

23-6858

No. _____

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OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

WASHINGTON, DC 20543-0001

Mr. Luisana Estayro Session — PETITIONER
(Your Name)

VS.

Mr. Roberto Giannetti, "et al" — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals, Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mr. Luisana Estayro Session
(Your Name)

Robertson Unit, P.O. Box 160440, Dallas, TX 75266-0000
(Address)

Dallas, TX 75266-0000
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1). MAY the Supreme Court of the United States order Robertson unit Prison Guard Roberto Giannotti to send to the Supreme Court of the United States why he intentionally spit in my face laughed and threatened to just give me the Corona Virus and that he is going to give it to everybody else?
- 2). MAY the Supreme Court of the United States order Robertson unit Prison Guard Roberto Giannotti to send to the Supreme Court of the United States a sworn affidavit why he intentionally spit in my face including in my left eye, laughed and threatened to just give me the Corona Virus and that he is going to give it to everybody else?
- 3). MAY the Supreme Court of the United States order Robertson unit Prison Guard Roberto Giannotti to answer in his sworn affidavit why didn't he escort me to medical after witnessing the swelling of my left eye, knowing he caused my injury by spitting in my face?
- 4). MAY the Supreme Court of the United States order Robertson unit Prison Guard Roberto Giannotti in his sworn affidavit to answer why he didn't fill out an incident report after he spit in my face?
- 5). ~~Does he~~ MAY the Supreme Court of the United States order Robertson unit Prison Guard Roberto Giannotti to answer in his sworn affidavit, was he sick with the Corona Virus on March 13, 2020.
- 6). MAY the Supreme Court of the United States order Robertson unit Prison Guard Roberto Giannotti to produce to the Supreme Court of the United States his medical record around the time of the incident?
- 7). MAY the Supreme Court of the United States order Robertson unit Prison nurse (Haines) Mrs. Amanda Viramontes to send to the Supreme Court of the United States her sworn affidavit why didn't she turn in my medical and my mental health sick call request forms on March 15, 2020?
- 8). MAY the Supreme Court of the United States order Robertson unit Prison nurse (Haines) Mrs. Amanda Viramontes to answer in her sworn affidavit, why was it I scheduled a medical or mental health appointment 48 hours after I gave her my sick call request forms?
- 9). MAY the Supreme Court of the United States order Robertson unit Prison nurse (Haines) Mrs. Amanda Viramontes to answer in her sworn affidavit, did she read my medical and my mental health sick call request forms? if so, what my sick call request forms read?
- 10). MAY the Supreme Court of the United States order Robertson unit Former Assistant Warden S. Lopez to send a sworn affidavit to the Supreme Court of the United States answering why my grievance I turned in on March 14, 2020 regarding the Giannotti assault and threats wasn't investigated and reviewed?
- 11). MAY the Supreme Court of the United States order Robertson unit Former Assistant Warden Fnu Leno to send a sworn affidavit to the Supreme Court of the United States answering why my grievance I turned in on March 14, 2020 regarding the Giannotti assault and threats wasn't investigated and reviewed?
- 12). MAY the Supreme Court of the United States order Robertson unit Former Grievance Investigator to send a sworn affidavit to the Supreme Court of the United States answering why my grievance I turned in on March 14, 2020 regarding the Giannotti assault and threats wasn't investigated and reviewed?
- 13). MAY the Supreme Court of the United States order Robertson unit Former Grievance Investigator Crystal Reyes to send a sworn affidavit to the Supreme Court of the United States answering why my grievance I turned in on March 14, 2020 regarding the Giannotti assault and threats wasn't investigated and reviewed?

QUESTIONS PRESENTED

- 14). MAY the Supreme Court of the United States order ~~Robertson~~ Robertson unit former Assistant Warden S. Lopez to answer in his Sworn affidavit to the Supreme Court of the United States to answer in his Sworn affidavit who responsible for mishandling or losing my Grievance on March 12, 2022?
- 15). MAY the Supreme Court of the United States order Robertson unit former Assistant Warden FNU Lano to answer in his Sworn affidavit to the Supreme Court of the United States to answer in his Sworn affidavit who responsible for mishandling or losing my Grievance on March 16, 2022?
- 16). MAY the Supreme Court of the United States order Robertson unit former Grievance investigator Crystal Riles to answer in her Sworn affidavit who responsible for mishandling or losing my Grievance on March 16, 2022?
- 17). MAY the Supreme Court of the United States order Robertson unit former Grievance investigator Crystal Riles to answer in her Sworn affidavit to the Supreme Court of the United States. Did she have knowledge of the assault and threats that officer Roberto Giannotti did to me?
- 18). MAY the Supreme Court of the United States order Robertson unit former Assistant Warden S. Lopez to answer in his Sworn affidavit to the Supreme Court of the United States. Did he have knowledge of the assault and threats that officer Roberto Giannotti did to me?
- 19). MAY the Supreme Court of the United States order Robertson unit former Assistant Warden FNU Lano to answer in his Sworn affidavit to the Supreme Court of the United States. Did he have knowledge of the assault and threats that officer Roberto Giannotti did to me?
- 20). MAY the Supreme Court of the United States order the district Court Magistrate Judge John R. Parker to send to the Supreme Court of the United States a Sworn affidavit explaining why he terminated six Caucasian Prison Guards off of my lawsuit without my consent, without a notification, or without a Court order?
- 21). MAY the Supreme Court of the United States order the district Court Magistrate Judge John R. Parker to answer in his Sworn affidavit to the Supreme Court of the United States. Did ~~he~~ he terminate Prison Robertson unit Prison Guards Adam Burnett, FNU odom, FNU Lefarance, FNU Pfister, N. Lofton, and FNU Breeden off of my lawsuit before the Judicial Screening, during the Judicial Screening, or after the Judicial Screening?
- 22). MAY the Supreme Court of the United States order the district Court Magistrate John R. Parker to answer in his Sworn affidavit why he didn't include in the authenticated records my exhausted administrative remedies that I wrote and submitted and sent to the district Court. The Grievances that I filed on Robertson unit Prison Guards Adam Burnett, FNU odom, FNU Lefarance, FNU Pfister, N. Lofton, and FNU Breeden?
- 23). MAY the Supreme Court order the district Court Magistrate John R. Parker to answer in his Sworn affidavit what all evidence was included in the authenticated record?
- 24). MAY the Supreme Court order the district Court Magistrate John R. Parker to answer in his Sworn affidavit. Why in his conclusion he only admitted to including a summary of my Grievance in the authenticated records that I filed on Roberto Giannotti and nothing else?
- 25). MAY the Supreme Court of the United States order the district Court Magistrate John R. Parker to answer in his Sworn affidavit why was a summary of my Grievance that I filed on officer Giannotti ordered by the district Court, and not the surveillance video's?

QUESTIONS PRESENTED

- 26). may the Supreme Court of the United States order Magistrate John R. Parker to answer in his sworn affidavit, did he see the surveillance video on Robertson unit, 12 building, CPD, Division, 43 call on or after 4 P.m of officer Roberto Giannotti intentionally spitting in my face and laughing?
- 27). may the Supreme Court of the United States order Magistrate John R. Parker to answer in his sworn affidavit, did he see the surveillance video of me reporting the assault and threats to Sergeant Adam, Sergeant Latorre, Sergeant Perister and officer Burnett after the incident with Giannotti?
- 28). may the Supreme Court of the United States order Magistrate John R. Parker to answer in his sworn affidavit, did he see the surveillance video on March 14, 2020, Robertson unit, 12 building, CPD, Division, 43 call on or after 10 P.m of me giving my grievance to officer Gomez and Gomez second Place my grievance inside the section grievance box? and if he seen the investigator come and take my grievance out of that grievance box on March 16, 2020?
- 29). may the Supreme Court of the United States order Magistrate John R. Parker to answer in his sworn affidavit, did he see the surveillance video on March 15, 2020, Robertson unit, 12 building, CPD, Division, 43 call after 5 A.m of me giving nurse (Helms) Amanda Vicamantes my sick call request forms?
- 30). may the Supreme Court of the United States order Magistrate John R. Parker to answer in his sworn affidavit, did I or did I not state in my original Complaint and in my Amended Complaint that there was exhausted administrative remedies and surveillance videos to each of my claims?
- 31). may the Supreme Court of the United States order Magistrate John R. Parker to answer in his sworn affidavit, how was my claims are frivolous and failed to state a claim if I showed the Court sufficient facts in my case?
- 32). may the Supreme Court of the United States order Magistrate John R. Parker to answer in his sworn affidavit, was there the IDCS Policies and Procedures on excessive force, sick call request forms, and investigation and reviewing exhausted administrative remedies included in the authentication record?
- 33). If not, why not?
- 34). If so, why didn't he state that in his conclusion?

These are the questions I have Presented to the Supreme Court of the United States

William E. Davis 01714978

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:

Mr. ~~William~~ Estay, 440 Session
Plaintiff / Appellant

FNU Giannetti, Texas Department of Criminal Justice, Robertson unit employee;
FNU Haines, Texas Department of Criminal Justice, Robertson unit Pill nurse.
FNU Cano, Texas Department of Criminal Justice, Robertson unit Assistant Warden
J. Lopez, Texas Department of Criminal Justice, Robertson unit Assistant Warden
FNU Reles, Texas Department of Criminal Justice, Robertson unit Grievance investigator
Defendants / Appellees

RELATED CASES

1. Estelle v. Gamble, 429 U.S. 97, 103 (1976) of Prisoner's constitutes the 'unnecessary and wanton infliction of pain' proscribed by the Eighth Amendment
2. Doming v. Tex. Dept. of Criminal Justice, 239 F.3d 752, 756 (5th Cir. 2001). The Prisoner must instead establish that officials 'refused to treat him, ignored his complaints, intentionally treated him incorrectly or engaged in any similar conduct that would clearly evince a wanton disregard for any serious medical needs.
3. Johnson v. Green, 759 F.2d 1236, 1238 (5th Cir. 1985). Indeed Courts have found that evidence of medical exams, sick calls, and diagnoses have been used to rebut a claim of deliberate indifference see, e.g., Sexton v. Young, No. 07-0088, 2007 U.S. Dist. LEXIS 25147, at *3-4 (W.D. La. Mar. 12, 2007)
4. Estelle v. Gamble, 429 U.S. 97 at 104
5. Farmer v. Brennan, 511 U.S. 825 (1994)
6. Dean v. Coughlin, 623 F. Supp. 392, 404 (S.D.N.Y. 1985)
7. Kenneth v. Potter, 344 Fed. Appx. 987, 2009 U.S. App. LEXIS 2127 (5th Cir. 2009)
8. Farmer, 511 U.S. at 842. See also Fielder v. Bosshard, 590 F.2d 105 (5th Cir. 1977) Guards liable for failing to get medical treatment for Prisoner who was suffering from seizures
9. McLo v. Texas Department of Criminal Justice, 2006 U.S. Dist. LEXIS 58861 (S.D. Tex. 2006).
10. Farmer, 511 U.S. at 843 n.8
11. See Texas Civ. Practice and Remedies Code § 74.351
12. Sandin v. Conner, 515 U.S. 472, 485 (1995)
13. Farmer v. Brennan, 511 U.S. 825 (1994).

VERIFICATION

I have read the foregoing Petition and hereby verify that the matters alleged therein are true and as to those I believe them to be true. I certify under Penalty of Perjury that the foregoing is true and correct.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Sebastian G. Senion

Date: August 14, 2023