

22-7250

No. 22A466

ORIGINAL

IN THE
Supreme Court Of The United States

Supreme Court, U.S.
FILED
MAR 13 2023
OFFICE OF THE CLERK

Willie Terron Washington, Pro Se,
Petitioner;

v.

University Of Texas Medical Branch, et al.,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIFTH
CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

WILLIE TERRON WASHINGTON #00000856
POLUNSKY UNIT, 3872 FM 350 South
LIVINGSTON, TEXAS 77351

March 30, 2023

QUESTION(S) PRESENTED

1. Petitioner Complains That Surgery Was Unnecessary Done October 31, 2016:
2. Petitioner Complains Surgery Done By Means /~~Results Of~~ Uninformed Consent:
3. Petitioner Complains & Challenges Respondents Claim Of Exhaustion Of Statute Of Limitations In This Matter:
4. Petitioner Would State A Claim Of Causation In This Matter Due To Two Failed Following Surgeries Involving Same/Resulting From Same Unnecessary Surgery Of October 31, 2016:
5. Petitioner Complains Respondent Drew Line ~~Of Statute Of Limitations~~ From Date Of October 31, 2016 To October 31, 2018 When Uninformed Consent Took Place On July 6, 2016 Resulting In Unnecessary Surgeries :
6. Does Petitioner State A Claim That Relief Could Be Granted ?:

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APPENDIX C - Denial Of Motion of Rehearing By Fifth Circuit Court Of Appeals

APPENDIX D - January 6, 2016 diagnosis / January 12, 2016 physically present
exam / November 2, 2016 means of transport after surgery(pge.324) /
Surgical Pathology Final Diagnosis or Results (4 page's)

APPENDIX E - Artificial Sphincter Surgeries dated October 22, 2018 and March 10, 2020
and Follow-up Cystoscopy dated April 10, 2019 and February 11, 2021.

APPENDIX F

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 judgement is the subject of this petition is as follows:

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

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 judgement below.

OPINIONS BELOW

[X] For cases from federal courts:

[X] The opinion of the United States court of appeals appears at Appendix A to the petition and is unpublished under 5th. circuit rule 47.5.4.(at footnote)

The opinion of the United States district court appears at Appendix B to the petition and is

[X] Reported at, Washington V. UTMB, 2022 U.S. App. Lexis 18723 | 2022 WL 2527665
July 7, 2022.

JURISDICTION

[X] For cases from federal courts:

The date on which the United States Court Of Appeals decided my case was July 7,2022 .

[X] A timely petition for rehearing was denied by the United States Court Of Appeals on the following date: November 1,2022, and copy of the order denying rehearing appears at appendix C .

[X] An extension of time to file the petition for writ of certiorari was granted to and including March 16,2023 (Date) on November 29,2022 (Date) in Application No. 22 A 466 .

The Jurisdiction of this court is invoked under 28 U.S.C. § 1254(1).

STATEMENT OF THE CASE

On January 6, 2016 I was called to speak with a doctor by telemedicine & was advised that I had grade-3 prostate cancer & that he wanted to observe it for 6 month's. I was under the impression I had "stage-3" cancer.

I was later taken to John Sealy Hospital Galveston on January 12, 2016 & was seen by a doctor named, Chakravarty Verma, who told me that I didn't need a colonoscopy because it had nothing to do with the area or my cancer diagnosis of the prostate. Another doctor then entered after hearing what was said & told me that he'd see to me getting a colonoscopy.

Six month's had passed & it's now July 6, 2016 & I meet doctor, C.D. Kosarek, and all I said first was "What should I do" in fear of my diagnosis. He said that "You should get the surgery". He said that urine control & erection was rarely lost & I said ok I 'll do it. He then said that he wanted to set up an MRI because it's a better means of biopsy & it was set for September 28, 2016. On this date (9-28-2016) I had the MRI & on the way back I was met by doctor, C.D. Kosarek, and told that I was now "grade-4" cancer. I asked to see the results of the MRI & was told that it wasn't on computor yet. I was taken back to my unit.

On July 6, 2016 I was offered two documents also. One said to be a consent form for surgery, the other a refusal for radiation treatment. That event & date/day was the first I heard or was spoken to about radiation treatment. Nothing said to me by telemedicine on January 6, 2016 about radiation treatment or colonoscopy.

October 31, 2016 I have the surgery & 3 day's later I'm in back of a van riding back to my unit on a steel bench for 200 miles, more or less. I never regained urine control nor erection. Two surgeries followed involving the placement/replacement of artificial sphincter & both failed. First sphincter placed 10-22-2018 & the second sphincter placed 3-10-2020. After obtaining my medical file from

appeal counsel I learn that I had a spot of cancer on the left side of the prostate & never once advised of this fact the entire time of being treated by UTMB staff prior to May 14, 2019 (The date I obtained medical file).

Actual needle biopsy first done on date October 21, 2015. Biopsy results/diagnosis given January 6, 2016. Post Surgical Pathology Exam final results 11-04-2016, UTMB file page number 838,839,840,841. Nothing had changed. Biopsy results & pathology exam results at Appendix-D.

First sphincter placement surgery for 10-22-2018 & second sphincter surgery for replacement dated March 10, 2020 at Appendix-E. Both failed. Both surgeries by UTMB; John Sealy Hospital Galveston & as well the unnecessary surgery imposed on petitioner removing his prostate resulting in the two sphincter surgeries that followed as respondents attempt's to fix petitioners problem.

Respondent would draw the line at October 31, 2016 as starting date of two year statute of limitations. Petitioner would ask the court to give relief of causation and find that surgery removing prostate was unnecessary as result of uninformed consent, petitioner not knowing of spot of cancer on the left side of his prostate only nor of plan for radiation treatment by doctor giving cancer diagnosis & optioned to want to observe the cancer for 6 month's.

Petitioner believes MRI & any findings based on MRI are misleading & never made part of the medical records/file but claimed by Dr.C.D.Kosarek, that cancer elevated to grade-4 based on MRI, yet second needle biopsy offered after petitioner told that MRI was better means of biopsy. Document dated 10-05-2016 is blank form signed July 6, 2016. No consent for surgery exists other than those signed on day of surgery, in three-point restraints, without eye glasses, 10 feet from operating room door & under duress.

Petitioners motion for rehearing has miswording's & still has not found document once in petitioner possession where Dr.C.D.Kosarek, is asked "if he has consent form signed for surgery?", by another doctor. His response was "Of Course". Two year statute of limitations was part of respondents plan petitioner believes. Making consent a none issue later on when two years exhausted. I would ask the court to note petitioners filings before he obtained his medical file & what's said.

REASON FOR GRANTING THE PETITION

The court should grant this petition because this matter could very well be part of an ongoing practise and the Texas prison community is contracted solely, medically, by UTMB (University Of Texas Medical Branch) and it's unlikely a surgery would be the call for any one in general population with the benefit & advantage of early detection of cancer. So much so that other doctors involved are calling the cancer "Low Grade" in the medical file. There could be quite a lot being done with inmates here in the Texas Prison System without their knowing, But allowing the person to remain functional would be a main consideration certainly. Placing an inmate in danger of having an artificial sphincter when it didn't have to be and in a hostile environment. Please grant this petition in the enterest of the Texas Prison Community and the enterest of justice.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted,

Willie T. Washington

Date: March 13, 2023