

21-8065  
No. \_\_\_\_\_

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
MAY 23 2022  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Arthur Glenn Jones Sr. — PETITIONER  
(Your Name)

vs.

Sam Wong, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Ninth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Arthur Glenn Jones Sr.  
(Your Name)

MCIC/D17-A201-4L; 4001 State Hwy 104  
Ione, California 95640-9089  
(Address)

Ione, California 95640-9089  
(City, State, Zip Code)

N/A  
(Phone Number)

### QUESTION(S) PRESENTED

- 1.) Did the 9th Circuit - U.S. Court of Appeals abuse its discretion when the Court denied petitioner's appeal? When the issue was not the constitutionally required medical care, but, petitioner's involuntarily spasming and twitching right leg; when the defendant's knew this for over twenty-years that petitioner's right leg has atrophy from documentation provided by the outside specialist and did nothing about it?
- 2.) Does CDCR Medical and Mule Creek Infill Complex Medical's Primary Care Physician must obtain a patient's conformed written consent first before issuing a psychotropic medication for pain; when a psychologist has to obtain a conformed written consent everytime?
- 3.) Does CDCR Medical and the Mule Creek Infill Complex have to mandatory follow FDA guidelines or PDR (Physician's Desk Reference) guidelines, concerning "crushing and floating" of psychotropic medications when issuing them to a patient, such as they did to petitioner?

## 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:

Dr. William S. Heatley; Dr. Adam Pace; Physician's Assistant Cuppy;  
Dr. Williams - Telemed Doctor

## RELATED CASES

There are no related cases.

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	5
CONCLUSION.....	6

## INDEX TO APPENDICES

### APPENDIX A

U.S. Court of Appeal for the Ninth Circuit - Memorandum  
dated 2/24/2022

### APPENDIX B

U.S. District Court for the Eastern District of California -  
Judgment denying Petitioner's Complaint - dated: 12/15/2020

### APPENDIX C

Magistrate's Finding's & Recommendations adopted by  
Judge Nunley: dated 12/15/2020

### APPENDIX D

Magistrate's Findings & Recommendations dated: 7/14/2020

### APPENDIX E

### APPENDIX F

## TABLE OF AUTHORITIES CITED

	PAGE NUMBER
<b>CASES</b>	
Cox v. Levenhagen, 2012 U.S. Dist. Lexis 117853	4
DeRossitte v. Correct Care Sole, LLC, 22 F.4th 796 (2022)	4
Gabriel v. County of Herkimer (2012) 2012 U.S. Dist. LEXIS 126709	4
Garcia v. Sleeley, (2019) 2019 U.S. Dist LEXIS 87399	4
Lagana v. Tessema (2011) 2011 U.S. Dist. LEXIS 90659	4
Peji v. CDCR (2015) 2015 U.S. Dist. LEXIS 111217	4
Schneide v. Kostohryz, (2021) 2021 U.S. Dist. LEXIS 125113	4
Shaw v. PA Dept. of Corr. (2018) 2018 U.S. Dist. LEXIS 217016	4

## STATUTES AND RULES

Title 42 U.S.C. § 1983	4
------------------------	---

## OTHER

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 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 \_\_\_\_\_ appears at Appendix \_\_\_\_\_ to the petition and is \_\_\_\_\_ court

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 2/24/2022.

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).

## STATEMENT OF THE CASE

On 2/24/2022, the U.S. Court of Appeals for the Ninth Circuit denied petitioner's appeal. On 12/15/2020, the United States District Court for the Eastern District of California denied petitioner's Title 42 U.S.C.S § 1983 Civil Rights Medical Complaint and adopted the Magistrate's Findings & Recommendations in full. Magistrate Allison Claire issued her Findings & Recommendations on 7/14/2020.

In or around 2000, Petitioner injured his back while working in PIA coffee on A-Facility at Mule Creek State Prison. In 2002, it was discovered that Petitioner, through an MRI, had degenerative disc disease and bulging of L5-S1 discs. ¶ Every night, Petitioner could not sleep because of the constant twitching and spasming of his right leg. Petitioner shown all of the defendants his spasming and twitching right leg, and, every defendant refused to do anything about his right leg twitching involuntarily. ¶ Defendant Heatley even stipulated by saying: "Yep, you have muscle damage." but did not do anything about it either. Petitioner showed his twitching and spasming right leg to Defendants Cuppy, Wong, Williams, and also Pace, and they all ignored it and did nothing for it, other than what the constitutionally minimum required medical care. ¶ From August 2013 to the filing of the complaint, Petitioner had been prescribed Nortriptyline for his pain by all of the Defendants, when Nortriptyline is a anti-depressant, not a pain medication. The following cases support petitioner's question(s). (See cf: Cox v. Levenhagen; Shaw v. PA Dept. of Corr.; Derossitte v. Correct Care Sole, LLC; Schneide v. Kostohryz; Gabriel v. County of Herkimer; Garcia v. Sleeley; Peji v. CDCR; Lagana v. Tessema (Citations omitted)).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Title 42 U.S.C. § 1983

8th Amendment to the U.S. Constitution

## REASONS FOR GRANTING THE PETITION

The reasons for granting the petition, is that the District Court nor the Ninth Circuit U.S. Court of Appeals, really examined Petitioner's claims because, the issue is not what was minimal constitutionally required medical care that petitioner received. . . . by the defendants; the issue is that the Petitioner physically shown all the defendants his twitching and spasming right leg and all of the defendant's just stared at it and did nothing about it. The other reason is that there needs to be a standard across the country concerning Nortriptyline to be given as a pain medication to prisoners when in some circuits and . . . the district courts in those circuits are not on the same page. Some say that Nortriptyline can be given for pain and others are in disagreement about this psychotropic medication being given as a pain medication because it is an anti-depressant. The last reason why this petition should be granted is that, the State of California's CDCR Medical System seem to make up their own regulations, such as, a Primary Care Provider does not have to obtain an conformed consent when they prescribe a psychotropic medication to inmates, when, a psychologists that work for the CDCR are required to obtain an conformed written consent from an inmate before issuing a psychotropic medication. There needs to be a standard or a national standard as to whether Nortriptyline should not be given as pain medication because it is a psychotropic medication.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Arthur L. Jones Jr.

Date: May 22, 2022