifference

Improper Medical Treatment

Physical Damage

STATEMENT OF THE CASE

Please See Attached Pages

A-1

B-2

C-3

MEMORANDUM OF POINTS AND AUTHORITIES

On May-15-2017, while at a friend's home I was bitten by a snake I didn't think anything of it because the snake was not poisonous. Well on May-17-2017, while staying at the Sands Casino I awoke up to find my hand the size of a baseball. At this point and time I was concerned about my hand/thumb and decided to seek medical treatment at a hospital. I was on my way to the hospital two blocks away and I got stopped for J-walking I had a warrant for probation violations I lied about who I was and was still taken to Washoe County Jail. I informed medical staff right up front about my hand/thumb situation and that I needed to go the hospital. She told me it was nothing that she could do and to put in a kite to be seen by medical. I continued to complain about my swollen hand but during those times I didn't receive the proper medical attention. After being in pain and not being scheduled to see the right healthcare provider I resorted to threats of suicide to seek medical treatment I expressed my concern that the swelling was getting worse. I was treated unfairly during my visits and a nursing staff and deputy would laugh at me and say derogatory remarks and that I didn't get bit by a snake. During my stay at Washoe County Jail I asked numerous amount of times to be taken to a hospital even though I was seen by medical staff for treatments they were unprofessional in their performance which led to my hand/thumb to continue to deteriorate. Me catching (MRSA) and having half my thumb cut-off.

MEMORANDUM OF POINTS AND AUTHORITIES

The purpose of summary judgment is to avoid unnecessary trials when there is no dispute over the facts before the court's. A fact is material if it could affect the outcome of the case. The legal standard governing this Motion is well settled (why?) Because a party is entitled to Summary Judgment when the (Movant) Shows that there is No-Genuine issue which in my case I've presented adequate Evidence backing all of my grounds and fact's. Due to all of this the Defendant's is not entitled to Summary Judgment and there Motion should have been denied and this matter should have been scheduled for trial. I ask of this court to consider reversing the judgment due to all of my Evidence and ruling in my favor. Document #55, of Summary Judgment Should have been Sufficient amount of Evidence to present a genuine issue for trial. The Defendant's legal argument was not supported by any material Evidence backing their grounds or fact's. Document #55, 56, and 60, of Summary Judgment is my evidence which back the same grounds and fact's I wish to present on my appeal.

MEMORANDUM OF POINTS AND AUTHORITIES

Deliberate Indifference to serious Medical Needs.

To maintain an 8th Amendment claim based on prison medical treatment or jail medical treat an inmate must show (Deliberate Indifference) to a serious medical needS. Jett vs Penner, 439 F.3d 1091, 1096 (9th cir. 2006) (Quoting Estelle vs Gamble, 429 U.S. 97, 104, 97 S.Ct 285, 50 L.Ed. 2d 251 (1976)).

The two-part test for deliberate indifference requires the Plaintiff to show (1) A serious medical need by demonstrating that failure to treat an inmate's condition could result in further significant injury or the unnecessary and wanton infliction of pain. And (2) The defendant's response to the need was reckless/disregard. Jett, 439 F.3d at 1096 (Quoting McGuckin vs Smith, 974 F.2d 1052, 1059 (9th cir. 1992), overruled on other grounds by WMX Techs, Inc. vs. Miller, 104 F.3d 1133, 1136 (9th cir. 1997) (en banc) (internal quotations omitted)).

Deliberate indifference is shown by a purposeful act of failure to respond to a prisoner's pain or possible medical need, and harm caused by the indifference. (2016 U.S. Dist. Lexis 8) Id. (Citing McGuckin, 974 F.2d at 1060).

Deliberate indifference may be manifested when prison officials deny, delay or intentionally interfere with medical treatment, or it may be shown by the way in which prison physicians provide medical care. (Id.) Where a prisoner is alleging a delay in receiving medical treatment the delay must have led to further harm to serious medical needs.

REASONS FOR GRANTING THE PETITION

The 9th Cir. Said that I failed to raise a genuine dispute of material fact as to whether any defendant's conduct in the course of treating my left hand pain was objectively unreasonable.

In my motion to oppose the defendant's summary judgment District Court documents # 55, 56, and 61 I did raise a genuine dispute of fact's.

I ask that the U.S. Supreme Court to look over the whole case because my evidence will help for the decision to be over turned and ruled in my favor.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Edna Dick

Date: 11-12-2020