

No. 22-6906

ORIGINAL

FILED

FEB 16 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Joseph Johnson — PETITIONER
(Your Name)

VS.

Warden Casey Campbell, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Joseph Johnson (# 400576)
(Your Name)

13800 McMullen Hwy SW
(Address)

Cumberland, MD 21502
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Did the lower court err in granting Correctional Defendants' motion to dismiss?
2. Did the lower court err in granting Defendant Wexford's motion for summary judgment?
3. Did the lower court err in denying the petitioner's motion to appoint counsel without prejudice?

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:

1. Warden Casey Campbell, JCI
 2. DPSCS Health Services
 3. Wexford Medical Services, Inc.
- } Correctional Defendants

RELATED CASES

1. U.S. Court of Appeals for the Fourth Circuit
No. 20-6863 (8:18-cv-03131-GJH)
Joseph Johnson v. Warden Casey Campbell;
DPSCS Health Services;
Wexford Medical Services, Inc.

December 1, 2022

2. U.S. District Court for the district of Maryland
GJH-18-3131
Joseph Johnson v. Warden Casey Campbell;
DPSCS Health Services;
Wexford Medical Services, Inc.

April 8, 2022

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STATUTES AND RULES

1. 28 U.S.C. § 1915 (e)(1)5
2. 42 U.S.C. § 19834

OTHER

- Eighth Amendment to the U.S. Constitution6

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☒ is unpublished.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☒ is unpublished.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 _____ 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 December 1, 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Eighth Amendment to the U.S. Constitution
2. 28 U.S.C. § 1915 (e)(1)
3. 42 U.S.C. § 1983

STATEMENT OF THE CASE

Joseph Johnson is petitioning this Court to grant him a Writ of Certiorari because the lower courts have denied him relief on his 42 U.S.C. §1983 action.

Johnson suffered a gunshot wound that required a surgery to place numerous pins and screws in his left leg. On July 4, 2015, he was injured by a metal object protruding from the floor of his cell at JCI that the Correctional Defendants failed to repair. Also, defendant Wexford Medical Services, Inc. failed to provide adequate medical care following the injury. Even today, he has an excruciating pain in his left knee, thigh, back, and neck.

Because Johnson pursued his rights diligently by exhausting the available Administrative Remedy Procedures and some extraordinary circumstances external to his own conduct stood in his way causing delay in his complaint pursuant to 42 U.S.C. §1983, he should not have been time-barred and his case should not have been dismissed following Correctional Defendants' motion to dismiss.

Rouse v. Lee, 339 F.3d 238, 246 (4th Cir. 2003).

Because Johnson's medical condition was serious and the medical staff of Wexford Medical Services, Inc. was aware of it but failed to provide necessary medical care in a timely fashion, it is a clear violation of his right based on the Eighth Amendment to the United States Constitution. Farmer v. Brennan, 511 U.S. 825, 834-37 (1994); Estelle v. Gamble, 429 U.S. 97, 106 (1976).

Because Johnson lacks the capacity to legally present his case even though he can put his pleadings together with the help of incompetent jailhouse lawyers and is also indigent, he filed his motion to appoint a counsel under 28 U.S.C. § 1915 (e)(1) as he needed an immediate help of a competent attorney. But his motion was denied. Berry v. Guitierrez, 587 F.Supp.2d 717, 723 (E.D. Va. 2008).

REASONS FOR GRANTING THE PETITION

This Court should grant the petition because this case represents a broad public interest of national importance where cruel and unusual punishment is inflicted on prisoners due to inadequate medical care violating their Eighth Amendment rights to the United States Constitution.

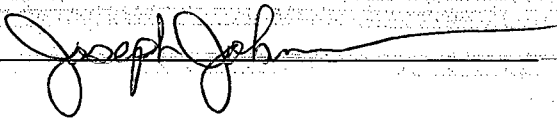
Johnson has met several inmates at JCI and WCI who are dealing with similar neglect and inadequate medical care. The publications — Prison Legal News and Criminal Legal News — have regularly reported on this nationwide problem. Most of the prisons in our nation do not provide the necessary and much needed medical care to their inmates.

The United States Court of Appeals for the Fourth Circuit has decided an important question of federal law — the violation of the Eighth Amendment — that needs to be settled by this Court in the interest of justice for the prisoners nationwide.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: February 15, 2023