

FILED
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 24-7405

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIE TRIPLETT — PETITIONER

vs.

JAMES LEBLANC, ET. AL — RESPONDENT(S)

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

PETITION FOR CERTIORARI

WILLIE TRIPLETT, PRO SE
100388, ASH—3
LOUISIANA STATE PENITENTIARY
ANGOLA LOUISIANA 70712

QUESTIONS PRESENTED

1. Whether U.S. Middle District of Louisiana dismissal of Petitioner's Civil Rights medical complaint as frivolous under 28 U.S.C. § 1915 who has payed \$402 Court's Filing Fee abuses its discretion, misapplies the intent of Congress, and deprives of fundamental rights of access to court?
2. Whether U.S. Middle District and U.S. 5th Circuit of Louisiana denial of Petitioner to proceed on Appeal *In Forma Pauperis* and applies three strikes deprives of due process, equal Protection and access to court?
3. Whether Petitioner's ongoing and progressive medical condition meets the "Imminent Danger" exception to the three strike rule under 28 U.S.C. § 19115(g)?

LIST OF PARTIES

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:

James LeBlanc, former Secretary of the Louisiana Department of Public Safety and Corrections.

Gary Wescott, Secretary of the Louisiana Department of Public Safety and Corrections.

Jacob Johnson, Administrator of Angola medical providers for the Treatment Center Angola.

Randy Lavespere, Medical Director of the Angola Health Care Providers and patient physician for Angola inmates.

John Doe, no description.

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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 BELOW

The opinion of the United States court of appeals appears at Appendix A to the petition and is not reported in the Federal Reporter; however, it is published on Westlaw at Triplett v. LeBlanc, (5th Cir. 12/11/24); 2024 WL 5074899.

The opinion of the United States district court is not appended to the petition and is not reported in the Federal Reporter; however, it is published on Westlaw at Triplett v. LeBlanc, (M.D. La. 1/17/24); 2024 WL 5074899.

JURISDICTION

The date on which the United States Court of Appeals decided my case was December 11, 2024.

A timely petition for rehearing was denied by the United States Court of Appeals on June 26, 2023, and a copy of the order denying rehearing appears at Appendix A1.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The questions presented implicates the following provisions of the United States Constitution, the Louisiana Constitution, and the Louisiana Code of Criminal Procedure:

The Eighth Amendment to the United States Constitution which provides:

“... nor cruel and unusual punishments inflicted.”

The Fourteenth Amendment to the United States Constitution which provides:

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

Petitioner, Willie Triplett, has been incarcerated in the Louisiana Department of Public Safety and Corrections at the Louisiana State Penitentiary, Angola for more than 30 years and has been required to take more than 100 required blood tests. In January 2021, Petitioner had a scheduled hospital appointment for cataract surgery at University Medical Center New Orleans. Dr. Barron explained the surgery would have to be postponed because Syphilis had been detected in Petitioner's blood. The Doctor stated Petitioner would have to be treated by the Angola "Infection Control."

After several trips to University Hospital for the cataract surgery, the hospital was unable to perform the surgery because the Health Care Providers at Angola had failed to give Petitioner the needed treatment so that the cataract surgery could be performed. After hospital's several rescheduled appointments because of the failure to have the Petitioner treated; Angola did not began "Infection Control Treatment" until June 10, 2021, not ending until June 24, 2021. In July/August, Health Care Provider, Dr. Bordolon informed Petitioner his syphilis was in the third (3rd) stage. The petitioner was never informed by the Health Care providers at the Angola Treatment Center (T.C.) he was in need of this treatment. The petitioner thereafter filed this Civil Rights claim for the Defendant's "deliberate indifference" to his serious medical need subjecting him to cruel and unusual punishment in violation of the prohibition under United States Constitution Amendments 8th and 14th.

REASONS FOR GRANTING THE WRIT

MAY IT PLEASE THE COURT:

NOW INTO COURT, Petitioner, Willie Triplett, moves this honorable Court, through Motion for Leave to File application for Certiorari from the United States Court of Appeals, December 11, 2024 denial of application and Motion to Proceed in Forma Pauperis in case No.: 24-30068 USCA 5th Circuit, which is proceeded by the United States Middle District Court of Louisiana, Civil Action No.: 21-717-SDD-RLB denial of the Petitioner's Civil Rights Suit against James LeBlanc, Jacob Johnson, Randy Lavespere, and John Doe, et. al., for their subjection Petitioner to Cruel and Unusual Punishment for their denial of medication for Petitioner's serious disease "Syphilis" in violation of the Eighth Amendment to the United States Constitution.

Jurisdictional Statement

This Court has the ability to review the violation of the United States Constitutional Amendment 8th prohibiting subjecting Petitioner to cruel and unusual punishment by the denial of needed medication for his serious illness, constituting a Civil Rights violation, prohibited under, 42 U.S.C., § 1983:

Every person who, under color of Statute, ordinance, regulation, custom, or usage of any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any right, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress... 42 U.S.C., § 1983; 28 U.S.C., § 1333(3):

- (a) The District courts has original jurisdiction of any Civil Action authorized by the law to be commenced by any person...
- (3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privileges or immunity secured by the Constitution of the United States or by any act of Congress providing for the

equal rights of citizens or all persons within the jurisdiction of the United States; ... § 1343(3).

This Petition is being resubmitted in accordance with Clerks request of March 12, 2025, to resubmit in accordance with Rule 14 within 60 days. Today is the 9th day of May, 2025. Therefore giving this Court Jurisdiction over this case.

Procedural History:

Administrative Remedy Procedure (ARP) filed to Warden Hooper on September 24, 2022, (Appx. A 10). On January 3, 2025, petitioner Willie Triplett motioned the Fifth Circuit Court of Appeals for an Extension of Time to file for rehearing but was denied. Petitioner's Opposition to the Defendant's Motion to Dismiss under Rules 12(b)(1) and 12(b)(6) Case No.: 21-717-SDD-RLB.

On December 11, 2024, the Fifth Circuit denied review case No. 24-30068 (Appx. A). On December 18, 2024 the Fifth Circuit denied Petitioner's Motion for Leave of Court Requesting for en banc hearing case No.: 24-30068 and USDC No.: 3:21-CV-717-SDD (Appx. A1), along with application to proceed in Forma Pauperis. The Magistrate's Report and Recommendation on Defendant's Motion for Dismissal under 12(b)(1), (Appx. A2); Motion for Leave of Court requesting Reconsideration No.: 21-717-SDD-RLB (App. A4); Petitioner's Motion for Leave of Court for the Appointment of Counsel (Appx. A4); Notice of Appeal filed 25 day of January, 2024, (Appx. A5); Motion for Leave of Court to Request Reconsideration of Order Denying Petitioner's Motion to Appeal in Forma Pauperis, and request Appointment of Counsel, No.: Case No.: 21-717-SDD-RLB filed 27 day of December 2023 (Appx. A6).

Motion for Leave of Court to File a Good Faith Brief, Civil Action No.: 22-30571 (Appx. A8); Petitioner filed a Motion to Stay court proceeding in case No.: 22-30571 based on Newly

Discovered Evidence. (Appx. B2). The Middle District Granted Petitioner's Motion for Reconsideration and vacated its prior Order but denied Petitioner's Application to proceed in forma pauperis on appeal July 1, 2024 (Appx. B3). Petitioner filed for review of the District Court's Denial to proceed in forma pauperis to the United States Fifth Circuit, but was denied on January 21, 2025 (Appx. A11).

The Fifth Circuit applied three strikes after Petitioner payed the \$402 filing fee. (Appx. A). Petitioner initially filed this Application for Certiorari February 28, 2025, but it was returned to Petitioner on March 12, 2025 to comply with Rule 14 within 60 days (Appx. A9).

In the instant case, petitioner had been incarcerated in the Louisiana Department of Public Safety and Correction for over 28 years when in January 2021 he had a scheduled doctors appointment for cataract surgery by Doctor Barron of the University Medical Center New Orleans who informed petitioner the surgery would have to be postponed because Dr. Barron notified the petitioner he was suffering from "Syphilis" in the blood and stated that before he could perform the procedure, petitioner would have to be treated by the Angola Treatment Center ("TC") "infection control."

Although the Angola TC was notified of this need, the treatments did not begin until June 10, 2021. Between July and August, Dr. Bordolon at the TC informed petitioner that the syphilis was in the third stage! This stage takes anywhere from 20-to-30 years to arrive at this third stage. In December 2021, petitioner filed this complaint under U.S.C., § 1983 into the Middle District of Louisiana, case No. 21-717-SDD-RLB. (Appx. B/C). Petitioner was never informed concerning he had this serious disease by the Health Care providers at Angola of which the named Defendants were in charge.

It is common knowledge that a diagnosis of Syphilis requires immediate medical attention. The delay herein was grossly negligent with the deliberate indifference due to the Defendant Secretary James LeBlanc, of the Department of Public Safety and Corrections, failure to implement procedures for the screening, diagnosis, and treatment for the serious disease Syphilis causing Petitioner unnecessary pain and suffering, subjecting petitioner to cruel and unusual punishment that has persisted over the years prohibited by the 8th Amendment to the United States Constitution.

The Defendants have alleged that petitioner has not alleged any medical physical complication, however, this assertion is refuted by the evidence in the medical records at Angola's Treatment Center (T.C.), records that could have been produced had the District Court ordered Discovery as petitioner requested (Appx.D-I).

Petitioner states for the record he had numerous medical complications that are the results of the Syphilis going untreated in his body as indicated in the following but not limited to: Damage to the central nervous system; heart trouble; high blood pressure; vision loss; incontinence; rash that does not respond to medication; edema; all a result of the the prolonged denial of treatment for his serious medical condition. (Appx. G).

While the Defendants suggested the Petitioner has not complained of any injury to his health (Appx. G) the truth is Petitioner has been denied a "full and fair hearing" on his claims where the district court failed to order discovery even after the petitioner payed the \$402 court filing fee (Appx. F); moreover, the district court failed to Order discovery even after the petitioner requested the court to do so upon Motion for Leave of court to order Discovery of the

institutional medical records involved in this case and to Appoint Counsel to represent Petitioner under the facts and the denial was an abuse of discretion. (Appx. D-I).

The Defendant, Administrator Jacob Johnson, who oversees the health care providers for the Angola Treatment Center (TC) and overseer of the Defendants James LeBlanc unconstitutional policy and customs failure to provide procedures for the screening, diagnosis, and treatment of Petitioner and other inmates entering the prison for the serious disease syphilis.

Defendants Jacobs, Lavespere, and LeBlanc, all trained in the medical care and treatment of inmates knew or reasonably should have known the need for procedure for testing for syphilis. This case was not one for dismissal where the Petitioner raised non-frivolous claims of the Defendants intentionally failed to inform Petitioner of the need for medical treatment, out of retaliation for having filed civil rights claims against high ranking security, two of whom had wives working at Angola's treatment center deliberately failed to inform the Petitioner, and delayed treatment after being notified by University Medical Center New Orleans of the need for Petitioner to be treated by the Angola "infection control" in January 2021 did not begin treatment until June 10, 2021. (Appx. G).

The Defendants acted with deliberate indifference to the Petitioner's serious medical needs subjecting him to the unnecessary pain, and suffering, and injury to his health in violation of the 8th Amendment's prohibition against cruel and unusual punishment.

The Defendant Randy Lavespere who is the Director of "Health Care of Angola inmates at the (T.C.); While acting under the color of and authority of State law on behalf of the State of Louisiana exhibited a "deliberate indifference" while enforcing the Secretary's (LeBlanc) unconstitutional policy and custom not to screen Petitioner and other inmates entering the Angola prison for the serious disease "syphilis" in violation of clearly established law by the United States Constitutional Amendments 8th and 14th.

The Petitioner after having payed the court's \$402 filing fee, and the court Dismissed it (Appx. F), Petitioner motioned the court for a Stay of Order and Judgment (Appx. W); followed with Motion for Reconsideration (Appx. N); thereafter Motion to recall the Mandate based on newly discovered evidence (after filing for and receiving the court's Docket Sheet) revealed Magistrate's Order May 10th, 2023 to pay remaining \$2 owed on the filing fee had been intercepted and never received by Petitioner that had resulted in the court's Order, Judgment, Mandate, and dismissal. However, the district court granted the motion for reconsideration recalled Judgment, dismissal, mandate returning case to the Docket. (Appx. B3).

The Court after granting the motion for reconsideration denied Petitioner's Motion to Appeal "in forma Pauperis" (Appx. B3); The U.S. 5th Circuit of Louisiana also denied Petitioner's Motion to proceed in "in forma pauperis" on appeal, and applied the three strikes against Petitioner. (Appx. A). Petitioner maintains the action between he and the Court refutes a claim of frivolous. Moreover, if the claims were so frivolous, they should have been dismissed before Petitioner payed the filing fee and all the proceedings that followed.

Petitioner objects to the court's application of the three strikes where the Petitioner has alleged because of the Defendant's unlawful acts of withholding needed medication placed him

in "imminent danger" where the Petitioner is now plagued with an on-going and progressive medical condition, meeting the exception to the bars under 28 U.S.C., § 1915g.

The Petitioner further states it was error for the U.S. 5th Circuit to have applied the three strikes where petitioner payed the \$402 to the district court. The court has made clear that the application of § 1915 is determined by the circumstances at the time of filing. Andrews v. Cervantes, 493 F.3d 1047, 1053 (9th Cir. July 5, 2007). The statute provides that: "Any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by any person who submits a Affidavit that includes a statement of all assets such person possesses that the person is unable to pay such fees or security therefor. 28 U.S.C. § 1915(a)(1).

The district court allowed the petitioner to pay .32 cent initial filing fee of which petitioner understood was an allowance for him to proceed IFP on appeal, having already payed the filing fee. The petitioner was never given the opportunity to pay an initial filing fee in the 5th Circuit Court of Appeals. The Petitioner was willing to contract on a partial payment of the court's filing fee. One of the hallmarks of American Jurisprudence is where action has resulted in injury (as to the Petitioner) there is a remedy at law for redress. The law is made clear pertaining to civil rights of those who are wards of the State. 42 U.S.C., § 1983. See, (pages 2 & 4, herein) It is clearly established those acting under color of State law who violates prisoner's civil rights are liable to the party injured for damages. § 1983. In Estelle v. Gamble, 97 S.Ct. 285 (1976), a pro se complaint filed by a prisoner against prison officials for failure to provide adequate medical care. The U.S. District Court for the Southern District of Texas dismissed and prisoner appealed. The U.S. 5th Circuit Court of Appeals reversed and remanded, and denied rehearing en

banc, Gamble v. Estelle, 521 F.2d 815. Certiorari was granted. In this case, Justice Marshall did not find deliberate indifference to prisoner's serious medical needs based on the fact prisoner had been seen and treated by the medical personnel on 17 occasions within a three month period was insufficient to state a claim for medical indifference against physician both in his capacity as treating physician and as medical director; however, case was remanded to see if there was a cause of action against the other officials. Id., 285.

In the instant case, the Petitioner has been incarcerated in the Louisiana Department of Public Safety and Corrections, for a period of over 30 years, have taken way over 150 blood tests, and have had hundreds of medical evaluations, but was never told by his treating physician Dr. Lavespere or other Health Care Provides at Angola of his medical condition, even though they knew because they informed U.M.C.N.N.O.

In January 2021, Petitioner went to the University Medical Center New Orleans for cataract surgery and it had to be postponed until having been treated by the Infection Control at Angola Treatment Center. The T.C. at Angola did not began treatment until June 10, 2021. Dr. Bordolon in July/August, 2021 informed Petitioner Syphilis was in the third stage. This stage takes anywhere from 20 to 30 years to develop if left untreated.

The Petitioner's case is distinguished from Estelle, who was treated some 17 times in a three month period; whereas, the Petitioner here was seen by physicians, but was denied treatment; and even after finding out in January 2021 they demonstrated a "deliberate indifference" by delaying treatment until June 10, 2021. Syphilis is a serious disease that requires immediate treatment. The delays caused by the Defendants none treatment subjected the

Petitioner to cruel and unusual punishment in violation of the 8th Amendment to the United States Constitution of America.

The Petitioner entered Angola on a trumped up sex offense at the age of 46 indicating he was still sexually active. One shot of penicillin can cure the disease in the first and second stages. However, the third stage is incurable. It is a disregard of an excessive risk to an inmate's health and safety for him not to have been screened, diagnosed, and treated for syphilis entering the prison with a life sentence. The Defendants, all professionals, trained in the medical care and treatment of men incarcerated, knew or reasonably should have known of the risk of not screening for syphilis from his medical complaints of high blood pressure, edema, vision loss, heart-disease, liver and kidney problems hepatitis, damage to central nervous system etc., should have checked Petitioner for syphilis under the clearly established law for the care and treatment for inmates serious medical conditions. In Easter v. Powell, 467 F.3d 459 (5th Cir., Oct. 5, 2006), the U.S. 5th Circuit held that prisoner's allegations were sufficient to state a claim for deliberate indifference where the district court granted nurse's motion for summary judgment and denied her motion for summary judgment on qualified immunity defense. In affirming and remanding the 5th Circuit held that prisoner's allegations were sufficient to state a claim for deliberate indifference to serious medical needs. Easter, at 459, and relying on Farmer v. Brennan, 511 U.S. 825, 114 S.Ct. 1970, 128 L.Ed.2d 811 (1994).

The lower courts holding claims frivolous is an abuse under the facts of the case at bar. The Petitioner ask the Court to reverse the U.S. District for the Middle District of Louisiana finding of frivolous as an abuse of discretion; and U.S. 5th Circuit Court of Appeals application of the three strikes as an abuse of discretion and contrary to the intent of Congress in the application

of 28 U.S.C., § 1915g against the Petitioner whose 8th Amendment claim is based on an ongoing medical condition that poses an imminent danger to his health.

Relief Requested

The Defendant James LeBlanc, Secretary of Louisiana Department of Public Safety and Corrections be held liable in compensatory and punitive damages to Petitioner for his unconstitutional failure to implement policy procedures for screening, diagnosis, and treatment for syphilis of incoming inmates;

The Defendant Dr. Jacob Johnson Administrator of the Angola T.C. be held liable to Petitioner in compensatory and punitive damages for enforcing LeBlanc's unconstitutional policy and custom of not screening Petitioner for syphilis upon being committed into the Louisiana Department of Public Safety and Corrections at Angola prison;

The Defendant Dr. Randy Lavespere, Director of the Health Care Providers at Angola T.C be held liable in compensatory and punitive damages to Petitioner for his enforcement of LeBlanc's unconstitutional policy and custom of not screening diagnosing, and treating for the serious disease syphilis, subjecting Petitioner to physical injury to Petitioner's health in violation of the prohibition against cruel and unusual punishment under United States Constitution of America 8th and 14th Amendments.

It is not logical that Congress intended a petitioner who pays the filing fee to be struck with the three strikes rule under § 1915. At any rate, Petitioner meets the exception due to his ongoing medical condition which poses an "Imminent Danger." 28 U.S.C., §1915g.

CONCLUSION

For all of the reasons stated above, Petitioner prays the Court will take jurisdiction and permit Petitioner to present his claims for relief with the assistance of appointed counsel. In the alternative Petitioner prays the Court views this case under the less stringent standard for pro se litigants under Haines v. Kerner, 404 U.S. 519, 520 (1972) and remand this case for further proceedings.

Done this 09 day of May, 2025.

Respectfully submitted,

Willie Triplett
Willie Triplett 100388
Louisiana State Penitentiary
Ash—3
Angola Louisiana 70712

Declaration of Verification

Petitioner, Willie Triplett, do hereby state by way of Oath of Affidavit and declare under penalty of perjury that all of the foregoing is true and correct. Executed this 09 day of May, 2025.

Willie Triplett
Pro Se