No. 23-7414

In the Supreme Court of the United States

Mark VandenBoom, Petitioner

v.

Robert Strohmeyer, Respondent

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

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Questions Presented

Did the Seventh Circuit Court of Appeals judgement conflict with this court's precedents resulting in a limitation of access to the court due to the petitioner's pro se status?

Did the Seventh Circuit Court of Appeals judgement continue to allow Indiana state courts to systematically deny a citizen of their right to due process?

List of Parties

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

Related Cases

Vandenboom v. Strohmeyer, No. 23-2405, U.S. Court of Appeals for the Seventh Circuit. Judgement entered January 29 2024.

Vandenboom v. Strohmeyer, No. 1:220cv-02006-MPB-MJD, U.S. District Court Southern District of Indiana Indianapolis Division. Judgement entered June 28, 2023.

Vandenboom v. Clarke, No. 49D05-1707-CT-026350, Marion Superior Court. Judgement entered January 10, 2018.

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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

The opinion of the United States Court of Appeals appears at Appendix C to the petition and is reported at *Vandenboom v. Strohmeyer*, 23-2405 (7th Circuit 2024).

The opinion of the United States District Court appears at Appendix F to the petition and is reported at *Vandenboom v. Strohmeyer*, 1:220cv-02006-MPB-MJD, (So. Dist. IN 2023).

Jurisdiction

The date on which the United States Court of Appeals decided my case was January 29, 2024.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: February 26, 2024, and a copy of the order denying rehearing appears at Appendix 1.

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

Constitutional and Statutory Provisions Involved

Federal Rule of Civil Procedure 8(a) General Rules of Pleading: "(a) Claim for Relief. A pleading that states a claim for relief must contain:

(1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;

(2) a short and plain statement of the claim showing that the pleader is entitled to relief; and

(3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

The Fifth Amendment of the U.S. Constitution: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The Fourteenth Amendment of the U.S. Constitution, Section 1: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Statement of the Case

The Seventh Circuit Court of Appeals judgement is in conflict with U.S. Supreme Court precedent regarding treatment of a pro se plaintiff.

Based on the guidance offered in documents provided by the United States District Court for the Southern District of Indiana (See Appendix H where Page 5 of the document Statement of Claim says "State as briefly as possible the facts of your case" and Page 6 of the document under Relief says "State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes."), the petitioner only sought to make a plausible claim in documentation submitted as directed. As the case was ordered to court, the petitioner was waiting for the hearing date. The District Court Judge did not call for a presentation of evidence or a hearing and therefore could not have made a decision regarding the case based on a complete understanding.

The petitioner well more than met required civil procedure and the District Court agreed, which is why the case was accepted into the court in the first place. The court reviews claims and rejects any that do not pass muster. The petitioner's claim was accepted in this regard. The District Court judge initially assigned to the case did not throw out the case, however that judge was removed from the case for reasons unknown by the petitioner and replaced by a judge whose initial act was to provide final judgment without call for or review of evidence. (See Appendix F.)

Without a call for evidence or hearing the Seventh Circuit Court of appeals upheld decisions of the lower court to dismiss the petitioner's case with prejudice and request for rehearing was denied. (See Appendix C).

In conflict with Supreme Court precedence, the petitioner's pro se status was disregarded and permissive application of the rules governing the form of pleadings did not occur. The ability to represent oneself in a court of law is a welfare benefit afforded to all individuals in an effort to ensure adequate access to the court systems. Adequate evidentiary hearings should have occurred prior to a decision in the case.

U.S. Supreme Court rulings fully support the petitioner's expectation that a call for evidence would occur and that the provided evidence would be considered prior to any dismissal of the case or motions impacted by evidence, namely Goldberg v. Kelly (1970), Mathews v. Eldridge (1976) and Cleveland Board of Education v. Loudermill (1985).

In the case of Goldberg v. Kelly (1970), the Supreme Court held that welfare recipients were entitled to a pre-termination evidentiary hearing before their benefits could be terminated. The Court emphasized the importance of a meaningful opportunity to be heard before a deprivation of benefits. "Against the justified desire to protect public funds must be weighed the individual's overpowering need in this unique situation not to be wrongfully deprived of assistance. . . . While the problem of additional expense must be kept in mind, it does not justify denying a hearing meeting the ordinary standards of due process. Under all the circumstances, we hold that due process requires an adequate hearing before termination of welfare benefits, and the fact that there is a later constitutionally fair proceeding does not alter the result (Goldberg v. Kelly (1970))."

In Mathews v. Eldridge (1976), the Court established a balancing test to determine the appropriate level of due process required in a particular case. The factors considered include the private interest affected, the risk of erroneous deprivation, the government's interest, and the value of additional procedural safeguards. "The essence of due process is the requirement that "a person in jeopardy of serious loss [be given] notice of the case against him and opportunity to meet it." Joint Anti-Fascist Comm. v. McGrath, 341 U.S. at 341 U. S. 171-172 (Frankfurter, J., concurring). All that is necessary is that the procedures be tailored, in light of the decision to be made, to "the capacities and circumstances of those who are to be heard," (Goldberg v. Kelly, 397 U.S. at 397 U. S. 268-269 (footnote omitted)), to insure that they are given a meaningful opportunity to present their case. In assessing what process is due in this case, substantial weight must be given to the good faith judgments of the individuals charged by Congress with the administration of social welfare programs that the procedures they have provided assure fair consideration of the entitlement claims of individuals. See Arnett v. Kennedy, 416 U.S. at 416 U. S. 202 (WHITE, J., concurring in part and dissenting

in part). This is especially so where, as here, the prescribed procedures not only provide the claimant with an effective process for asserting his claim prior to any administrative action, but also assure a right to an evidentiary hearing, as well as to subsequent judicial review, before the denial of his claim becomes final. Cf. Boddie v. Connecticut, 401 U. S. 371, 401 U. S. 378 (1971) (Mathews v. Eldridge (1976))."

And in Cleveland Board of Education v. Loudermill (1985), the Court ruled that a public employee with a property interest in continued employment is entitled to a pre-termination hearing, which includes an opportunity to present their side of the case. "The point is straightforward: the Due Process Clause provides that certain substantive rights -- life, liberty, and property -- cannot be deprived except pursuant to constitutionally adequate procedures. The categories of substance and procedure are distinct. Were the rule otherwise, the Clause would be reduced to a mere tautology. "Property" cannot be defined by the procedures provided for its deprivation any more than can life or liberty. The right to due process "is conferred, not by legislative grace, but by constitutional guarantee. While the legislature may elect not to confer a property interest in [public] employment, it may not constitutionally authorize the deprivation of such an interest, once conferred, without appropriate procedural safeguards (Cleveland Board of Education v. Loudermill (1985))."

The court cannot force a plaintiff to have an attorney. An individual may represent themselves and dismissing the case without conducting the case in a manner appropriate for a pro se individual, is effectively punishing the petitioner for failing to have an attorney.

Additionally if evidence has not been called for and reviewed, the case cannot be decided. Without this call for evidence, the judge and panel failed to address complete evidence for equitable tolling of dates and doctrine of continuing harm as the defendant was being sued for actions that were outside of his scope that violated the petitioner's civil right to due process (Malley v. Briggs, 475 U.S. 335 (1986)).

"The panel decision conflicts with a decision of the United States Supreme Court or of the court to which the petition is addressed (with citation to the conflicting case

or cases) and consideration by the full court is therefore necessary to secure and maintain uniformity of the court's decisions (Fed. R. App. P. 35(b)(1)(A))."

Although specific facts were provided in initial case documents, they were not necessary at that stage of the process. Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement of the claim showing that the pleader is entitled to relief." Specific facts are not necessary; the statement need only "'give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.' Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007). The Court does not require "heightened fact pleading of specifics, but only enough facts to state a claim to relief that is plausible on its face." Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 563 (2007).

The Supreme Court clarified the appropriate pleading standard in Ashcroft v. Iqbal, setting forth a two-pronged approach for courts deciding a motion to dismiss. See 129 S.Ct. at 1937. The Court instructed district courts to first "identify pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth." Id. at 1950. Though "legal conclusions can provide the framework of a complaint, they must be supported by factual allegations." Id. Second, if a complaint contains "well-pleaded factual allegations [,] a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief." Id. "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. The plausibility standard is not akin to a `probability requirement,' but it asks for more than a sheer possibility that a defendant has acted unlawfully." Id. at 1949 (quoting and citing Twombly, 550 U.S. at 556-57).

Moreover, as the Second Circuit emphasized in Sealed Plaintiff v. Sealed Defendant 537 F.3d 185, 191 (2d Cir. 2008), "[o]n occasions too numerous to count, we have reminded district courts that when [a] plaintiff proceeds pro se, . . . a court is obliged to construe his pleadings liberally. . . . This obligation entails, at the very least, a permissive application of the rules governing the form of pleadings. . . . This is particularly so when the pro se plaintiff alleges that [his] civil rights have been

violated. Accordingly, the dismissal of a pro se claim as insufficiently pleaded is appropriate only in the most unsustainable of cases (537 F.3d 185, 191 (2d Cir. 2008); see Sharpe v. Conole, 386 F.3d 483, 484 (2d Cir. 2004); see also Weixel v. Bd. of Educ. of the City of N.Y., 287 F.3d 138, 145-46 (2d Cir. 2002) (holding that when a plaintiff is appearing pro se, the Court shall "`construe [the complaint] broadly, and interpret [it] to raise the strongest arguments that [it] suggests.'") (quoting Cruz v. Gomez, 202 F.3d 593, 597 (2d Cir. 2000) (alterations in original)). Cruz v. Reilly, No. 08-CV-1245 (JFB) (AKT), 2-3 (E.D.N.Y. Aug. 18, 2009))."

In his decision, the District Court judge cited the first part of Haines v. Kerner, 404 U.S. 519 (1972) while attempting to justify disregarding it. (See Appendix F.) During this attempt he failed to consider the second sentence, which is, "We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears." The U.S. Supreme Court is clear that without an opportunity to offer supporting evidence as a prerequisite, judges cannot say what the evidence would support. Although the judge cited short notes made by the court to justify the petitioner's claim to move forward, it appears he did not read the full initial complaint as many more details were present and accepted at the time.

The judge has also failed to consider the full understanding of Haines v Kerner as relates to the potential that evidence exists which supports the tolling of dates as indicated in the complaint. Certainly, Haines v Kerner is not exclusive to only one fact of a complaint, free of context from others such as those related to tolling of dates.

Considering Conley v. Gibson, 355 U.S. 41, 45-46 (1957) ("[A] complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.") and "A complaint does not have to state facts sufficient to constitute a cause of action. Under the new rules of civil procedure, a complaint now only must contain a short and plain statement of the claim showing that the pleader is entitled to relief" (Dioguardi v. Durning, 139 F.2d 774 (CA2 1944)). Suggesting that no evidence could exist the judge has displayed a lack of understanding about the

evidence available. As noted in a motion in the petitioner's objection to summary judgement, the evidence is in email based communications (electronic) related to this matter. (See Appendix G). While the judge may have more than doubt himself, to argue that electronic evidence literally does not exist is unrealistic, especially involving emails passed to many computers and through many vendors. Phillips v. Prudential Ins. Co. of Am., 714 F.3d 1017, 1020 (7th Cir. 2013) holds that on a motion to dismiss, the court must consider not only "the complaint itself," but also "documents attached to the complaint, documents that are critical to the complaint and referred to in it."

The District Court Judge having cited Ray v. Melson & Frankenberger, P.C., No. 4:13-cv-00114-SEB, 2014 WL 4385128 at *4 (S.D. Ind. Sept. 3, 2014); is clear that he feels petitioner has acted in bad faith with undue prejudice. (See Appendix F.) To make such an assertion and dismiss the case with prejudice while conflicting with Haines v Kerner, would require a reliance on preconceived notions about the case. Relying on preconceived ideas and refusing to review facts is the very definition of bias. Bias, as unintentional as it may be, is still bias and has no place in the U.S. Courts.

The Seventh Circuit Court of Appeals judgement continues to allow Indiana state courts to systematically deny citizens of their constitutional right to due process.

The petitioner filed a complaint on January 27, 2016, with the Indiana Department of Insurance (IDOI), claim# 1016992. Medical panel review of the case was initiated. Many material facts were presented to the Medical Review Panelists related to abandonment and denial of care following botched and negligent medical procedures performed under false pretenses. These material facts included 23 linked violations of Indiana Standards of Conduct for Medical Professionals 844 IAC 5 Standards of Professional Conduct and Competent Practice of Medicine. This case was dismissed via summary judgement in January 2018 without the petitioner being given opportunity or option to question the medical review panel members, a right afforded him by Indiana Code(IN Code § 34-18-10-20 (2021)) (Vandenboom v. Clarke (2018)).

The case at issue in the Seventh Circuit of Appeals was a 1983 color of law concern for deviations from standard procedure on the part of the Respondent, the Medical Review Panel Chair, that led to denial of due process and bias related to the Medical Review Panel members. (See Appendix E). The petitioner sought restoration of the denied right to cross examination of panelists in front of a jury, a review of all supporting evidence and recovery of damages for actions found to be outside the scope of their immunity.

Clearly defined rules within the Indiana Medical Malpractice Act and other unlawful acts (Indiana Code Title 34. Civil Law and Procedure § 34-18-14-3), require review by a medical malpractice panel for any malpractice complaint to enter into a court of law in Indiana.

The Respondent, the Panel Chair, intentionally obstructed the Plaintiff's ability to question the panelists as the Plaintiff lawfully had the right to do so (IN Code § 34-18-10-20 (2021)). The Panel Members intentionally biased the court by giving biased and false testimony, as well as by providing only personal opinion as opposed to professional. The Indiana Insurance Commissioner was aware of complaints of bias and deviations outside of process by the Panel Chair yet refused to investigate the matter or to replace the Panel Chair despite the Plaintiff's request to do so. The Insurance Commissioner has consistently allowed panels to operate outside norms such as allowing cases to stretch well beyond the promised 180 days, in many cases as long as two years. (Stafford, D. (2015 Oct 4)). The waiting game delays medical malpractice claims going to court. (The Indiana Lawyer October 6, 2015).

The Respondent, in his official capacity with the State of Indiana was fully aware of his actions and the violation of the Plaintiff's right to due process in courts. His awareness in this matter thus forfeits any right to immunity in federal courts (Malley v. Briggs, 475 U.S. 335 (1986)). Having exhausted all options to address issues before the State of Indiana, the Plaintiff sought remedy in the U.S. Federal Courts as the Respondent knowingly committed wrongful acts resulting in the malicious abuse of process depriving the Plaintiff of due process rights and full access to the courts protected by 5th and 14th Amendments to the U.S. Constitution.

Violations of due process are protected under The Constitution of the United States, Amendment 14, as well as the right to meaningful compensation. As the 14th Amendment takes priority over The Constitution of the United States, Amendment 11, the state of Indiana is not afforded sovereign immunity in such cases (Fitzpatrick v. Bitzer (1976), 427 U.S. 445).

This topic is thoroughly covered in Reconciling State Sovereign Immunity with the Fourteenth Amendment - Harvard Law Review, FEB 10, 2016, 129 Harv. L. Rev. 1068 available from harvardlawreview.org/2016/02/reconciling-state-sovereign-immunity-with-the-fourteenth-amendment.

The "right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society." Joint Anti-Fascist Comm. v. McGrath, 341 U. S. 123, 341 U. S. 168 (1951) (Frankfurter, J., concurring). The fundamental requirement of due process is the opportunity to be heard "at a meaningful time and in a meaningful manner." Armstrong v. Manzo, 380 U. S. 545, 380 U. S. 552 (1965). See Grannis v. Ordean, 234 U. S. 385, 234 U. S. 394 (1914).

The District Court Judge and subsequently the Appeals Court Judges failed to recognize the ongoing harm that has resulted from violation of the petitioner's civil right to due process. Had the judges called for and considered all of the evidence available, they would have fully understood the result of this harm and the perpetuation of this harm by continuing to deny the petitioner access to the court. As a result, they have afforded immunity for the defendants and a statute of limitations that should not be applied.

The District Court Judge errored when he assumed past and current medical records would not support continued harm to the petitioner by his efforts required to pursue this matter. Without expertise or review of medical records to confirm, he assumed severe trauma, as previously described, would not impact the petitioner's decisions such as asking for sanctions to mitigate any unnecessary harm he was experiencing from this case. In further error he assumed a history of wrongs had not existed.

Doctrine of continuing harm must be considered since trauma from the continued denial of the right to due process by Indiana courts has continued to deeply affect the petitioner and unfold in unexpected ways.

Indiana Code Title 34. Civil Law and Procedure § 34-11-6-1 holds that "a person who is under legal disabilities when the cause of action accrues may bring the action within two (2) years after the disability is removed." The Petitioner's disability continues today.

The petitioner is unable to go to doctors without explaining what occurred inside his chest and abdomen. Not only have the initial adhesions created a painful situation for the petitioner, it is traumatic to go to a new doctor and build trust with them. It has also occurred on multiple occasions where doctors continue to refuse meaningful care. While the reasoning clearly varies, the threat of being blamed for unaccounted damage is often mentioned by doctors. Evidence of this most recently includes doctors at IU Health who "missed" the petitioner having developed diabetes, fatty liver and other issues. In this case the petitioner had to go to another local doctor who immediately found and detected these issues and others, which were making the petitioner too sick to work. As statements in medical records are either lacking or deeply concerning for doctors, the petitioner has trouble finding doctors to assist which has resulted in significant additional costs in finding assistance.

Most recently in February 2024, the petitioner traveled to Austin, Texas, for surgery to remove gall bladder clips implanted after a gall bladder removal surgery more than 10 years prior. The removal was indicated after extensive allergy tests showed that the petitioner was likely allergic to the clips and that many of his symptoms would be relieved by their removal. During this surgery the doctor also identified and removed numerous thin adhesions indicative of the prior bile leak noted in Vandenboom v. Clarke (2018). The petitioner traveled to Texas for this surgery, because the only option offered near his home in Indiana was a very inexperienced surgeon with no prior experience in clip removal who had finished medical school within the prior year. This option was given only after multiple more experienced surgeons turned down the surgery.

Further, the petitioner has been experiencing memory issues which impair his ability to even complete this very document which also relate to his diagnosis of CPTSD and emotional flashbacks for which he is currently undergoing treatment. Each time the petitioner attempts to work on this document his focus continuously shifts away from it making progress very difficult. Until more recently, with no help, research to find supporting laws was virtually impossible. Required breaks between attempts to work on court documents is similar to starting fresh each time and cannot always be avoided. While the petitioner does well as long as nothing reminds him of how situations felt related to this matter, his life is a mine field of re-experiencing past trauma resulting in weeks of a dysregulated nervous system. A dysregulated nervous system leaves a person feeling everything as if they were hyper aware and vigilant. As his mind naturally tries to protect itself by blocking out memories from the resulting harm, it further blocks him from reasonably pursuing this case as pro se. He has consistently sought legal assistance and until recently did not realize how much his mind was blocking memories as demonstrated by one of his doctors assisting with related chronic pain issues. He has in the past and is currently looking for treatment to assist with damage related to this case. As this is a disability, clearly a call for evidence in plain language is not too much to ask for when doing less could be well argued as discrimination since all parties involved are well aware of the petitioner's situation.

If not individually, then collectively, the above points well more than account for the tolling of dates as reasonable considering a vulnerable person and civil rights are involved.

The state of Indiana systematically prevents cases related to medical malpractice from ever being heard. The report in Appendix E on the page marked 47 is created using data provided by the Indiana Department of Insurance (INDOI). This report shows how much money the state of Indiana appears to be collecting simply from poorly executing a process with what appears to be an average 27% failure rate based on only cases that do make it to court. Although the state claims a medical malpractice panel review is the same as a jury review, 60% of these cases that make it to court show a jury disagreeing with panel experts.

Over the past 20 years, statistically the state of Indiana has retained an average of $340,500,432 each year, which totals to $6.8 billion just from this obviously flawed process, assuming each claimant otherwise received the maximum of $1.2 million. In 2018 the INDOI had to return money to doctors in the state of Indiana since so few cases resulted in them having to pay out on malpractice complaints. It was said that no insurance company ever existed with such few payouts vs. claims made. While the state is not on trial here, it is clear this could not happen if the panel review process was working as defendants have claimed and in-state judges appear to believe. While this does not prove the panel in my case did anything wrong, it does indicate that there is a high probability they acted with bias.

When consideration is given to the fact that this case and those related to it have been dismissed based on technicalities with prejudice rather than the merits of the case at least three or more times, the larger picture is certainly remarkable. Those who have viewed the evidence of the petitioner's case and are aware that the group most responsible has recently settled $345 million in Stark Law violations with the US Department of Justice (DOJ) (United States and the State of Indiana ex rel. Thomas Fischer v. Community Health Network, Inc., et al. No. 1:14-cv-1215 (RLY-DKL) (S.D. Ind.)), are now seriously questioning our legal system. This is especially true with an IN-Attorney General defending the very people who are accused for covering for the medical group being pursued by the DOJ while in state judges and medical review panel continue to deny evidence from simply being presented. The case history and facts around the medical review panel process preclude any ability for courts to claim impartiality as required by due process. At the current point, having recently been dismissed again on technicalities with prejudice, impartiality cannot be claimed and thus the harm continues as it did in the initial trial where final rulings show the judge required an expert even though an expert is not required when it is something a lay person can understand. The claim was made in the only court hearing that some of the complaints could be understood by lay individuals (Appendix E, Page marked 53). "However, expert medical witness testimony is not required in every medical malpractice case." (Culbertson v. Mernitz, 602 N.E.2d 98, 104 (Ind. 1992)).

Reasons for Granting the Petition

The court's review of this case is unquestionably warranted. The Seventh Circuit Court of Appeals decision is in direct conflict with precedent set by this court. To not allow this case to go forward would suggest that access to the court should be restricted to only those represented by legal counsel or those who are themselves legal counsel. This kind of limitation in access would directly conflict with the constitutional right to due process.

Attorney fees are not affordable even for citizens earning a comfortable, living wage. Due to capitated award amounts that have not been adjusted in many years despite significant increases in costs due to inflation, attorneys are not willing to take on cases without being paid up front thus leaving an individual little choice but to represent themselves or forego pursing the matter in court. The ability to represent oneself in a court of law is a welfare benefit afforded to all individuals in an effort to ensure adequate access to the court systems and due process.

When cases are not brought to court, particularly in the case of medical malpractice, a pattern of fraud and physical harm is allowed to continue. The Department of Justice has recognized this in United States and the State of Indiana ex rel. Thomas Fischer v. Community Health Network, Inc., et al. No. 1:14-cv-1215 (RLY-DKL) (S.D. Ind.).

State and Federal judges in Indiana are interpreting the law in such a way that citizens are not being afforded their due process rights. They are not being given an opportunity to fully utilize the court system. Only the select few who have significant funds to obtain legal representation, pay for expert testimony and wade through complex processes or have a case that falls into a narrow set of issues that are easily relatable to a majority of lay persons are allowed this constitutional right. In a case such as the Petitioner's whose organs were seared together and then he was ignored and dumped by the healthcare provider this was not the case. Granting this petition will put appropriate scrutiny onto these practices and determine whether they are respecting the intent of this court and the constitution.

Conclusion

The Court should grant the petition for a writ of certiorari. Respectfully submitted,

_____

Date: _____

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