

NO. 24-5770
IN FORMA PAUPERIS

IN THE
SUPREME COURT OF THE UNITED STATES
ON PETITION FOR A WRIT OF CERTIORARI
REHEARING

BARBARA MARIE FRANTZ - PETITIONER

VS.

KDCC JEFF ZIMUDA, et al. - RESPONDENT(S)

ON PETITION FOR REHEARING OF CERTIORARI
TO UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

RULE 44 PETITION ON REHEARING EN BANC OF CERTIORARI NEW GROUNDS

BARBARA FRANTZ, by PRO SE
TOPEKA CORRECTIONAL FACILITY
815 SE RICE ROAD
TOPEKA, KS. 66607

Shavleen R FEBRUARY 2, 2025

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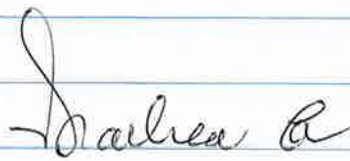
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

NO. 24-5770
IN FORMA PAUPERIS

CERTIFICATION OF COUNSEL
US SUPREME COURT OF THE TENTH CIRCUIT

I DECLARE UNDER PENALTY OF PERJURY, THAT PETITIONER, BARBARA MARIE FRANTZ, by PRO SE, A PARTY UNREPRESENTED by COUNSEL PRESENTS THIS PETITION FOR REHEARING PURSUANT TO RULE 44 IN GOOD FAITH AND NOT FOR DELAY IN THE INTEREST OF JUSTICE.

 FEBRUARY 2, 2025

BARBARA FRANTZ, by PRO SE

TOPEKA CORRECTIONAL FACILITY

815 SE RICE ROAD

TOPEKA, KS. 66607

EXTRAORDINARY CIRCUMSTANCES OF IMMINENT DANGER OF SERIOUS PHYSICAL INJURY.

PETITIONER, BARBARA FRANTZ, by pro se, in forma pauperis, RULE 44
A PETITION FOR REHEARING en banc, THIS SUPREME COURT OF THE
UNITED STATES UNDER NEW GROUNDS. PRESENTING IN GOOD FAITH AND
NOT FOR DELAY. TO CORRECT A MANIFEST INJUSTICE AND MISARRANGE
OF JUSTICE.

NEW GROUNDS UNDER U.S. Ct. Fed. C. R. 60 (b) (2), (3); (IN THE INTEREST
OF JUSTICE) (CLEAR ERROR OF ABUSE OF DISCRETION, US DISTRICT COURT
AND US COURT OF APPEALS ERRED WHEN IT FAILED TO RENDER JUDGMENT
ON MS. FRANTZ' SECOND COUNT OF THE FIFTH, AND (EIGHTH/FOURTEENTH)
AMENDMENT FEDERAL RIGHTS OF CRUEL AND UNUSUAL PUNISHMENT, due PROCESS
OF LAW/EQUAL PROTECTION CLAUSES; NEWLY DISCOVERED EVIDENCE. JUDGMENT
IS VOID, AND TO CORRECT CLEAR ERROR, SUBSTANTIAL GROUNDS. LIBERTY INTEREST.

RULE 60 (b) (2), (3). RELIEF FROM A FINAL JUDGMENT, ADVERSE PARTY ENGAGED
IN FRAUD OR OTHER MISCONDUCT. NEWLY DISCOVERED EVIDENCE WHICH BY
DUE DILIGENCE COULD NOT HAVE BEEN DISCOVERED WITHOUT DISCOVERY PRODUCED,
CONSTITUTING "MISCONDUCT" ON PART OF RESPONDENT(S).

THIS CONDUCT PREVENTED THE MOVING PARTY FROM FULLY AND FAIRLY
PRESENTING HER CASE. RULE 60 (b) (3) FRAUD (WHETHER PREVIOUSLY CALLED
INTRINSIC OR EXTRINSIC), MISREPRESENTATION, OR MISCONDUCT BY AN OPPOSING
PARTY, ADVERSE PARTY ENGAGED IN FRAUD. SEE: STRIDIRON V. STRIDIRON,
698 F.2d 204. RULE 60 (b) (3) 1.) ADVERSE PARTY ENGAGED IN FRAUD OR
OTHER MISCONDUCT, AND CONDUCT PREVENTED THE MOVING PARTY FROM FULLY
AND FAIRLY PRESENTING HER CASE.

Failure to disclose or produce pursuant to Rule 34 of the Federal Rules of Civil Procedure. Respondents concealed evidence for deceit, denial of discovery has constituted misconduct; and

RULE 60 (b) (2), (3)

2.) Moving Party, MS. FRANTZ, HAVING NEWLY DISCOVERED ON 1-27-2025 OF KDOC JEFF ZMUDA, TOPEKA CORRECTIONAL FACILITY, CENTURION MEDICAL RESPONDENT(S) FRAUD AND MEDICAL MALTREATMENT OF CONCEALING MS. FRANTZ' HEART DAMAGE. SHOWN IN AND THROUGH HER VITALS FROM BLOOD PRESSURE READINGS, (HIGH STROKE LEVEL WITH LOW PULSE READING), A DAMAGED HEART MUSCLE DUE TO INSUFFICIENT BLOOD SUPPLY. THIS KNOWN TO TRAINED MEDICAL PERSONNEL. THIS CONCEALMENT TO CAUSE MS. FRANTZ GREAT HARM AND DEATH BY DEPRIVATION SHOWING EXTRAORDINARY CIRCUMSTANCES FOR RELIEF BY THIS SUPREME COURT. IMMINENT DANGER OF SERIOUS INJURY OR DEATH. HYPERTENSION A SERIOUS MEDICAL NEED, DEPRIVED EFFECTIVE MEDICINE TO MS. FRANTZ, ONGOING FROM LEAVENWORTH COUNTY, KANSAS SHERIFF'S COUNTY JAIL RESPONDENT(S), CONTINUING THROUGH KDOC, TCF, CENTURION MEDICAL RESPONDENT(S). INFRINGEMENT OF MS. FRANTZ' FEDERAL RIGHTS IS ATTRIBUTABLE TO THE STATE UNDER A COLOR OF STATE LAW WHILE ACTING IN THEIR OFFICIAL CAPACITY OR WHILE EXERCISING RESPONSIBILITIES PURSUANT TO STATE LAW K.S.A. 75-5200 PRISONERS RIGHT TO MEDICAL CARE. "FAILURE TO TRAIN" POLICY.

(EXHIBIT A) CENTURION SICK CALL FORM 6-24-23 AND 1-20-25

(EXHIBIT B) KS BOARD OF NURSING COMPLAINTS, INCIDENT 1-27-25 WITH ATTACHMENTS

(EXHIBIT C) KDOC EMERGENCY GRIEVANCE SERIAL NO. 1272025 DATED 1-27-2025: DENIED MEDICAL EMERGENCY STAT FOR CHEST PAIN COMPLAINTS, DENIED MEDICAL PROVIDER VISIT (STROKE LEVEL B/P AND LOW PULSE RATE) WITH INDIFFERENCE.

RULE 60 (b) (2), (3)

3.) NEW DISCOVERED EVIDENCE, AND FRAUD TO CONCEAL OF A SHOWING OF (PHOTO) MS. FRANTZ' HEAD TRAUMA DISFIGURING HER FACE CAUSING PERMANENT INJURY AND WORSENING BY MEDICAL MALTREATMENT TO DEPRIVE MEDICAL TREATMENT. DEPRIVATION OF FEDERAL CONSTITUTION'S EIGHTH AND FOURTEENTH AMENDMENTS TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT CLAUSES BY FAILING TO PROVIDE HER PROPER TREATMENT. ORIGINATING INJURY AND PAIN BY LEAVENWORTH COUNTY, KANSAS SHERIFF'S DEPUTIES AND STAFF RESPONDENT(S) CONTINUING THROUGH KDOC - TCF - CENTURION MEDICAL RESPONDENT(S).

(EXHIBIT D) "DIRECT EVIDENCE OF POLICYMAKER FAULT AND FAILURE TO TRAIN" BY MUNICIPALITY GOVERNMENTS POLICY INFLECTED THE INJURY AND DEPRIVATION;

4.) MS. FRANTZ PRE-ARREST TUMORS BIOPSIED IN HER STOMACH AND BLADDER AND DIAGNOSED IN HER KIDNEYS, LEFT UNATTENDED FOR CARE AND TREATMENT, WORSENING BY MEDICAL MALTREATMENT, CAUSING MS. FRANTZ WANTON INFLECTION OF UNNECESSARY PAIN CONSISTING CRUEL AND UNUSUAL PUNISHMENT. WHERE DEBILITATING MEDICAL STATE FOR SUCH A LONG PERIOD OF TIME, WHICH SERVES NO PENOLOGICAL INTEREST, WHERE OBVIOUS PHYSICAL DETERIORATION, HER NOT ATTENDING ACTIVITIES, WORK, DAYROOM, GYM, YARD ETC. MISCONDUCT FOR DENIAL OF DISCOVERY PURSUANT TO RULE 34. (EXHIBIT E)

A DEPRIVATION OF FEDERAL RIGHTS MUST BE CAUSED BY THE EXERCISE OF SOME RIGHT OR PRIVILEGE CREATED BY THE STATE OR BY A PERSON FOR WHOM THE STATE IS RESPONSIBLE, AND THE PARTIES CHARGED WITH THE DEPRIVATION MUST BE A PERSON WHO MAY FAIRLY BE SAID TO BE A STATE ACTOR; STATE EMPLOYMENT SUFFICIENT TO RENDER THE PARTY A STATE ACTOR. A PATTERN OF SIMILAR VIOLATIONS ARISING FROM TRAINING THAT IS CLEARLY INADEQUATE, AS TO BE OBVIOUSLY TO RESULT IN VIOLATIONS OF CONSTITUTIONAL RIGHTS.

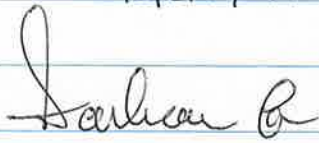
RESPONDENT(S) ABUSED THEIR POSITIONS GIVEN TO THEM BY THE STATE, EMPLOYEES, ACTED UNDER A COLOR OF STATE LAW WHILE ACTING IN THEIR OFFICIAL CAPACITY OR WHILE EXERCISING THEIR RESPONSIBILITIES PURSUANT TO STATE LAW. A STATE IS OBLIGATED, UNDER THE CRUEL AND UNUSUAL PUNISHMENT CLAUSE OF THE FEDERAL CONSTITUTION'S EIGHTH AND FOURTEENTH AMENDMENT, TO PROVIDE ESSENTIAL MEDICAL CARE TO THOSE WHOM IT HAS INCARCERATED.

THE STATE, BORE AN AFFIRMATIVE OBLIGATION TO PROVIDE ADEQUATE MEDICAL CARE TO MS. FRANTZ, 'MOVING FORCE' BEHIND THE DEPRIVATION, AND DELEGATED THAT FUNCTION TO THE STATE ACTORS AND PHYSICIANS.

INDIFFERENCE MANIFESTED BY PRISON DOCTORS IN THEIR RESPONSE TO MS. FRANTZ' MEDICAL NEEDS, STATES A CAUSE OF ACTION UNDER 42 U.S.C. § 1983. THE RESPONDENT(S) CONDUCT COMPLAINED, BEING SUCH AS, PREVENTED THE LOOSING PARTY FROM FULLY AND FAIRLY PRESENTING HER CASE. SEE: ROZIER V. FORD MOTOR CO., 573 F.2d 1332.

WHEREFORE, MS. FRANTZ PRAYS TO THIS US SUPREME COURT TO GRANT HER REHEARING EN BANC OF WRIT OF CERTIORARI ON NEW GROUNDS ESTABLISHED ABOVE; AND US DISTRICT COURT AND US COURT OF APPEALS CLEAR ERROR OF ABUSE OF DISCRETION DEPRIVING HER COUNT II CLAIMS OF FEDERAL RIGHTS OF THE FIFTH AND EIGHTH-FOURTEENTH AMENDMENT CRUEL AND UNUSUAL PUNISHMENT, DENIAL OF DUE PROCESS OF LAW AND EQUAL PROTECTION CLAUSES. NEW GROUNDS PURSUANT TO RULE 60 (b) (2), (3). (2) NEW EVIDENCE PRESENTED (3) MISCONDUCT FOR DENIAL OF DISCOVERY REQUEST BY THE MOVING PARTY.

Respectfully Submitted, Gold STAR MOTHER
BARBARA FRANTZ, by PRO SE
TOPEKA CORRECTIONAL FACILITY
815 SE RICE ROAD
TOPEKA, KS. 66607

 EXECUTED FEBRUARY 2, 2025

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BARBARA MARIE FRANTZ - PETITIONER

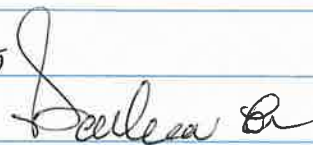
vs.

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

PROOF OF SERVICE

I, BARBARA FRANTZ, BY PRO SE, DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE PETITION FOR REHEARING PURSUANT TO RULE 44, ON THIS DATE FEBRUARY 2, 2025 AS REQUIRED BY SUPREME COURT RULE 29, IS TRUE AND CORRECT UNDER 28 U.S.C. SECTION 1746, AND HAS BEEN PLACED IN US MAIL POSTAGE PREPAID FIRST CLASS MAIL TO THE CLERK OF SUPREME COURT OF THE UNITED STATES WASHINGTON, DC 20543.

EXECUTED ON FEBRUARY 2, 2025



CC: FRANTZ, B

BARBARA FRANTZ, BY PRO SE