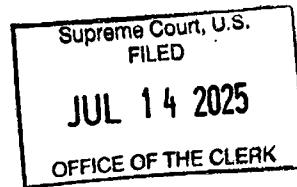


ORIGINAL

25-5430

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Raven Lovowe Ramsey PETITIONER
(Your Name)

vs.

C.D.C.R., Karim Rasheed et al. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For The Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Raven Lovowe Ramsey (AF6567)
(Your Name)

Pelican Bay State Prison, P.O. Box 7500
(Address)

Crescent City, CA 95532
(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

- (1). The decision by the United States Court of Appeals should be reversed and remanded?
- (2). The District Court failed to view the evidence in the light most favorable to the Plaintiff and further denied him the ability to obtain an expert witness? That violates his Constitutional Rights?
- (3). Has the Plaintiff presented evidence that a jury could rely upon on, to determine that his Eighth Amendment rights were violated by the Defendants?
- (4). Was the District Court wrong for failing to recognize that it had the discretion to appoint an expert in Plaintiff's case even though he's indigent?
- (5). The Ninth Circuit has failed to adopt a flexible interpretation of Federal Rule of Evidence 706 ("Rule 706(a)") which permit Courts to use their discretion to apportion fees where an expert would be useful for the fact finder for both sides and not just for the Defendants?

1
2
3 Questions) Presented
4 Continuance

5
6 (6.) Was it legal or civilized for the Plaintiff
7 to suffer in pain for five days with an
8 beyond salvaged, busted, eye globe that
9 did not meet the community standards of
10 "twelve to twenty-four [REDACTED] hours?"

11
12 (7.) The United States Court of Appeals has
13 made an biased, error, reviewing Plaintiff's
14 genuine dispute of material fact on whether or not
15 the Defendants were deliberately indifferent to
16 his medical needs, and a result, the Defendants
17 are not entitled to judgment as a matter of
18 law & that is unconstitutional?

19
20 (8.) Has the United States court of Appeals miscarried
21 the law of justice to Plaintiff's appeals, showing
22 that the Dr. Rasheeds-Defendant, was deliberate
23 indifferent to Plaintiff's medical emergency surgery
24 by classifying it as "urgent" when he knew it
25 should have been performed on an "emergency"
26 basis?

27
28 (9.) Did the Defendant Dr. Rasheed performed
29 malpractice for failure to act when he knew
30 he left the Plaintiff's retina detached from
31 his eye globe surgery other than reattaching it promptly?

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: *California Department of Corrections And Rehabilitation, Karim Rasheed, R. Singh, and S. Gates*

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	3
STATEMENT OF THE CASE	4-4 ⁱ
REASONS FOR GRANTING THE WRIT	5-5 ^c
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A	1-A
APPENDIX B	1-B
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Bibeau v. Pac. Nw. Resch. Found. Inc.,
188 F.3d 1105 (9th Cir. 1999) Exhibit A pg. 24

Clement v. Gomez,
298 F.3d 898 (9th Cir. 2002) Exhibit A pg. 25

Colwell v. Bannister,
763 F.3d 1060 (9th Cir. 2014) Exhibit A pg. 24, 25

STATUTES AND RULES

Federal Rule of Evidence 706 passim, 19, 20

Federal Rules of Civil Procedure 45 19

OTHER

Table of Authorities Continuance

<u>CASES</u> -continued	Page(s)
Damian v. Breen No. 2:18-cv-00412 MWF-MAA, 2020 WL 7496314 (C.D. Cal. Nov. 13, 2020)...Exh. A pg. 27	
Egberto v. Nevada Dep't of Corr. 678 F. App'x 500 (9th Cir. 2017).....Exhibit A pg. 7	
Estelle v. Gamble, 429 U.S. 97 (1976).....Exhibit A pg. 10-11	
F.T.C. v. Network Serv. Depot Inc. 617 F.3d 1127 (9th Cir. 2010).....Exhibit A pg. 12	
Farmer v. Brennan, 511 U.S. 825 (1994).....Exhibit A pg. 3, 4, 6-7	
Franklin v. Foulk, No. 2:14-cv-00057 KJM DB, 2017 WL 784894 (E.D. Cal. Mar. 1, 2017).....Exhibit A pg. 27	
Gonzalez v. Ahmed, 67 F. Supp. 3d 1145 (N.D. Cal. 2014).Exhibit A pg. 27	
Gorton v. Todd, 743 F. Supp. 2d 1171 (E.D. Cal. 2011).....Exhibit A pg. 22-23	
Haines v. Kerner, 404 U.S. 519 (1972).....Exhibit A pg. 20	
Hamby v. Hammond, 821 F.3d 1085 (9th Cir. 2016).Exhibit A pg. 7, 23	
Hamilton v. Endell, 981 F.2d 1062 (9th Cir. 1992)....Exhibit A pg. 25-26	
Hargis v. Foster, 312 F.3d 404 (9th Cir. 2002)....Exhibit A pg. 24	

Table of Authorities - Cont'd

Cases -continued

Page(s)

4 Hunt v. Dental Dept,
5 865 F.2d 198 (9th Cir. 1989) Exhibit A pg. 26

6 Irvin v. Zamora,
7 161 F. Supp. 2d 1125 (S.D. Cal. 2001) Exhibit A pg. 27-28

8 Jackson v. Fong,
9 870 F.3d 928 (9th Cir. 2017) Exhibit A pg. 24

10 Jett v. Penner,
11 439 F.3d 1091 (9th Cir. 2006) Exhibit A pg. 25

12 Lavender v. Lampert,
13 242 F. Supp. 2d 821 (D. Or. 2002) Exhibit A pg. 15

14 Leer v. Murphy,
15 844 F.2d 628 (9th Cir. 1988) Exhibit A pg. 5-6, 10

16 McElligott v. Foley,
17 182 F.3d 1248 (11th Cir. 1999) Exhibit A pg. 15

18 McGuckin v. Smith,
19 974 F.2d 1050 (9th Cir. 1992) Exhibit A pg. 4-5

20 Peralta v. Dillard,
21 744 F.3d 1076 (9th Cir. 2014) Exhibit A pg. 17

22 Reed v. Barclay,
23 634 F. App'x 184, 186 (9th Cir. 2015) . . . Exhibit A pg. 26

24 Reyes v. Smith,
25 810 F.3d 654 (9th Cir. 2016) Exhibit A pg. 28

26 Richardson v. Runnels,
27 594 F.3d 666 (9th Cir. 2010) Exhibit A pg. 24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Table of Authorities - Cont'd

Cases - continued

Page(s)

Righetti v. Richman,

654 F. Appx 337 (9th Cir. 2016)..... Exhibit A pg. 12, 14

Schneider v. Cnty. of San Diego,

28 F.3d 89 (9th Cir. 1994)..... Exhibit A pg. 24

Falamantes v. Leyva,

575 F.3d 1021 (9th Cir. 2009)..... Exhibit A pg. 27

Toguchi v. Chung,

391 F.3d 1051 (9th Cir. 2004)..... Exhibit A pg. 4

Tolan v. Cotton,

572 U.S. 650 (2014)..... Exhibit A pg. 24

United States v. Urena,

659 F.3d 903 (9th Cir. 2011)..... Exhibit A pg. 21

Walker v. Am. Home Shield Long Term

Disability Plan,

180 F.3d 1065 (9th Cir. 1999)..... Exhibit A pg. 20

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 1-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 2-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 6-18-2025.

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: 6-18-2025, and a copy of the order denying rehearing appears at Appendix 1-A.

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

Eighth Amendment Right, To Be Free
From Cruel And Unusual Punishment
Inflicted, Nor Excessive Fines Be Imposed.

42 U.S. Code § 1983 (Civil Action for Deprivation of Rights) states:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or the other person within the jurisdiction thereof to the deprivation of any rights, 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, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial officer for an act of capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

For the purposes of any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

STATEMENT OF THE CASE

And
Factual Background

I. Statement of Facts

A. The Plaintiff was attacked in prison, suffered a serious eye injury, and the Defendants waited four days to repair it, that did not meet the community standards, of twelve to twenty-four hours.

On October 23, 2019, Plaintiff-Appellant, Ravon Lovowe Ramsey, was assaulted by two inmates and suffered a severe facial trauma and a ruptured left eye globe. 3-ER-425. (Plaintiff had previously made complaints to staff about having a threat to his safety due to being assaulted by an inmate with an manufactured stabbing weapon in the previous year of 2013.)

That same day, the Plaintiff was transferred for "emergency" treatment to Natividad Medical Center Emergency Department where he was seen by Ophthalmologist Dr. Del Piero believed that the Plaintiff's eye was likely "beyond salvage" but referred the Plaintiff to another ophthalmologist that is contracted with California Department of Corrections and Rehabilitation for a second opinion. 3-ER-425.

The Plaintiff was appointed to Defendant-Appellee

1 Dr. Karim Rasheed the following day at the Sani Eye
2 Center. Dr. Rasheed "noted" the eye globe was collapsed
3 and the contents disorganized. Dr. Rasheed described
4 plaintiff's eye in his declaration, stating "in lay
5 terms, the eye was crushed like a grape and the
6 insides were squeezed out of the eye." 2-ER-60.
7 Despite recognizing the grievous nature of the
8 Plaintiff's injury ("or any human being"), Dr. Rasheed cata-
9 gorized Plaintiff's injury merely as "moderate" in
10 severity. 3-ER-431.

11 The Plaintiff was sent back to prison (Salinas
12 Valley State Prison), with only a soft eye patch because
13 Dr. Rasheed scheduled the surgery on an "urgent" rather
14 than "emergency" basis after his findings that the
15 injury was critical. 3-ER-433; 2-ER-22-23.

16 Plaintiff was sent back to prison with his
17 damaged eye without no recommendations to prescribe
18 the Plaintiff with any post prescribed high pain medi-
19 cations. Plaintiff was left in pain and wanted to
20 commit suicide because the pain was so unbearable.
21 3-ER-433. The Plaintiff waited in pain for four
22 days, he had to change the eye dressings three times
23 per day while it continued to bleed out. 3-ER-425.

24 Dr. Rasheed did not prescribe pain medication during this
25 delay, nor did he instruct nor request California
26 Department of Corrections and Rehabilitation ("CDCR") to
27 do so, Plaintiff was only assisted with regular doses of

1 Tylenol. 3-ER-425; 2-ER-22-23. During these four days,
2 the Plaintiff "complained, cried out for more help, and
3 medication from staff," "suffering in pain with headaches,
4 earaches and could not eat anything because of being
5 nauseous, vomiting extraordinarily, (that was and not
6 acceptably for any normal human being)." 2-ER-23.

7 On the fourth day, Dr. Rasheed performed the
8 Surgery to repair the globe of the Plaintiff's eye on
9 October 28, 2019. 3-ER-434. Dr. Rasheed saw the Plaintiff
10 for a followup appointment on November 7, 2019. 3-ER-436.
11 Dr. Rasheed wrote in his report after surgery that "visual
12 prognosis is extremely poor," noting that his eye had "poor
13 view" and the globe was stable. Id. Plaintiff Mr. Ramsey
14 provided all evidence that he could not see out of the
15 eye prior to this malpractice globe repair, but after
16 Dr. Rasheed shined his flashlight into plaintiff's injured eye,
17 Plaintiff told Dr. Rasheed he could see the light. 3-ER-
18 425; 2-ER-24. Dr. Rasheed admitted seeing Plaintiff's
19 retina outside the eye but failed to reattach the retina
20 at this surgery appointment he malpracticed, performed,
21 nor scheduled the Plaintiff on a followup appointment
22 to do so, despite knowing it was detached and instead,
23 "to exhaust every last hope" of repairing the Plaintiff's
24 eye, Dr. Rasheed referred Mr. Ramsey - the Plaintiff to
25 a retina specialist to reattach the organ. 2-ER-60.

27 B. Plaintiff waited over the procedural time
28 limitation in order to save his eyesight for over two months



PBSP
2022

1 to have his retina reattached appropriately,
2 diminishing his overall prognosis, for what
3 could have been restored.
4

5 Two months later, on January 7, 2020, Plaintiff
6 eye was evaluated by Dr. Judy Chen at West Coast
7 Retina. 3-ER-437. At her evaluation, Dr. Chen (ophthal-
8 mologist) discussed at length with the Plaintiff that
9 "due to the delay in his referral to her, the detached
10 retina had developed severe subsequent proliferative
11 Vitreoretinopathy (eye disease that causes blindness) and
12 scared tissue." Id.

13 Dr. Chen performed surgery to reattach Plaintiff's
14 retina on January 30, 2020. Id. Dr. Chen performed
15 additional surgeries on the Plaintiff's eye for "rehabili-
16 tation of vision." Id. With Plaintiff's retina reattached
17 Plaintiff could see up to three feet away, even before
18 the lens to be replaced back into his eye at an
19 follow up surgery appointment. 2-ER-25. Dr. Chen
20 was able to restore some vision.

21 Despite Dr. Rasheed's claims, that this four-day
22 delay was not medically unacceptable because the
23 surgery he intended to perform was merely for cosmetic
24 reasons, and he would need to remove the entire eye,
25 as there was no possibility of restoring vision. 2-ER-59.

26 Contradictions by Dr. Rasheed, however, Dr. Rasheed
27 also presented the option for surgery to repair the Plain-
28 tiff's eye to hopefully restore his vision. 2-ER-60 ("Then



PCOSH
2022

1 this means that the procedure should have been done
2 immediately in order to meet the community standards?"
3

4 Dr. Rasheed himself stated if there was any
5 possibility to save any vision in his eye, the surgery
6 should not have been delayed. 2-ER-59. The conflict-
7 ing statements raised reasonable inferences that
8 Dr. Rasheed acted "intentionally" with deliberate
9 indifference and shown his declaration is ambiguous.

10 Dr. Rasheed claimed in his declaration that he referred
11 the Plaintiff to Dr. Chen, so he could "reassure him that
12 there was no visual potential for his injured left eye."

13 2-ER-60.

14 C. Plaintiff proven that the Defendants
15 were deliberately indifferent to
16 Plaintiff's medical needs by delaying
17 his emergency surgery while he suffered
18 from pain in his left eye.

19
20 On January 30, 2020, following his surgery, the
21 Plaintiff was prescribed "Tylenol or Motrin" appropriately,
22 and allegedly "Norco" for pain management, 3-ER-314.
23 It remains unclear whether Plaintiff was "discharged"
24 with any of these medications. See 3-ER-215-26, the
25 appointed expert witness Dr. Reynard opined that "Plaintiff
26 was discharged [from his January 30th surgery] with
27 Tylenol #3 (cct, 4020)." 3-ER-220 (it was some prejudicing
28 going on with this expert witness for the defendants).



PBSP
2022

H.d.

1 In any case, records show that Tylenol was listed as one
2 of Plaintiff's active medications as early as January 31, 2020.
3 See 3-ER-263. There is no record of Norco administration,
4 however. During a subsequent follow-up visit on February 6,
5 2020, Dr. Chen told Plaintiff that "he will need additional
6 surgery for rehabilitation of vision." 3-ER-437. During
7 this visit, the Plaintiff told Dr. Chen that he was experiencing
8 "severe" "needle pain" in his left eye. 3-ER-259. After
9 treatment, Dr. Chen noted that if he-plaintiff experiences
10 "eye pain" or "loss of vision," immediate intervention is
11 needed. *Id.* ("call immediately if eye pain or loss of
12 vision.")

13 The Plaintiff on the following day "complained of
14 pain in his left eye" during a follow-up visit with Dr.
15 Satyakant Chitturi, M.D., 3-ER-295-96. Institutional
16 Healthcare Grievances was filed by Plaintiff on April 6, 2020.
17 2-ER-184. Dr. Chitturi saw the Plaintiff again on March 19, 2020,
18 he observed that Plaintiff symptoms had remained consistent
19 and continued Tylenol and Ibuprofen for pain control. 3-ER-
20 296. During that same visit, Dr. Chitturi told the Plaintiff
21 that "if he develops recurrent or worsening pain symptoms,
22 then he needs to come notify PCP or nursing staff
23 immediately for further evaluation and management."
24 3-ER-295.

25 On April 1, 2020, Dr. Chen assessed Plaintiff again.
26 3-ER-254, Noting improvements to the Plaintiff's vision
27 has increased from the first time since the initial surgery.
28 Dr. Chen also noted that the Plaintiff's eye was "severely" "itching"

1 in his left eye and left his prescribed Tylenol #3
2 prescription undisrupted. ("this goes to show Dr. Rasheed
3 had the ability and authority to do the same similarities?")
4 Id. Again, Dr. Chen stressed her office should be ~~contacted~~
5 contacted immediately if the Plaintiff experienced any
6 "eye pain or loss of vision." Id.

7 On April 6, 2020, when Plaintiff start noticing
8 that the improvements to his vision were diminishing,
9 Plaintiff abided by Dr. Chen and Dr. Chitturi instructions
10 and filed health-care grievance # California Health
11 care Facility (CHCF HC 20000909 (the "First Grievance"),
12 which was reviewed by nursing staff member, A. Prasad, RN.
13 2-ER-184. As the District court noted and admitted
14 facts, that Plaintiff made a showing that he "complained
15 that the gains in his vision in the left eye were
16 diminishing and that he needed another retinal surgery
17 immediately." 1-ER-9; See 2-ER-184-85. In Plaintiff's eye
18 was pain, lamented about the "trauma" he was experiencing,
19 complaining that the delayed surgery led to "built up scar
20 tissue in the eye globe" "which he warned staff that this
21 delay and help is having a severe adverse effect upon his
22 health and welfare." 2-ER-184-86.

23 Due to the delays Plaintiff awaited a response
24 from the First Grievance, the Plaintiff visited Dr. Chen's
25 office until May 6, 2020, for a "regular" follow-up
26 appointment, without any notifications from CHCF staffs,
27 or Primary Care Providers (P.C.P.) upon this visit about anything that
28 the Plaintiff was complaining about ("can this happen to 100

1 inmates and it can be still acceptable?"'). Interfering with
2 ~~the~~ Dr. Chen's procedural requirements, noted that the
3 Plaintiff vision had decreased. Id. Dr. Chen prescribed
4 eye drops, and again stressed that she should be contacted
5 immediately if the Plaintiff experiences more "eye pain
6 or loss of vision." Id.

7 On June 1, 2020, Appellee Dr. Singh didn't even bother
8 to personally interview the Plaintiff to ~~seek~~ and see if
9 the Plaintiff was receiving proper care from this appointed
10 Vitreoretinal Surgeon, and assessing his condition;
11 Dr. Singh determined at the institutional level that no
12 intervention was necessary, simply because Plaintiff was
13 recently being seen by an ophthalmologist and then by his
14 "PCP" that neither did any additional assistance or help.
15 2-ER-188-89; see also 1-ER-9.

16 Plaintiff's vision further deteriorated through -
17 out July and August 2020 3-ER-250; 2-ER-198. On
18 September 2, 2020, Plaintiff appealed Singh's decision via
19 a Health care Grievance Appeal form in which he complained
20 of "losing more of his left eye sight" and the timing of
21 his second retina surgery. 2-ER-185. On October 29,
22 2020, the Plaintiff filed a medical grievance (#CHCF
23 HC: 20002642; the "Second Grievance"). 2-ER-195.

24 Plaintiff reiterated many of the same similar concerns
25 raised in the First Grievance and also complained that
due to a ten month delay in receiving his second retina
surgery, awaiting for an emergency response, he had developed
scar tissues in his left eye and suffered pain as a result.

1 2-ER-197.

2 Thereafter, on November 5, 2020, Plaintiff was
3 seen by Dr. Chen for a regular follow-up scheduled eye
4 examination. 3-ER-245. Plaintiff's results to the collateral
5 delay of damage. Dr. Chen noted upon examination that
6 he has a "tractional retinal detachment with prolifer-
7 ative vitreoretinopathy," "retinal thickening and folds
8 were present in the left eye" and "focal tractional retinal
9 detachment was present ("visual") in the posterior pole." 3-ER-
10 222, 248. To treat these issues, Dr. Chen performed a
11 second retinal surgery on Plaintiff, on November 25, 2020.
12 See 3-ER-241.

13 Finally, on December 1, 2020, Appellee - Dr. Gates
14 reviewed the Plaintiff's First Grievance, and without ordering
15 to examine the Plaintiff, concluding that no intervention was
16 necessary. 2-ER-182. Dr. Gates cited competing reasons for
17 concluding that non-intervention was appropriate like
18 the Plaintiff's eye is not severe or important at all. First,
19 Dr. Gates claimed that no intervention was necessary
20 because the Plaintiff's health records indicated that he
21 had recently undergone eye surgery and was subsequently
22 evaluated by an ophthalmologist. Id. However, under the
23 subheading "Basis for Institutional Level Disposition,"
24 Dr. Gates also stated that pursuant to the CDCR's COVID-
25 19 mitigation efforts over Plaintiff's emergency health
26 care, "inmate movement will be minimized" and "some
27 specialty and routine care may be delayed." Id.

28 On December 23, 2020, Appellee Dr. Singh wrongfully

4. h.

1 denied the second Grievance on the basis that the
2 Plaintiff had recently undergone retinal surgery. 3-ER-
3 439-40. Similarly, on April 1, 2021, Appellee Dr. Gates
4 also denied the Second Grievance, concluding that
5 intervention was unnecessary given that the Plaintiff
6 recently receiving eye surgeries and indications in
7 the medical record that his eye was doing well. 3-ER-
8 442. Importantly, in their responses, Appellees Drs.
9 Singh and Gates both cited COK's COVID-19 miti-
10 gations of policy basis for their dispositions. See
11 3-ER-440, 442. Neither Appellee's interviewed nor
12 examined the Plaintiff before making a decision
13 regarding the Second Grievance.

REASONS FOR GRANTING THE PETITION

I. The District Court Erred In Granting Summary Judgment And The Court Of Appeals For The Ninth Circuit Affirmed The District Court Error In Granting Summary Judgment For The Defendants Because Plaintiff Presented Established Evidence Of Deliberate Indifference To His Serious Emergency Medical Needs (See Exhibits A/pages 3-12, reply brief).

- (1) Dr. Rasheed acted with deliberate indifference by leaving the Plaintiff unaided, in pain for four days that doesn't meet the community standards, that could have saved his eyesight.
- (2) Dr. Rasheed was deliberately indifferent by failing to insure or advising CDCR staff provide pain medications like the Vitreoretinal Surgeons provided for pain management while awaiting for post surgeries, and Dr. Rasheed failed to ensure that Plaintiff promptly saw a retina specialist in procedural matters, that exceeded over the two month limitations. There's repetitive errors Dr. Rasheed made in order for the Plaintiff to recover as an reasonable, average citizen.

Continuance

Reasons For Granting Petition Cont'd

1 II. Plaintiff showed Reasonable Evidence,
2 Exhausting Every Last Hope, Calling And
3 Looking For Help, And All The Defendants
4 Dr. Singh And Dr. Gates Acted With Deliberate
5 Indifference Repetitively To Plaintiffs
6 Welfare. (See Exhibit A/Pages 13-18)

7 (1) Plaintiff complained about pain in his left eye
8 in his grievance that can be acceptable for any
9 human being to go through this type of severe pain
10 because of the nature of this type of injury.
11 The Courts are setting the bar of dehumanizing
12 incarcerated individuals and bending the commu-
13 nity standards, statue of laws. Defendants Singh
14 and Gates deliberately ignored his pain-related
15 complaints. (See Exhibits pages 13-18 /Reply Brief)

16
17 (2) Plaintiff's specialists noted for CDCR staff on
18 Plaintiffs medical records shows that if his
19 vision worsened, immediate intervention is
20 need and to be closely monitored, but Defendants
21 Singh and Gates decided against the specialists
22 recommendations of interventions, without
23 "logically" examining the Plaintiff before making
24 such unethical decisions that resulted Plaintiff's
25 vision to deteriorated. (See Exhibit A, Pages 13-18)

26
27 (3) Defendants Singh and Gates denied the Plaintiff's
28 complaints on a basis other than their medical judg-



Reasons For Granting Petition Cont'd

1 -ments. They did not follow recommended
2 instructions to their profession.

3 (4) Plaintiff-Ramsey, exhausted his claims
4 against the Defendants Singh and Gates.

5
6 III. Qualified Immunity Never Was Addressed
7 In The First Instances by The District
8 Court (See Exhibit-A: Pages 23-25)

9 (1) Defendants was not entitled to qualified
10 immunity on summary judgment in light of
11 the disputed evidence showing they acted with
12 deliberate indifference; unless Col.C.R. and
13 the District Court are setting a new Statute
14 of the law and Constitution? (See Exhibit-A:
15 page 25)

16 IV. United States Court of Appeals For The
17 Ninth Circuit Committed Error That
18 Shall Be Reversed By Affirming The
19 District Courts Committed Reversible
20 Error By Denying The Plaintiff's Opportunity
21 To Fairly Obtain An Expert At The Defendants
22 Expense, As To Federal Rule of Evidence
23 706(a) Recognizes That The District Court
24 Can Appoint An Expert For One Party At The
25 Other Party's Expense; By Miscarriage of Law.

Reasons for Granting Petition Cont'd

(See Exhibit-A: Pages 19-22)

(1) The above Courts (Ninth Circuit Court of Appeals and the District Court) has misinterpreted and prejudiced Plaintiff's Right to consider appointing a non-prejudiced medical expert at defendants expenses. And should have left for a Grand Jury to decide the Plaintiff's case. This argument is not waived.

V. Plaintiff's Case should Not Have Been Dismissed And The Court of Appeals In The Ninth Circuit Should Have Made The Judgment of Reversing Plaintiff's Case And Be Remanded To The District Court? Plaintiff Met All Requirements Meeting The Estelle v. Gamble standards. Upon Reviews of Dr. Rasheeds Contradictory Statements To Plaintiff's Injury; Admitting Performing Malpractice.

(1) Plaintiff's Writ of certiorari shall be GRANTED.

(2) Plaintiff should have had the opportunity for the selected jury decide his case against the Defendants fairly?

(3) Plaintiff should have had the opportunity to reach a settlement conference of compensation of Five Hundred Thousand Dollars; to the least?

CONCLUSION

Based on the forgoing, this Court shall reverse the Court of Appeals judgment.
The petition for a writ of certiorari should be granted; *In respects to the law and
constitution.*

Respectfully submitted,



Date: 7 - 19 - 2025