

No 21-7751

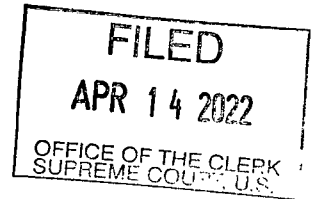
ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Timothy Littlejohn

- Petitioner

VS
Dr. Dalton et al.



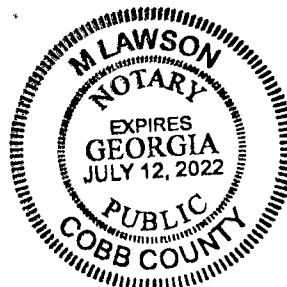
ON Petition For Writ of Certiorari to
United States District Courts for the Northern District 11th Circuit
United States Magistrate Court for the Northern District 11th Circuit

Petition For Writ of Certiorari

Timothy Littlejohn

1825 County Service PKwy SW,

Marietta, GA 30008



SL

Mr. Lawson
Notary 4/14/22

4/14/2022

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Question (s) Presented

- 1) When the district court misread the complaint and was corrected on my objections to R+R that I never got a treatment by ophthalmologist did he abuse his discretion by dismissing it anyway when he was corrected?
- 2) Since a optometrist can't treat glaucoma period did both magistrate and district abuse their discretion by allowing this misplaced judgement to be the basis of grounds for dismissal?
- 3) Did they misplace their judgement when they said I receive treatment which a optometrist can't give for glaucoma as the basis for their judgement?
- 4) Did they abuse their discretion by not allowing me to carry out further discovery concern whether the head prison medical unit Dr. Patton and nurse Sandra had knowledge of his complaints but fail to take the necessary steps?
- 5) Did they abuse their discretion when they also use litigation history as a basis to dismiss the claim after being warned, told, even inside prior complaints that he going through misconduct of defendant and Jail, and district clerk will not send it?
- 6) Since glaucoma is a ongoing getting worse disease to the eyes that can lead to blindness which is a serious medical condition misplace and abuse its discretion when they said it didn't fall under the "imminent danger exception"?
- 7) Since this was all caught on video did the courts abuse it discretion, by not allowing it to go to discovery and did they hold a pro-se complaint at a less stringent standard seeing litigation history isn't ~~excessible~~ accessible readily as it would be with attorney who are allowed to get on computer or go to the courts?
- 8) Did they abuse their discretion by not allowing counsel for a adequate medical claim to properly litigate?

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① QP

9) Where both district and magistrate judgement voided since they never recused themselves after a timely recusal accompanied by Affidavit on prior case which they never did and even now continuously make order abuse their discretion?

10) Once in my R+R I told the courts she's not a ophthalmologist By a optometrist in my R+R did they abuse discretion and held me under a standard of law that doesn't apply under Estelle v. Gimmble, 429 U.S. 97, 97 Sct 285 50 LEd 2d 251 (1976) which is Authority of this court that says when prevents inmates especially pretrial detainees with due process from capable physician capable of evaluating who specialize in glaucoma Estelle has been violated? Appendix G-9

11) Did Dr. Dattaw deny me medical to a serious medical need of glaucoma knowing when even the optometrists to me on Body camera she's went over, And that it's my right to do so did the court abuse it discretion when it didn't allow discovery of such video footage But dismiss the case?

12) Did the courts misplace it's finding and abuse its discretion By considering glaucoma not a serious medical condition under "imminent danger" which is and can cause permanent Blindness if not treated earlier?

13) Did the courts construe my pro se complaint Liberally?

14) Did the courts misplace it finding and abuse it discretion when plaintiff said it was all recorded of a optometrist saying over 5 times you have glaucoma on video and say it was speculative when evidence was clearly there on the video plus sign under penalty of perjury?

15) Did the Courts abuse it discretion and misplace its finding By adopting the courts R+R? even when correct on R+R

16) Can a optometrist diagnoses and treat all eye diseases, including glaucoma?

17) Is glaucoma a serious medical need since it can cause permanent Blindness?

18) Can it be considered under the imminent danger exception?

19) Was prescribe glasse from a optometrist considered treatment for (2) Q8

(10)

glaucoma?

20) Can a optometrist perform eye surgery for glaucoma?

21) Finally is a optometrist a specialist that can diagnose and treat all eye disease, or can a ophthalmologist treat all eye disease and diagnose it? who the specialists to overturned this courts decision? I was seen by a optometrist only !!! Not a ophthalmologist

22) Since this court but Privileges did the courts dismissal instead of leave to amend amount to abuse of discretion when the correct the magistrate?

23) Is glaucoma a serious medical condition that cause for a specialist to treat instead of a non-specialist? under imminent danger rule?

24) Did defendant violate my right By refusing to treat glaucoma a serious medical condition with a specialist instead a non-specialist?

25) Did district court abuse it discretion of not allowing discovery?

26) Since glaucoma left untreated can cause Blindness is it considered imminent danger exception which the district court denied under that rule?

27) Is glaucoma under the imminent danger exception?

28) Did defendant violate my right By not allow me to see a specialists for glaucoma and show deliberate indifference to a serious medical need By cutting cost?

29) Does glaucoma fall under the imminent danger exception?

30) Does glaucoma need a specialist ophthalmologist instead of optometrist?

31) Is it deliberate indifference not to get the proper treatment

32) Can you go Blind from it and is it a serious medical condition exception?

33) To list to a non specialist denial of treatment adequately?

34) Why didn't respondent let me see a specialist for glaucoma? even

③ AP

List of Parties

- 1) Allen Sonya , Chief deputy Sheriff
- 2) Brown, Micheal L. Judge United States District Court, Northern District of Georgia
- 3) Bruce Lauren, Counsel for Appellee
- 4) Cobb County, Georgia
- 5) Larkin III, John K. United States District Court, Northern District of Georgia
- 6) Littlejohn Timothy Dewayne, Appellant
- 7) Owens Sr. Craig D., Sheriff of Cobb County
- 8) Rowling Jr. H. Williams, Counsel for Appellee
- 9) Specialist optometrist not ophthalmologist John Doe Eye
- 10) Tilton Sandra Nurse
- 11) Wellpath

Related Case

- 1) Timothy Littlejohn v. Dr. Dalton et al. 21-13551 F
U.S. Courts of Appeal For the Northern District of Georgia
entered 3/15/22
- 2) Timothy Littlejohn v. Dr. Dalton et al. -1-21-cv-3170-MUB-JKL
U.S. District Court of the Northern District of Georgia entered
9/22/2021 at docket 8
- 3) Timothy Littlejohn v. Dr. Dalton et al. -1-21-cv-3170-MUB-JKL
U.S. Magistrate Courts of the Northern District of Georgia entered
8/06/2021 at docket 3

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Appendix C-1, C-2, C-3, C-4	Appellant objection to R+R - Timothy Littlejohn
Appendix D-1, D-2, D-3, D-4	difference between optometrist and ophthalmologist
Appendix E	Detect Glaucoma early to Protect Vision, History, facts, procedures to do
Appendix F	show cause why litigation history has been requested, never sent, not my fault, costs
Appendix G-1, G-2, G-3, G-4, G-5, G-6, G-7, G-8, G-9, G-10, G-11, G-12, G-13, G-14, G-15, G-16	full complaint filed
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Appendix I	Imminent danger exception
Appendix K	order denied by appeal on 3/15/2022 K-1, K-2

Table of Authorities Cited

- 1) Colwell v. Barwister # 12-15844, 763 F.3d 1060 (9th Cir. 2014)
- 2) Burks v. Raemish No. 07-3041, 2009 U.S. App. Lexis 2640
(Unpub. 7th Cir)
- 3) Pennewell v. Parish # 18-3029, 2019 U.S. App. Lexis 13420 (7th Cir)
- 4) Dewitt v. Corizon, Inc # 13-2930 2014 U.S. App. Lexis 14236 (7th Cir)
- 5) Estelle v. Gamble 429 U.S. 97, 97 S.Ct 285, 50 L.Ed 2d 251 (1976)
- 6) AWCata v. Prison Health System Inc. 769 F.2d 700, 704 (11th Cir. 1985)
- 7) Chance v. Armstrong, 143 F.3d 648, 703 (2nd Cir. 1998)
- 8) Allah v. Thomas, 679 F. App'x 216, 220-21 (3d Cir. 2017)
- 9) Thomas v. Brock Bank No. 05-3480, 2006 U.S. App. Lexis 25547 (10th Cir)
- 10) Vandiver v. Prison Health Care Inc, # 11-1958, 2013 U.S. App. Lexis 17028
2013 Fed. App. 234 P (6th Cir)
- 11) Caldwell v. District of Columbia 201 F. Supp. 2d 27 (D.D.C. 2001) [N/R]
- 12) McLeod v. Sec'y Fla Dept of Corr., 679 F. App'x 840, 843 (11th Cir. 2017)
- 13) Wallace v. Hammantree, 615 F. App'x 666, 667 (11th Cir. 2015)
- 14) Hernandez v. Sec'y Fla Dept of Corr., 611 F. App'x 582, 584 (11th Cir. 2015)
- 15) Adams v. Pogg, 61 F.3d 1537, 1545 (11th Cir. 1995)
- 16) Duncan v. Carmichael, 475 F. App'x 535, 536 (5th Cir. 2012)
- 17) Giobey v. Greisinger Eye Ctr. Owners And Rectors, No. 3:20-cr-2433
2021 WL 1792086 at 2-3 (M.D. Pa May 5, 2021)

- 18) Rivera v. Altier, 144 F.3d 719, 731 (11th Cir 1998)
- 19) Redmond v. Lake Cnty. Sheriff's Off., 414 F. App'x 221 (11th Cir 2011)
- 20) Allwood v. Singletary, 105 F.3d 610, 613 (11th Cir 1997)
- 21) Smith v. Franklin, U.S. District Ct., Atlanta, Ga., reported in the Atlanta ~~Journal~~ ~~Journal~~, Feb 2, 1991
- 22) Bell A. Corp v. Twombly, 550 U.S. 544 555 (2007)
- 23) Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir 2002)
- 24) Jackson v. Fla Dept of Corr., 491 F. App'x 129 (11th Cir 2012)
- 25) United States v. Raddatz, 447 U.S. 667, 680 (1980) Under 28 U.S.C. 636(b)(1)
- 26) McNeil v. United States, 508 U.S. 106, 113, 113 S Ct 1980 12 L Ed 2d 21 (1993)
- 27) Bell v. Wolfish 441, U.S. 520 (1979)
- 28) Hunt v. Dental Dept, 865 F.2d 198 200 (9th Cir 1989)
- 29) McGuckin v. Smith, 974 F.2d 1050, 1059 (9th Cir 1992)
- 30) General Electric Co v. Joiner, 522 U.S. 136 (1997)
- 31) McInane Co., Inc v. E.E.O.C., 581 U.S. (2017)
- 32) Bantigan, 599.3d at 765
- 33) Greeno, 414 F.3d at 658
- 34) Ortiz v. Webster 655 F.3d 731 (7th Cir 2011)
- 35) Jett v. Penner, 439 F.3d 1091, 1096 (9th Cir 2006)
- 36) Boddie v. Connecticut, 401 U.S. 371, 374 91 S Ct. 780, 784, 28 L Ed 2d 11 (1971)

37) United States v. Georgia, 546 U.S. 151 (2006)

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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 Judgments Below

Opinion Below

For Case from Federal courts

- 1) The opinion of the United States ~~Court~~ District Court appeared at
Appendix A-1 to the petition and is
reported at ~~States~~ United States v. Radolatz, 447 U.S. 667, 680 (1980)
28 U.S.C. 636 (b)(1)
-

For cases from federal courts

- 2) The opinion of the United States District Court appeared at Appendix
A-3 to the petition and is
reported at Jackson v. Fla. Dept of Corr., 491 F. Appx 129 (11th Cir 2012)
-

3) For case from federal courts

- The opinion of the United States District Court appeared at Appendix
A-5 to the petition and is
reported at Bell A. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
-

4) For case from Federal courts

- The opinion of the United States District Court appeared at Appendix
A-5 to the petition and is
reported at Hernandez v. Sec'y, Fla. Dept of Corr., 611 F. Appx 582,
584 (11th Cir. 2015)
-

5) For case from Federal courts

- The opinion of the United States District Court appeared at Appendix
A-5 to the petition and is
reported at Adams v. Porg, 61 F. 3d 1537, 1545 (11th Cir. 1995)
-

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6) For the case from Magistrate Courts

The opinion of the United States Magistrate courts appeared at Appendix
B-3 to the petition and is

reported at Mcleod v. Sec'y Fla. Dept of Corr., 679 F. App'x 840, 843
11th Cir. 2017

7) For the case from Magistrate Courts

The opinion of the United States Magistrate courts appeared at Appendix
B-4 to the petition and is

reported at Dunbar v. Carmichael 475 F. App'x 535, 536 (5th Cir. 2012)

8) For the case from Magistrate Courts

The opinion of the United State Magistrate Court appeared at Appendix
B-4 to the petition and is

reported at Gorby v. Geisinger Eye Ctr. Owners And Rectors, Inc. No. 3:20-cr-
2433, 2021 WL 1792086 at *2-3 (M.D. Pa May 5-2021)

9) For the case from Magistrate Courts

The opinion of the United States Magistrate Court appeared at Appendix
B-4 to the petition and is

reported at Wallace v. Hammantree, 615 F. App'x 666 667 (11th Cir. 2015)

10) For the case from Magistrate Courts

The opinion of the United States Magistrate Courts appeared at Appendix
B-4 to the petition and is

reported at Purcell ex rel Estate of Morgan v. Toombs Cnty., Ga. 400
F.3d 1313, 1318 (11th Cir. 2005)

11) For the case from Magistrate Courts

The opinion of the United States Magistrate Courts appeared at
Appendix B-5 to the petition and is

reported at Hale v. Gasp, No. 1:17-cr-550 2017 WL 2962781 at 2
(W.D. Mich. July 12, 2017)

② OB

12) For the case from Magistrate Courts

The opinion of the United States Magistrate Courts appeared at Appendix
B-5 to the petition and is

reported at Miles v. Med Serv, Inc., No. AW-10-3011, 2010 WL
4291998 at 1 n.1 (D. Md. Oct. 29, 2010)

13) For the case from Magistrate Courts

The opinion of the United States Magistrate Courts appeared at Appendix
B-5 to the petition and is

reported at Dyree v. Palmer, 284 F.3d 1231, 1236 (11th Cir. 2002)

14) For the case from Magistrate Courts

The opinion of the United States Magistrate Courts appeared at Appendix
B-5 to the petition and is

reported at Simmons v. Zloch, 148 F App'x 921, 922 (11th Cir. 2005)

15) For the case from Magistrate Courts

The opinion of the United States Magistrate Courts appeared at Appendix
B-6 to the petition and is

reported at Rivera v. Allin, 144 F.3d 719, 731 (11th Cir 1998)

16) For the case from Magistrate Courts

The opinion of the United States Magistrate Courts appeared at Appendix
B-6 to the petition and is

reported at Redmond v. Lake City Sheriff Off, 414 F. App'x 221 (11th Cir 2001)

17) For the case from Magistrate Courts

The opinion of the United States Magistrate Courts appeared at Appendix
B-6 to the petition and is

reported at Altwood v. Singleary, 105 F.3d 606 613 (11th Cir. 1997)

18) For the case from Magistrate Courts

The opinion of the United States Magistrate Courts appeared at Appendix
B-6 to the petition and is

reported at Jones v. Brock, 549 U.S. 199 (2007)

Jurisdiction

- 1) The United States Courts of Appeal for the 11th Circuit
3/15/22 dismiss without prejudice, no i want a three-strikes
- 2) The United States district court for the Northern District of Georgia 11th Circuit adopted R+R of magistrate and dismiss the case on September 22, 2021 By Judge Brown
- 3) The United States Magistrate Courts for the Northern District of Georgia 11th Circuit denied leave, and dismissed action without prejudice on August 6, 2021 By Judge Barkin III

The Jurisdiction of this court is invoked under 28 U.S.C 1254(2)
28 U.S.C, 1251

Constitutional and Statutory Provisions Involved

- 1) It's undisputed in this Circuit and the U.S. Supreme Court that Blindness or the possibility of going Blind is a serious medical condition, and that a Ophthalmologist is a specialist who diagnose and treat all eye diseases, perform surgery and prescribe eyeglasses and contact lenses to correct vision problems also involved in research according to Appendix C-3, D-1
- 2) It's undisputed that an optometrist is limited and cannot treat all eye diseases, nor perform surgery unlike a ophthalmologist who is a medical doctor who specializes i repeat specialize in eye and vision care appendix D-1, D-2, E
- 3) With these two undisputed statements and question out the way of who a specialist authorize to treat me or give me treatment for glaucoma which can cause blindness after my glasses and over 20 grievance and been told my vision is getting worse and deny me a specialist and bringing back a non-specialist after being told it's worse, is a denial to medical aid for her as a non-specialist to come and say i don't have it after she confirm i do because of administrative policy shows deliberate indifference to a serious medical need Colwell v. Bowmister, #12-15844, 763 F.3d 1060 (9th Cir. 2014). What's worse was i never seen a specialists to give treatment since its establish a optometrist isn't one which is clear error, plain error, and abuse of discretion which confers jurisdiction to review on this writ judges order in question
- 4) It's undisputed By Authority of this court that since after numerous grievance for glasses, after glasses, and a practitioner say its bad, real bad, that they have knowledge to allow me to see a specialist aka ophthalmologist and still refuse to but called the optometrist back instead incapable to evaluate me as oppose to a specialist ophthalmologist who specialize in this serious medical condition violates the constitutional standard of Estelle v. Gamble, 429 U.S. 97, 97 S.Ct 285 50 L.Ed 2d 251 (1976) which give authority to overrule clear error, plain error, abuse of discretion which confer jurisdiction to review on this writ Both judges orders to dismiss

7) Its undisputed Both Judges abuse it discretion By failing to address all the relevant argue raised By me especially that she told me i had glaucoma a Body camera of 3 officers as evidence - And then change it up as i wrote grievance about it worse And i like to see a ophthalmologists, owe grievance even lied And said she is one which she clearly say she a optometrist "WOW"

General Electric Co. v. Joiner, 522 U.S. 136 (1997); McIntire Co., Inc. v. E.E.O.C., 581 U.S. (2017) which gives authority to overrule clear, plain error, abuse of discretion which confers jurisdiction to review on this writ Both Judges order to dismiss, They never address that part

8) Its also undisputed that the longer Dr. Dalton takes to let me see a specialist / ophthalmologists the worse my chances of saving my vision and going Blind without treatment and Because vision loss due to glaucoma cant be recovered you need treatment for the rest of life its a serious medical condition that gets worse without treatment and is ongoing of "imminent danger" of losing eye sight exceptions PLRA Because of that ongoing risk Vandiver v. Prison Health Services, Inc # 11-1959 2013 U.S. App. Lexis 17028, 2013 Fed App 234 (6th Cir) gives authority to overrule clear, plain error, abuse of discretion which confers jurisdiction to review on this writ Both Judge's order

9) Its undisputed as Judge Larkin explain in appendix that a pretrial detainee condition of confinement are analyzed under the 14th Amendment due process instead of the 8th Amendment cruel and unusual punishment which all the case he and the district Judge have been citing dont apply to me. Under Authority of this court under Bell v. Wolfish, 441 U.S. 520 (1979). And that once the optometrist prescribe glasses and said i had glaucoma And afterword i wrote multiple grievance about the glaucoma is getting worse And that i need to see a specialist that to deny me of date after 50 grievance and her know of her in prior lawsuit that she's aware of is punishment, when she prescribe glasses, i afterword wrote grievance saying its getting worse so for them to Bring her back to lie and say i dont have it isn't treatment so what was the purpose of it And its getting worse now im having the

Tunnel vision which Appendix D-2 says clearly its advance stage and to not allow me to see that specialist/optthalmologists is denial of that process under the 14th that is due and such denial is considered punishment and gives authority to overrule clear, plain error, abuse of discretion which confers jurisdiction to review on this writ Both Judges orders

10) I filed for motion of counsel in district court which was not turned in by misconduct of defendant, and on appeal i've turned in a Brief and another appointment of counsel And the courts and the appeals court knows about the corruption. McNeil v. United States, 508 U.S. 106, 113, 113 S.Ct 1980 124 L.Ed 2d 21 (1993), which this courts insist that pleadings prepared by pro-se prisoners who do not have access to counsel be liberally which they didn't By trying to dismiss for technicality of all Litigation history after i mentioned thirty, and about the Judge the district court didn't seal them and mail Fraud and misconduct, not just this case But prior cases as well, plus defendant's never was served to file a motion to dismiss showing prejudice as well which is abuse of discretion, plain error, clear error, and gives authority to this court to confer jurisdiction to review on this writ on Both Judges order ~~San~~ Santiago, 599 F.3d at 765; Greene, 414 F.3d at 658 (holding case was legally more complicated than a typical failure-to-treat claim because it required an assessment of the adequacy of the treatments that plaintiff did receive, a question that will likely require expert testimony); Ortiz v. Weloston 655, F.3d 731 (7th Cir. 2011) (analyzing complexities of deliberate indifference claims)

11)

⑦ CP



Statement of Facts

- 1) The law is clear that there's a difference between a optometrists and ophthalmologist set out in Appendix _____
- 2) The lady clearly who i seen says she's a optometrist while recorded on Sgt. Hall and deputy Winekind Body camera on that day she even says it over 4 to 5 time im a optometrist, i even ask her whats the difference and she said she not a specialist to treat eye diseases she can only prescribe glasses all on camera so everything i say was recorded as well as her's too
- 3) She clearly said Mr. Littlejohn you have glaucoma i ask what that is and she explain, i told her i had a eye injury the one she said she see it in as well it clearly says she can diagnosis me But she can treat it as a ophthalmologist? can who's a specialist, she said the only thing she can do is prescribe glasses And i have the right to see a ophthalmologist who's a specialist
- 4) Because vision loss due to glaucoma cant be recovered its a serious medical condition noted in appendix D-1 if left untreated glaucoma will eventually cause Blindness even with treatment 15 percent of people with glaucoma Become Blind in at least one eye with 20 years
- 5) I clearly said in my complaint this optometrists said i have glaucoma on camera which she isnt allowed to treat only a specialist which is a ophthalmologist and even she said the specialist is called a ophthalmologist when i inquire on Both officer Body camera which was recorded Colwell v. Bannister, # 12-15844, 763 F.3d 1060 (9th Cir. 2014) prison officials ignored the recommendations of treating medical specialists, instead relying on the opinion of non-specialists which here is clearly establish she isn't a specialist By her own profession, and confession as well, she cannot treat glaucoma And thats the Bottom line she can only prescribe glasses and the longer i wait the worse its getting while i wait (8)
- 6) I clearly said the optometrists said you got glaucoma on camera in my (9)

6) complaint and told me i should and now see a ophthalmologists who a specialists, then when i complain its getting worse over multiple grievance she called me back on Dr. Dalton order + Laura Sanchez order And said you dont have glaucoma to save cost, which is malpractice and deliberate indifference to a serious medical need when she said i have glaucoma she's not even qualify to treat me in here field and as we speak they dont even have a ophthalmologists that works here she was contracted out to fitted glasses she also said on camera so Because she said all this on camera both Judge's who refuse to recuse themselves over 3 times which has no jurisdiction to be over any case are still abuse discretion and since it was on camera her statements in entitled to carry out further discovery concerning whether she did in fact say over 4 times you have glaucoma and describing it to me as well the difference between a optometrist and ophthalmologists and here calling me back to cut cost, and refuse me a specialists to say that she doesnt Burks v. Raemish, No. 07-3041, 2009 U.S. App. Lexis 2640 (Unpub. 7th Cir.)

7) so i ask the courts also for counsel to litigate this claim which was never turned in By Miri Barnes, Sgt. Jones, Craig Owens, CHL Atkins, Majorie Lawson Sgt Ellison, CHL Wesenberger who over the law library which is needed Because this case involve the medical profession and a culpable state of mind of that to pursue a claim for inadequate medical care. Pennewell v. Parish #18-3029, 2019 U.S. App. Lexis 13420 (7th Cir.)

8) Federal Appeals courts found that my denial of appointed counsel was an abuse of discretion, and that abuse impacted on the prisoners ability to develop and litigate his claim DeWitt v. Corizon, Inc., #13-2430, 2014 U.S. App. Lexis 14236 (7th Cir.)

9) The magistrate and district courts findings are totally misplace first there (a) wasnt any treatment given for the glaucoma, which only a specialist which (b) has the title ophthalmologists not optometrists can clearly give so (c)

b) second the claim clearly states she said i have glaucoma on Body camera footage as well, so since its establish she cant treat glaucoma, only prescribe glasses there was no treatment, only a ophthalmologist diagnoses and treats all eye diseases and they dont have one and she is alone

11) Third the magistrate clearly says in appendix B-4 Because im a pretrial detainee, condition of confinement are analyzed under the Fourteenth Amendment Due Process Clause instead of the Eighth Amendment Cruel and Unusual Punish Clause Let me tell you why he mentioned this for over two years and even now Cobb County detention center has been using outdated 42 U.S.C. 1983 forms where Judge's like Larkins III and Michael Brown have been using to say we'll analyze them under the 8th Amendment instead of the 14th even when you say you're a pretrial detainee But with the new form its clear as day to make pretrial detainee And the reason i use it he did it to numerous of cases as well and again his finding is misplace when she diagnose me with glaucoma i have a process due to see a specialist or it considered punishment for im not convicted at all and i have the liberty to be free from such punishment not one case they cited by them is pretrial detainees due process to a specialist to prevent blindness which im entitle

12) Its not speculative when i signed under penalty and perjury that what im saying is true, especially about evidence on Body camera with two officers as well so once again their judgement is misplace plus i dont have to wait to go blind for claim to be valid denial to see a specialist is clearly deliberate indifference to that need for medical attention

13) Since she not a specialist and i never got any treatment after being diagnosed
And writing over 15 grievance and denied to see a ophthalmologist
Estelle v. Gamble, 429 U.S. 97, 97 S.Ct 285, 50 L.Ed 2d 251 (1976)

Authority of this Courts say since she wasnt a specialist and admitted after
the diagnoses, when preventing a inmate from physicians capable of
evaluating who specialize such condition and medical need the constitutional
standard in Estelle v. Gamble 429 U.S. has been violated

14) Its clear they cannot get a opinion from a non-specialists Colwell v.
Baumister # 12-15844, 763 F.3d 1060 (9th Cir. 2014), And as a pretrial
detainee im Entitled to a specialist of this serious medical condition

15) So Both Magistrate and District are wrong as well there was no treat-
ment period at all to not like only glasses; nor did they do any test on
the squab of my eye as well nor even eye drops, im now having
tunnel vision according to appendix D-2 is advance stages with
up relief yet Going Blind is a serious medical need that mandates
treatment and to treat glaucoma can stop blindness to not is the latter

16) This optometrist told me i had glaucoma so she knew and so did
Dr. Daltow + Smuka from my numerous grievance, And they failed to
respond to that condition showing deliberate indifference, even to
the point to call her back so i can stop writing grievance which i havent
i've written over 25 plus appeals

17) Since i havent seen a ophthalmologists yet that amounts to no medical
treatment at all Aucata v. Prison Health Servs, Inc., 769 F.2d 700, 704
(11th Cir. 1985)

18) And since i have glasses which doesnt treat glaucoma instead of prescribe
treatment of a specialist ophthalmologists And them choosing the easier way
out and less efficacious treatment plans shows deliberate indifference (11)
Chance v. Armstrong, 143 F.3d 698, 703 (2nd Cir. 1998)

19) Even though seeing a ophthalmologist is expensive as a pretrial detainee i can't be denied seeing him Allan v. Thomas, 679 F. Appx 216, 220-21 (3d Cir. 2017).

20) With early detection, glaucoma can be controlled through medication or surgery. Early ~~pretrial~~ treatment can protect the eyes against serious vision loss according to Appendix E, D-1, D-2

21) They don't have a ophthalmologists on staff to treat glaucoma which is a group of diseases, nor give comprehensive dilated eye exam every one to 2 years i've been here over two years without one yet Appendix D-1, E

① Summary

I went to see a optometrist after a nurse practitioner came and gave me a eye test with the letters on the wall which i couldn't see at 10 feet away i had to move closer which she then said this is Bad so Dr. Dalton + Nurse Sandra Brung in a optometrist which i was escorted to see Big Sgt, Hall, deputy WineKud, and another deputy once she dilated my eyes she then fitted me for some glasses which she said im going to give you Bifocal afterwards she put the light and check my eyes which she immediately said Mr. Littlejohn you have glaucoma which i got immediately concerned that when i inquire with a barrage of question what is it, how you get it, and so on all on camera i ask were you sure she said yes, she then told me about a ophthalmologists which is a specialist i should see its my right, Because she cant prescribe drops just glasses all this was caught on tape And recorded, so my vision is getting worse so i kept writing grievance Because it runs in the family, that when i was called back to medical when Dr. Dalton, Sandra told this today to tell me i don't have it after she clearly said yes you do after Being ask are you sure all on video, to cut cost and not allow me to see a ophthalmologist, so i never receive treatment from a specialists But a non-specialists of a serious medical need contrary to magistrate and district courts findings which alone ② warrant further discovery Burks v. Raemish of a non-specialist treatment ③ SF ④ 68

Caldwell v. Bawister, who then switch the story because seeing a ophthalmologist is expensive which should be a reason for treatment Allah v. Thomas and glasses doesn't treat glaucoma nor can an optometrist either, only and only ophthalmologist can and both courts know this. I'm being denying treatment for a serious eye disease which Daffin Sandra Wellpath knows I have, I should have to wait until I'm blind according to the Judge and only this court can give relief since no other court can I currently going through mail fraud by Myr. Baine; Sgt. Jones, CH Atkins, Craig Owen, Ellison, Weselbarger of holding my mail weeks at a time before sending it out so I ask the clerk to send me a copy of the postage of this envelope and a copy of the entire envelope itself once received. Even in Thomas v. Brock Bank No. 05-3480, 2006 U.S. App. Lexis 25547 (10th Cir.) [N/R] he was ordered treatment by a optometrist and a ophthalmologist, I never got the latter which is a specialist I have due process to afford this process as a pretrial detainee and entitle to see if I'm not mistaken they suppose to have one on staff. And since I haven't gotten treatment yet by a ophthalmologist this is deliberate indifference to a ongoing serious medical condition getting worse that clearly can lead to blindness and irreversible and because of such ongoing risk of additional harm fell within the "imminent danger" exception to the rule Vandiver v. Prison Health Care Inc., # 11-1958, 2013 U.S. App. Lexis 17028, 2013 Fed. App. 234 P. (6th Cir.) Contrary to the judge of both judge who knew that Andrew yet applied relief. The treatment with the ophthalmologist never came and is being avoided and delay after 120 grievance even after glasses says its getting worse Caldwell v. District of Columbia, 201 F. Supp. 2d 871 (D.D.C. 2001) [N/R]

②

As for dismissal of claim for litigation history defendant haven't even been serve for them to establish a motion to dismiss because of

⑥9

⑬
58

That and because i've asked for a law^{yer} to be able to litigate this to get
a full litigation history which i've alerted the court multiple times the
District Courts isn't send it and the Trial is stopping my request for it as well
plus no-one was serve yet as well as i filed a amended complaint that
explained why the full litigation history isn't there which they're avoiding
or it never reach which this is under penalty of perjury as well as
true and correct. He abusing his discretion because he never allow it to
proceed to even used litigation history as a reason to dismiss that the
defendants job to file that his is judge the merits which he didn't, he's not the
defendants. No treatment was given by a specialist optometrists, just a
optometrists so the findings was wrong in appendix A-3 A-5 and
appendix B-3, B-4, B-5 in seeing tunnel vision which clearly advance stage
according to appendix P-2

Reason for Granting the Petition

1) Estelle v. Gribble, 429 U.S. 97 97 Sct 285 50 LEd 2d 251

(1976) clearly states that the optometrists who diagnosed me with glaucoma detected during a routine eye exam which clearly on appendix C-1 says she can do and that's what happened she detected the diseases on camera in front of Sgt. Hall, deputy Winkler, and another deputy who all had their new Body camera rolling which is open record clearly saying you have glaucoma first of all it's a HIPAA violation to disclose my medical history in front of those officers and even more on Body camera which is open records. Let's be clear on that, second since she herself says a specialist is call a ophthalmologist after I inquire with a Barrage of question she even herself says I can see one so where in her field is she allowed to treat glaucoma so that means she, and they would have to hire another specialist which is a ophthalmologist, which is more money this district court error multiple times first since she said it was glaucoma and when I left I complain when they bring her back to cover it up and tell her to tell me it wasn't amount to inadequate medical care for one she not a specialist a ophthalmologist can treat diseases and fit glasses and contact so by them just having a optometrist who not a specialist to detect any eye disease I have is indifference to a serious medical need to anyone not just me. And as Estelle authority of this court clearly stated when preventing inmates even more a pretrial detainee due process from physician capable of evaluating who specialize such serious condition and medical need like now then Estelle v Gribble has been violated, clearly in appendix C-1

states a ophthalmologist treats all eye diseases, surgery, reach

2) I even told her on camera i had a eye injury and glaucoma runs in my family and i used drops for that eye injury for the pressure that causes glaucoma which it speaks of the pressure in Appendix D-1, D-2 and the names of drops in Appendix D-4, D-2

3) I'm a at risk African American age 44 and within the risk group at Appendix E, as i say it runs in the family

4) Dr. Daltow is not a ophthalmologist and Wellpath does have one on staff as we speak. This lady only authorize to do the functions of a optometrist under Appendix D-1, and detect diseases which she did but she's not allow to treat it, so even if she got it wrong there's still not a specialist on staff who could treat it which still show indifference to a serious medical need to all and this is considered policy. I have a due process right to be free from such indifference of a serious medical need and further since she lied and say i didnt that further shows she wasnt even, nor was it her speciality to treat it any way when she said i did then after i complained it getting worse showed indifference to that need because she's not a specialist for a second opinion capable or authorized in her profession to do so under Estelle and Dr. Daltow knew this, according to Appendix C-1, D-2, D-1,

5) Blindness is a serious medical condition glaucoma is too if left untreated Dr. Daltow knows and i've wrote over 25 grievance after the glasses so that alone cause for a specialist not the same optometrist who doesnt specialize in eye diseases. The carts got it wrong i (16) never saw a specialist to even get treatment for glaucoma and the optometrist lied on camera which is clearly malpractice (72) (17) RGA

Hippa violation which i ask the courts to grant as well to counsel to add and due process as well to be free from such deliberate indifference of such serious medical need

6) For her to change her story only after complaint further says a specialist which she isn't in need, But they refused to allow 25 grievance + appeal, The video footage also say it should go to discovery to produce a record

7) All cases cited by magistrate and district are convict in a Pretrial detainee with due process to be free from such indifference of a serious medical need and further there not a ophthalmologist on staff, plus this indifference amounts to policy and punishment when i complained after the optometrists its my right to see a specialist after i complained after seeing her and all my grievance says i wanted to see a ophthalmologist not her But it cost more its another guy in here who going through the same thing so i get his name as well to this policy

8) As we speak im still writing grievance And no specialist yet which is to stop it at it early stage Appendix D-1, E

9) Since i havent seen a ophthalmologist yet even after seeing a optometrist twice and still complaining and writing grievance amounts to no medical treatment at all under Arcata v. Prison Health Systems Inc., 769, F.2d 700, 704 (11th Cir. 1985), And since the glaucoma dont treat glaucoma nor does a optometrist choosing a easy way out and less efficacious treatments plans shows deliberate indifference Chance v. Armstrong, 143 F.3d 698 703 (2nd Cir. 1998). Even if its expensive i cant be denied seeing a ophthalmologist Allan v. Thomas 679, F. App'x 216, 220-21 (3d Cir. 2017). And counsel is needed (17) (18)

Since it's a medical claim, And they relied on someone who's not a specialist that change there mind to a diagnosis that can even provide treatment for and or not a specialist to know the difference in the many ways to detect it And Wellpath And Dr. Dutton and all defendants may not rely on the opinion of a non-specialist's at all and at least one who says yes at first then once i complaint more says no showing her uncertainty And furthermore the need for a specialist Colewell v. ~~Berman~~ Bannister #12-15844, 763 F.3d 1060 (9th Cir. 2014). Pewitt v. Corizon Inc., #13-2930 2014 U.S. App. Lexis 14236 (7th Cir) (counsel is needed), And it warrants further discovery Bork v. Raemish (Going Blind is imminent danger) (exception) Vandiver v. Prison Health System Inc. #11-1958, 2013 U.S. App. Lexis 17028, 2013 Fed. App 234 p (6th Cir) The delay is still going with over 25 grievance after her 2nd time Colewell v. District of Columbia, 201 F. Supp. 2d 27 [D.D.C. 2001] [N/R]. Even in Thomas v. Brock Bank NO-05-3480, 2006 U.S. App. Lexis 25547 (10th Cir) He was offered treatment By the optometrist and ophthalmologist And he let even a pretrial detainee as me with due process rights so it's clearly Both courts misplace there factual findings a treatment and never corrected himself even with my R+R at appendix C-1, C-4 alerted them of such misplacement that i never receive treatment even after i complaint after since her twice which clearly says as well, even to now still haven't, and i'm pretrial so i can't be subject to such indifference, or punishment, or policy, or custom, And as far as Litigation history this same judge who was recused on 3 different case who failed to recuse himself on case 1-20-cv-00258-MUB-JKL (S) And 1-21-cv-02228-MUB-JKL, And 1-20-cv-00968-MUB-JKL

Has Brew told numerous of time The clerk want send my litigation history appendix F clearly shows i've ask in prior cases over a year or more to no prevail. And obviously he's no Liberally construing my pro-se complaint as i present as many as i can even he said that at ~~the~~ appendix B-7 And Authority of this court says he abuse his discretion under General Electric Co. v. Joiner, 522 U.S. 136 (1997); and McHaul Co., Inc. v. CEC, 581 U.S. (2017) arbitrariness of creating barriers of pro-se complaints to be dismiss for technicalities instead of merits, and not even give show cause why it should be dismiss or even inquire are allow to amend United States v. Georgia 546 U.S. 151 (2006); and Boddie v. Connecticut, 401 U.S. 371, 374, 91 S.Ct 780, 784, 28 L.Ed 2d 113 (1971). And its undisputed in this circuit as well as Rule 8 that a district court which holds pro-se litigants to the same standards as trained practitioners may end up routinely rejecting meritorious claims for failure to prosecute. This course the court say they cannot approve. Unless the court is willing to guide pro-se litigants through the obstacle course it has set up, or to allow them to skip some of the less substantive obstacles, it should not erect unnecessary procedural barriers which many pro-se litigants will have great difficulty surmounting without the assistance of counsel Kilgo v. Ricks, 983 F.2d 189, 194. so to dismiss my claim when i mentioned as many case i know without even a motion to dismiss file was abuse of discretion clearly

10) As a pretrial detainee under the 14th Amendment due process to meet the objective standard plaintiff must demonstrate the existence of a serious medical need such a glaucoma which left untreated can cause blindness Estelle, 429 U.S. At 104, 91 S.Ct 285. And such a need exist if failure to treat the condition result in significant injury "Blindness" forever or cause the unnecessary and wanton infliction of pain, Jett v. Penner, 439 F.3d 1091, 1096 (9th Cir.

2006) (quoting McGuckin v. Smith, 974 F.2d 1050, 1059 (9th Cir. 1992)). Plaintiff has a serious medical need include that existence of an injury that a reasonable doctor or patient would find important and worthy of comment or treatment, the presence of a medical condition that significantly affects an individual's daily activities, or the existence of chronic and substantial pain." McGuckin, 974 F.2d at 1059-60 which is established in appendix D and E

11) If the courts establish now vision Blindness is a serious medical condition from cataract that can be correct through surgery (Colewell v. Bowman, 763 F.3d 1060 (2014)) The glaucoma which when cause Blindness is irreversible is extraordinary serious then that. In deciding whether there has been deliberate indifference to an inmate serious medical needs, we need not defer to the judgement of prison doctors or administrators, Hunt v. Dental Dept, 865 F.2d 198 200 (9th Cir. 1989). Blindness forever or potential for it is serious. The interruption of the glaucoma treatment resulting in pain and increase eye pressure can result in swelling and possible loss of his eye

12) Bell v. Wolfish, 441 U.S. 580 (1979) as a pretrial detainee i have a due process i clearly stated the optometrist clearly said on record over 5 to 6 time Mr. Littlejohn you have glaucoma on a recorded device that can be subpoena, and that you can see a ophthalmologist, appendix D-E clearly says this is a serious medical condition, i clearly complain after and my vision getting worse even with the glasses so her telling me a second time after she confirm the first time hasnt treated that condition so now i need to see a specialist Because its getting worse, And her telling me you now dont have it hasnt treated the pain, headache, Blurred vision tunnel vision at all so now she knows im having problem with my vision and refuse to let me see a specialist after numerous grievance with complaint to total denial of medical now Because i complain after seeing her the first and second time and even now so now its deliberate indifference Because she know's i'm complaining and has allowed me to see a ophthalmologist or do anything to help me get the prison medical treatment even to

(76) (80) RG

To this day the longer she waits the worse it get nor have she done follow up or anything, which now amounts to punishment of a pretrial detainee in not a convicted criminal under the 8th cruel and unusual, i have the liberty to be free from such denial and punishment, glaucoma is and always will be a serious medical condition which can cause permanent blindness. This case never made it to discovery when told this confirmation of glaucoma was recorded by 2 deputies and Sgt. Hall. By her coming back didn't give me the medical attention of my eyes are getting worse, nor her education, nor experience, of her field can truly assess or treat a eye disease which is strictly for a specialist in that field the court clearly avoid that she told me i had glaucoma over 5 times on a recorded device and was asked are you surely twice as many to the points she began to explain how i could've got it so she ~~went on~~ went on about it when she detected the disease from the injury to the eye i told her about my camera which is with her range to detect glaucoma which she did. Appendix D-E, so once i left i kept getting worse there nothing more she can do with her limited education and experience, next is a specialists, which under Estelle is proper medical treatment capable of giving it even she said im not a specialist she even said my camera when i ask to see one i don't think they gonna do that so this case was dismissed before discovery which was clearly abuse of discretion and improper, and im about to file a injunction as well and a mandamus to compel the duty of this medical treatment as well even on Appendix C-4 i clearly says even the optometrist says i can see a ophthalmologists and thats all my camera so Dr. Patton not following her recommendations as well

Conclusion

The petition for a writ of certiorari should be granted

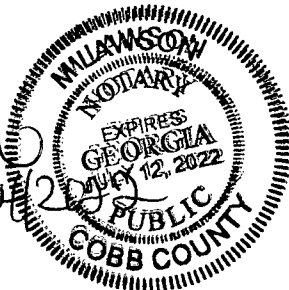
Respectfully submitted

Timothy Littlejohn

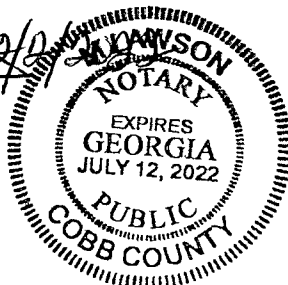
Date: April 14, 2022

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M. Lawson
Notary 4/14/2022



M. Lawson
Notary



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