

No.

IN THE SUPREME COURT OF THE UNITED STATES

Vicky West, POA obo Laura West

*Petitioner,*

vs.

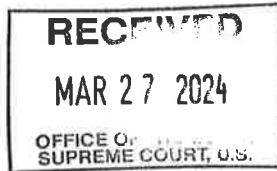
Garnett Hill Rehabilitation Skilled Care, et al

*Respondent.*

*On Petition For Rehearing from Denial of Certiorari*

**PETITION FOR REHEARING**

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## Question Presented

Whether a legal executed POA, Pro Se which is recognized by the judicial system can be used in a Court of law to assist or represent indigent and incapacitated persons if the POA is not a licensed attorney. How can a petitioner receive fair representation in a Court of law if pro se petitioner Is not an licensed attorney and will not be allowed To mitigate the case of an indigent and incapacitated person against any respondent, especially, in this case against The Garnett Hill Nursing Care Facility.

II.

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### UNITED STATES CONSTITUTIONAL PROVISION

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I. Introductory Statement

Petitioner pursuant to Supreme Court Rule 44,  
Hereby moves the Court for rehearing of its Order of  
February 20, 2024 denying the Writ of Certiorari.

II. Reasons for Rehearing

Rehearing Should be granted where a power of  
Attorney was used by our founding forefathers  
to conduct business transaction on their behalf.

III. Summary of Statement of The Case

The District Court dismissed the case because pro se  
Petitioner was not a licensed attorney and could not  
Litigate the case solely on that merit.

The Fifth Circuit Court of Appeals also dismissed  
The case and upheld the District Court's decision.  
petitioner respectfully requests that a re-hearing be  
Granted.

#### IV. Argument

A. Rehearing is warranted where our Constitution itself is thought of as a legal instrument power of attorney, and has been used by our founding fathers to conduct legal business affairs by sending other trusted persons on their behalf.

Legal scholars Gary Lawson and Guy Seidman propose that the Constitution, for purposes of interpretation, is a kind of **fiduciary, or agency, instrument. The founding generation often spoke of the Constitution as a fiduciary document—or as a "great power of attorney** scholarship.law.bu.edu/books/29

Power of Attorney to Deborah Franklin, 30 August 1733," Founders Online, National Archives, <https://founders.archives.gov/documents/Franklin/01-01>.

Know all Men by these Presents, That I Benjamin Franklin of the City of Philadelphia in Pennsylvania, Printer have constituted, made and appointed, and by these Presents do constitute, make and appoint my trusty and loving Friend [Friend struck out] Wife Deborah Franklin to be my true and lawful Attorney, for me and in my Name and Stead, and to my Use, to ask, demand, sue for, levy, recover and receive all such Sum and Sums of Money, Debts, Rents and necessary to be done in and about the Premisses, for me and in my Name to do, execute and perform, as fully, largely and

amply, to all Intents and Purposes, as I my self might or could do, if I was personally present, or as if the Matter required more special Authority than is herein given.

1Probate Court Transaction on Estate of Rachel Lavien, [19 February 1768] (Hamilton Papers)

Skifte brev no. XXIX . Som udi Skifte-Sessions  
Protocollen er behandlet under No. XXIV sc: efter...

2From Alexander Hamilton to Edward Stevens, 11 November 1769 (Hamilton Papers)

This just serves to acknowledge receipt of yours per Cap Lowndes which was delivered me...

3From Alexander Hamilton to The Royal Danish American Gazette, [6 April 1771] (Hamilton Papers)

I am a youth about seventeen, and consequently such an attempt as this must be presumptuous; but...

4To Alexander Hamilton from Walton and Cruger, [19 October 1771] (Hamilton Papers)

[Jamaica, October 19, 1771 . On November 27, 1771, Hamilton wrote to Jacob Walton and John H....

5From Alexander Hamilton to Thomas Ashburner, [28 October 1771] (Hamilton Papers)

The Supreme Court Of The United States has Jurisdiction over any question of Law under The Constitution and 28 U.S.C.1257(a). The Supreme Court has the ability to clarify on the Legal use of a power of attorney in a court of law.

Dodd Law Firm's PLC, Surprise, Arizona 85374 statement on Power of attorney. Also in *Kindred Nursing Centers, L. P. v. Clark*, 581 U.S 2017, petitioners had two Power of attorneys which was not Recognized in that case. The Power of attorney enables designated individual to become an attorney in fact or an agent. Petitioner, is a pro Se litigant and/or power of Attorney, and an advocate for her Mother Laura West, who is bedritten and cannot walk or talk. POA had to get her urgent help since the nursing home staffing refuse to see her for two weeks to see why she was in excruciating pain and feverish. She had to have urgent surgery due to not receiving proper standard of care. Her gallbladder

rupture and facular attached to gallbladder from severe infection and the gtube was pulled out of her Stomach for over several weeks. Doctors at the hospital didn't think she was going to make it, but I made sure she survived. They placed a C-tube in her gallbladder and placed a stent in her colon two days later due to the ctube was not draining the infections. Facility Staff was upset because it was noted in the medical records that the nursing home was not properly taking care of Ms. West. Due to Garnet Hill Facility saying something to another nursing home we were trying to get she didn't get the only one Medicaid bed so hospital stated continue to look but will have to send her back due to insurance on her admission. Ms. West returned back to facility from The hospital with verbal orders and discharge Instructions from the surgery team. The nursing home nurses needed to drain the c-tube and clean her skin, they chose not to follow UTSW Doctors' orders when she was re-admitted back to the nursing home on multiple

occasions, so the C-tube in the gall bladder and gtube was not properly Cleaned and got re-infected. Her diapers needed to be changed periodically and staff left her in extremely soiled diapers for hours. There was an incident with a pillow being placed over her face on several occasions. I threatened the nursing home staff that I would call the fire department because they would not respond for hours to remove the pillow off her face. She could have died with the pillow over her face/head and suffocated. She can't move her hands and other parts of her body. Since so much neglect was detected, cameras were placed in her room. Ms. West Supervisory Therapy staff refused to do therapy with her. So Ms. West never learned how to walk, talk or eat again after the brain surgery due to not receiving proper therapy which was critical for of therapy when she was admitted to UTSW Hospital and she did well. The neurosurgeon stated If Garnet Hill Rehabilitation Skill Care would have given her the therapy and treatment she needed, she may have been

able to recover from brain surgery, walk, talk and eat again, but they refused to give her treatment. Ms.

Laura West is still fighting for her life due to all of the neglect that she endured.

Also, Dr. Fan Ellen, psychiatrist contracted to Garnett Hill contacted POA with her concerns regarding Laura West care at facility. Dr Ellen noticed she was restricted to a dark room with no lights, gloomy environment and staff was not checking on her frequently like other patients. Dr Ellen stated Ms. West looked very sad and the staff is not getting her out of the room like the other patients. Dr Ellen stated she felt sorry for Ms. West.

See Exhibits of Nursing home neglect.

#### V. Conclusion

Based on the foregoing, the Court should grant a rehearing and issue a COA.

DATED this 16th day of March, 2024.

Respectfully submitted,

Vicky West Pro Se  
Vicky West  
petitioner

List of All Parties and Counsel at the Court Whose  
Judgment is Sought to Be Reviewed.

Petitioner	Respondent
Vicky West, POA	Ruben Morin
P.O.Box 763878	Clerk of The Court
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	Dallas, Teas 75201
Laura West	Robert Mark
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Dallas, Texas 75376	15770 Dallas Parkway
	Suite 1050
	Dallas, Texas 75248
	Hon.B .Lee Goldstein
	600 Commerce St
	Suite 200
	Dallas, Texas 75202
	Hon. Bill Pedersen, III
	600 Commerce St.
	Suite 200
	Dallas, Texas 75202
	Hon. Dale Tillery
	34th Judicial Distr Crt
	Suite 650
	Dallas, Texas 75202

List of All Parties and Counsel at the Court Whose  
Judgment is Sought to Be Reviewed

Hon. Raymond G. Wheless  
Presiding Judge, 1st  
Admin Judicial region  
2100 Bloomdale Rd.,  
Suite 30146  
Mckinney, Texas 5071

Hon. Craig Smith  
600 Commerce Street  
Suite 200  
Dallas, Texas 75202

Appendix Page

Appendix A - Dallas County District Court Order  
Granting Defendants' Motion to Dismiss for Plaintiff's  
Failure to Serve Chapter 74 Expert

Appendix B - Fifth District of Texas Court of Appeals  
Memorandum Opinion & Judgment Dismissed

Appendix C - Fifth District of Texas Court of Appeals  
Order

Appendix D- Fifth District of Texas Court of Appeals  
Mandate Letter Dismissed

Appendix E - Supreme Court of Texas Petition for Review  
Denied

Appendix F - Supreme Court of Texas Motion for  
Rehearing Denied

(Original Appendix was filed with Certiorari)

## Exhibits

Exhibit 2 (1-5) Affidavit

Exhibit 5 (1-7) LW sent out to ER & Admitted per POA

Exhibit 8 (1-5) Email to DON re LW incident

Exhibit 9 (1-10) Dr Fanning Medial Necessity Letter to Facility & Dr Notes, prescription she did not receive from facility that POA currently given to DON and Dr Fanning re-order

Exhibit 10 (1-8) Hospital UTSW had admitted due Nursing Home Neglect

(Original Exhibits was filed with Certiorari)

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***RULE 44.2 CERTIFICATE***

Pursuant to Rule 44.2, the undersigned certifies that the attached petition for rehearing of an order denying writ of certiorari is restricted to the grounds specified in Rule 44.2; it is limited to intervening circumstances of a substantial or controlling effect or to other substancial grounds not previously presented. Petitioner further certifies that the attached petition is presented in good faith and not for delay.

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