

No. 24-5770 ORIGINAL

IN FORMA PAUPERIS

IN THE

SUPREME COURT OF THE UNITED STATES

ON PETITION FOR A WRIT OF CERTIORARI TO

BARBARA MARIE FRANTZ — PETITIONER
(Your Name)

VS.

KDOC JEFF Zmuda, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BARBARA FRANTZ #124145
(Your Name)

TCF 815 SE RICE ROAD
(Address)

TOPEKA, KANSAS 66607
(City, State, Zip Code)

N/A
(Phone Number)

FILED

OCT 06 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

COUNT I Question of "MERE difference of opinion" or deliberate indifference for substantially serious medical needs involving irreparable harm, permanent injury of skull swelling disfiguring MS. FRANTZ FACE AND WORSENING. AS WITH TUMORS biopsied in 2015 IN HER STOMACH AND bladder. left UNATTENDED FOR MEDICAL CARE CAUSING HER SEVERELY DISTENDED HERNATED ABDOMEN, NOT ALLOWING FOR bending or twisting, debilitating congestive HEART FAILURE all DEPRIVED MEDICAL CARE by deliberate indifference FOR A long period of time, by STATE ACTORS WORKING UNDER A COLOR OF STATE LAW. 8th / 14th AMENDMENT RIGHTS. CRUEL AND UNUSUAL PUNISHMENTS, PRODUCING "PHYSICAL TORTURE OR A LINGERING DEATH".

COUNT II Right to Due Process of LAW UNDER 5th AND 14th AMENDMENTS PROTECTION FROM UNCONSTITUTIONAL ADMINISTRATIVE ACTION, FREE FROM ABUSE OF discretion, depriving to REMEDY. NOT TO BE PUNISHED AS A detainee, due process clause AS SIMILARLY SITUATED. Right to EQUAL PROTECTIONS.

COUNT II, District Court AND COURT OF APPEALS DISREGARDED ADDRESSING 5th AND 14th AMENDMENTS

COUNT III Right to FREEDOM OF SPEECH WHERE PRISON OFFICIALS VIOLATION OF POLICY FOR GRIEVANCE PROCEDURE FOR REMEDYING A COMPLAINT. CURTAILING PRISON GRIEVANCES, CLOSING THEM WITHOUT A ESCALATION TAB DENYING MS. FRANTZ TO VOICE HER Federally protected RIGHTS of deliberate indifference, ACTIONS. STATE ACTORS DENYING THEIR duties TO CONDUCT A RESPONSE. CENSOR GRIEVANCES TO THEIR CHOOSING, IN DENYING POLICY.

PRELIMINARY INJUNCTION(S): (CONCERNING SANE EXAM / MEDICAL TESTING, REFERRAL FROM MS. FRANTZ'S YWCA RAPE COUNSELOR "AS SOON AS POSSIBLE" dated 1-18-2023 DEPRIVED TODAY. AND FAILURE TO PROTECT, CONDUCT OF RETALIATION.

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:

ATTACHED EIGHT PAGES, LIST OF PARTIES

☒ ALL PARTIES do NOT APPEAR
IN THE CAPTION OF THE CASE
ON THE COVER PAGE.

LIST OF PARTIES

CLOSED, APPEAL, PLC4, S2

**U.S. District Court
DISTRICT OF KANSAS (Topeka)
CIVIL DOCKET FOR CASE #: 5:23-cv-03246-JWL**

Frantz (ID 124145) v. Kansas, State of et al
Assigned to: District Judge John W. Lungstrum
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/17/2023
Date Terminated: 02/26/2024
Jury Demand: None
Nature of Suit: 555 Habeas Corpus (Prison
Condition)
Jurisdiction: Federal Question

Plaintiff

Barbara Marie Frantz
124145

represented by **Barbara Marie Frantz**
124145
Topeka Correctional Facility
815 SE Rice Road
Topeka, KS 66607
Email: KDOC_court_file_tcf@ks.gov
PRO SE
Bar Number:
Bar Status:

V.

Defendant

~~Kansas, State of~~ KDOC, SECRETARY OF CORRECTIONS, et al.
JEFF ZMUDA

Defendant

Jeff Zmuda
*Secretary of Corrections, Kansas
Department of Corrections, in his
individual and official capacity*

Defendant

Gloria Geither
*Warden, Topeka Correctional Facility, in
her individual and official capacity*

Defendant

David McCabe
*Acting Warden, Topeka Correctional
Facility, in his individual and official
capacity*

Defendant

Ryan Shanks
EAI, Topeka Correctional Facility, in his

individual and official capacity

Defendant

Joshua Winkleman

*EAI, Topeka Correctional Facility, in his
individual and official capacity*

Defendant

Cathy Robinson

*Director of Health Care Services, Kansas
Department of Corrections, in her
individual and official capacity*

Defendant

Centurion

*Medical Contracted Provider for Topeka
Correctional Facility*

Defendant

Michelle Calvin

*Centurion Medical Health Services
Administrator, in her individual and
official capacity*

Defendant

Jena Lee

*MD, Centurion Medical Provider, in her
individual and official capacity*

Defendant

April Farrell

*APRN, Centurion Medical Provider, in
her individual and official capacity*

Defendant

Sara Hart

*APRN, Centurion Medical Provider, in
her individual and official capacity*

Defendant

Gregory Erb

*MD, Centurion Medical Provider, in his
individual and official capacity*

Defendant

Scott Logan

*MD, Global Diagnostic Services
Provider, in his individual and official*

capacity

Defendant

Francisco Correa

*MD, Cotton O'Neil Endocrinology, in his
individual and official capacity*

Defendant

Andrew Dedeke

*Sheriff, Leavenworth County Sheriff's
Office, in his individual and official
capacity*

Defendant

Michelle (Inu)

*Physician Assistant, Leavenworth County
Jail, in her individual and official
capacity
also known as
Jane Doe*

Defendant

Melissa Wardrop

*LPN, Leavenworth County Jail, in her
individual and official capacity*

Defendant

Jane and John Does

*Leavenworth County Sheriff Officers,
involved 7-24-17 through 7-25-17
Operations of the Jail, in their individual
and official capacity*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
11/17/2023	<u>1</u>	COMPLAINT (missing Appendix 8) filed by Plaintiff Barbara Marie Frantz. (Attachments: # <u>1</u> Appendix 1, # <u>2</u> Appendix 2, # <u>3</u> Appendix 3, # <u>4</u> Appendix 4, # <u>5</u> Appendix 5, # <u>6</u> Appendix 6, # <u>7</u> Appendix 7, # <u>8</u> Appendix 9, # <u>9</u> Appendix 10, # <u>10</u> Appendix 11, # <u>11</u> Appendix 12, # <u>12</u> Appendix 13, # <u>13</u> Proposed Summons) (smnd) (Entered: 11/17/2023)
11/17/2023	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Plaintiff Barbara Marie Frantz. NOTE – Access to document is restricted pursuant to the courts privacy policy. (Attachments: # <u>1</u> Inmate Account Statement, # <u>2</u> Order in Case No. 21-3117-SAC) (smnd) (Entered: 11/17/2023)
11/17/2023	<u>3</u>	MOTION to Appoint Counsel by Plaintiff Barbara Marie Frantz. (smnd) (Entered: 11/17/2023)

RELATED CASES

- 1.) STATE V. FRANTZ, NO. 17-CR-92, DISTRICT COURT OF LEAVENWORTH CO.-KS
JUDGMENT JULY 14, 2020
- 2.) FRANTZ V. DEDEKE NO. 17-CV-316 HABEAS K.S.A. 60-1501 LVCO, KS
JUDGMENT JAN., 2018
- 3.) FRANTZ V. DEDEKE, NO. 20-CV-34 HABEAS K.S.A. 60-1501 LVCO, KS
- 4.) STATE V. FRANTZ, NO. 123,096 KS SUPREME COURT
- 5.) FRANTZ V. STATE, NO. 23-CV-29 DISTRICT COURT OF LEAVENWORTH, CO. KS
JUDGMENT PENDING HABEAS K.S.A. 60-1507 ; ACQUITTAL

US DISTRICT COURT OF KANSAS

- 6.) FRANTZ V. STATE OF KANSAS, et al. NO. 21-3117-SAC
JUDGMENT 2022
- 7.) FRANTZ V. STATE OF KANSAS NO. 22-3014 US COURT OF APPEALS
TENTH CIRCUIT JUDGMENT 2022
- 8.) FRANTZ V. STATE OF KANSAS NO. 5121 SUPREME COURT OF THE U.S.
JUDGMENT SEPT 2023

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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 FRANTZ V. KANSAS, et al.; 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 FRANTZ V. KANSAS, et al.; 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 SEPTEMBER 17, 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

FIRST AMENDMENT OF THE CONSTITUTION, FREEDOM OF SPEECH AND ASSOCIATION

FIFTH AMENDMENT OF THE CONSTITUTION, BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY,
WITHOUT DUE PROCESS OF LAW

EIGHTH AMENDMENT OF THE CONSTITUTION, CRUEL AND UNUSUAL PUNISHMENTS INFLICTED

FOURTEENTH AMENDMENT OF THE CONSTITUTION, ALL PERSONS BORN OR NATURALIZED IN THE
UNITED STATES, AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED
STATES AND OF THE STATES 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.

28 C.F.R. PART 115, FEDERAL JAIL AND PRISON PREA STANDARDS

K.S.A. 60-1501, UNLAWFUL DETAINMENT IN VIOLATION OF FEDERALLY PROTECTED RIGHTS

K.S.A. 75-5210 (C) PRISONERS RIGHT TO MEDICAL CARE

STATEMENT OF THE CASE

EXCEPTIONAL CIRCUMSTANCES

Plaintiff, MS. FRANTZ, by pro se, granted forma pauperis by U.S. COURT OF APPEALS FOR THE TENTH CIRCUIT ON SEPT 17th, 2024 AFFIRMING U.S. DISTRICT COURT dismissal. COURTS ERRED IN FED. R. CIV. P. 8 (a)(2)

FACTS OF THE CASE

MS. FRANTZ WRONGFULLY INCARCERATED 1-28-2017 WITH FRAUDULENT PROBABLE CAUSE AFFIDAVIT, ARGUED IN K.S.A. 60-1507 STATE HABEAS, LEAVENWORTH CO. KANSAS DISTRICT COURT CASE NO. 2023-CV-29, PENDING. ACTUAL INNOCENCE. AND UNLAWFUL DETAINMENT. MALICIOUS PROSECUTION.

MS. FRANTZ DETAINED HAVING PRE-ARREST MEDICAL CONDITIONS OF TUMORS BIOPSED IN HER STOMACH AND BLADDER. TUMORS DERIVED FROM A MEDICAL ERROR.

- ON 3-6-17, MEDICAL EVALUATIONS FOR EVALUATING MS. FRANTZ FOR SEEING IF SHE WAS FULL OF TUMORS. MS. FRANTZ DID NOT RECEIVE THIS COURT ORDER AND SHOWS OF HER DENIED DISCOVERY REQUEST DUE TO "CRIMINAL INVESTIGATION RECORDS" (APPENDIX F) MS. FRANTZ WAS, PRE-ARREST, WHISTLEBLOWING ON THE MEDICAL ERROR, CAUSING CONCEALMENT OF THE SEVERITY OF HER ORGAN DAMAGE, OF TUMORS AND SUCH OTHER DIAGNOSES. INFERENCE DRAWN OF CONCEALMENT OF TUMORS, SOME BIOPSED AND SOME CONCEALED.
- ON 3-22-17, MS. FRANTZ SENT FOR COMPETENCY EVALUATION AT LARNED STATE HOSPITAL WHICH DIAGNOSED HER DELUSIONAL DISORDER FOR BELIEVING SHE "WAS FULL OF TUMORS," EVEN THOUGH SHOWING OF TUMORS BIOPSED IN HER STOMACH IN 2015. THESE TUMORS LEFT UNATTENDED SINCE HER INCARCERATION, 1-28-17, BY ACT OF DELIBERATE INDIFFERENCE FOR CONCEALMENT. (APPENDIX I) DELUSIONAL DISORDER DIAGNOSIS REMOVED BY CENTURION BEHAVIORAL HEALTH STAFF MS. ALEX KRAFT, LMLP FROM HER STATEMENTS, LSH GAVE TO HER FALSELY. THIS REMOVAL OF DIAGNOSIS IN DEC-2020 AFTER INTAKE AT TCF.

- ON 7-24-2017, MS. FRANTZ SUFFERED PHYSICAL AND SEXUAL ASSAULTS BY LEAVENWORTH CO- KS SHERIFFS' OFFICERS WHILE HOUSED IN A 24 HOUR VIDEO RECORDED MEDICAL HOLDING CELL. SHE SUFFERED SUBSTANTIAL INJURIES TO HER HEAD, BUTTOCKS AND AROUND HER RECTUM. A SKULL FRACTURE HAVING HEAD TRAUMA, WAS UNCONSCIOUS OVER 24 HOURS AND RAPED WITH INJURIES WHILE OVER 24 HOURS OF UNCONSCIOUSNESS, UNDER VIDEO MONITORING.

NEW -
EVIDENCE

7-24-17 SHERIFF'S INJURY TO INMATE REPORT SHOWING MS. FRANTZ "UNRESPONSIVE" AND SHE "SHOOK LIKE SHE WAS HAVING A SEIZURE". STATED, MEDICAL WAS "CALLED" WITH NO REPORTS OF HER BEING SEEN BY MEDICAL NOR PROVIDED EMERGENCY MEDICAL ATTENTION OF SUBSTANTIAL INJURIES. 7-24-17 MS. FRANTZ WAS A DISABLED DETAINEE SUFFERING, CRUEL AND UNUSUAL PUNISHMENTS AN UNNECESSARY AND WANTON INFLECTION OF PAIN NEEDLESSLY. COMPLETELY DEPRIVED HER MEDICAL CARE BY DELIBERATE INDIFFERENCE. DENIED: PREA COMPLAINT FOR INVESTIGATION, SANE EXAM, MEDICAL CARE FOR PREA INJURIES. VIOLATIONS OF CONSTITUTIONAL RIGHTS OF THE FOURTEENTH AMENDMENT. SUFFERING CRUEL AND UNUSUAL PUNISHMENTS, due PROCESS OF LAW AND EQUAL PROTECTION CLAUSE FOR, FEDERAL PREA STANDARDS 28 C.F.R. PART 115. PRISON OFFICIALS WORKING UNDER A COLOR OF STATE LAW FAILED IN THEIR DUTY TO (ACT) CARRY OUT A POLICY OR PRACTICE, THAT LEAD TO VIOLATIONS OF FEDERALLY PROTECTED RIGHTS, by defendant SHERIFF ANDREW DEDEKE, defendants JOHN-SANE DOES, AND MEDICAL PERSONNEL defendants IN LEAVENWORTH CO- JAIL. COMMON KNOWLEDGE, SERIOUS MEDICAL NEEDS OF BEING "UNRESPONSIVE" AND SIGNS OF A SEIZURE. SUFFICIENT EVIDENCE WITH NO MEDICAL PERSONNEL ON DUTY OFFEND... "EVOLVING STANDARDS OF DECENCY" IN VIOLATION OF THE 14th AMENDMENT. CONCEALMENT OF PREA, P/S ASSAULTS BY STAFF, A CULPABLE STATE OF MIND. Acted with AN ATTITUDE OF DELIBERATE INDIFFERENCE.

MS. FRANTZ A PRE-TRIAL DETAINEE PROTECTION OF PROCEDURAL DUE PROCESS CLAIM SHE WAS SUBJECTED TO PREA, PHYSICAL AND SEXUAL ASSAULTS BY STAFF WAS CLEARLY ESTABLISHED, SUBSTANTIAL DUE PROCESS VIOLATIONS, RESULTING FROM MS. FRANTZ CLOSED CUSTODY IN THESE CIRCUMSTANCES.

BEIL V. WOLFISH, 441 U.S. 520, 535, 99 S. Ct. 1861, 69 L. Ed. 447 (1979).

OPEN INVESTIGATION ((U.S. DEPT. CIVIL RIGHTS DIVISION, PREA REF. NO. 168-29-0-ECATS, 2023-193101))

RESULTED FROM A POLICY, CUSTOM OR PRACTICE, WAS GIVEN FAIR NOTICE TO DEFENDANTS UNDER HABEAS K.S.A. 60-1501 CASE NO. 20-CV-34. RIGHT NOT TO BE PUNISHED AS A DETAINEE, PROHIBITION OF CRUEL AND UNUSUAL PUNISHMENTS. WRIGHT V. PENZONE, 2022 U.S. APP. LEXIS 6926 (APPENDIX).

K.S.A. 60-1501 HABEAS WAS DENIED PROCEDURAL DUE PROCESS OF THE 14TH AMENDMENT.

- THE U.S. DISTRICT COURT ERRED WHEN IT FAILED TO APPLY DEFENDANTS FROM LEAVENWORTH CO. KANSAS JAIL VIOLATED HER FOURTEENTH AMENDMENT RIGHTS UNDER PROCEDURAL DUE PROCESS CLAIM, EIGHTH AMENDMENT CRUEL AND UNUSUAL PUNISHMENTS, EQUAL PROTECTION CLAUSE OF THE FOURTEENTH.
- MS. FRANTZ'S SKULL SWELLING BEGAN SHOWING IN CO. JAIL EARLY 2020 THAT HER SUBSTANTIAL SYMPTOMS, SERIOUS AND OBVIOUS, WERE COMPLETELY IGNORED, DENIED ACCESS A PHYSICIAN FOR ADDRESSING SUCH A SERIOUS MEDICAL NEED. THAT ANY REASONABLE PERSON WOULD KNOW THE SUBSTANTIAL RISK TO MS. FRANTZ HEALTH AND SAFETY WERE OBVIOUS TO A LAYPERSON THE NECESSITY FOR A DOCTOR'S ATTENTION. (APPENDIX C) MS. FRANTZ'S PHOTO, 12-29-21 AT TOPEKA CORRECTIONAL FACILITY. THE SHOWING SUFFICIENT PERMANENT INJURY MALICIOUSLY AND SADISTICALLY IGNORED. RECKLESSLY.

1983 PRISON CONDITIONS, EXCEPTIONAL CIRCUMSTANCES

WARRANT RELIEF

- SHERIFF DEDEKE FAILED TO ACT ON THE ABUSES AND FORCED HER TO STAY AROUND HER ABUSER'S. SKULL SWELLING FORCING HER LEFT EYE - EAR UPWARD WENT ALSO DENIED MEDICAL CARE, ALTHOUGH HER HAVING HEALTH CARE INSURANCE TO COVER THE COST, HER BEING DENIED ACCESS TO PHYSICIANS THROUGHOUT THE 3 1/2 YEARS OF DETAINMENT IN LVCO, KS JAIL UNDER SHERIFF ANDREW DEDEKE, IN VIOLATION OF FEDERALLY PROTECTED RIGHTS / FOR FEDERAL PREA STANDARDS 28 C.F.R. PART 115. (INVESTIGATION - SAME EXAM - MEDICAL)
- ON 7-23-2020, MS. FRANTZ INTAKE AT TOPEKA CORRECTIONAL FACILITY, TCF. MS. FRANTZ REPORTING 7-24-17 PREA, TO TCF AND CENTURION STAFF, ON ON 7-23-2020, INTAKE DAY WENT IGNORED UNTIL 8-6-2020.
- MS. FRANTZ STATES SHE REPORTED TO TCF WARDEN GLORIA GEEHER AND CENTURION MEDICAL PROVIDERS OF ONGOING MEDICAL CONDITIONS BEING SUFFICIENTLY SERIOUS, AND PERMANENT INJURIES BY SHERIFF'S STAFF, WORSENING. THE INJURY AND ILLNESS CONTINUES TO WORSEN AS SHE REPORTED TO SICK CALLS AND KDOC GRIEVANCE PROCEDURE. MEDICAL TESTING WARRANTED CENTURION MEDICAL PROVIDERS TO ORDER 2-2-2021, FOR CONSULTS, OF, GI AND ENT, AND APRIL OF 2021 FOR ABDOMINAL MRI, WHICH ACCESS TO MEDICAL PERSONNEL CAPABLE TO EVALUATE MS. FRANTZ TO FULFILL THEIR 'GATEKEEPER ROLE'. THIS DEPRIVATION FOR ACCESSING SPECIALISTS AND EXTENSIVE MEDICAL TESTING CONTINUES TO BE DENIED TO MS. FRANTZ BY DELIBERATE INDIFFERENCE FOR CONFINEMENT PURPOSES. AS KDOC - TCF - CENTURION CANCELLING SEVERAL OFFSITE APPOINTMENTS, IN VIOLATION OF FEDERALLY PROTECTED RIGHTS FOR ADEQUATE MEDICAL CARE, ALTHOUGH MS. FRANTZ REPORTING EXTREME PAIN, DEBILITATING, DENYING HER WORK AND ACTIVITIES FOR SUCH SUFFICIENTLY SERIOUS MEDICAL NEEDS, BEING VISIBLE BY PHYSICAL APPEARANCE, OBVIOUS PHYSICAL DETERIORATION EXISTS. A CULPABLE STATE OF MIND TO DEPRIVE "GATEKEEPER ROLE". (APPENDIX G, H, I)

CAUSAL RELATIONSHIPS: ON-going DEPRIVATIONS FOR SUBSTANTIALLY SERIOUS MEDICAL NEEDS, LEAVENWORTH CO. JAIL DETAINMENT TO TOPEKA CORRECTIONAL FACILITY. THE OBVIOUS SUBSTANTIAL RISK OF SERIOUS HARM. VISIBLE BY PHYSICAL APPEARANCE AND OBVIOUS PHYSICAL DETERIORATION.

DELIBERATE INDIFFERENCE STANDARD, FARMER V. BRENNAN, 511 U.S. 825

- OBJECTIVELY - MS. FRANTZ'S MEDICAL NEED SUFFICIENTLY SERIOUS THAT EVEN A LAYPERSON WOULD EASILY RECOGNIZE THE NEED FOR A DOCTOR'S ATTENTION.
(6) SIX SWORN DECLARATION WITNESS STATEMENTS IDENTIFYING MS. FRANTZ'S SKULL SWELLING DISFIGURING HER FACE. TWO OF WHICH KNOWN HER IN COUNTY JAIL, BEFORE HER TCF INTAKE, KNOWING HER PRIOR TO HER SKULL SWELLING. ANY REASONABLE PERSON WOULD KNOW THAT SKULL SWELLING WOULD BE SUFFICIENTLY SERIOUS NEEDING SERIOUS MEDICAL CARE. HEAD TRAUMA BEING COMPLETELY AND UTTERLY DEPRIVED. SITOCKING AND INTOLLERABLE CONDUCT, DENIED MEDICAL CARE, RECKLESSLY IGNORED SYMPTOMS. PERMANENT INJURY DANGERING MS. FRANTZ LIFE, A SERIOUS RISK OF HARM, CALLOUSLY DELIBERATE INDIFFERENT BY DEFENDANTS PROLONGING PAIN AND SUFFERING, PROHIBITION OF THE EIGHTH AND FOURTEENTH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES. HUNT V. UPHOFF, 199 F.3d 1220, 1224 (10th CIR. 1999) QUOTING RAMOS V. LAMM, 639 F.2d 559, 575 (10th CIR. 1980)
- SUBJECTIVELY - PRISON OFFICIALS, MEDICAL PERSONNEL KNOWING OF AND RECKLESSLY DISREGARDING SUCH SUBSTANTIAL RISK OF SERIOUS HARM. "OBVIOUS" TO THE LAYPERSON PROVIDED TO DEFENDANT'S IN MEDICAL SICK CALLS, GRIEVANCES HABEAS K.S.A. 60-1501 LVCO, KS CASE NO. 20-CV-34. 1983 PRISON CONDITIONS LAWSUITS. DEFENDANTS GIVEN FAIR NOTICE OF THE EXCESSIVE RISK TO HER HEALTH AND SAFETY, TO REDRESS FEDERALLY PROTECTED RIGHTS.

CULPABLE STATE OF MIND, FROM CRUCIAL ELEMENTS.

- CIRCUMSTANTIAL EVIDENCE OF PHOTO'S OF MS. FRANTZ' FACIAL DISFIGUREMENT; AND 6 (SIX) SWORN DECLARATION STATEMENTS FROM RESIDENTS OF TCF, WHICH SOME, KNOWING MS. FRANTZ IN CO. JAIL BEFORE HER SKULL SWELLING DISFIGURING HER FACE FROM PERMANENT INJURY, BEING SUFFICIENTLY SERIOUS MEDICAL NEEDS, BEING DEPRIVED, WITNESSED MS. FRANTZ' SEVERELY DISTENDED HERNIATED ABDOMEN DENYING HER TO BEND OR TWIST. EDEMA PITCHING ON HER LEGS ALL CAUSING HER NEEDLESS PAIN AND SUFFERING, FOR SUCH A LONG PERIOD OF TIME. CONCEALING TO CONCEAL SUCH CONSTITUTIONAL DEPRIVATION LEAVING HER LEFT UNATTENDED TO CONCEAL THE ON-SET. INFERENCE COULD BE DRAWN THAT A SUBSTANTIAL RISK OF SERIOUS HARM EXISTS TO AVOID VIOLATIONS OF MS. FRANTZ CONSTITUTIONAL RIGHTS, UNDER 8TH AND 14TH AMENDMENTS OF THE CONSTITUTION OF THE UNITED STATES. THE RISK OBVIOUS IN CIRCUMSTANTIAL EVIDENCE AND ACTIONABLE UNDER DELIBERATE INDIFFERENCE. KNOWLEDGE BY DEFENDANT'S WHERE THEY CANCELLED DOCTORS ORDERS, DENYING REFERRALS, BEING AWARE OF BY WITNESSING HER PHYSICAL DEGRADATION AS SHE HOLDS HER ABDOMEN TO WALK, FOR SEVERAL YEARS NOW, NOT ATTENDING ACTIVITIES, YARD-QYM, NOR DAY ROOM. REPORTING HER BEING FORCED TO LAY 18-20 HOURS A DAY TO HELP CONTROL HORRIFIC DEBILITATING PAIN SHE SUFFERS. EXTREME CASE OF CRUEL AND UNUSUAL PUNISHMENTS. MALTREATMENT OF A CONSTITUTIONAL STATUTE. AN INJURY AND ILLNESS THAT WOULD CHILL A PERSON OF ORDINARY FIRMINESS FROM CONTINUING TO ENGAGE IN THAT ACTIVITY. DENYING AND DELAYING ADEQUATE MEDICAL CARE TO DEPRIVE FEDERALLY PROTECTED RIGHTS, CAUSING PERMANENT INJURY.

SHERIFF STAFF AND MEDICAL PERSONNEL CULPABLE STATE OF MIND, MS. FRANTZ STATES JAIL DEFENDANT'S, WERE, AND WAS AWARE, OF THE SUBSTANTIAL RISK OF SERIOUS HARM WHERE SUBSTANTIAL INJURY LEAVING MS. FRANTZ "UNRESPONSIVE" IN THE CO-JAIL WITH NO MEDICAL PERSONNEL ON-SITE AND LEFT UNATTENDED FOR EMERGENCY MEDICAL CARE, WHICH WOULD HAVE EXPOSED THE SERIOUS INJURIES SHE WOKE-UP TO HAVING, FROM HER JUST OVER 24 HOURS OF UNCONSCIOUSNESS, FROM ASSAULTS. MS. FRANTZ EXTENSIVE HABEAS K.S.A. 60-1501 AGAINST SHERIFF ANDREW DEDEKE IN LVCO, KS DISTRICT COURT CASE NO. 2020-CV-34 SHOWING OVER 600 PAGES OF GRIEVANCES, DOCUMENTATION SUPPORTING HER CLAIMS OF CRUEL AND UNUSUAL PUNISHMENTS, DENIAL OF EQUAL PROTECTION CLAUSE, HABEAS WAS DENIED PROCEDURAL DUE PROCESS OF LAW. SUBSTANTIAL CONSTITUTIONAL CLAIMS FOR RELIEF. FURTHERMORE, ONGOING TO TOPEKA CORRECTIONAL FACILITY OF THE SUBSTANTIAL RISK OF SERIOUS HARM WHERE SO VISIBLE BY PHYSICAL APPEARANCE, OBVIOUS PHYSICAL DETERIORATION, A CONCLUSION THAT A LAY PERSON, WITHOUT MEDICAL TRAINING COULD REACH, EVEN WITHOUT KNOWING A SPECIFIC DIAGNOSIS. CAUSAL RELATIONSHIP KDOC-TCF-CENTURION MALICIOUS RECKLESS DISREGARD, ABUSE OF DISCRETION, AND DELIBERATE INDIFFERENCE, IN ALLOWING SUCH HORRIFIC DEBILITATING PAIN AND SUFFERING FOR SUCH A LONG PERIOD OF TIME, CAIOUSLY DEPRIVING MS. FRANTZ CONSTITUTIONALLY ADEQUATE MEDICAL CARE. STATEMENTS OF A CULPABLE STATE OF MIND WITH STATEMENTS TO INFLECT INTENTIONAL EMOTIONAL DISTRESS WITH STATEMENTS OF THESE BEING "OLD MEDICAL COMPLAINTS", "OLD ISSUES WILL NO LONGER BE - DISCUSSED". (G) HSA MICHELIE CALVIN, LCP STATING REPEATEDLY, THAT SHE "FOCUS' ON THINGS WHICH THERE IS NO CLINICAL EVIDENCE". (APPENDIX F, G, I).

MS. FRANTZ INTAKE AT TOPEKA CORRECTIONAL FACILITY 7-23-2020

QUARANTINED FOR TWO WEEKS UNTIL 8-6-2020, PREA REPORTED AGAIN TO TCF STAFF AND CENTURION BEHAVIORAL HEALTH STAFF. NARRATIVE PREA GIVEN FOR INVESTIGATION.

- CENTURION TESTING 9-2-2020 BTX IMAGING OF 8-10 X-RAYS OF HER HEAD, SEVERAL X-RAYS OF HER CHEST AND ABDOMEN.
NO RESULTS PROVIDED TO MS. FRANTZ
- CENTURION TESTING 10-16-2020 OF ULTRA SOUND OF HER NECK, CLAVICAL, ABDOMEN BY GLOBAL DIAGNOSTIC SERVICE - NO RESULTS PROVIDED TO MS. FRANTZ.
- LATE SEPTEMBER 2020, CENTURION BEHAVIORAL HEALTH STAFF MS. ALEX KRAFT, LMICP STATING TO MS. FRANTZ, SHE WAS AUTHORIZED BY HER BOSS MICHELLE CALVIN, LCP, SHE WAS ALLOWED TO TELL MS. FRANTZ THAT MEDICAL DEPT. HAD SCHEDULED HER FOR A CONSULT FOR EAR-NOSE-THROAT APPOINTMENT. THIS CONSULT, FOR ENT CONSULT, NOT PROVIDED TO MS. FRANTZ, TO DATE.
RECKLESSLY IGNORED, SYMPTOMS - GATEKEEPER ROLE
- NOVEMBER 2020, MS. FRANTZ'S SICK CALLS AND GRIEVANCE RESPONSES WAS TO BE PATIENT, THAT "SEVERAL OUTSIDE APPOINTMENTS ARE SCHEDULED," FOR HER COMPLAINTS OF STABBING PAINS IN HER EYES-HEAD-EARS, NOT BEING ABLE TO BEND OR TWIST FROM EXTREME PAIN, WITH HER ABDOMEN BEING SEVERELY DISTENDED-HERNIATED (MORE SWOLLEN TO HER LEFT SIDE) WHERE BIOPSIES OF TUMORS IN HER STOMACH IN 2015 LEFT UNATTENDED. HER NOSE BLEEDS, WITH HER SKULL SWELLING FORCING HER LEFT EYE-EAR MOVED UPWARD, SKULL KNOTS. EXTREME WEAKNESS, EDEMA PITTING IN HER LEGS.

KNOTS ON HER NECK AND CLAVICLAE. PAIN IN HER KIDNEYS. RINGING IN HER EARS, DOUBLE VISION. SCALP ITCHING, CHRONIC-ONGOING FROM CO-JAIL. AS OF TODAY, THE ONLY SPECIALISTS OF ENDOCRINOLOGY AND OPTOMETRY WHICH CENTURION HAS SCHEDULED MS. FRANTZ FOR SEEING. THIS DENYING MS. FRANTZ REPEATED REQUEST FOR SEEING GI, UROLOGY, ENT FOR CONSULTS. CONSTANT AND CHRONIC PAIN DEBILITATING FOR SUFFICIENT-SUBSTANTIAL MEDICAL NEEDS, PERMANENT INJURY, WORSENING, BY CARELESS DISREGARD.

- MS. FRANTZ HAVING HER LEFT EAR FLUSHED ON 1-24-2021 RESULTED CENTURION MEDICAL PROVIDER DR. JENA LEE, MD TO ORDER MS. FRANTZ ENT CONSULT, ALSO ORDERING GI CONSULT FROM PROVIDER VISIT 2-2-2021.

AGAIN, THESE SPECIALISTS CONSULTS HAVE NOT BEEN PROVIDED TO MS. FRANTZ TODAY, DENYING AND DELAYING MEDICAL CARE - GATEKEEPER ROLE.

CULPABLE STATE OF MIND, BY INDIFFERENCE TO GATEKEEP.

- ON 2-19-2021 AND 2-26-2021 PROVIDER DR. JENA LEE, MD ORDERED ULTRASOUNDS OF MS. FRANTZ ABDOMEN AND PELVIS BY GLOBAL DIAGNOSTIC SERVICES. RESULTS STATED BY DR. JENA LEE, MD WAS FATTY LIVER AND RIPPLES AROUND HER LIVER. April 2021, BEHAVIORAL STAFF MS. ALEX KRAFT, LMCP, REPORTING TO MS. FRANTZ'S CONCERNS, OF, A CONCEALMENT TO HER LIVER. MS. KRAFT, LMCP RESPONSE WAS, "LIKE THE FACILITY ONLY REPORTING ON ONE TUMOR ON YOUR LIVER WHEN THERE ARE SIX (6) TUMORS ON YOUR LIVER". CENTURION MEDICAL PROVIDER DR. JENA LEE, MD ORDERING MS. FRANTZ FOR ABDOMINAL MRI IN APRIL 2021. DENIED BY POLICY. MS. FRANTZ CONTINUES, TO THIS DAY, TO BE DENIED THIS DOCTOR ORDERED MRI FOR HER ABDOMINAL COMPLAINTS CONTINUING, CAUSING HER TO BE DEBILITATED. FORCING HER TO LAY 18-20 HOURS A DAY, BY DELIBERATE INDIFFERENCE.

THROUGH-OUT YEAR 2021 MS.FRANTZ GRIEVANCE RESPONSE'S FROM CENTURION MEDICAL DEPT. HSA MICHELLE CALVIN, LCP WAS "AS FAR AS YOUR OFFSITE APPOINTMENTS, THEY HAVE BEEN SCHEDULED". 9-21-2021

- MS.FRANTZ PROVIDER APPOINTMENTS WITH ENDORINOLOGY AND OPTOMETRIST: 1-18-2021, 2-10-2021 AND 3-3-2021 WITH ENDOCRINOLOGISTS DR. CORREA WHICH ORDERED 1-28-2021 FOR NEW THYROID US TO BE DONE AT STORMONT VAIL. AND 2-10-2021 APPOINTMENT ORDERED MEDICATIONS LISTED ON 1-28-2021 MEDCOM REPORT NOT DISCUSSED WITH MS.FRANTZ. US FOR THYROID AT STORMONT VAIL NEVER COMPLETED.
3-24-2022, 6-8-2023, 7-27-2023 AND 7-25-2024 WITH OPTOMETRIST FOR TCF DR. RANDY DYCK VISITS. 3-24-2022 DR.DYCK MADE REFERRAL FOR MS.FRANTZ AN MRI OF HER HEAD. AGAIN, MADE REFERRAL FOR MRI ON 7-27-2023 VISIT. THIS REFERRAL FOR MRI HAS NEVER BEEN PROVIDED TO MS.FRANTZ. DEFENDANT'S ACTIONS TO DEPRIVE DOCTOR REFERRAL, SERIOUS SYMPTOMS OBVIOUS FOR A LONG PERIOD OF TIME, OBVIOUS.
- GRIEVANCE RESPONSE DATED 5-6-2022 # 176711652 FROM HSA MICHELLE CALVIN, LCP STATES "SEVERAL APPOINTMENTS WITH OFFSITE PROVIDERS HAD TO BE CANCELLED AS A RESULT OF HER DECISION".
HSA MS-CALVIN REPORTS "MS.FRANTZ HAS RECEIVED EXTENSIVE MEDICAL TESTING", THEN GOES ON TO STATE, "MS.FRANTZ HAS REFUSED TO PARTICIPATE IN REQUIRED TESTING OR ASSESSMENTS"... ALSO BLAMING MS.FRANTZ BEHAVIOR, SEVERAL PRIVATE PRACTICE PHYSICIANS HAVE DECLINED TO SEE HER FURTHER.

DELIBERATE INDIFFERENT STATE OF MIND, KNOWING SUBSTANTIAL HARM EXISTS FOR DEPRIVING ACCESS TO SPECIALISTS FOR VITAL ORGANS. CLINICALLY INDICATED FOR GATEKEEPER ROLE. (APPENDIX F, I).

MS. FRANTZ HAS NEVER BEEN WRITTEN UP NOR ADMONISHED DURING OR AFTER ANY PRIVATE PRACTICE PROVIDER APPOINTMENTS, ONLY SEEN OFFSITE BY ONE PROVIDER WHICH IS DR. CORREA, DR. CORREA UNDER INVESTIGATION.

HERE, INFERENCE CAN BE DRAWN FROM INVESTIGATIONS :

- LATE 2021 MS. FRANTZ FILED COMPLAINTS TO KANSAS BOARD OF HEALING ARTS AGAINST NINE (9) MEDICAL PROVIDERS, PAST AND PRESENT. PAST MEDICAL PROVIDERS ARE UNDER FBI INVESTIGATION REF. NO. SB301690224 FOR CONCEALING THE SEVERITY OF HER ORGAN DAMAGE CAUSED FROM A MEDICAL ERROR FROM PRE-ARREST THAT TUMORS BIOPSED IN HER STOMACH (2015) AND BLADDER (2014), DIAGNOSED IN (2016) TO HER KIDNEYS, HAVE BEEN COMPLETELY DEPRIVED MEDICAL CARE, LEFT UNATTENDED BY DELIBERATE INDIFFERENCE, DESPITE HER CHRONIC AND DEBILITATING PAIN AND SUFFERING AND PERMANENT INJURY WORSENING FROM SUCH EXTREME, SUBSTANTIAL AND SUFFICIENT, DEPRIVATION FOR SUCH A LONG PERIOD OF TIME. VISIBLE BY PHYSICAL APPEARANCE. (APPENDIX)

KANSAS STATE BOARD OF HEALING ARTS COMPLAINTS

CENTURION	NOV. 30 th , 2023	COMPLAINT AGAINST GREGORY L. ERB, MD	NO. C-57712
CENTURION	NOV. 27 th , 2023	COMPLAINT AGAINST JENA J. LEE, MD	NO. C-56549
Global DIA-SEC	NOV. 27 th , 2023	COMPLAINT AGAINST SCOTT D. LOGAN, MD	C-56550
Endocrinology	NOV. 27 th , 2023	COMPLAINT AGAINST FRANCISCO J. CORREA, MD	C-57247
UROLOGY	NOV. 27 th , 2023	COMPLAINT AGAINST TOMAS L. GRIEBLING, MD	C-57835
GI	NOV. 27 th , 2023	COMPLAINT AGAINST SEYED M. OLYAEE, MD	C-57244
GI	NOV. 27 th , 2023	COMPLAINT AGAINST ELENA I. SIDORENKO, MD	C-57245
Radiologists	NOV. 27 th , 2023	COMPLAINT AGAINST DANIEL E. HATFIELD, MD	C-57246
PCP	NOV. 27 th , 2023	COMPLAINT AGAINST TINA L. SOITYS, MD	C-57832

6-6-2023 U.S. DEPT. OF JUSTICE CIVIL RIGHTS PREA REFNO. 168-29-0-ECATS-2023-193101

- MS. FRANTZ MEDICAL COMPLAINTS OF VAGINAL ITCHING HAS SPREAD TO HER RECTUM AND LEFT BREAST. HER MEDICAL COMPLAINTS TO APRN, APRIL FARRELL WHICH SEEN MS. FRANTZ IN 2020 STARTING WITH ONGOING GYN COMPLAINTS OF VAGINAL ITCHING; AND KNOTS FELT BY EXAM SINCE BEFORE HER INTAKE AT TCF AND CONTINUES, DUE TO SUBSTANTIAL DEPRIVATION OF CALICUS DISREGARD FOR SUCH A LONG PERIOD OF TIME, FOR SYMPTOMS. MS. FRANTZ DENIED HER YEARLY MAMMOGRAM FOR TWO AND A HALF YEARS. MS. FRANTZ FILED COMPLAINTS AGAINST SEVERAL CENTURION NURSES, TO THE KS STATE BOARD OF NURSING, INCLUDING APRN APRIL FARRELL.
- MOST RECENTLY MS. FRANTZ VISITS WITH CENTURION MEDICAL PROVIDER DR. GREG ERB, MD 7-12-2023, 10-3-2023 AND 1-29-2023. CHRONIC CARE VISITS. 7-12-2023 TWO HOUR VISIT SEVERAL PHYSICAL EXAMS, DR. ERB QUESTIONING MS. FRANTZ ABOUT, IF SHE HAS HAD AN MRE OF HER HEAD YET? ACTING IN DISBELIEF SENDING MS. FRANTZ BACK TO OPTOMETRIST DR. DYCK ON 7-27-2023 SPECIFICALLY FOR HER "SKULL SWELLING FORCING HER LEFT EYE-EAR UPWARD." (OPTOMETRY APPT. YIELDED REFERRAL FOR MRI).
 DR. ERB STATED FROM EXAM OF LISTENING TO MS. FRANTZ HEART, THAT HE WOULD ORDER AN ECHOCARDOGRAM. THIS HAS NOT BEEN PROVIDED TO MS. FRANTZ TODAY. CHRONIC CARE VISITS 10-3-23 AND 1-29-23 DR. ERB REFUSED TO PHYSICALLY EVALUATE, REFUSED TO DISCUSS/TREAT COMPLAINTS OF HER REPORTS OF CONSTANT AND CHRONIC HORRIFIC DEBILITATING PAIN. DR. ERB'S STATEMENTS "THAT REGIONAL KEEPS DENYING EVERYTHING" WHEN MS. FRANTZ ATTEMPS TO ADDRESS, WHAT DR. ERB WAS DOING TO INVESTIGATE HER MEDICAL COMPLAINTS. SUBSTANTIALLY SERIOUS SYMPTOMS DISREGARDED, ACTIONS BY DEFENDANTS TO AVOID DELIBERATE INDIFFERENCE.

MS. FRANTZ CURRENTLY BEING DENIED CHRONIC CARE VISITS, DENIED ANNUAL ASSESSMENTS FOR NURSING AND GYN. CENTURION STATE'S OF MS. FRANTZ REFUSAL FOR ASSESSMENTS BEING CHARTED IN HER MEDICAL CHART, BEING FALSELY REPORTED, AND GRIEVANCE COMPLAINTS FOR DENIAL OF ASSESSMENTS WITH WITNESSES, WHICH WOULD REFUTE MS. FRANTZ REFUSING, WITH FURTHER POLICY SHOWS A "DR" FOR DENYING TO SIGN REFUSALS WHICH MS. FRANTZ HAS NEVER RECEIVED ANY DR FOR REFUSING TO SIGN A REFUSAL. DENIED ANNUAL MAMMOGRAM SINCE 1-29-2022. (APPENDIX G, H, I)

- MS. FRANTZ STATES HEALTH CARE PROVIDERS OWES HER A DUTY OF CARE, WHICH OBLIGATES THE PROVIDER TO MEET OR EXCEED A CERTAIN STANDARD OF CARE TO PROTECT HER FROM INJURY. K.S.A. 75-5210 RIGHT TO MEDICAL CARE MS. FRANTZ COMPLETELY DENIED MEDICAL TREATMENT FOR SUBSTANTIALLY SERIOUS MEDICAL NEEDS, RECKLESSLY IGNORING SYMPTOMS THAT ARE MOSTLY VISIBLE WHERE THE RISK IS OBVIOUS. CIRCUMSTANTIAL EVIDENCE OF OBVIOUSNESS IN A MISSED DIAGNOSIS OR DELAYED REFERRAL APPEARS IN CONTEXT INCLUDING (1) RECOGNITION OF INABILITY TO TREAT AND STILL DECLINING OR UNNECESSARILY DELAYING REFERRAL; (2) CONDITION IS SO OBVIOUS A LAYPERSON WOULD EASILY RECOGNIZE IT; OR (3) COMPLETE DENIAL OF CARE IN THE FACE OF A MEDICAL EMERGENCY. HEAD TRAUMA / TUMORS. HERE IN CASE, MS. FRANTZ DENIED EMERGENCY MEDICAL CARE FROM DEFENDANTS WITHIN COUNTY JAIL IS ESTABLISHED IN JAIL DOCUMENTS (APPENDIX C, D, I) FROM REPORTED PHYSICAL AND SEXUAL ASSAULTS, BEATEN UNCONSCIOUS. "UNRESPONSIVE" SHOWN WITH MEDICAL "CALLED" NO MEDICAL PERSONNEL ON DUTY 7-24-17, INJURY TO INMATE REPORT.

VIOLATIONS OF THE FOURTEENTH AMENDMENT A PROHIBITION OF CRUEL AND UNUSUAL PUNISHMENT, VIOLATION OF DUE PROCESS OF LAW AND EQUAL PROTECTION CLAUSE FOR P/S ASSAULTS BY SHERIFF'S STAFF DEPRIVED PREA INVESTIGATION, RAPE EXAM (SANE), AND EMERGENCY MEDICAL CARE. UNDER FEDERAL PREA STANDARDS 28 C.F.R. PART 115, (42 U.S.C § 1997 e (c) AND 28 U.S.C. §§ 1915 (E) (2) 1915 (A). SHOCKING AND INTOLERABLE CONDUCT OF A CONTINUING MISTREATMENT OF A CONSTITUTIONAL STATUTE. MALICIOUS, THAT IT SHOCKS THE CONSCIENCE. MS. FRANTZ ON 7-24-2017 BEING A DISABLED DETAINEE, HOUSED IN A MEDICAL HOLDING CELL WITH 24 HR VIDEO RECORDING. MS. FRANTZ AND FAMILY MEMBERS REPORTED PREA, TO SHERIFF'S DEPT. STAFF, DOCUMENTED IN JAIL KIOSK GRIEVANCE, INJURES TO HEAD, BRUISING WITH CUTS AROUND HER RECTUM DOCUMENTED IN GRIEVANCES. DEFENDANT'S DISREGARD A SERIOUS RISK TO MS. FRANTZ HEALTH AND SAFETY AND FUTURE HEALTH FROM BLUNT FORCE TRAUMA TO HER HEAD CAUSING A SKULL FRACTURE TO THE LEFT SIDE OF HER HEAD WENT COMPLETELY DEPRIVED MEDICAL CARE FOR SUBSTANTIALLY SERIOUS NEEDS WITH CALICIOUS DISREGARD BY DELIBERATE INDIFFERENCE, TO CARE AND CUSTODY.

SCHWENK V. HARTFORD, 204 F.3d 1187, 1197 (9th CIR. 2000)

ESTELLE V. GAMBLE, 429 U.S. 97, 102, 50 L. Ed. 2d 251, 97 S. Ct. 285 (1976).

- LEAVENWORTH CO. KS DEFENDANTS FROM COUNTY JAIL KNOWING AND FAILING TO ACT. PUT ON NOTICE FROM HABEAS K.S.A - 60-1501 CASE NO. 2020-CV-34 CONTINUOUS MISTREATMENTS FOLLOWED THROUGHOUT JAIL DETAINMENT, AND CAUSAL CONNECTION, "AFFIRMATIVE LINK" WITH TOPEKA CORRECTIONAL FACILITY - KDCC - CENTURION - EAT FOR CONTINUING THE CONCEALMENT OF PREA TO IMPEDE, DEPRIVING INVESTIGATION - SANE EXAM AND

Medical Attention and documentation of Substantially Serious Medical Needs Having Permanent Injuries, which MS.FRANTZ suffered by Sheriff's officers causing sufficient harm and took steps to cover-up the physical and sexual assaults to escape criminal charges that are in violation of Federally Protected Rights, Prohibiting Cruel and Unusual Punishments - Wanton infliction of Pain, as guaranteed by the Eighth and Fourteenth Amendments to the United States Constitution. Not to be Punished. *Trfoya v. Salazar*, 516 F.3d 912 (Appendix D)

Sexual Assault (complaint documented in Kiosk dated 9-11-2017 2:27:59 by Major Tim Dedekke states "Your unsubstantiated claim is that you were attacked and physically assaulted by STIFF and or sexually assaulted by STIFF." Also, "You will remain in a room that is monitored 24 hrs a day ..."

Trail Kiosk 7-27-17 17:24:13 shows MS.FRANTZ reporting "the fluid building up on the left side of my head from my injury on Monday."

Monday being 7-24-17 17:28:19 injury to inmate by Sheriff Officer Sibold, B.R. (5047) Report showing no reports for medical care for MS.FRANTZ being "unresponsive."

MS.FRANTZ was denied, and continues being denied substantive due process of law for Federal PREA standards 28 C.F.R. Part 115. MS.FRANTZ, WICK Rape Counselor made on 1-18-2023 for referral for late team sane exam with request for medical testing. Resulting in cruel and unusual punishments and unnecessary and wanton infliction of pain. Permanent injuries exist. (Appendix D)

- All defendants given substantial notice of MS. FRANTZ injury that is objectively "sufficiently serious" were shown in photos of MS. FRANTZ's disfigured face from skull swelling and (b) six sworn declarations of a layperson identifying injury to MS. FRANTZ's skull swelling, two witnesses knowing MS. FRANTZ in co-jail before her skull swelling began showing. Recklessly disregarded the indifference is manifested, not merely by failure or refusal to diagnose and treat her injury properly, but also by the conduct of prison staff. (completely, recklessly disregarding below standards of adequacy. A physician who does not meet minimum standards of competence or diligence or who cannot give adequate care because of an inadequate facilities, then MS. FRANTZ suffers from a breach of the states' constitutional duty, K.S.A. 15-5210 (c).

- District Court erred in dismissing her complaint without allowing her to present evidence on her claims. Erroneously misstating law of a "difference of an opinion". Here in case, no opinion given, for specifically, as to seeking info testing or specialists capable to evaluate such sufficiently serious medical complaints her reporting the injury from 7-24-17 through ongoing current medical complaints continuing. Showing a culpable state of mind by defendant's deliberately indifferent to serious medical needs exposing MS. FRANTZ to substantial risk of serious harm in violation to her constitutional rights to medical care, in violation of Policy and State Statute K.S.A. 15-5210 for medical care.

DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS DEPRIVING HER OF MEDICAL CARE SERVES NO VALID PENOLOGICAL PURPOSES.

DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS CONSTITUTES THE UNNECESSARY AND WANTON INFICTION OF PAIN PERSCRIBED BY THE EIGHTH AMENDMENT. A CLEAR AND PRESENT NEED FOR EQUITABLE RELIEF. ELEMENTS ESTABLISHED AND THE COURTS GREATLY OVERLOOKED IN ERROR. DENIAL OF TREATMENT AND CARE, ACCESS TO SPECIALISTS CAPABLE TO EVALUATE, BY THE DOCTOR'S ORDERS/REFERRALS (GATEKEEPER ROLE). ACTING WITH DELIBERATE INDIFFERENCE.

- THE ONLY DIFFERENCE OF OPINION COMES FROM BLOOD PRESSURE MEDICINES, THAT, WAS DISCONTINUED DUE TO BEING INEFFECTIVE TO MS. FRANTZ'S ELEVATED B/P READINGS. THE CENTURION MEDICAL DEPT. REFUSES TO PERSCRIBE B/P MEDICINE WHICH WOULD BE EFFECTIVE MEDICINE. NO REASONABLE PERSON WOULD WANT MEDICINE THAT IS INEFFECTIVE FROM PAST EXPERIENCE, OF THE PREVIOUS MEDICINES BEING INEFFECTIVE, AND DISCONTINUED FOR THOSE REASONS. CENTURION PROVIDERS D.C., B/P MEDICATIONS, THEN RE-PERSCRIBED RECKLESSLY KNOWING INEFFECTIVE. DEFENDANTS RECKLESSLY IGNORING SERIOUS SYMPTOMS OF MS. FRANTZ'S VISIBLY ILL STATE, DISMISSIVE OF SERIOUS PAIN MS. FRANTZ DESCRIBES AS, HORRIFIC DEBILITATING PAIN, AN ALARMING CONDITION TO TRAINED MEDICAL OFFICIALS ARE DEFICIENCIES IN TRAINING AND SUPERVISING MEDICAL PERSONNEL WITHIN, DEFENDANT'S IN CO. JAIL, AND CENTURION A MUNICIPAL ACTOR DISREGARDING BY FAILING TO FOLLOW STATE POLICY AND PROCEDURES IN VIOLATING DELIBERATE INDIFFERENCE FOR OBVIOUS...

Substantially Serious Medical Needs Resulting in Sufficient Injury and illness for "Continuing Violations" of ongoing deprivation for Substantially Serious Medical Needs. Systemic Failure of Medical Policies and Procedures. Arising from Kansas Statute K.S.A. 15-5210 for Medical Care. Failure to Gatekeep for testing and Specialists capable to evaluate MS. FRANTZ, by, denied, delayed, and obstructed the provision of proper care that should have been provided in the face of her known (by a layperson) and very serious - symptoms.

Olson v. Stotts, 9 F.3d 1475, 1477 (10th Cir. 1993). (Appendix I)

Doctors doing Nothing, is obviously sufficient to state a claim. Failed to take her complaints seriously, failed to monitor a treatment plan for effectiveness. Failed to take action that was manifestly necessary under the circumstances. Referrals was not provided. Doctor's orders not provided, that deprivation was committed by a person(s) acting under a color of state law and municipal actor, did not commit mere malpractice, but rather consciously, recklessly disregarded a substantial risk to MS. FRANTZ's health and safety. Irreparable harm from permanent injury, considerable pain of obviousness resulted in substantial harm. Barbarous and shocking to the conscience.

MS. FRANTZ terrified for her life, terrified of Centurion Medical Dept. Personnel for malicious indifference to cause her harm.

- PRISON OFFICIALS HAVING THE SAME AWARENESS OF "OBVIOUS RISK", OF THAT WHICH IS IDENTIFIED BY A LAYPERSON, AS THIS SITUATION, BEING GIVEN FAIR NOTICE AND SUBSTANTIALLY DISREGARD WITH EXTREME CAUTIOUS RECKLESSNESS. WHERE SUCH SUBSTANTIAL INJURY CAUSING PERMANENT DAMAGE THAT ANY REASONABLE PERSON WOULD KNOW SKULL SWELLING PUTS MS. FRANTZ AT A SUBSTANTIAL RISK OF SERIOUS INJURY BUT FAILED TO TAKE APPROPRIATE STEPS TO PROTECT FROM KNOWN DANGER. OFFICIALS KNOWING AS SEEN BY MS. FRANTZ'S PHYSICAL APPEARANCE, HER FILING PRISON GRIEVANCES FOR REMEDIES TO SUCH DEPRIVATION BEING OBVIOUS AND HAVING A "DUTY TO ACT REASONABLE" STANDARD, TO ADEQUATELY TRAIN SECURITY STAFF TO RESPOND REASONABLE IN THE FACE OF "OBVIOUS", SERIOUS MEDICAL NEEDS. DEFENDANTS IN THE SPECIFIC CIRCUMSTANCES KNOWING WHAT THEY ARE DOING VIOLATES ESTABLISHED FEDERAL LAW WHEN RECKLESSLY DISREGARDING SUBSTANTIAL INJURY OF MS. FRANTZ'S HEAD TRAUMA, IDENTIFIED TRAUMA CAUSING PERMANENT DAMAGE, DEFENDANT OFFICIALS NOT TAKEN REASONABLE MEASURES TO ALLEVIATE THAT RISK, WERE DELIBERATE INDIFFERENT FOR "SUFFICIENTLY SERIOUS" MEDICAL NEEDS, "SUFFICIENT PERMANENT INJURY", CALLOUSLY DISREGARDED, A SUFFICIENT AND SUBSTANTIALLY LONG, LONG PERIOD OF TIME SADISTICALLY.

A "FAIL OUT" SHOULD NEVER BE THE DETERMINING FACTOR FOR MS. FRANTZ TO RECEIVE PROPER, ADEQUATE MEDICAL CARE. WHERE TRAGEDY FROM "FAIL-OUTS" INCREASES FURTHER DAMAGE RISKING PERMANENT INJURY OR DEATH - SITUATIONS. THE CONSTITUTIONAL PROTECTIONS; TO SAFE GUARD, DEPRIVATIONS - BEING DENIED OR DELAYED, TREATMENT OR ACCESS TO SPECIALISTS, INFLECTING CRUEL AND UNUSUAL PUNISHMENTS, ARE GUARANTEED FUNDAMENTAL RIGHTS

FOR PREVENTING UNNECESSARY AND WANTON INFLECTION OF PAIN AND SUFFERING. PROTECTIONS OF THE EIGHTH AND FOURTEENTH AMENDMENTS.

RULE 65 (a) (2),

MS. FRANTZ FILED FOR PRELIMINARY INJUNCTIONS WERE REQUESTED TO U.S. DISTRICT COURT FOR PRELIMINARY RELIEF FOR YWCA RAPE COUNSEL / COMMUNITY ADVOCATE REFERRAL FOR LATE TERM SANE EXAM, to be done "AS SOON AS POSSIBLE". AND FURTHERING RECOMMENDING FOR NECESSARY TESTING LISTED ON 1-18-2023 E-MAIL TO KDOC VICTIM SERVICES. THE COURTS OVERLOOKED FACTS OF THIS A PROCEDURAL DUE PROCESS RIGHTS UNDER FOURTEENTH AMENDMENT FOR STATE POLICY AND FEDERAL JAIL AND PRISON PREA STANDARDS 28 C.F.R. PART 115 VIOLATIONS AS MS. FRANTZ A "PRE-TRIAL DETAINEE" DISABLED AMERICAN IN CO. JAIL WHERE SHE REPORTED PHYSICAL AND SEXUAL ASSAULTS, OF CRUEL AND UNUSUAL PUNISHMENTS AND UNNECESSARY WANTON INFLECTION OF PAIN - VIOLATING HER FEDERALLY PROTECTED RIGHTS NOT TO BE PUNISHED AT ALL, PROCEDURAL DUE PROCESS OF LAW PROTECTIONS. SUBSTANTIVE CONSTITUTIONAL CLAIMS. PRELIMINARY RELIEF, PRELIMINARY INJUNCTION IS A EXTRAORDINARY REMEDY THAT MAY BE AWARDED UPON CLEAR SHOWING THAT THE PLAINTIFF IS ENTITLED TO SUCH RELIEF. RIGHT IS CLEAR AND UNEQUIVOCAL. (APPENDIX D) SCHRIER V. UNIV. OF COLO., 427 F.3d 1253, 1258 (10th CIR. 2005).

COURTS OPINIONS FAILED TO ADDRESS PRELIMINARY INJUNCTIONS, PRESENTED EVIDENCE SUPPORTED IN APPENDIX FOR SUPPORTING PRELIMINARY FINDINGS. CLEAR ERROR.

MS. FRANTZ STATES INJUNCTIVE RELIEF FOR, KDOC - TCF - CENTURION, VIOLATING STATE POLICY FOR GRIEVANCE PROCEDURE, THIS VIOLATION OF CURTAILING AND CLOSING GRIEVANCES DENYING ESCALATION TAB FOR COMPLAINTS TO REDRESS FEDERALLY PROTECTED RIGHTS FOR REMEDY. ALLOWING GRIEVANCES OPEN WAITING FOR STAFF RESPONSE FOR VERY SERIOUS GRIEVANCE COMPLAINTS TO ADDRESS STAFF MISCONDUCT, SUBSTANTIALLY SERIOUS MEDICAL NEEDS DEPRIVED MEDICAL CARE. PRISON OFFICIALS RECKLESSLY AND SADISTICALLY DISREGARDING THEIR OWN POLICIES AND PROCEDURES, SHOWING OF RECKLESS DISREGARD AND ABUSE OF DISCRETION FOR MS. FRANTZ'S GRIEVANCE COMPLAINTS FOR REMEDY CONCERNING VIOLATIONS OF HER FEDERALLY PROTECTED CONSTITUTIONAL RIGHTS FOR REMEDYING. AS STATE ACTS UNDER A COLOR OF STATE LAW VIOLATING POLICIES AND K.S.A. 15-5210 PRISONERS RIGHTS FOR MEDICAL CARE, SHOWING A CULPABLE STATE OF MIND TO CALLOUSLY AND MALICIOUSLY DISREGARD SUCH SUBSTANTIALLY SERIOUS MEDICAL NEEDS THAT ARE OBVIOUS TO A LAYPERSON. SEEING MS. FRANTZ'S OBVIOUS PHYSICAL DETERIORATING APPEARANCE WITH SIGNIFICANT SYMPTOMS WAS RENDERED OUT OF THE SCOPE OF PRACTICE BY CENTURION MEDICAL PROVIDER FOR A SPECIALISTS CAPABLE TO EVALUATE HER, FOR ADEQUATE MEDICAL CARE. MS. FRANTZ ACCESSING APPROPRIATELY POLICY OF, GRIEVANCE PROCEDURE, FOR REMEDY TO PRISON PERSONNEL THAT ALSO HAS SHOWN DELIBERATE INDIFFERENCE TO RESPOND APPROPRIATELY IN A RESPONSE FOR STATE POLICY OF GRIEVANCE PROCEDURE. K.A.R. 44-15-101, 102, 201, 106 GRIEVANCE PROCEDURE. PRISON PERSONNEL DELIBERATE INDIFFERENT STATE OF MIND, RECKLESS DISREGARD AND ABUSE OF DISCRETION FOR MS. FRANTZ SUBSTANTIALLY SERIOUS NEEDS FAILING TO ACT OR REMEDY FOR OBVIOUSLY NECESSARY MEDICAL ATTENTION.

MS. FRANTZ ONLY SEEKING MEDICAL CARE ALREADY ESTABLISHED CLINICAL EVIDENCE AND THE NECESSITY FOR "GATEKEEPER ROLE", DETERMINED BY CENTURION MEDICAL PROVIDER. MEDICAL PROVIDERS FAILING TO ACT FOR ACCESS TO SPECIALISTS OF ENT AND GI, AND EXTENSIVE TESTING FOR A MRI. THAT THE GATEKEEPER ROLE BY SPECIALISTS CAPABLE TO ADDRESS HER SERIOUS MEDICAL NEEDS, DETERMINED; OUT-OF-THEIR-SCOPE-OF-PRACTICE, OF CENTURION MEDICAL PROVIDERS. SIGNIFIANT DEPRIVATION FOR DENYING AND DELAYING ACCESS SHOWS A CULPABLE STATE OF MIND. INDIFFERENCE TO OBVIOUS IRREPARABLE HARM ALLOWING A "CONTINUING" DEPRIVATION TO INFLECT HORRIFIC DEBILITATING PAIN AND SUFFERING UPON MS. FRANTZ, FOR SUCH A LONG PERIOD OF TIME. ALLOWING FURTHER PERMANENT INJURY TO WORSEN SADISTICALLY. THEN INFLECT, INTENTIONAL EMOTIONAL DISTRESS UPON MS. FRANTZ STATING THESE ARE "OLD MEDICAL COMPLAINTS," AND "WILL NOT BE DISCUSSED AGAIN."

MS. FRANTZ WAS DENIED HER REQUEST FOR A HEARING. DENIED TO HAVE NEW EVIDENCE ACKNOWLEDGED, BY THE COURTS. DENIED HER REQUEST FOR DOCUMENTS UNDER RULE 34

KU HOSPITAL CAUSED A MEDICAL ERROR PRE-ARREST, CAUSING TUMORS. MOST DIAGNOSES BEING CONCEALED FROM IMAGING REPORTS, CONCEALING THE SEVERITY OF THE ORGAN DAMAGE. KDOC POLICY IMPP 10-12(D. NO. 4 A. DHCS SHALL BE DESIGNATED BY A CONTRACT WITH KANSAS UNIVERSITY MEDICAL CENTER. (KU)
KU HOSPITAL AFFILIATION WITH LEAVENWORTH CO. KS SHERIFF'S DEPT- JAIL
AND KDOC - LARNED STATE HOSPITAL. (APPENDIX F)

REASONS FOR GRANTING THE PETITION

PETITIONER, MS. FRANTZ ASK THIS SUPERIOR COURT FOR GRANTING THIS PETITION FOR THE FOLLOWING REASONS:

DISTRICT COURT AND U.S. COURT OF APPEALS ERRED IN DISMISSING HER CIVIL RIGHTS PETITION. ONE COURT OF APPEALS HAS HELD (GUTENSOHN V. KANSAS SOUTHERN RY. CO., 8TH CIR., 1944, 140 F.2d 950, 953) THAT THE DISTRICT COURT HAD NO JURISDICTION TO DISMISS THE CASE FOR FAILURE TO STATE A CAUSE OF ACTION * * * WITHOUT HEARING THE PLAINTIFFS * * * WE NEED NOT GO SO FAR. IF IT BE CONCEDED ARGUENDO THAT THE COURT HAD JURISDICTION TO DISMISS ON THE GROUND, AND WITHOUT A HEARING, IT WAS PLAIN ERROR FOR IT TO EXERCISE THAT JURISDICTION AS IT DID. THE RIGHT TO A HEARING ON THE MERITS OF A CLAIM WHICH THE COURT HAS JURISDICTION IS OF THE ESSENCE OF OUR JUDICIAL SYSTEM, AND THE JUDGE'S FEELING THAT THE CASE IS PROBABLY FRIVOLOUS DOES NOT JUSTIFY BY-PASSING THAT RIGHT. MS. FRANTZ IS ENTITLED TO HAVE PROCESS ISSUED AND SERVED, AND TO BE HEARD. HARMON V. SUPERIOR COURT OF CALIFORNIA, 307 F.2d 798 (1962). THAT COURT HELD: "THE COURT CANNOT KNOW, WITHOUT HEARING THE PARTIES, WHETHER IT MAY BE POSSIBLE FOR APPELLEE TO STATE A CLAIM ENTITLING TO RELIEF. HOWEVER, STRONGLY IT MAY INCLINE TO THE BELIEF THAT HE CANNOT... THE RIGHT TO BE HEARD ON THE MERITS OF A CLAIM OVER WHICH THE COURT HAS JURISDICTION IS THE ESSENCE OF OUR JUDICIAL SYSTEM, AND THE JUDGE'S FEELING THAT THE CASE IS PROBABLY FRIVOLOUS DOES NOT JUSTIFY BY-PASSING THAT RIGHT. APPELLEE IS ENTITLED TO HAVE PROCESS ISSUED AND SERVED, AND TO BE HEARD." THE COURT RELIED ON SUBSTANTIVE RATHER THAN PROCEDURAL REASONS FOR REVERSAL.

Fed. R. Civ. P. 4 (a) SUMMONS

COMPLAINTS, REQUIREMENTS FOR COMPLAINT

THE FEDERAL RULES OF CIVIL PROCEDURE (RULES) DO NOT REQUIRE A CLAIMANT TO SET OUT IN DETAIL THE FACTS UPON WHICH HE BASES HIS CLAIM. TO THE CONTRARY, ALL THE RULES REQUIRE IS A SHORT AND PLAIN STATEMENT OF THE CLAIM THAT WILL GIVE A DEFENDANT FAIR NOTICE OF WHAT A PLAINTIFF'S CLAIMS IS AND THE GROUNDS UPON WHICH IT RESTS. Fed. R. Civ. P. 8 (a) (2).

SUCH SIMPLIFIED "NOTICE PLEADING" IS MADE POSSIBLE BY THE LIBERTY OPPORTUNITY FOR DISCOVERY AND THE OTHER PRE-TRIAL PROCEDURES ESTABLISHED BY THE RULES TO DISCLOSE MORE PRECISELY THE BASIS OF BOTH CLAIM AND DEFENSE AND TO DEFINE MORE NARROWLY DISPUTED FACTS AND ISSUES.

ALL PLEADINGS SHALL BE SO CONSTRUCTED AS TO DO SUBSTANTIAL JUSTICE. Fed. R. Civ. P. 8 (f). THE RULES REFLECT THE APPROACH THAT PLEADING IS A GAME OF SKILL IN WHICH ONE MISTAKE BY COUNSEL MAY BE DECISIVE TO THE OUTCOME AND ACCEPT THE PRINCIPLE THAT THE PURPOSE OF PLEADING IS TO FACILITATE A PROPER DECISION ON THE MERITS.

(CONLEY V. GILSON, 355 U.S. 41-46 (1957)).

FED. R. CIV. P. 12 (b) (6) MOTION, ARE VIEWED IN THE LIGHT MOST FAVORABLE TO THE PLAINTIFF, WITH EVERY VAID DOUBT RESOLVED IN HIS BEHALF, AS TO WHETHER RELIEF CAN BE GRANTED.

THIS CASE PRESENTS THE QUESTIONS WHETHER A PRISONER CLAIMING THAT CONDITIONS OF CONFINEMENT CONSTITUTE CRUEL AND USUAL PUNISHMENTS MUST SHOW A CULPABLE STATE OF MIND ON THE PART OF PRISON OFFICIALS. WILSON V. SEITZ, 501 U.S. 294.

U.S. DISTRICT COURT'S OPINION FEB. 26, 2024 ERRONEOUSLY STATES "PLAINTIFF HAS CLEARLY RECEIVED MEDICAL CARE WHILE INCARCERATED." FOOTNOTE 1, REFERENCES RESPONSE DATED DEC. 18, 2023 REVIEWING AND LISTING PLAINTIFF'S STUDIES, TESTS, AND DIAGNOSES AS, DOC. 20, AT 6-7. THIS GRIEVANCE SEEN IN ITS ENTIRETY IN (APPENDIX H / NO. 38) OF 6-PAGES SHOWING A CONCEALMENT BY KDOC OF TESTING JUST AFTER INTAKE AT TCF, WHICH THEN WARRANTED SEVERAL APPOINTMENTS WITH OFFSITE PROVIDERS OF ENT AND GI CONSULTS, DOCTOR ORDERED 2-2-2021, AND DOCTOR ORDERED MRI FOR ABDOMEN. THE GATEKEEPER ROLE ESTABLISHED BY DR. JENA LEE, MD DEFENDANT NO. 9. D/I, HER FAILURE TO ENSURE THE GATEKEEPER ROLE WAS PROVIDED FOR MS. FRANTZ. SPECIALISTS: VISITS CONCERNING VITAL ORGANS, SYMPTOMS VISIBLE AND WITNESSED FROM SWORN DECLARATION STATEMENTS IDENTIFYING AS A (ANYPERSON OF MS. FRANTZ'S SKULL SWELLING DISFIGURING HER FACE AND HER DISTENDED-HERNIATED ABDOMEN. FAILURE TO ACT BY DELIBERATE INDIFFERENCE FOR SUBSTANTIALLY SERIOUS MEDICAL NEEDS. FURTHER, GRIEVANCE NO. 20240006 PAGES 2-5, DOC 20. OMITTED BY DISTRICT COURT'S FOOTNOTE, SHOWS MS. FRANTZ REPORTING IN DETAIL OF THE CONCEALMENT OF DIAGNOSES FROM PRE-ARREST, KDOC USES TESTING, STUDIES FROM OVER 7 YEARS AGO. KDOC RESPONSE OF "SHE HAS HAD MORE THAN ADEQUATE WORKUP" PRIOR TO INCARCERATION, AND AFTER REVIEW OF HER PREVIOUS RECORDS, I CAN SEE NOTHING TO BE GAINED BY FURTHER EXTENSIVE STUDIES.* A SHOWING BY MS. FRANTZ, OF FRAUDULENT CONCEALMENT FROM FACTS OF ULTRASOUNDS 2-19-21 AND 2-19-21 OF MS. FRANTZ'S ABDOMEN AND PELVIS, DR. JENA LEE, MD ORDERS FOR ABDOMINAL MRI, APRIL OF 2026 (SEVEN (7) YEARS) AFTER, PRE-ARREST TESTS AND STUDIES THAT ARE UNDER FBI INVESTIGATION REF. NO. SB301690224 FROM KU HOSPITAL'S MEDICAL ERROR CAUSING TUMORS, BY CONCEALMENT.

District Court states MS. FRANTZ's pleading being "Repetitious litigation virtually identical", is half true. The mental state of deliberate, continued indifference for substantially serious medical needs argued in current petition with new facts of circumstantial evidence and showing of the open investigations, that district court completely disregarded in its opinion. Also repeating "mere difference of opinion between inmate and medical personnel" being inaccurate where argument of denial of medical care where no medical treatment for "obvious" medical conditions of MS. FRANTZ skull swelling, severely distended herniated abdomen. Left unattended poses a substantial risk of serious harm already exists where any reasonable person would know that skull swelling forcing MS. FRANTZ left eye ear upward, right eye bulging and the back side at the base of her skull is swelling. Worsening, is obvious, producing imminent danger and physical torture or a lingering death. Evidence from which a jury might reasonably infer that prison official(s), medical personnel was actually aware of a constitutional deprivation. The jury is permitted to infer deliberate indifference based solely on the "obviousness" of the threat posed that began during her detention in Leavenworth Co. KS jail, continuing to TCF.

New evidence, obtained show the link of the concealment of PREA (Appendix D), occurring in Co. jail, continued to TCF, and FBI Special Agents. Also concealing permanent injuries causing a wanton infliction of unnecessary pain for a long period of time, "physical torture". Acquiescence's in the constitutional deprivations through actions or omissions which create a substantial risk of harm. MEADE, 841 F.2d at 1528; GREEN, at 108 F.3d at 1302; LANGLEY v. ADAMS COUNTY, 987 F.2d 1473, 1481 (10th Cir. 1993).

DISTRICT COURT COMPLETELY DISREGARDED COUNT II OF PETITION, THIRD AMENDED, FILED DEC. 19, 2023 BY MS. FRANTZ. RIGHT TO DUE PROCESS OF LAW - EQUAL PROTECTION (CLAUSE. TO BE FREE FROM ABUSE OF DISCRETION ON THE PART OF PRISON ADMINISTRATORS, PROTECTION FROM UNCONSTITUTIONAL ADMINISTRATIVE ACTION, PROTECTION OF A PRISONERS LIFE AND HEALTH FROM ADMINISTRATIVE ACTION. UNDER THE 5TH AND 14TH AMENDMENTS DUE PROCESS, PRISON OFFICIALS AND MEDICAL PERSONNEL KNOWING OF OBVIOUS RISK OF SUBSTANTIAL, THAT A LAYPERSON WOULD EASILY RECOGNIZE THE SERIOUSNESS OF SUBSTANTIAL HARM TO MS. FRANTZ, AND VIOLATING STATE LAW, ACTIONS TO IGNORE AND SUBSTANTIALLY DEPRIVE THE OBVIOUSNESS, VIOLATIONS OF STATE'S POLICY AND PROCEDURES, STATUTES, IN THEIR "DUTY TO ACT REASONABLE". THE... IMMINENCE SUFFERING AND HARM TO MS. FRANTZ RESULTING FROM A POLICY, CUSTOM OR PRACTICE, OFFICERS OF ADMINISTRATION, VIOLATED, A CLEARLY ESTABLISHED CONSTITUTIONAL RIGHT, ESTABLISHED AT THE TIME THE DEFENDANT(S) ACTED WITH DELIBERANCE INDIFFERENCE, INFLECTION OF PUNISHMENT BY STATE ACTORS DEPRIVING THE OBVIOUSNESS, PROTECTED BY LIBERTY INTEREST, FOR MEDICAL CARE AND PROHIBITION OF,, CRUEL AND UNUSUAL PUNISHMENT WITHOUT DUE PROCESS OF LAW PROTECTIONS UNDER EQUAL PROTECTION. INTENTIONALLY TREATING MS. FRANTZ DIFFERENTLY FROM OTHERS SIMILARLY SITUATED, AND NOT AFFORDED AN APPROPRIATE LEVEL OF PROCEDURAL DUE PROCESS, LIBERTY INTEREST PROTECTED BY DUE PROCESS OF LAW.

LEAVENWORTH CO. JAIL DEFENDANTS VIOLATED CLEARLY ESTABLISHED CONSTITUTIONAL RIGHTS, NOT TO BE PUNISHED AND CRUEL AND UNUSUAL PUNISHMENTS, DEPRIVING MEDICAL CARE FOR SUBSTANTIALLY SERIOUS MEDICAL NEEDS SUFFERING UNNECESSARY AND WANTON INFLECTION OF PAIN, HAVING PERMANENT INJURY OF OBVIOUSNESS, HEAD TRAUMA, "UNRESPONSIVE" AND SHOOK LIKE SHE WAS HAVING A SEIZURE, MEDICAL WAS CALLED (NOT PROVIDED) IS UNCONTROVERTED. INJURY TO INMATE REPORT.

THIS HEAD INJURY OF A SKULL FRACTURE LEFT UNTREATED LEAVING MS. FRANTZ UNCONSCIOUS OVER 24 HOURS. DEFENDANT, ELECTED SHERIFF ANDY DEDEKE FAILED TO PROPERLY TRAIN AND SUPERVISE HIS STAFF, AND HAS A DUTY TO ENSURE THAT INMATES DO NOT COME TO HARM. SHERIFF ANDREW DEDEKE HAVING KNOWLEDGE FROM MS. FRANTZ'S GRIEVANCES OF HEAD INJURY HER BEING HOUSED IN A 24 HOUR VIDEO RECORDED MEDICAL HOLDING CELL. DENYING EMERGENCY MEDICAL CARE WHERE NO REASONABLE PERSON WOULD DEPRIVE CONSTITUTIONALLY, TO DISREGARD SUFFICIENTLY SERIOUS MEDICAL NEEDS, NOT TAKEN REASONABLE MEASURES TO ALLEVIATE THE SERIOUS RISK POSED TO MS. FRANTZ. HAVING A "DUTY TO ACT REASONABLE" STANDARD. PUBLIC OFFICIAL KNOWING THAT WHAT HE, IN THE SPECIFIC CIRCUMSTANCES, IS DOING VIOLATES ESTABLISHED FEDERAL LAW. MS. FRANTZ LAID "INCAPACITATED" JUST OVER 24 HOURS WITH LIFE THREATENING INJURY OF UNCONSCIOUSNESS. SUFFERING INJURIES CONSISTANT WITH BEING RAPED WITH INJURIES AROUND HER RECTUM, DENIED TO BE TAKEN TO THE HOSPITAL FOR CARE AND TREATMENT; PREA SANE EXAM. SUFFERED CRUEL AND UNUSUAL PUNISHMENTS, VIOLATIONS OF DUE PROCESS NOT TO BE PUNISHED AT ALL, AS A DISABLED DETAINEE. ELEMENTS UNDER COLOR OF STATE LAW, OFFICIAL. CONDUCT SATISFIES THE STATE ACTION REQUIREMENT OF THE FOURTEENTH AMENDMENT, ACTING IN THEIR OFFICIAL CAPACITY, DEFICIENCIES RESULTED IN SUBSTANTIAL PERMANENT INJURY, WAS AWARE OF THE RISK, IN SPITE OF THE OBVIOUSNESS.

FAILURE TO REMEDY A RISK SO OBVIOUS AND SUBSTANTIAL THAT THE OFFICIALS MUST HAVE KNOWN ABOUT IT AND PRISONERS NEED NOT AWAIT A TRAGIC EVENT "FALL OUT" BEFORE OBTAINING RELIEF. DEPRIVATION SUFFICIENTLY SERIOUS. *FARMER V. BRENNAN*, 511 U.S. 825; EASILY RECOGNIZED BY A LAYPERSON. *HUNT V. UPHOFF*, 199 F.3d 1220, 1224 (10th CIR. 1999) QUOTING *RAMOS V. LAMM*, 639 F.2d 559, 575 (10th CIR. 1980). SUFFICIENT FACTS IN THE RECORD TO SHOW FACTUAL EVIDENCE REGARDING THE SERIOUSNESS OF PLAINTIFF'S MEDICAL CONDITION, KNOWN OF OBVIOUS CONSEQUENCES. *ROBINSON V. CENTURION CORR. HEALTHCARE OF N.M., LLC*, 2023 U.S. DIST. ; *MATHIS V. CENTURION CORR. HEALTHCARE OF N.M., LLC*, 2023 U.S. DIST.

DISTRICT COURT COURTS OPINION FOR RECONSIDERATION MARCH 6, 2024. MS. FRANTZ SUBMITTED SWORN DECLARATION WITNESS STATEMENTS, PHOTOS OF HER DISFIGURED FACE FROM SKULL SWELLING (CIRCUMSTANTIAL EVIDENCE), REPORTING "IMMINENT DANGER OF SERIOUS PHYSICAL INJURY ALREADY OCCURRING." DISTRICT COURT ERRONEOUSLY LABELS "UNSWORN" STATEMENTS FROM OTHER PRISONERS SAYING THAT THEY SEE HER SKULL SWELLING AND THAT SHE HOLDS HER STOMACH AT NIGHT." DISREGARDED, THAT, A WITNESS' KNEW MS. FRANTZ BEFORE HER SKULL SWELLING STARTED IN CO-JAIL. MS. FRANTZ PROVIDED, LEAVENWORTH COUNTY SHERIFF'S OFFICE DOCUMENTS DATED LETTER NOV-16, 2023 WITH ATTACHMENT OF, 7-24-2017 INJURY TO INMATE REPORT. THIS REPORT NOT AVAILABLE TO MS. FRANTZ PRIOR TO FILING NOV-16, 2023 PETITION. THIS NEW EVIDENCE SHOWING SWORN STATEMENTS AND INJURY REPORT ON THE DATE THAT MS. FRANTZ REPORTED, PREGA, PHYSICAL AND SEXUAL ASSAULTS BY STAFF ON 7-24-2017. DISTRICT COURT ERRONEOUSLY STATED MS. FRANTZ DOES NOT POINT TO AN INTERVENING CHANGE IN THE LAW OR TO NEW EVIDENCE. DISTRICT COURT ERRED IN STATING THIS. NEW EVIDENCE CLEARLY PROVIDED CIRCUMSTANTIAL EVIDENCE.

MOTION FOR RECONSIDERATION FILED MARCH 1, 2024 SHOWS ARGUMENT OF TOLLING OF STATUTE OF LIMITATIONS, "CONTINUING VIOLATIONS" OF DELIBERATE INDIFFERENCE UNDER HEARD V. SHEAFAN, 253 F.3d 316, 318 (1st CIR-2001). ALSO ARGUED PRELIMINARY INJUNCTION FOR SANE EXAM WITH MEDICAL TESTING WILL SERVE THE PUBLIC INTEREST IN THAT PRISON OFFICIALS SHOULD FOLLOW THE LAW AND ESPECIALLY THE CONSTITUTION. FEDERAL COMMON LAW FOLKS STATUTE OF LIMITATIONS.

LASTLY DISTRICT COURT CONTINUED TO STATE "DISAGREEMENT REGARDING BOTH HER DIAGNOSES AND THE PROPER COURSE OF TREATMENT," DISREGARDING SUBSTANTIAL FACTS NONE OF DEFENDANT(S) SHOW HOW OR WHAT INVESTIGATIONS INTO SYMPTOMS OBVIOUS TO A LAYPERSON, TO CURE MEDICAL CONDITIONS FOR VITAL ORGANS CAUSING CRUEL AND UNUSUAL PUNISHMENTS AND WANTON INFICTION OF PAIN. DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS OF PRISONERS CONSTITUTES THE... UNNECESSARY AND WANTON FICTION OF PAIN PERSCRIBED BY THE EIGHTH AMENDMENT. ESTELLE V. GAMBLE, 429 U.S. 97, 102, 50 L. Ed. 2d 251, 97 S. Ct. 285 (1976).

DENIAL OF MEDICAL CARE RESULTING IN PAIN AND SUFFERING WHICH NO ONE SUGGEST WOULD SERVE ANY PENOLOGICAL PURPOSE. INDIFFERENCE IS MANIFESTED BY PRISON DOCTORS IN THEIR RESPONSE TO THE PRISONERS NEEDS OR BY PRISON GUARDS IN INTENTIONALLY DENYING OR DELAYING ACCESS TO MEDICAL CARE. ESTELLE, 429 U.S. AT 104-05.

DISTRICT COURT OPINION COMPLETELY DISREGARDED COUNT II, RIGHT TO DUE PROCESS OF LAW UNDER 5th AND 14th AMENDMENTS, DUE PROCESS CLAUSE- EQUAL PROTECTION.

SEVERE PREJUDICE BY THE COURT TO DISREGARD CONSTITUTIONAL CLAIMS UNDER THESE AMENDMENTS. ARGUED, DEFENDANTS OF LVCO, KS JAIL VIOLATED COUNTS 1, 2.

VIOLATIONS OF THE DUE PROCESS CLAUSE, NOT TO BE PUNISHED AS A DISABLED-DETAINEE. DEPRIVED PREA INVESTIGATION UNDER FEDERAL PREA STANDARDS, SANE EXAM, MEDICAL CARE. (APPENDIX D) NEW EVIDENCE.

MS. FRANTZ OPENING BRIEF FILED, CERTIFICATE OF SERVICE MAY 3, 2024 WITH MOTION TO APPOINT COUNSEL WITH ATTACHMENT OF EXHIBITS. US COURT OF APPEALS FOR THE TENTH CIRCUIT DECLINES TO FORMALLY FILE EXHIBITS, SOME OF EXHIBITS SHOWING "NEW EVIDENCE". MS. FRANTZ FILES MOTION FOR RECONSIDERATION ON MAY 15, 2024 STATING THE PREJUDICE TO MS. FRANTZ IF DENIED TO FORMALLY FILE THOSE EXHIBITS OF THE CIRCUMSTANTIAL EVIDENCE, PLAUSIBLE FOR RELIEF, IF THE PANEL OF JUDGES CHOOSE NOT TO REVIEW THESE EXHIBITS.

COURT OF APPEALS FOR THE TENTH CIRCUIT OPINION TO AFFIRM CASE 24-3032 ON SEPT. 17, 2024. OPINION REPEATS STATING "MERE DIFFERENCE OF OPINION" ERRONEOUSLY IMPLYING PHYSICIAN NEGLIGENCE IN DIAGNOSING OR TREATING A MEDICAL CONDITION DOES NOT STATE A VALID CLAIM OF MEDICAL MISTREATMENT UNDER THE EIGHTH AMENDMENT. COURT OF APPEALS ALSO COMPLETELY DISREGARDED CLAIM II, RIGHT TO DUE PROCESS OF LAW UNDER THE 5TH AND 14TH AMENDMENTS, DUE PROCESS CLAUSE - EQUAL PROTECTION. AGAIN SEVERE PREJUDICE BY THE COURT TO DISREGARD CONSTITUTIONAL CLAIMS UNDER THESE AMENDMENTS. MS. FRANTZ ARGUING DEFENDANTS OF LYCO.KS JAIL VIOLATED COUNTS 1, 2. VIOLATIONS OF THE DUE PROCESS CLAUSE NOT TO BE PUNISHED AS A DISABLED - DETAINEE. MS. FRANTZ NEW EVIDENCE SHOWING A CLEAR AND EQUITABLE CLAIM FOR RELIEF AS NEW EVIDENCE PROVIDED TO MS. FRANTZ FROM KANSAS OPEN RECORDS ACT, SHOWING INJURY TO INMATE REPORT. THIS REPORT INCOMPLETE. HOWEVER, SHOWING INJURY OF "UNRESPONSIVE" AND SHE SHOOK LIKE SHE WAS HAVING A SEIZURE WITH NO MEDICAL PERSONNEL ON DUTY.

COMPLETELY DENIED EMERGENCY MEDICAL CARE. EVIDENCE FROM JAIL GRIEVANCE DOCUMENTS SHOWING A REPORT OF INJURY TO HER HEAD AND CUTS AND BRUISING ON HER BUTTOCKS (AROUND HER RECTUM). DEEP CUTS TREATED WITH TRIPLE ANTIBIOTIC OINTMENT. 2X A DAY FOR 10 DAYS.

SCARRING TODAY AROUND MS. FRANTZ'S RECTUM DEPRIVED DOCUMENTATION

MS. FRANTZ STATES THAT DEFENDANT(S) ARE STATE ACTORS WORKING UNDER A COLOR OF STATE LAW, VIOLATING STATE RULES AND REGULATIONS IN DOING SO VIOLATED CONSTITUTIONAL RIGHTS. STATE ACTORS BOUND BY RULES AND ETHICS. HAVING A DUTY TO PERFORM FOR THE SAFETY AND SECURITY TO PROTECT MS. FRANTZ FROM UNCONSTITUTIONAL PRACTICES FOR HER HEALTH AND SAFETY. HAVE ENORMOUSLY FAILED TO DO SO, "DUTY TO ACT REASONABLE" STANDARD, VIOLATED ESTABLISHED FEDERAL LAW, FOR CONSTITUTIONALLY PROTECTED RIGHTS.

THERE IS MUCH DISCOVERY DENIED TO MS. FRANTZ. HOWEVER, SHE HAS PRESENTED NEW EVIDENCE FOR A SHOWING OF, PLAUSIBLE ON ITS FACE, CLAIM FOR RELIEF. WITHOUT THIS SUPERIOR COURTS GREAT AUTHORITY TO GRANT SUCH A WRIT OF CERTIORARI, FOR SUCH SERIOUS MEDICAL NEEDS INVOLVING VITAL ORGANS, MS. FRANTZ WILL NO-DOUBT SUFFER GREATER INFICTIONS AND A LINGERING DEATH.

THIS RARE AND EXTRAORDINARY CASE INVOLVING AN UNPRECEDENTED NUMBER OF PRACTITIONERS SPANNING OVER SEVEN YEARS WILL BRING NEW QUESTIONS AND NEW MANDATES TO PRISON SYSTEMS FOR CARING FOR PRISONERS, SERVING A NATIONAL INTEREST, IN GRANTING THIS WRIT OF CERTIORARI.

IT IS WITHIN THE PUBLIC'S INTEREST THAT PERSON'S WORKING IN A PRISON SYSTEM TO FOLLOW THE LAW, ESPECIALLY THE CONSTITUTION.

IN THE INTEREST OF JUSTICE, MS. FRANTZ PRAYS UPON THIS SUPREME COURT OF THE UNITED STATES OF AMERICA TO GRANT HER REQUEST FOR WRIT OF CERTIORARI FOR RELIEF UNDER THE CONSTITUTION, RIGHTS PROHIBITING CRUEL AND UNUSUAL PUNISHMENTS AND WANTON INFICTION OF UNNECESSARY PAIN, INVOLVING PERMANENT INJURY. MEDICAL MISTREATMENT.

DECLARATION

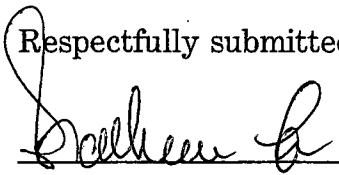
I, BARBARA FRANTZ, DECLARE UNDER PENALTY OF PERJURY THE FOREGOING WRIT OF CERTIORARI IS TRUE AND CORRECT, PURSUANT 28 U.S.C.S. § 1746.

EXECUTED ON OCTOBER 6th, 2024


BARBARA FRANTZ

The petition for a writ of certiorari should be granted.

Respectfully submitted,


BARBARA FRANTZ, by PRO SE

Date: OCTOBER 6th, 2024