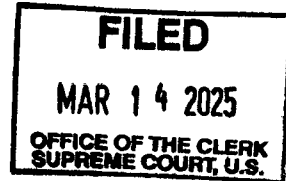


24-7142
No. 7

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Saad-Hanna(self-representee) PETITIONER
(Your Name)

vs.

Rose Medical Center. Kimberly A. Nelson — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Colorado Supreme Court, Case No.(2024SC578) December, 16,2024
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Saad-Hanna(self-representee)
(Your Name)

1474 W Lake, Ave
(Address)

Littleton, Colorado, 80120
(City, State, Zip Code)

720-425-6167
(Phone Number)

QUESTION(S) PRESENTED

- 1- Whether the Colorado Supreme Court denial of certiorari, despite due process violation and the and the misapplication of Federal Law, violations the Fifth and Fourteenth Amendments and contradicts binding U.S. Supreme Court precedent.
- 2- Whether the Colorado Supreme Court improperly dismissed Petitioner's claims, despite judicial misconduct, procedural irregularities, and violations of the Medical Treatment and Labor Acts (EMTALA), 42 U.S.C. 1395 dd.
- 3- Whether the Colorado Supreme Court failed its duty to address Federal questions when it disregarded (EMTALA) violations, contrary to the Supremacy Clause and prior U.S. Supreme Court rulings, such as *Roberts v. Galen of Va., Inc.*, 525 U.S 249 (1999).
- 4- Whether the court denial of oral argument, despite the Constitutional and Federal Law issues raised in Petitioner's case, violated Petitioner right under the First, Fifth, and Fourteenth Amendment
- 5- Whether the denial of a fair opportunity to present expert medical evidence due to procedural obstacles constitute a fundamental violation of due process, as held in *Goldberg v. Kelly*, 397 U.S 254 (1970).

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:

1-Rose Medical Center

2- Kimberly A. Nelson

RELATED CASES

1- Arapahoe District Court Case :

Saad-Hanna v. Rose Medical Center & Kimberly A. Nelson

Case number 2024CV 34

Date of Court Decision: 06/10/2024 Dismissed with Prejudice

2- Colorado Court of Appeals Case:

Saad-Hanna v. Rose Medical Center & Kimberly A. Nelson

Case number 2024CA 1424

Date of Decision 08/16/2024 Dismissed for failure to timely appeal

3- Colorado Supreme Court Case:

Saad-Hanna v. Rose Medical Center & Kimberly A. Nelson

Case Number 2024 SC 578

Date of Decision 12/16/2024 DENIED

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TABLE OF AUTHORITIES CITED

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| Rule 33.2, Supreme Court Rules – Format requirements for in forma pauperis filers | |

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 _____ 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 C to the petition and is

- ☒ reported at 12/16/2024; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Colorado Court of Appeals court appears at Appendix B to the petition and is

- ☒ reported at 08/16/2024; 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 _____.

☐ 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 12/16/2024.
A copy of that decision appears at Appendix C.

☐ 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

U.S. Const. amend. I (Right to Petition and Access to Courts)
U.S. Const. amend. V (Due Process Clause)
U.S. Const. amend. XIV (Due Process and Equal Protection Clauses)
U.S. Const. art. VI, cl. 2 (Supremacy Clause)
28 U.S.C. § 1257(a) (U.S. Supreme Court jurisdiction over state court decisions)
42 U.S.C. § 1983 (Civil Rights Violations)
42 U.S.C. § 1395dd (Emergency Medical Treatment and Labor Act - EMTALA)

STATEMENT OF THE CASE

Petitioner underwent nasal surgery at Rose Medical Center, performed by Dr. Kimberly A. Nelson. Following the surgery, Petitioner suffered prolonged and severe nasal bleeding lasting more than 18 days. Petitioner sought emergency care at Rose Medical Center's Emergency Room on three separate occasions. Despite presenting a clear medical emergency, Petitioner was discharged each time without stabilization or referral to a specialist, In violation of EMTALA which mandate appropriate treatment.

As a direct result of inadequate post-surgical care and repeated emergency room discharge without treatment, Petitioner suffered lung failure and heart failure and was placed on a life support machine for three days. These life-threatening complications occurred in the same hospital where the original surgery was performed and where Petitioner sought help three times.

Petitioner filed a medical malpractice and EMTALA complaint against the hospital and surgeon, alleging gross negligence, contractual liability, and EMTALA failing to provide adequate post-surgical care. The Colorado Supreme Court denied Certiorari, failing to correct due process violation by lower courts and ignoring Federal EMTALA claims, thereby violating the First, Fifth and Fourteenth Amendments.

The Colorado Courts refused to grant Petitioner an oral argument, depriving Petitioner of a meaningful opportunity to present legal arguments and clarify factual disputes, in violation of the First Amendment's Right to Petition and the Due Process Clauses of the Fifth and Fourteenth Amendments.

REASONS FOR GRANTING THE PETITION

The petition raises serious constitutional and statutory violations that merit this Court's review. The decisions of the Colorado courts conflict with clearly established federal law and have deprived Petitioner of fundamental rights to due process, access to the courts, and equal protection under the law. This case presents issues of national importance regarding patient rights, hospital accountability, and the obligations of state courts to uphold federal law, including constitutional protections and statutory duties under EMTALA.

The Colorado Courts Violated Due Process by Dismissing the Case Without Proper Consideration of Evidence and Without a Hearing, The Colorado courts dismissed Petitioner's medical malpractice and EMTALA claims without holding a hearing, without granting oral argument, and without allowing a fair opportunity to present newly discovered evidence. This summary dismissal violates due process under the Fifth and Fourteenth Amendments, which require meaningful notice and an opportunity to be heard. See *Goldberg v. Kelly*, 397 U.S. 254 (1970); *Mathews v. Eldridge*, 424 U.S. 319 (1976).

The Lower Courts Ignored Federal EMTALA Requirements, Conflicting with Supreme Court Precedent. Rose Medical Center discharged Petitioner three times without providing proper emergency screening and stabilization, in violation of the Emergency Medical Treatment and Labor Act (42 U.S.C. § 1395dd). The lower courts failed to address these statutory claims, despite federal precedent that recognizes EMTALA as a binding legal obligation for hospitals. See *Roberts v. Galen of Va., Inc.*, 525 U.S. 249 (1999).

The Colorado Courts Demonstrated Judicial bias and Procedural Obstruction. The denial of oral arguments and procedural fairness contradicts *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868(2009), where this Court held that judicial bias and procedural irregularities require corrective action. The Colorado courts' refusal to allow Petitioner to be heard further demonstrates procedural misconduct and unconstitutional restriction of Petitioner's right to access the courts.

CONCLUSION

The petition for a writ of certiorari should be granted. For the following reasons, Petitioner respectfully requests that this Honorable Court grant this Petition for writ of Certiorari and review the judgment of the Colorado Supreme Court to ensure fundamental fairness, access to justice and proper application of Constitutional Rights in Malpractice and EMTALA claims.

Respectfully submitted,

Saad-Hanna (self-representee)

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