

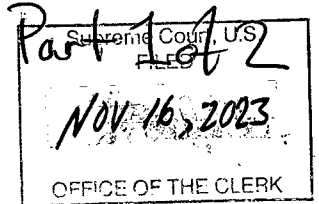
No. \_\_\_\_\_

23-6198

IN THE

SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
William Plummer — PETITIONER  
(Your Name)



vs.

Well Path, et, al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals (3rd Cir)  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

William Plummer LZZZSS  
(Your Name)

10745 Route 18, SCI ALBION  
(Address)

ALBION, PA. 16415  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

QUESTION(S) PRESENTED

1. AS A MATTER OF FIRST IMPRESSION - DID THE UNITED STATES DISTRICT COURT MISCONSTRUCT MR. PLUMMER'S CLAIM THAT MEDICAL DEFENDANTS WAS DELIBERATELY INDIFFERENT TO HIS SERIOUS MEDICAL NEEDS BY THEIR CONTINUED INEFFECTIVE COURSE OF TREATMENT & DISREGARDING THE HARM THAT THEIR CONTINUED INEFFECTIVE COURSE OF TREATMENT CAUSED MR. PLUMMER, (WHO NOW HAS TO USE A WHEELCHAIR / WALKER TO GET AROUND) AS A MERE DISAGREEMENT IN MEDICAL TREATMENT?

2. WHETHER THE PLAINTIFF'S EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION WAS VIOLATED BY PRISON OFFICIALS WHO CONTINUED AN INEFFECTIVE COURSE OF TREATMENT & RELIED ON OPINIONS THAT WAS WITHOUT ADEQUATE BASIS, DELIBERATE INDIFFERENCE?

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## TABLE OF AUTHORITIES CITED

| CASES   | PAGE NUMBER |
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## STATUTES AND RULES

28 U.S.C. 1983

## OTHER

UNITED STATES CONSTITUTION, EIGHTH AMENDMENT

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] 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:

WELLPATH, CORRECT CARE SOLUTIONS, DR. ROBERT MAXA, DR. BARRY  
EISENBERG, CHCA, KIM SMITH RNS GARY PRINCEY, CRNP ANDREW  
LESLIE, CRNP WILLIAM SUTHERLAND, RN JEAN ESSOUNO, DR. DANIEL  
WECHT, DR. RICHARD WILLIAMSON, SUPERINTENDENT OVERMEYER,  
SUPERINTENDENT DEYERK OEDLANDER, CHIEF GRIEVANCE OFFICER  
DORNA VARNER, ASSISTANT GRIEVANCE OFFICER KORI MOORE,  
DIRECTOR OF HEALTH SERVICES JOSEPH SILVA.

## RELATED CASES

1:23-cv-0892

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 2023 U.S. App. LEXIS 15968; 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 2022 U.S. Dist. LEXIS 176665, 2022 WL 4536262; 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 JUNE 26, 2023.

☐ 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: AUGUST 28, 2023, 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**

United States Constitution, 8<sup>th</sup> Amendment

28 U.S.C. §§ 1983



## STATEMENT OF THE CASE

ON FEBRUARY 3, 2022, YOUR PROSE PLAINTIFF, MR. PLUMMER, FILED THIS CIVIL ACTION REQUESTING INJUNCTIVE RELIEF, COMPENSATORY/PUNITIVE DAMAGES AGAINST DEFENDANTS WELPATH (A PRIVATE CORPORATION CONTRACTED BY THE PENNSYLVANIA DEPT. OF CORRECTIONS) TO PROVIDE ITS INMATE WITH HEALTH SERVICES) AND ITS EMPLOYEES AT SCI FOREST FOR THEIR DELIBERATE INDIFFERENCE TO MR. PLUMMER'S SERIOUS MEDICAL NEEDS UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION. THE DEFENDANTS EMPLOYED AT THE STATE PRISON FOREST HAVE WITHHELD ADEQUATE MEDICAL CARE FROM MR. PLUMMER FOR NON MEDICAL REASONS, SUCH AS TO EVADE COST,

MEDICAL DEFENDANTS KNEW BUT IGNORED/CONCEALED THE FACT THAT MR. PLUMMER SUFFERS FROM LUMBER NERVE ROOT COMPRESSION CAUSING MR. PLUMMER TO SUFFER SEVERE LOWER BACK PAIN, NUMBNESS/WEAKNESS IN HIS LOWER EXTREMITIES, ABNORMALITIES/DIFFICULTIES WALKING & LOSS OF BALANCE. THE MEDICAL DEFENDANTS ALSO KNOW THAT THEIR INSISTING ON AN INEFFECTIVE COURSE OF TREATMENT OF PROSCRIBING MUSCLE RUB, IBUPROFEN, TOPAMAX DID NOT TREAT MR. PLUMMER'S SYMPTOMS CAUSED BY LUMBER NERVE ROOT COMPRESSION, BUT THE DEFENDANTS IGNORED THE RISK & HARM THAT THEIR INSISTING ON AN INEFFECTIVE COURSE OF TREATMENT CAUSED MR. PLUMMER, WHO NOW HAS TO USE A WHEELCHAIR/WALKER TO GET AROUND.

THE DEFENDANTS CONCEALED MRI REPORTS OF MR. PLUMMER'S LUMBER SPINE AND TOLD MR. PLUMMER THAT THE SPECIALIST DEFENDANTS DR. WILLIAMSON & DR. WECHT, WHO REVIEWED MRI IMAGING FOUND "NO COMPRESSION". ON OR ABOUT FEBRUARY 25, 2021, MR. PLUMMER RECEIVED A COPY OF HIS MEDICAL RECORDS (THAT DEFENDANTS DENIED MR. PLUMMER COPIES UNTIL COURT ORDER) AND DISCOVERED MRI REPORTS DATED 2/10/2017, 5/8/2018, & 1/24/2020, THAT CLEARLY STATED: "COMPRESSION" OF MR. PLUMMER LUMBER NERVE ROOT AT HIS L3-L4. THESE CLINICAL REPORTS CONTRADICTED DEFENDANTS WILLIAMSON & WECHT'S FINDING, BUT THE DEFENDANTS EMPLOYED AT SCI FOREST RELIED ON THESE MEDICAL OPINIONS WHEN THEY KNOW THAT THOSE FINDINGS/OPINIONS WAS WITHOUT ADEQUATE BASIS.

THE PLAINTIFF, MR. PLUMMER, UPON RECEIVING HIS MEDICAL RECORDS & DISCOVERING THIS INFORMATION FILED THIS CIVIL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA. CHIEF MAGISTRATE JUDGE R. LANZILLO, MISCONSTRUED MR. PLUMMER'S CLAIMS OF DEFENDANTS INSISTING ON AN INEFFECTIVE COURSE OF TREATMENT AS A "MERE DISAGREEMENT IN MEDICAL TREATMENT" & RECOMMENDED THAT THE DEFENDANTS MOTION TO DISMISS BE GRANTED. MR. PLUMMER FILED AN OBJECTION TO THE MAGISTRATE'S REPORT & RECOMMENDATION, WHERE DISTRICT JUDGE SUSAN BAXTER AFFIRMED THE MAGISTRATE'S DECISION. MR. PLUMMER FILED AN APPEAL TO THE UNITED STATES COURT OF APPEALS (3rd Circuit), WHO DENIED MR. PLUMMER RELIEF. MR. PLUMMER THEN FILED A PETITION FOR REHEARING AND THE APPEALS JUDGES DENIED A REHEARING. THIS PETITION FOR A WRIT OF CERTIORARI FOLLOWS & FOR THE REASON HEREIN, THIS HONORABLE COURT SHOULD GRANT MR. PLUMMER'S WRIT.

## REASONS FOR GRANTING THE PETITION

THE UNITED STATES SUPREME COURT HAS DECIDED: THAT PRISON OFFICIALS ARE OBLIGATED UNDER THE EIGHTH AMENDMENT TO PROVIDE ADEQUATE MEDICAL CARE TO ITS PRISONERS, ESTELLE V. GAMBLE, 429 U.S. 97, 103 (1976). THIS PRINCIPLE APPLIES REGARDLESS OF WHETHER THE MEDICAL CARE IS PROVIDED BY GOVERNMENTAL EMPLOYEES OR BY PRIVATE MEDICAL DOCTORS UNDER CONTRACT WITH THE GOVERNMENT, WEST V. ATKINS, 487 U.S. 42, 57-58 (1988) RICHARDSON V. MCKNIGHT, 521 U.S. 399 (1997). IN ORDER TO PREVAIL ON A CONSTITUTIONAL CLAIM THE INMATE MUST SHOW THAT PRISON OFFICIALS TREATED HIM WITH "DELIBERATE INDIFFERENCE" TO HIS SERIOUS MEDICAL NEEDS, ESTELLE V. GAMBLE, 429 U.S. AT 104. PRISON STAFF DEMONSTRATES "DELIBERATE INDIFFERENCE" IF HE OR SHE RECKLESSLY DISREGARDS A SUBSTANTIAL RISK OF HARM TO THE INMATE, FARMER V. BRENNAN, 511 U.S. 825, 836 (1994).

PROOF OF PRISON OFFICIALS KNOWLEDGE OF A SUBSTANTIAL RISK TO A PRISONER'S HEALTH CAN BE PROVEN BY CIRCUMSTANTIAL EVIDENCE OR FROM "THE VERY FACT THAT THE RISK WAS OBVIOUS," FARMER V. BRENNAN, 511 U.S. AT 82. ALSO, THE EIGHTH AMENDMENT PROHIBITS THE "UNNECESSARY & WANTON INFLICTION OF PAIN," ESTELLE V. GAMBLE, 429 U.S. AT 104. THIS HONORABLE COURT SHOULD GRANT THIS WRIT, AS THE LOWER COURTS DECISIONS CONFLICTS WITH THIS COURT'S DECISIONS.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William R.", written over a horizontal line.

Date: 01/10/23