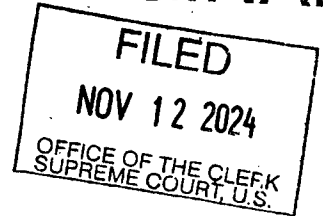


No. 24-6122

ORIGINAL



IN THE  
SUPREME COURT OF THE UNITED STATES

Frank Elmo Reid — PETITIONER  
(Your Name)

vs.

Corizon Health Services et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

None? 4<sup>th</sup> Circuit Court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Franks Elmo Reid #1063812  
(Your Name)  
Red Onion State Prison P.O. Box 1900 Pound, VA 24279  
(Address)

Pound, Virginia 24279  
(City, State, Zip Code)

216-796-7510  
(Phone Number)

#### QUESTION(S) PRESENTED

1. Should the VA Dept. of Corrections be legally allowed to send the plaintiff—who is paralyzed on one whole side of his body due to a Traumatic Brain injury prior to his incarceration—to a maximum security prison rife with rampant violence, gangs, deadly weapons and the like upon his reception to prison then punish the plaintiff with indefinite solitary confinement and denial of physical therapy along with medical prostheses in addition to transfer to a supermaximum prison after he was forced to physically defend himself in a fatal incident at the said maximum security prison? If so, why?

2. Are VA Dept. of Correctional defendants right to notice of civil litigation against them more important than the plaintiff's serious medical need for healthcare to help him address the complications and practical difficulties of his being paralyzed on one whole side of his body due to a Traumatic Brain Injury the plaintiff suffered prior to his imprisonment?

3. Once the plaintiff was deemed to require provision of physical therapy by prison medical staff why was said physical therapy discontinued without having achieved the medical goal of full restoration of plaintiff's mobility? Especially when plaintiff's paralysis can only be cured with physical therapy which is why prison therapists constantly admonished the plaintiff to "use it or lose it."

## 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:

## RELATED CASES

Thompson v. Maldonado, 309 F.3d 107, 110 (2d Cir. 2002) (per curiam)

Palmer v. City of Decatur, Ill., 814 F.2d 426, 428-29 (7th Cir. 1987)

Allen v. Calderon, 408 F.3d 1150, 1152 (9th Cir. 2005)

Sterling v. U.S., 985 F.2d 411, 412 (8th Cir. 1993)

Emerson v. Thiel College 296 F.3d 184, 190-91 (3d Cir. 2002)

Jourdan v. Tabe, 951 F.2d 108, 110 (6th Cir. 1991)

West v. City of New York, 130 F.R.D. 522, 524-26 (S.D.N.Y. 1990)

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APPENDIX B	Decision of State District Court <del>October 23, 2023</del> Order dated Magistrate District Court Dismissal → 3-5-24
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Appendix H	Red Onion Unauthorized Correspondence form dated 5-29-24
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## TABLE OF AUTHORITIES CITED

### CASES

Estelle v. Gamble

### PAGE NUMBER

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Proctor v. Edmonds, 2020 U.S. Dist. Lexis 218898

### STATUTES AND RULES

8<sup>th</sup> Amendment Americans With Disabilities Act  
Deliberate Indifference  
Rehabilitation Act

### OTHER

Virginia Dept. of Corrections Operating Procedure 601.3  
(Managing Offenders With Disabilities)

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 August 27, 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: September 17, 2024, and a copy of the order denying rehearing appears at Appendix D.

☐ 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

8th Amendment

Americans With Disabilities Act

Rehabilitation Act

Title 42

14th Amendment



### STATEMENT OF THE CASE

The plaintiff, at this point, after having been in daily pain since November 16, 2015, while still paralyzed and in the custody of the Virginia Department of Corrections defendants, having been physically and violently assaulted by multiple cell mates had to defend himself somehow - and unable to fight due to his being paralyzed with a Traumatic Brain Injury - sought safety in the form of a prison shank and stabbed his cell mate once. Now, the plaintiff is being held in solitary confinement for the past five years in the name of "security", still paralyzed.

See Proctor v. Edmonds, 2020 U.S. Dist. Lexis 218898

# REASONS FOR GRANTING THE PETITION

The plaintiff is a descendant of African slaves who provided America 240 years of the highest quality labor for free I deserve the best healthcare even in prison.

Item: <u>Reid</u>	
Date: _____	Time In: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
Use By: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
Qty: _____	Start Temp: _____
2 Hr Temp: _____	4 Hr Temp: _____
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> <div style="text-align: center;"> <u>D6</u> DAY         </div> </div>	Corrective Action: <u>No Beans</u> <u>Give Yakisoba</u> <u>Reid D-610</u>

Item: <u>Reid</u>	
Date: _____	Time In: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
Use By: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
Qty: _____	Start Temp: _____
2 Hr Temp: _____	4 Hr Temp: _____
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> <div style="text-align: center;"> <u>D6</u> DAY         </div> </div>	Corrective Action: <u>No Beans</u> <u>Give Veggie Lasagna</u> <u>Reid D-611</u>

The Virginia Dept. of Corrections is a fraud and farce peddling in lies about public safety when prison staff won't stop <sup>inflicting</sup> unnecessary medical pain and suffering on the plaintiff which could've been prevented years ago.

Item: _____	
Date: <u>6/11</u>	Time In: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
Use By: <u>Reid</u>	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
Qty: _____	Start Temp: _____
2 Hr Temp: _____	4 Hr Temp: _____
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> <div style="text-align: center;">           _____ DAY         </div> </div>	Corrective Action: <u>no Beans</u> <u>like 2 peanut butter</u>

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: November 4, 2024