

IN THE
SUPREME COURT OF THE UNITED STATES

Re: Washington V. University of Texas Medical Branch, et al.

USCA5 No. 20-20434

No: 22-7250

July 31, 2023

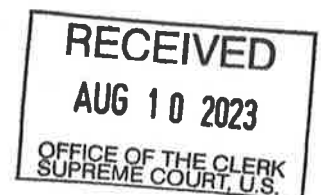
MOTION FOR REHEARING

Comes now before this court petitioner, Willie Terron Washington #00000856, a Texas deathrow inmate filing his motion pro se & does also request to proceed In Forma Pauperis this motion for/request for rehearing petition for certiorari denied June 12, 2023.

Concisely, petitioner has realized a huge deception by complained of staff/respondant C.D. Kosarek (doctor) who is represented by the U.S. Southern District Court under 42 USC 1983. A deception realized only when petitioner obtained copy of his medical file. It is learned that no consent for surgery to remove petitioners prostate dated July 6, 2016 even exists as offered on same date by doctor C.D. Kosarek, but same document presigned made to reflect an offer of a second needle biopsy dated October 5, 2016 and on that date petitioner signed no such document because petitioner was offered & told on July 6, 2016 that an MRI was being set up and "is a better means of biopsy". Petitioner did not know of existence of document dated October 5, 2016 until medical file provided by Capital Habeas Unit in 2019. Capital Habeas Unit (CHU) is federal appeals counsel for deathrow inmates.

Petitioner has offered and named witnesses to an encounter with doctor, Verma, on January 12, 2016 stating that petitioner did not need a colonoscopy, contrary to notation dated January 6, 2016 (the date petitioner was given cancer diagnosis by telemedicine by male doctor) by female doctor (Verma) whom petitioner never met or knew existed till January 12, 2016 nor even spoken to till January 12, 2016.

In truth, an MRI is a step taken in preparation for surgery, to see if there exists any reason not to have surgery. That MRI was not made part of the file given in 2019 to appeal counsel.



Respondant has made the claim that petitioner chose surgery & is later unsatisfied with the result, that petitioner hadn't stated what he wants the court to do for him, but failed to address the question of whether petitioner ever filed a state/federal civil action in relation to his incarceration but sure to make note of the 3 strike law against petitioner in this matter. Petitioner made clear what he desired from the court & why in his initial complaint/filing.

The United States Court Of Appeals 5th. Circuit ruled with the district courts opinion, dismissed petitioners case for statements they say are mere indignations but to petitioner it was a plea for justice where nothing states in the rules of appeal in any court that a petitioner doesn't have a right to speak/state his case as best he/she knows how as long as respect & decorum is present. Respondent had no respect for petitioner is what was being argued and further disrespect realized once the medical file in hand. It's not any doctor at UTMB titling petitioner as "doctor" Willie T. Washington, it's staff at the Southern District Court-Houston, Texas blindly & unknowingly saying that it's petitioners fault surgery was done & the results the blame his also & the courts are saying "Yes, you're sure right". But no, they are so wrong. They claim that I can't possibly be successful in bringing a claim that surgery was unnecessary, but that's what's desired of me to believe and keeping the matter out of court the states contractor never has to be accountable under 42 USC 1983. Petitioners claim is not at all frivolous, but by respondent saying so outside of a court to a prisoner of the state of Texas ?. Had UTMB cut everything off the same tune would be song. But this is the question the respondent doesn't want asked in a court of law; "What made you believe, under the degree of cancer graded & one side of the prostate had a small spot of cancer graded as '3', that surgery was the proper action to take ?". But, Dr. C.D. Kosarek, didn't plan on answering such a question counting on the statute of limitation to exhaust & the fact that petitioner is a deathrow inmate & oblivious to his true condition/degree of cancer. Later, UTMB, makes a break-through with a new way of treating cancer of the prostate detected early, using a wand to go down into the prostate & radiate within the prostate. Wonder whose prostate that was ?.

Respondents aim was calculated & without care for petitioners well-being. Petitioner was lead into an unnecessary surgery & two surgeries resulted following the first initial surgery removing the prostate. The two resulting surgeries for placing artificial sphincters & both failures. Petitioner argues cause in relation to the two year statute of limitations that would have been October 31,2018 but this matter carried beyond as UTMB attempted to make some measure of correction but failed twice. Petitioner believes he has shown in his petition for certiorari the removal of his prostate was unnecessary & believes the medical world would also agree in a court of law & petitioner believes the statute of limitations should start at last surgery placing second failed sphincter, which today exists in petitioners body & petitioner still wears condom catheters & bag twenty four hours a day and has since October 31,2016. Petitioner has been made/given a life-long disability unnecessarily.

Petitioner prays the court grants the requested rehearing & allows the relief sought by the only means possible at this stage. It is fair & just that a court of law is the only forum proper to settle this matter involving medical treatment of prostate cancer & the treatment done now is considered the normal means, not the radical which is surgery.

Respectfully Submitted: _____

Willie T. Washington #00000856

Signed This ____ day of ____ 2023



Federal Public Defender

Northern District of Texas



JASON D. HAWKINS
Federal Public Defender

JOHN NICHOLSON
First Assistant

JEREMY SCHEPERS
Supervisor-Capital Habeas Unit

525 GRIFFIN STREET
SUITE 629
DALLAS, TEXAS 75202

PHONE (214) 767-2746
FAX (214) 767-2886

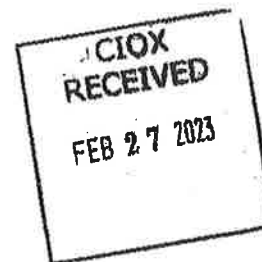
819 TAYLOR STREET
ROOM 9A10
FORT WORTH TX 76102-4612
817/978-2753

1205 TEXAS AVENUE
ROOM 506
LUBBOCK, TX 79401
806/472-7236

500 S. TAYLOR
SUITE 110
AMARILLO, TX 79101
806/324-2370

February 21, 2023

UTMB Health Information Management Dept.
Release of Information
301 University Blvd.
Galveston, TX 77555-0782
ATTN: Custodian of Records
himrion@utmb.edu



Re: Inmate Records Request
Willie T. Washington
DOB: 01-12-1959
SSN: 458-15-3676
TDCJ #: 000856

Not A PIA

Dear Custodian of Records:

The Office of the Federal Public Defender-Northern District of Texas represents Willie T. Washington in his capital habeas case, *Washington v. Davis* 4:07-cv-00721, United States District Court for the Southern District of Texas-Houston Division. Mr. Washington was sentenced to death, and in the course of his legal representation, it is necessary to acquire records generated while Washington is under the care and control of the Texas Department of Criminal Justice and any agents it uses to dispense care, and maintain control, of this inmate.

The nature of these records includes, but is not limited to, information which is privacy-protected, and not disclosable to the general public. Mr. Washington has consented through a signed release of information authorizing counsel, as his representatives, to acquire any, and all, records. Mr. Washington is requesting any and all MRIs, CT Scans, X-Rays, scan images, and any computer-generated images from January 2015 – January 2017.

1
Films

Please find enclosed the following signed releases: 1) UTMB Release of Information, 2) Authorization for Release of Patient Information, and 3) Authorization to Release Information to the Federal Public Defender.

Please certify all provided records. In the event that your office does not have a standard procedure for certifying records please attach a signed and dated letter on office letterhead which states the following: "The undersigned certifies that the records provided are true and accurate copies of the originals."

As a government agency that represents indigent defendants, we ask that you waive all charges for production of such records. However, should charges incur, please provide an itemized statement of all charges.

If possible, please send the records via email in .pdf or native format to Lizeth Ortiz-Sanchez@fd.org . If your search produces no records in response to this request, please send an email letting us know about it.

If electronic production of documents is not possible, please send the records to:

Federal Public Defender
Capital Habeas Unit
Attn: Lizeth Ortiz-Sanchez
525 South Griffin Street Suite 629
Dallas, Texas 75202

Thank you very much for your assistance in this matter. If you have any questions, please feel free to contact me at Lizeth Ortiz-Sanchez@fd.org or via phone at (214) 767-2746.

Best Regards,

Lizeth Ortiz-Sanchez

Lizeth Ortiz-Sanchez
Paralegal-Capital Habeas Unit
Office of the Federal Public Defender
Northern District of Texas

UTMB Release of Information
301 University Blvd., Galveston, TX 77555-0782
PH (409) 772-1965 FX (409) 772-9200

The information from the hospital medical records on (Patient's Information):

Name: Willie T. Washington Date of Birth: 01-12-1959
Address: Polunsky Unit
No. & Street name City State Zip Code
Phone Number: _____

I hereby authorize UTMB health to release to:

Federal Public Defender for the Northern District of Texas

Name/Facility Name: _____

☐ By mail – Address: 525 S. Griffin Street. Suite 600. Dallas. Texas 75202

☐ By fax – Fax number: 214-767-2886

☒ By email – Email address: Lizeth_Ortiz-Sanchez@fd.org

If you choose the option to have your PHI sent to you through email please be aware that UTMB's email system is configured to send encrypted email, but not all other email servers can accept encrypted email. This means that email communications to you from UTMB may not be encrypted and, as a result, a third party may be able to access the information and read it since it is transmitted over the Internet. In addition, once the email is received by you, someone may be able to access your email account and read it. Signing below indicates that you understand the risks of unencrypted email and give permission to UTMB to send you the PHI associated with this request via email.

I hereby authorize the release of the following information, including, if applicable, any treatment or test results for mental health, alcohol and/or drug abuse, or reportable communicable diseases, including acquired immune deficiency syndrome or human immuno-deficiency virus infection.

☐ Entire Medical Records

☒ Partial Records: From January 2015 to January 2017
Start End

☐ Description of records (diagnosis, department, physician, etc.)
Any and all MRIs, CT Scans, X-Rays, and computer-generated images

☐ Other (please specify) _____

Expiration:

☐ This request is for a one time release.

☒ This request is ongoing until withdrawn in writing to:

UTMB Release of Information, 301 University Blvd., Galveston, TX 77555-0782 or Fax (409) 772-5101.

Patient signature: Willie T. Washington Date: 01/07/2023

OR

Signature of legal representative: _____ Name of legal representative: _____

Relationship to patient: _____

Please complete this request and submit to UTMB Release of Information

Mail: 301 University Blvd., Galveston, TX 77555-0782

Fax: (409) 772-9200

Email: himrio@utmb.edu

IF PATIENT ID CARD OR LABEL IS UNAVAILABLE, WRITE DATE, PT NAME AND UH# IN SPACE BELOW

PATIENTS REQUEST FOR MEDICAL RECORDS

Medical Record Form 7033-10/16
The University of Texas Medical Branch-Hospitals
Galveston, Texas

Original-Medical Record

ADDITIONAL FORMS MAY BE OBTAINED FROM UTMB PRINTING SERVICES BY CALLING 409.772.5900

UTMB FORMS MUST STRICTLY PROHIBITS CHANGES TO THIS FORM

**IMPORTANT INFORMATION REGARDING YOUR REQUEST FOR
MEDICAL RECORDS**

02/28/2023

From

Utmb Radiology
301 University Blvd
Galveston TX 77555

To

FEDERAL PUBLIC DEFENDER
525 S GRIFFIN ST, STE 629
DALLAS TX 75202-5033

Re: WILLIE WASHINGTON

We are unable to comply with your request at this time for the following reason(s):

No Dates of Treatment as Requested

We show no treatment at this facility for the dates of service you requested. Please review the request and authorization provided to update to include treatment dates in which the patient was seen and resubmit your request with the necessary information.

Records Purged

We regret to inform you that the records you requested are no longer available for this patient for the date(s) of treatment specified. In accordance with state medical record retention requirements, the medical record has been purged. We apologize for any inconvenience.

Other: UTMB has a 5 yr retention period on images & films 10 yrs on mammograms

Please re-submit your request to the facility with the requested information in order to have your request processed.

Sincerely,

Utmb Radiology

CERTIFICATION

I, Willie Terron Washington, do hereby state & certify that the attached document, Motion For Rehearing is presented in good faith & not for purpose of delay. The above signed is counsel pro se and at best stating the grounds limited to intervening circumstances of substantial or controlling effect.

Signed This 31 Day Of July, 2023

Willie Terron Washington

Willie Terron Washington #00000856

Polunsky Unit, 3872 FM 350 South

Livingston, Texas 77351