

IN THE
SUPREME COURT OF THE UNITED STATES
WASHINGTON D.C.

JERMAINE N. TURNER
PLAINTIFF,

V. CASE NO. _____
DR. BOWLES (LVCC)
DEFENDANT,

PETITION FOR A WRIT OF CERTIORARI

UNITED STATES DISTRICT COURT OF APPEALS
FOR THE FOURTH CIRCUIT COURT

DECIDED DATE: NOVEMBER 28TH
FINAL ORDER DATE: DECEMBER 20TH 2017
ALEXANDRIA-DIVISION

BY
THE HONORABLE JOHN A. GIBNEY JR.
PRESIDED,

JERMAINE N. TURNER pro se
1607 PLANTERS ROAD
LAWRENCEVILLE VIRGINIA

* Jermaine Turner 23868

QUESTION(S) PRESENTED

TO DECIDE IF A MEDICAL NEED IS "SERIOUS" THE COURTS APPLY THE 14TH AMENDMENT DUE PROCESS AND THE EQUAL PROTECTION CLAUSE.

1. WHETHER A REASONABLE DOCTOR OR PATIENT WOULD PERCEIVE THE MEDICAL NEED IN QUESTION AS "IMPORTANT AND WORTHY OF COMMENT OR TREATMENT."

2. WHETHER THE MEDICAL CONDITION SIGNIFICANTLY AFFECTS DAILY ACTIVITIES.

3. WHETHER THE UNITED STATES DISTRICT COURT FAILED TO RESPOND TO PLAINTIFFS REQUEST "THAT DR. BOWLES" IN FACT DAMAGED PLAINTIFFS GOLD CROWN.

4. THERE ARE "EVIDENCE" THAT BOWLES, "DID IN FACT PROMISE" PLAINTIFF THAT HE WOULD FIX THE DAMAGES OF PLAINTIFFS GOLD CROWN, WHICH DEFENDANT FAILED TO DO"

5. WHETHER THE UNITED STATES DISTRICT COURT FAILED TO RECOGNIZE VIRGINIA STATE "LAW" ENACTED BY THE VIRGINIA STATE LEGISLATURE.

SEE: BORETTI V. WISCOMB, 930 F2nd 1150
1154-56 (6th CIR 1991) "HOLDING NEEDLESS
PAIN THAT DOES NOT LEAD TO PERMANENT
INJURY IS STILL ACTIONABLE"

LIST OF PARTIES

ALL PARTIES DO NOT APPEAR IN THE CAPTION
OF THE CASE OF THE COVER PAGE.

1. A LIST OF ALL PARTIES TO THE PROCEEDING
IN THE COURT WHOSE JUDGMENT IS SUBJECT
TO THIS PETITION AS FOLLOWS:

g. DEFENDANT DR. BOWLES DENTAL HYGIENIST

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4TH FOURTH CIRCUIT COURT of APPEALS of
THE UNITED STATES COURT of APPEALS

APPENDIX "B"

THE UNITED STATES DISTRICT COURT of THE
EASTERN DISTRICT of VIRGINIA, ALEXANDRIA-
DIVISION FILED MEMORANDUM OPINION

DATE JULY 19TH 2017

TABLE of AUTHORITIES CITED

CASES

BORETTI v. WISCOMB, 930 F2nd 1150, 1154-56
(6th CIR 1991) 2.

COMEZ v. USAA FEDERAL SAV. BANK, 171 F3^d
(2nd CIR 1999) 7.

HAINES v. KERNER, 404, U.S. 519, 520 92 Ct
594, 595, 30 LED 2nd 652 (1972) 7.

M CRAVEN v. SANDERS, 577 F3^d 974 (8th CIR
2009) 7.

RESNICK v. HAYNES, 213 F3^d 443 (9th CIR
2000) 7.

STATUTES AND RULES

CODE of VIRGINIA § 8.01-229. SUSPENSION
OR TOLLING of STATUTES of LIMITATION; EFFECT
OF DISABILITIES, DEATH; INJUNCTION;
PREVENTION of SERVICE BY DEFENDANT;
DISMISSAL, NON-SUITE OR ABATEMENT.

OPINION BELOW

FOR CASES FROM STATE COURTS
THE OPINION OF THE UNITED STATES
COURT FOR THE EASTERN DISTRICT of
VIRGINIA, ALEXANDRIA-DIVISION
GROUNDS FOR DISMISSAL
ORDERED DENIED 7/19/17 JULY

UNITED STATES COURT of APPEALS
FOR THE FOURTH CIRCUIT
WAS SUBMITTED: NOV 21, 2017
DECIDED: NOVEMBER 28, 2017

BEFORE WYNN AND THACKER
THE HONORABLE JUDGES of THE
CIRCUIT COURT..

AND DISMISSING AFTER A 28 U.S.C. 1915A
(2012) REVIEW
THE HONORABLE JUDGE HAMILTON &
SENIOR CIRCUIT JUDGE.

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 B 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 _____ 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 A to the petition and is

☐ reported at THE UNITED STATES DISTRICT EASTERN DISTRICT of VIRGINIA; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished. 42 USC 1983, AFTER REVIEWING PLAINTIFFS COMPLAINTS EASTERN DISTRICT COURT ~~IS~~ DISMISSED PURSUANT TO 28 U.S.C. 1915A(b)

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 NOVEMBER 28, 2017

☐ 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: NOVEMBER 21, 2017, and a copy of the order denying rehearing appears at Appendix B.
FINAL ORDER DATE DENIED PETITION DEC 20, 2017

☐ 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 JULY 19, 17.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: NOVEMBER 28, 2017, 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).

7.

COMPLAINT NOR ANY PLEADING
ARE NOT PREPARED BY COUNSEL

TUNER'S COMPLAINT WAS NOT PREPARED BY
COUNSEL.

"IT'S IS WELL SETTLED LAW THAT THE THE ALLEGA-
TIONS OF SUCH A COMPLAINT," HOWEVER IN
ARTFULLY PLEADED "ARE HELD TO LESS STRINGENT
STANDARDS THAN FORMAL PLEADING DRAFTED
BY LAWYERS." HAINES V. KERNER, 404 U.S. 519, 520
92 S.Ct. 594, 595, 30 LEd 2nd 652 (1972); NOTING
THAT PRO SE COMPLAINTS MUST BE READ LIBERALLY"
COMEZ V. USAA FED. SAV. BANK 171 F3^d (2nd CIR 1999)
" AGREEING WITH DIRECT DISTRICT COURTS LIBERAL
CONSTRUCTION OF PRO-SE PLEADINGS."
RESNICK V. HAYNES, 213 F3^d 443 (9th CIR 2000)

CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED

UNITED STATES COURT OF APPEALS FOR THE FOURTH
CIRCUIT MAKES A LIST OF THE PERTINENT FACTS
FOLLOWED.

"AFTER THE DENTIST HYGIENTS DR. BOWLES,
FAILED TO FINISH A DENTAL PROCEDURE, WHICH
HE DAMAGED AN INMATE CROWN, DOING CLEAN-
ING PROCEDURE. JERMAINE N. TURNER, LEFT
GOLD CROWN WAS DAMAGED; FROM GROSS NEGI-
GENCE, AND RECKLESS PROCEDURE, WHICH
VIOLATED TURNERS, 8th AMENDMENT AND 14th AMEN.

STATEMENT of CASE

ON PETITION FOR APPEAL FROM THE
UNITED STATES DISTRICT COURT of APPEALS
FOR THE FOURTH CIRCUIT COURT of VIRGINIA

FINAL ORDER DATE DECEMBER 20TH 2017 BY:
THE HONORABLE JOHN A. GIBNEY JR. PRESIDED,
ON PETITION FOR APPEAL FROM THE
UNITED STATES EASTERN DISTRICT COURT
of VIRGINIA RICHMOND,
ALEXANDRIA DIVISION

DECIDED DATE NOVEMBER 28TH 2017
FINAL ORDER DATED JULY 19TH 2017
BY THE
HONORABLE JUDGE LIAM O'GRADY
PRESIDED,

INTRODUCTION STATEMENTS OF FACTS

MARCH 1, 2017, PLAINTIFF JERMAINE N. TURNER, DID IN FACT, HAD AN APPOINTMENT TO VISIT DR. BOWLES, (DENTAL HYGIENIST); TO HAVE HIS TEETH CLEANED. DR. BOWLES, BEGIN DOING CLEANING PROCEDURES, TO TURNER'S LEFT SIDE MOUTH...

"BOWLES COMPLETED THE LEFTSIDE OF TURNER'S TEETH, BEFORE BOWLES BEGIN THE RIGHT SIDE OF TURNER'S MOUTH, TURNER ASKED FOR MIRROR TO SEE THE COMPLETION OF THE CLEANING PROCESSES. TURNER NOTICE, THAT HIS GOLD CROWN WAS DAMAGED BY THE CLEANING PROCEDURE, BY BOWLES... TURNER ALSO NOTICE HIS GUMS WAS BLEEDING FROM THE DENTAL TOOLS THAT SCAPES DECAY OFF THE TOOTH... WHICH THE DENTAL TOOL, DAMAGED TURNER'S CROWN....

DEFENDANT DR. BOWLES, WAS INSTRUCTED BY TURNER, NOT TO CLEAN THE RIGHT SIDE OF HIS MOUTH, UNTIL HE FIX THE DAMAGE TO HIS GOLD CROWN WHICH HIS DENTAL TOOLS DAMAGED.

"MARCH 1, 2017, TURNER, DID AN INFORMAL COMPLAINT, LVCC-17-INF-100680, MARCH 20, 2017. THE RESPONSE BACK FROM DR. BOWLES, SAYING THAT RECEIVING ANY DENTAL WORK, BY D.O.C RULES: YOU ARE AT YOUR OWN RISK.

"BOWLES DID IN FACT" STATED THAT GEO AND THE DEPARTMENT OF CORRECTIONS OF VIRGINIA, "DO NOT", DO DENTAL WORK IN GENERAL ON CROWN. THIS MEAN, PROCEED AT YOUR OWN RISK...

"TURNER DID IN FACT" DO AN GRIEVANCE COMPLAINT, ABOUT THAT STATEMENT DR. BOWLES EXPLAINED TO HIM, OF GEO AND D.C. RULES FOR DENTAL HYGIENISTS...

PLAINTIFF, JERMAINE N. TURNER, DID IN FACT SUBMIT, A REQUEST FORM TO MEDICAL DIRECTOR DAWN GOODE, EXPLAINING "THE RECKLESS PROCEDURE, OF DR. BOWLES, DAMAGING HIS GOLD CROWN, WHICH WAS VERY EXPENSIVE"... COMPLAINT NO. LVCC-17-REG-00046,

MEDICAL DIRECTOR DAWN GOODE, DID IN FACT SPOKE WITH DENTAL HYGIENIST BOWLES, "THAT HE HAS TO FINISH THE PROCEDURE" HE STARTED... DR. BOWLES, DID IN FACT TRY TO, FIX TURNER'S CROWN, WHICH HE FAILED TO COMPLETE, KNOWING HE DONE SERIOUS DAMAGED, TURNER'S GOLD CROWN...

DR. BOWLES, DID IN FACT ASSURED TO GOODE (ADMINISTRATOR), THAT HE COULD FIX HIS CROWN, "DAWN GOODE" GOT INVOLVED WITH ALLOWING "BOWLES" TO ORDER THE EQUIPMENT, TO REPAIR PLAINTIFF, (TURNER) GOLD CROWN..

BOWLES "DID NOT" REPAIR TURNER'S GOLD CROWN... "BOWLES" DID IN FACT STATED TO INMATE TURNER, THERE WERE NO "PROMISES" MADE.

"BOWLES IS COVERING HIS ACTIONS" DAMAGING INMATE TURNER'S GOLD CROWN...

"BOWLES IN FACT, PROMISE TO MEDICAL DIRECTOR DAWN GOODE, THAT HE WOULD FIX AND REPAIR THE DAMAGES TOO... TURNER'S GOLD CROWN. NOW "BOWLES SAVING IT'S NOT HIS FAULT", PROTECTING HIS ACTIONS, STATING RULES THAT DOES NOT EXIST, OPERATIONS PROCEDURES, NOR DOC. SAYS THAT ANY DAMAGES THAT OCCURES, DOING ANY DENTAL CLEANING OR PULLING TEETH, THAT IF ANY DAMAGES FROM ANY OF THOSE PROCEDURES, IT'S AT THERE RISK... "STATING INMATES"

HOWEVER, THIS ADMISSIONS IS PRIMA FACIE EVIDENCE THAT DR. BOWLES DID WILLING TO CLEAN TURNER'S TEETH, KNOWING THE RISK THAT HE CAN DAMAGE TURNER'S GOLD CROWNS, BY USING DENTAL TOOLS THAT WOULD SCRAPE TURNER'S CROWNS, WHEN CLEANING DECAY OFF THE TEETH...

"DOINGING THOSE PROCEDURES" BOWLES DID IN FACT DAMAGED TURNER'S GUMS, WHICH CAUSED HIS BRUSHING SENSITIVE...

REASON FOR GRANTING THE WRIT

KNOWINGLY, DR. BOWLES DID IN FACT KNEW THAT INMATE JERMAINE N. TURNER CAME TO HIS OFFICE TO HAVE DENTAL WORK CLEANING; WHICH AN APPOINTMENT WAS MADE TO PREPARE THE CLEANING PROCESS...

a. DR. BOWLES DID "IN FACT EXAMINED ALL PLAINTIFF TEETH. BOWLES NOTICE TURNER HAD GOLD CROWNS ON THE LEFT SIDE / RIGHT SIDE OF HIS TEETH...etc.

b. DR. BOWLES DID "IN FACT KNEW THE RISK OF CLEANING AROUND TURNER'S GOLD CROWNS "BOWLES" DID THE PROCESS ANYWAY.

c. BOWLES DID "IN FACT USED DENTAL TOOLS THAT WERE SHARP TO CLEAN AROUND THE GUMS, TEETH AND AROUND TURNER'S GOLD CROWNS. KNOWING IT MAY DO DAMAGE TO TURNER'S CROWN etc.

d. DR. BOWLES KNEW THESE SHARP TOOLS
WOULD IN FACT DAMAGED AND SCRAPE
THE FINISH GLOSS ON THE CROWNS etc..

"BOWLES" ASSURED ADMINISTRATOR
MEDICAL DIRECTOR DAWN GOODE THAT HE
IN FACT WOULD REPAIR TURNER'S GOLD
CROWN.

"DAWN GOODE" ALSO ASSIST
"HER HELP" TO ALLOW "BOWLES" TO ORDER
THE EQUIPMENT etc...

DR. BOWLES FAILED TO REPAIR PLAINTIFF
GOLD CROWN, THE PROCESS WAS NOT ACCOM-
PLISH, DR. BOWLES ACTIONS BY DEVIATING
FROM HIS JOB AS A DENTAL HYGIENIST...

"BOWLES ACTIONS VIOLATED A MEDICAL
PROCEDURE, WHICH SHOWS DELIBERATE
INDIFFERENCE... etc..

SEE: MCCRIVEN V. SANDERS, 577
F3d 974 (8TH CIR. 2009)

CLOSING ARGUMENT

1. "BOWLES USED A SHARP DENTAL TOOLS."
2. "BOWLES PROMISE AS A DENTAL HYGIENIST" "TO REPAIR HIS MISTAKE OF DAMAGING PLAINTIFF JERMAINE N. TURNER'S GOLD CROWN."
3. "MEDICAL DIRECTOR", DAWN GOODE, GAVE BOWLES PERMISSION TO ORDER A MACHINE THAT FIX DAMAGED CROWNS, WHICH HE FAILED TO "ACCOMPLISH...!"
4. "BOWLES" STATED IN FACT "ON MARCH 20TH 2017 ARRANGMENT WAS MADE TO FINISH PROCEDURES, "SAYING PLEASE BE PATIENT." BOWLES HIMSELF "ADMITTED" HE DAMAGED TURNER'S CROWNS. "BOWLES IS A PROFESSIONAL" DENTAL HYGIENIST, KNOWING ALL DENTAL OPERATING PROCEDURES "HE DID IN FACT" CLEAN PLAINTIFF GUM LINE, AROUND TEETH, SCRAPING DECAY WITH TOOLS. etc.

THEREFORE, THIS PETITION OF WRIT CERTIORARI SHOULD BE "GRANTED" DR. BOWLES IN FACT DAMAGED TURNER'S GOLD CROWNS.

BOWLES SHOULD PAY FOR DAMAGES OF TURNER'S GOLD CROWNS.

a. BOWLES DID IN FACT USE SHARP DENTAL TOOLS TO TAKE OFF DECAY FROM PLAINTIFF TEETH etc.

b. DR. BOWLES DID EXAMINE PLAINTIFF'S TEETH. HE DID IN FACT HAD TO VIEW THAT TURNER HAD GOLD CROWNS ON HIS TEETH.

c. BOWLES "DID IN FACT" KNEW THE RISK OF THIS PROCEDURE IF HE FELT UNCOMFORTABLE DOING THE PROCESS, HE SHOULD HAD NOT ~~PROCEEDED~~ PROCEEDED TO CLEAN TURNER'S TEETH, etc.

d. IF PLAINTIFF WOULD HAVE BEEN TOLD OF THE PROCEDURES RULES OF D.O.C HE WOULD NEVER HAD THE WORK DONE..
"AT YOUR OWN RISK",..

RELIEF FOR DAMAGES

WHEREFORE, PLAINTIFF, JERMAINE TURNER
SEEKS THE FOLLOWING JUDGMENT AGAINST
DEFENDANT, DR. BOWLES DENTAL HYGIENIST
DENTAL HYGIENIST DR. BOWLES \$ 840.00
TOTAL

NOT EXCLUDING FURTHER COST
OR EXPENSES WHICH MAY BE DEEMED
BY THIS COURT.

RESPECTFULLY SUBMITTED,
* *Jermaine Turner*
JERMAINE N. TURNER pro se

CONCLUSION

WHEREFORE, TURNER MOVES THIS HONORABLE COURT TO "GRANT" HIS PETITION FOR A WRIT OF CERTIORARI TO GRANT HIS 42 U.S.C 1983 CIVIL RIGHTS ACTION.

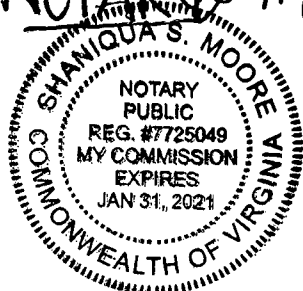
SUBMITTED ON THE 20TH DAY OF JULY 19TH 2017

RESPECTFULLY SUBMITTED,
JERMAINE N. TURNER pro se
* Jermaine Turner

CERTIFICATE SERVICE

I, JERMAINE N. TURNER pro se CERTIFY THAT ON THE DAY JANUARY 23RD 2018, I MAILED BY UNITED STATES POSTAL SERVICE THE ABOVE PETITION FOR A WRIT OF CERTIORARI TO THE ATTORNEY GENERAL OFFICE AT 202 NORTH 9TH STREET RICHMOND, VIRGINIA 23219

NOTARY S. Moore 1/22/2018



RESPECTFULLY
JERMAINE N. TURNER pro se
* Jermaine Turner

CERTIFICATE of COMPLIANCE

NO.

JERMAINE N. TURNER
PLAINTIFF,

v.
DR. BOWLES, DENTAL HYGIENIST,

AS REQUIRED BY SUPREME COURT RULE
33.1(h), I JERMAINE N. TURNER CERTIFY
THAT THE PETITION FOR A WRIT of CERTIORARI
CONTAINS 1,523 WORDS, EXCLUDING THE
PARTS OF THE PETITION THAT ARE EXEMPTED BY
SUPREME COURT RULE 33.1(d).

I JERMAINE N. TURNER, pro se DECLARE
UNDER PENALTY of PERJURY THAT THE
FOREGOING IS TRUE AND CORRECT.

EXECUTED DATE ON 23rd 2018

JERMAINE TURNER

(18)

* Jermaine Turner