

24-5360
No. 22-1622

ORIGINAL

D.C. 218-CV-01449-MMD

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

JUL 16 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Esteban Hernandez — PETITIONER
(Your Name)

vs.

Howell Warden et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For the 9th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Esteban Hernandez
(Your Name)

SDCC
PO. Box 208
(Address)

Indian Springs Nevada 89070
(City, State, Zip Code)

(Phone Number)

RECEIVED

JUL 22 2024

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- (A) Defendants should not be granted qualified immunity
- (B) Were defendants deliberately indifferent for failing to test/treat Mr. Hernandez for Hepatitis C.
- (C) Were defendants deliberately indifferent for failing to treat the tumor on Mr. Hernandez's liver. That was caused by Hep-C.
- (D) Were the non-treating defendants deliberately Indifferent
- (E) Was DR Landsman Deliberately indifferent for failing to treat Mr. Hernandez for Hep C and the tumor on Mr. Hernandez's liver.
- (F) The Nevada Department of Corrections hired DR Landsman to treat NDOC inmates without a license to practice medicine.
- (G) Did Mr. Hernandez establish harm that is required for the Eighth Amendment violation of the U.S. Constitution.
- (H) Is Hernandez entitled to injunctive relief to get the tumor tested for cancer.
- (I) Is Hernandez entitled to additional discovery
- (J) Is Hernandez entitled to treatment on the tumor.

LIST OF PARTIES

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

☒ 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:

Howell warden

Aranas

DR. James DZURENDA

Nevada Department of Corrections

SDCC

Michael Miner

DR. Henry Caudsman

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TABLE OF AUTHORITIES CITED

CASES

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Estelle v Gamble 429 U.S. 97, 104 (1976) Pg. 4
OSU Student Alliance v Ray 699 F.3d 1053, 1069 (9th Cir 2012) Pg. 4

STATUTES AND RULES

8th Amendment to the U.S. Constitution
(deliberate indifference)

OTHER

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 _____; 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 _____; 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 April 30, 2024.

☒ 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: _____, 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

The Nevada Department of Prisons violated Mr. Hernandez's rights again deliberate indifference. A violation of Mr. Hernandez's rights the 8th Amendment of the U.S. Constitution provides,

The Nevada department of corrections is using un-licensed doctors to treat inmates.

The Nevada attorney general's office has failed to complete the discovery process, A due process violation of the 14th Amendment

NDCC refuses to biopsy the tumor that resides on Mr. Hernandez's liver, from cirrhosis of the liver, caused by hep C,

STATEMENT OF THE CASE

Defendants were deliberately indifferent to Esteban Hernandez's serious medical needs. (A 8th Amendment violation to the U.S. Constitution)
Esterle v Gamble

MR. Hernandez was diagnosed with Hep C in 2005. But wasn't told about the diagnosis until 2012. Then wasn't tested for Hep C again, for an additional (3) years. Which is a direct violation of the Nevada Department of Corrections MD 219.

MR. Hernandez filed the 1983 complaint in 2018. After the Nevada Department of Corrections failed to treat Hernandez for Hep C, Defendants failed to monitor and treat Hernandez for Hep C, until a emergency trip to the hospital in March 2019
Anderson v Creighton

where a large tumor was found. That was caused by cirrhosis of the liver. (A side effect of Hep C)

After the diagnosis, it took (18) months and an order from the AG's office. In order for MR. Hernandez to get the Hep C treatment, which cured the Hep C, but not the cirrhosis of the liver and large tumor. Appendix F

Dr. Candsman cancelled the biopsy of the tumor, that was ordered by the doctor at Centennial Hills Hospital. Appendix D

The discovery process is far from complete. As the AG's office used several excuses not to answer the interrogatories. Appendix E

How is MR. Hernandez able to get the facts to support his case if discovery is not complete.

The Nevada Department of Corrections hired DR. Candsman to treat inmates knowing DR. Candsman didn't have a license to practice medicine. As it was revoked in California & Nevada. Appendix C
Just because a person is an inmate, it doesn't mean they should receive sub-standard care from someone who isn't a doctor.

MR. Hernandez filed a preliminary injunction to have the biopsy done on the tumor.

This has been denied by the court.

If you had a tumor. Don't you have the right for treatment?

REASONS FOR GRANTING THE PETITION

MR. Hernandez would ask to be allowed to complete the discovery process.

Also get a biopsy on the tumor that resides on his liver. That will prematurely end his life.

Then pursue the suit against the defendants. Including the unlicensed DR. Candsman.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Esteban Hernandez

Date: 7-8-24