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FILED
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SUPREME COURT U.S.

SUPREME COURT OF THE UNITED STATES

EUGENE DYSON

— PETITIONER

(Your Name)

vs.

WEXFORD HEALTH SOURCES INC RESPONDENT(S)
et.al..

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS-FOURTH CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

EUGENE DYSON #245-306

(Your Name)

RCI-18701 ROXBURY ROAD

(Address)

HAGERSTOWN, MD 21746

(City, State, Zip Code)

(Phone Number)

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QUESTION(S) PRESENTED

- I. DID THE LOWER COURT ERR OR ABUSE ITS DISCRETION WHEN GRANTING SUMMARY JUDGEMENT OR DISMISSAL BEFORE DISCOVERY WAS IMPLEMENTED, AND BASED UPON MEDICAL RECORDS NEVER AUTHENTICATED, AND WITHOUT DEFENDANTS BEING ORDERED TO PROVIDE MEDICAL RECORDS FROM THE OUTSIDE DOCTOR//SPECIALIST THAT ADVISED PLAINTIFF THE DOCTOR WOULD ORDER TOTAL KNEE REPLACEMENT SURGERY?
- II. DID ALL THE COURTS ERR WHEN FAILING TO CONSIDER THE DEFENDANT'S RESPONSIBILITIES OF PROVIDING CONSTITUTIONAL MINIMUMS OF MEDICAL TREATMENT, AND CONSIDER THE PAIN AND SUFFERING APPELLANT ENDURED AND CONTINUES TO ENDURE, BASED ON THE DEFENDANT'S PECUNIARY INTERESTS ?
- III. HOW WOULD DEFENDANT'S DESERVE SUMMARY JUDGEMENT OR DISMISSAL, AFTER WATCHING PLAINTIFF SUFFER FOR 15 YEARS BECAUSE OF DELIBERATE MEDICAL INDIFFERENCE TO HIS SERIOUS MEDICAL NEEDS.

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:

WEXFORD HEALTH SOURCES, INC
CRYSTAL JAMISON, P.A.
RICHARD MILLER, Warden
DENISE GILSINGER Asst. Warden
DR. MONICA STALLWORTH-KOLIMAS
DR. MAHBOOBEH MEMARSADEGHI;
DR. DIDDEN
DR. LAWRENCE MANNING
DR. BEN OTEYZA

RELATED CASES

CIVIL ACTION NO. TDC-19-0307, U.S. DISTRICT COURT FOR
DISTRICT OF MARYLAND

CASE No. 20-6469; 8:19-cv-00307-TDC

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

n/a

STATUTES AND RULES

n/a

OTHER

n/a

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APPENDIX A- DENIAL OF REHEARING EN BANC, (CASE NO. 20-6469)
(8:19-cv-00307-TDC (Filed January 21, 2022)

APPENDIX B MANDATE No. 20-6469 (8:19-cv-00307-TDC
U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT
FILED JANUARY 31, 2022

APPENDIX C GRANTED EN BANC REHEARING, Filed December 21, 2021
U.S. COURT OF APPEALS FOR THE 4TH CIRCUIT

APPENDIX D MEMORANDUM OPINION, U.S. DISTRICT COURT, FILED
MARCH 10, 2020

APPENDIX E JUDGEMENT OF THE U.S. COURT OF APPEALS
AFFIRMING THE U.S. DISTRICT COURT DECISION

APPENDIX F

(i)

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

[x] 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 _____; 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 B 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 November 17, 2021

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: January 21, 2022, 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/A (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 _____.
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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

Dyson asserts due process of law under the Fifth and Fourteenth Amendments were violated as the abuse of discretion came from abuse of administrative action.

The Eighth Amendment applies for cruel & unusual punishment, and Rights apply to States through the 14th Amendment's due process Clause.

The action is based upon 42 U.S.C. §1983 as the applicable statutory authority.

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STATEMENT OF THE CASE

Mr. Dyson filed a Civil Rights Complaint With a Jury Demand seeking compensatory and punitive damages and injunctive relief for violation of his constitutional rights to constitutional minimums of medical care and deliberate medical indifference to his serious medical needs. Summary Judgement was granted, and Dyson filed an appeal, which also was denied. En Banc review was granted and later denied by the Court. This appeal follows.

REASONS FOR GRANTING THE PETITION

The lower Court erred when granting summary judgement before any Discovery was implemented; medical records of Respondents admitted without authentication, and more importantly, without hearing from the Doctor/Specialist that made the Opinion total knee replacement surgery was needed. With Dyson suffering extreme pain for over 15 years, and still haven't received the surgery, where is the line on pain management, and suffering? Dyson says relief should be granted because Defendants blatantly disregarded the serious risk of harm, and refusal to act or pay attention to information within their possession. Prison staff verified the extent of Dyson's pain, yet the Courts blatantly ignored it. (Attached*)

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Eugene Dwyer

Date: 3.21.22