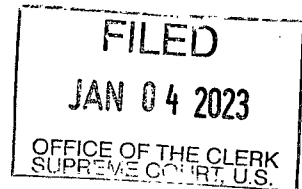


22-7049 ORIGINAL

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_



Robert A. Martinez Jr — PETITIONER  
(Your Name)

vs.

LUCAS COUNTY JAIL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U S COURT OF APPEALS FOR THE SIXTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Robert Martinez  
(Your Name)

1214 Schreier Rd  
(Address)

Toledo Oh 43  
(City, State, Zip Code)

(419) 481-7783  
(Phone Number)

## QUESTIONS PRESENTED

1. Is it legal to refuse prescribed medication to a Disabled person while incarcerated?
2. Why is Suboxone given to inmates in some State, but not all States?
3. Does withholding treatment violate the Americans with Disabilities Act and the 8<sup>th</sup> Amendment of the Constitution?

## LIST OF PARTIES

Lucas County Sheriff John Tharp  
1622 Spielbusch Ave. Toledo, Ohio 43604

Lucas County Jail  
1622 Spielbusch Ave. Toledo, Ohio 43604

Lucas Count Judge Connelly  
555 N Erie St. Toledo, Oh 43604

Dan Hughes Attorney at Law  
2202 N. Erie St. Toledo, Ohio 43604

Lucas County Medical Staff  
1622 Spielbusch Ave Toledo, Ohio 43604

Robert Quiroga - Father  
Byrne St. Toledo, Ohio 43609

Patricia Martinez - Mother  
2455 Shallowford Toledo, Ohio 43611

Tracey Martinez - Sister  
7711 Monclova Rd. Monclova, Ohio 43542

Jennifer Amsdell, MD  
2130 Central Ave., Toledo, Ohio 43606

## RELATED CASES

Brenda Smith v. Aroostook County; Shawn Gillen, in his official capacity as Sheriff,  
No. 19-1340,

U.S. DISTRICT COURT for the District of Maine. Judgement entered Ap. 30, 2019

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Case no, 3:21 CV 1900 Dismissed

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Civil Docket for Case # 3:21-cv-1900-JRK

APPENDIX C Decision of the U. S. Court of Appeals for the sixth Circuit

## TABLE OF AUTHORITIES CITED

### Cases

Pesce v. Coppinger

Smith v. Aroostook County

Kortlever v. Whatcom County

Finnigan v. Mendrick

P.G. v Jefferson County

Strickland v. Delaware County

M.C.V. Jefferson County

Smith v. Fitzpatrick

Sclafani v. Mici

DiPierro v. Hurwitz

Crews v. Sawyer

Godsey v. Sawyer

### Articles

Over-Jailed and Un-Treated ACLU

Federal prisons are supposed to provide addiction medication. ABC News

Can Drugs Treat Addiction? Julie Wernau

### Statutes and Rules

The 8<sup>th</sup> Amendment of the U.S. Constitution

The Americans with Disabilities Act

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 \_\_\_\_\_.

☐ 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

AMERICANS WITH DISABILITIES ACT Cause 42:121

THE 8<sup>TH</sup> AMENDMENT OF THE CONSTITUTION

## STATE OF THE CASE

On June 10, 2018, I was falsely arrested and held at the Lucas County Jail. I am disabled and was legally prescribed Suboxone for treatment of my Opioid Dependency. I had been on Suboxone for 13 years and I had my medications in my possession, but the Lucas County Jail refused to administer them. During the next 24 hours I slipped into a violent detox triggering medical complications that led to me being found unconscious on the jail floor. I could have died under the Lucas County jail's medical care. I had begged and cried for my medication, but they refused. No one should have to lay on the Jail floor and suffer in agony without their medication. I had to be transported to St. Vincent's Hospital for 10 days, because I was so severely ill. My family was never contacted and made aware of my medical condition.

I filed a lawsuit against Lucas County and was never given a court date. I tried to appeal and it was denied. I tried to get my medical records from my time in jail and the names of the medical staff to no avail. I could not afford an Attorney, so I feel there is no Justice for the poor. It was the duty and responsibility of Sheriff Tharp and his staff to protect my well-being. Instead, I leave there permanently damaged with scar tissue on my brain. I couldn't speak, I have memory loss, confusion, seizures, and epilepsy. I feel I should be financial compensated and the County policies changed, so no one else ever has to go through such a humiliating withdraw.

## REASONS FOR GRANTING THE PETITION

Ohio has been hit hard by the opioid epidemic; the State has received millions of dollars to help citizen with treatment, including suboxone. It is prescribed to promote recovery from opioid use disorder. It is contradictory, for Lucas County to support all the Mental Health agencies prescribing it, but then when you get incarcerated the medical staff refuse to give it to you. Medical treatment in jail can prevent a life threatening detox, help prevent relapse, and reduce the risk of overdose when released. With 100's of American's dying from opioid dependency every day, jail policies have to change. Cold Turkey withdrew needs be a thing of the past. We can do better and treat disabled people more humane. Current jail policy denying certain medication to inmates violates the 8<sup>th</sup> Amendment and the American with Disability Act. Some States are already allowing suboxone in jail, but we have a long way to go. I pray the U.S. Supreme Court will help me get my day in court and make it a federal law that withholding legally prescribed medication would violate the Americans rights.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Robert A. Martinez Jr.

Date: 3-4-24