

No. 25-6005

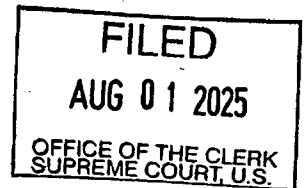
IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Sean D. Jones — PETITIONER
(Your Name)

vs.

Warden Strong; S. Temorio; — RESPONDENT(S)
V. Dorimics; C. Teal



ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeals(Fifth Circuit)

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Sean D. Jones
(Your Name)

815 12th St.
(Address)

Huntsville, Texas 77348
(City, State, Zip Code)

936-437-1390
(Phone Number)

QUESTION(S) PRESENTED

- (1) Did the failure by NP Tenorio, failure to assure that the plaintiff, Jones, was seen by a specialist, when the medication of which Tenorio had prescribed did not work, but, only worsen the condition? Did the continuous overt act to still keep Jones on the medication for months constitute, reckless indifference intentional reckless negligence, deliberate indifference to a serious medical condition and need? Did the delay, violate the medical profession "standard of care"?
- (2) Because plaintiff had now been referred to a specialist by, Dr. Fraust, at the Huntsville Unit, for what the doctor at the Huntsville Unit, knew was a serious medical problem. Then because, Fraust had left the unit and, NP Domonic was now the lead medical, NP at the unit and because she had received all of the medical records pertaining to plaintiff's serious medical condition, transferred to her by Dr. Paige Hoyer, treating physician, of the Galveston Hospital, with specified instructions in the treating and medication requirements. Did Dominics, intentional, failure to follow Dr. Hoyers orders, but instead make her own recommendations for medication and treatment which caused Jones to suffer unnecessary infliction of pain and injury, so much so that he had to be rushed to the hospital in Huntsville, county. Did the delay of the right treatment constitute a reckless indifference, deliberate indifference and medical malpractice?
- (3) Did the acts, actions, omissions, failure to act by APRN Teal in that Teal acted with negligence because she also had access to the plaintiffs file, had visited with him on several occasions noting his serious medical problem, nevertheless, Jones was subjected, to unnecessary wanton infliction of pain, injury and suffering, because APRN Teal failed to act and to perform as a medical professional failed to conduct the regular act of the daily duties and responsibilities "to wit" due to her failure in causation subjected Jones to still the continuous delay in the prescribed and required treatment and medication and the orders by Dr. Paige Hoyer specialist in the field of dermatology, and skin infectious disease's. Jones did not get the medication, until over two years later due to the omissions by the Huntsville medical staff and subordinate staff.
- (4) Should warden Kell Strong, also be held liable, because she had been made aware of the prisoners neglect and that due to the acts of medical malpractice, mistreatment of inmates and because Domonic had intentionally deviated away from the doctors order for treatment. Because the warden also had been notified that an inmate had left the unit, Strong knew the situation, and had been informed through the inmate grievance process, but failed to do anything to remedy the gross and inappropriate acts, actions by the medical staff, failing to assure a properly trained staff.

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:

Wardén Strong;Suzzane V. Temorio;Victoria C. Dorimics

Carl.D. Teal

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A United States Court of Appeals(Fifth Circuit)

APPENDIX B United States District Court(Southern District of Texas)

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Wallace v Kato	1
Smith v Wade	1
Hughes v Rowe 449 U.S. 5,9	1
Haines v Kerner 404 U.S.519	1
Erickson v Pardus 551 U.S 89,94	1
Kikumure v Osagie 461 F.3d 1296	2
Evans v Chamvers 703 F.3d 636	3
Monroe v Page 365 U.S. 167	3
Aalley v Briggs 475 U.S. 335	3
Brandon v Holt 469 U.S.464	3
Kentucky v Graham 473 U.S. 159	3
Burge v Parish of St.Tammany 187 F.3d 452	3
Borrego v City of El Paso 964 SW2d 954	4
Jackson v Stinnett 881 SW 2d 498	4
West v Atkins 487 U.S. 42	4
White v Napolen 897 F.2d 103	4
Jones v Marthakis 2024 U,S.Dist.Lexis 103572	5
Goodlue v Spod 947 F.3d 1026	5
Berry,604 F.3d 441	5
Estelle v Gamble 429 U.S.97	5
STATUTES AND RULES	
Fed. R. Civ.P. 8,9	2

OTHER

MedicalProfession"STANDARD OF CARE

EXHIBITS PRESENTED SUSTAINING CLAIM AND VIOLATIONS

MARKED AS EXHIBIT (A),EXHIBIT(B),EXHIBIT(C)

Medical Records from treating physician Dr.Paige Hoyer

TABLE OF AUTOORITIES CITED
(continue)

CASES	PAGE NUMBER
Gil v Reed 381 F.3d 649	6
Abille v U.S. 482 F.Supp.703	7
Berman v U.S. 205 F.Supp 2d 362	7
Ruffin v Deperio 97 F.Supp.2d 346	7
Ramos v Lamm 639 F.2d 5559	7
Thigpen 941 F.2d 1495	7
Digidio v Pung 920 F.2d 525	7
Todaro v Ward 565 F.2d 48,52	7
Jones v Simek 193 F.3d 485	7
Alsina-Ortiz v Laboy 400 F.3d 77	8
Aswegan v Brubl 965 F.2d 676	8
Hill v Marshall 962 F.2d 1209	8
Bryan v Sharh 351 F.Supp. 2d 295	

Constitutional Provisions

8th , 9th & 10th United States Constitution —

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 No. 24-20245; 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 No. H-23-4417; 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 4-7-2024.

☐ 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: 5-14-2025, and a copy of the order denying rehearing appears at Appendix 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 PROVISIONS

Eight Amendment,USCA,

Excessive bail shall not be required,nor excessive fines imposed ,nor,cruel and unusual punishment inflicted.

Ninth Amendment,USCA.

The enumeration of the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

TeenthgAmendment,USCA,.

The powers not delegated to the United States by the Constitution nor,prohibited by it to the States,are reserved to the States respectively,ot to the people.

Fact being that all citizens within the United States are entitled,to equal tyreatment and due process,this includes the right to have equal medical treatment by either free or imprisioned person,of the UnitedStates of America.

STATEMENT OF THE CASE



Plaintiff, Sean Jones, TDCJ/CID No. 02225017 an inmate in the Texas Department of Corrections, Huntsville Unit, Huntsville Texas located, 815 12th St. 77348 in Walker County, Texas. In the exercising of his protected right and making known his complaint, injury, sufferage, the violation of medical professional rules, oaths, policy and procedures. Violations of his rights under the United States Constitution, Law of the Land, established Statutory Ruling, Decisions, of the Supreme Court of the United States of America.

Sean Jones, a Texas Prisoner, while first being housed at the Neal Unit, Texas Department of Criminal Justice. Was unknowingly and negligently, exposed to unknown contaminated water and or chemical agents, which did cause severe dangerous infection over 50% of his body, resulting in blisters, soars, swelling, pain and bleeding. Each time Jones would shower the condition would get worse, it was determined, by the medical staff at the Neal Unit UTBM Texas Tech staff, namely, Suzanne V. Tenorio that Jones had come into contact with chemicals. Jones contends that it had first begun to show an infection from the showers, and that it was also aired on the TV that a warning had been issued a boil notice for the water being provided and used in that area of West Texas due to contaminated water conditions. Jones went to the medical department at the Neal Unit complaining of blisters which had begun to grow on his

body causing pain and bleeding. The medical provider there, namely Suzzanne V. Tenorio diagnosed Jones as having been exposed to unknown, chemical and suffering from or with "Allergic Rhinitis" (unspecified). Tenorio prescribed Jones, "Clotrimazole Cream and Diphenhydramine, Capsul. Jones took the medication and applied the cream as ordered, nevertheless his condition only grew worse, then over a brief time the Neal Unit was unexpectedly closed down, reason was not explained to the prisoners, the staff was very quiet about, and inmates were quickly shipped out to different units. On the date of 12/12/2020, Jones arrived at the Huntsville Unit where he was seen by Dr. K. Faust who asked what had happened to him and how long he had been in that condition of suffering. He stated that since on or about 7/2020, Dr. Faust noting his condition and its severeness, immediately scheduled Jones for a trip to the Hospital at Galveston to see a "Specialist in Dermatology. Jones arrived at Hospital Galveston on or about 1/19/2021 and was examined by Dr. Paige Hoyer MD and Specialist in the field of Dermatology. The Dr. being strongly concerned, immediately ordered biopsy to be performed, consisting of several tests to determine the cause of what was clearly a serious medical condition. After the tests were completed, Dr. Hoyer, specifically ordered a special prescribed cocktail of special combinations of creams and specific medications set to work together for the purpose of healing, pain relief and recovery which consisted of 5 specified and clearly prescribed treatments and medications. Jones was not aware of what was or had been prescribed, the instructions and special medication for treatment, are sent to the Unit Medical Department electronically. When he returned to the Huntsville Unit he was given only 3 of the 5 Dr. Ordered Specified Treatment and Medications which consisted of only Tramadolone, Presidone and Diphenhydramine and not what was specifically instructed and ordered by the Dr. for the clear purposes, of treating a serious medical condition. The deliberate deviation, away from the Dr orders by medical staff at the Huntsville

namely, Dr. Faust; NP Dominic and subordinate staff caused Jones to be subjected to an even more serious chemical imbalance, pain and sufferage. Then on or about the date of 7/01/2021 aftering continuing, to take the medication and apply treatment creams, Jones condition, worsen, he suffered with pain, blisters, swelling, cracking and bleeding over 50% of his body and other suffering unknown to the point that Jones, due to these intentional errors, had to be rushed, to the County Hospital in Huntsville because of other complications, caused by the deviation away from the traeting Dr. Order. Then on the date of 7/02/2021, UTBM medical staff, namely, Victoria C. Dominics "at this time" give Jones Presidone. Jones continued to take the medication for several months while continuing to suffer not only from the blisters, bleeding, cracking skin and pain but now also mental duress, stress, worry because his body was not healing. At some point NP Dominics left or was dismissed from the Huntsville UTMB, now replaced by APRN Carla D. Teal, who also over time would meet with Jones and was aware of his serious medical condition, Jones had also begun to see the mental health provider at the unit because of his overwhelming stress concerning this. Then, on the date on or about 5/10/2023 to wit Jones had now been on the Huntsville Unit for over two years and had been visiting the medical department from the date of his arrival due to his serious, painful medical condition. At such time APRN Teal stated to Jones that she had only just recently been looking through his medical file concerning his condition and had noticed a serious error by the UTMB Staff at the Huntsville Unit. Notifications, instructions, specialized prescribed treatment and medication order and specified by Dr. Paige Hoyer of Hospital Gaveston for the purpose, of Jones, severe, skin /medical condition. Teal went on to explain, to Jones that the Dr. had diagnosed him as suffering with "Bullous Pemphigoid" caused by the exposure to unknown chemicals or other forms of contamination.

Teal also, because she had failed to fully read and review the patients, file even though she had clearly visited with him on several occasions. Only then noticed and noted that there had been a serious error, the deviation away from the Dr. orders of instruction and the specified treatment and medication for what was a serious medical condition. This had went on for over two years, subjecting Jones to unnecessary suffering, deliberate calloused, deficient, negligent treatment. Jones explained that he had been rushed to the Huntsville Memorial Hospital because of his condition, this was also due to the omission of deliberate indifference and or acts, acts of calloused negligence by UTMB Medical Department and Subordinate Staff. Jones contends that prison inmates should not be treated any different from other citizens, should not be subjected by the staff of the medical department to experimental testing or neglect. That the medical profession and its professionals have sworn oaths, policy and rule of conduct which to adhere to.

Jones seeks the Honorable United States Supreme Court and the also, Honorable Justices to consider facts, documented evidence, suffering, the intentional deliberate indifference, negligence, purposely deviation away from the treating Dr. orders for a specified prescribed treatment for healing and recovery. Jones contends that had these serious violation of human rights occurred to a person who being not a prison inmate, that the results of the same matter would have reached a judgment in favor of the plaintiff and that this honorable Court would not have to be faced with deciding the case. Jones herein, do ask that the Honorable Court justices consider, that he is not a lawyer nor does he have the assistance of any such person, but that this Court with the same fair and equal justice, being in the best interest of our Rights, the harm and the Constitution, consider and grant the relief sought and any other rights, just compensation plaintiff is entitled to.

REASONS FOR GRANTING THE PETITION

The plaintiff, Jones in humble respect to this Honorable Court, do herein, seek this Supreme Court of the United States consider and grant that this claim to be heard by a jury of peers of the general public of the United States of America.

Plaintiff, Sean Jones, contends and complains that the district court, erred in its decision to deny or dismiss his claim against NP Tenorio as being untimely because the accrual of a 1983 claim, is a question of federal law. And section 1983 claims "generally, accrue" when the plaintiff "knows or has knowledge or reason of the injury, which is the basis of his claim. In applying this standard, courts seek to determine "what event should have alerted the typical lay person to protect his rights. In the case, Wallace v. Kato, the Supreme Court stated that a 1983 claim accrues when the plaintiff has "a complete and present cause of action". In Smith v. Wade the Supreme Court held that a 1983 plaintiff may recover punitive damages against an official in her personal capacity if the official acted with malicious or evil intent or callous disregard of plaintiffs federally protected rights. Although the specific intent, to violate plaintiffs federally protected rights will support, a punitive damage award; "Reckless Indifference" toward a plaintiffs, federally protected rights also suffices to authorize liability, for punitive damages under 1983. If a reasonable jury could find that a defendant acted with callous, reckless indifference the district judge should submit the issue of punitive damages to the jury under proper instructions. Plaintiff, Sean Jones, seeks the Honorable Court, consider and invoke the following; Hughes v. Rowe 449 U.S. 5, 9 (1980); Hains v. Kerner 404 U.S. 519, 520 (1970); accord, Erickson v. Pardus 551 U.S. 89, 94 (2007). A district court should read the pleadings of a pro se plaintiff "liberally" and interpret them to raise "the strongest" arguments that they suggest.

NP Dominic, who indisputably acted with and in reckless indifference, deliberate indifference, callous reckless disregard to the plaintiffs federally protected rights, neglecting what was a severe, medical need. To wit, Dominic knew that the plaintiff required prompt accurate, specified, diagnosed instructions and the ordered as well as prescribed medical attention, medications and treatments, she knew because everything was delivered to her (Dominic) by a trained, practicing professional in the field of dermatology and expert in the field and Jones treating doctor, Dr. Paige Hoyer. Dominic was also aware and knew that delay and deviation would also, exacerbate Jones health problem. But, nevertheless, acted in reckless, indifference and deliberate disregarding plaintiffs federally protected rights. Such knowing and deliberate disregard satisfy plaintiffs pleading requirements under Rule 8(a) for the subjective component of a deliberate indifference claim. Fed. R. Civ. P. 9(b). See also, Kikumura v. Osage 461 F.3d 1296, to wit, the Court stated that it was possible that even a lay person could have recognized a change in circumstance necessitating emergency medical treatment. (applicable in this case of plaintiff Jones). Because it clearly shows the deliberate disregard toward plaintiffs, protected rights. Dominic, not only intentionally deviated away, from the doctors orders, for specialized treatment and specific necessary medications. What is such conscious shocking in this claim, is "The Fact" that Dominic, continued in the acts, actions, of reckless indifference and callous disregard to plaintiffs protected, rights. This is a claim which should not take much deliberation, due to the out-right violations by government employee's. Dominic, knew of, had knowledge of the problems her intentional disregard, toward plaintiff rights were causing and knowledge of the effects her acts of reckless indifference. So much so, that it came

to the point, that due to the callous disregard that the plaintiff, Jones, had to be rushed from the Huntsville Unit Medical Department, by way of ambulance to the Huntsville County Hospital, because, of the plaintiffs worsening condition, due to Dominic's failure, to follow the doctors instructions for treatment and medication. But, had intentionally chosen to disregard not just the doctors orders but also the rights of the plaintiff, subjecting him to unnecessary rapid suffering, severe pain and rapid deterioration, of his health problem. Constitutioning, causation claim in which, is the standard element of tort liability, and includes two requirements: (1) act must be the cause-in-fact of the injury, i.e. the injury would not have occurred absent the conduct; and (2) the act must be the proximate cause; the injury is of a type that a reasonable person would see as likely result of his or her conduct. See Evans v. Chambers 703 F.3d 636; Monroe v. Pape 365 U.S. 167, 187; Aalley v. Briggs 475 U.S. 335. Fact, if this was presented to an eight grade student the outcome would be simple, if one fails to take to medication then there would be no healing, if one takes the wrong medication and becomes more severely ill, then still continues to take the wrong medication the act would be nothing less than reckless intent. How much so wherein the case of Jones where the person distributing the wrong medication discovers it is not helping, but is making the condition worse, nevertheless, intentionally, continues the act disregarding the health and safety of another human being. A suit against a municipal official in her official capacity is considered a suit against the municipality itself. Brandon v. Holt 469 U.S. 464, 471 (1985) accord, Kentucky v. Graham, 473 U.S. 159, 166 (1985). Then in Burge v. Parish of St. Tammany 187 F.3d 452, 466-67 (5th Cir 1999) (absolute prosecutorial immunity not available in official capacity suit. State law immunities may

not be asserted by municipalities sued under 1983. In this instant, claim, NP Dominic made the deliberate choices to disregard the orders and specified required medication and the instructions for plaintiffs, Jones, serious health condition and Dominic, purposely deviated away from the professional treating physicians orders and prescribed medications, instructions. Thereby, subjecting Jones to unnecessary wanton suffering and infliction of pain and injury. And did continue to callously disregard the protected rights of the plaintiff. Dominic's, own reckless choice and indifference continued to fail to bring about or to produce any healing, but, only worsen the health of the inmate, Jones. Subjecting him to suffering, unnecessary for over two years. In a state case, *Borrego v City of El Paso* 964 SW 2d 954 (1998), "if a doctor or nurse" does not perform medical procedure with level of care and skill of ordinary, prudent health care provider, patient injured as a result should, not suffer without compensation for the sole reason that the doctor or nurse is a governmental employee. Government-Employed medical personnel "are not" immune from tort liability if character, of discretion, the exercise is medical and not governmental. Also, where a publicly employed health care provider performs same functions as provider in private sector, those duties are not uniquely, governmental in nature, and provider is not entitled to official, or qualified immunity. See., *Jackson v Stinnett* 881 SW 2d 498; *West v Atkins* 487 U.S. 42. Then in *White v Napolen* 897 F.2d 103 (1990) "The dismissal of a complaint is not proper, however, where, prisoners alleged for example, that on numerous occasions a prison doctor or (nurse) intentionally inflicted pain and continued, an ineffective course of treatment, refused to apply the prescribed, appropriate medication. (as is applicable) here in this instant, claim of Jones, to wit, the reckless indifference and the deliberate, disregard of his rights by Dominic.

See, also, Jones v Marthakis 2024 U.S. Dist. Lexis 103572, constituting a substantial delay in responding to an inmate's serious medical condition or need, can reflect deliberate indifference, particularly, where, that delay "exacerbates" an inmate's medication or unnecessarily prolongs suffering. See, Goodhue v Spod 947 F.3d 1026, 1031 (2020) to wit, also, persisting with a course of treatment "known to be ineffective" can amount to deliberate indifference. Berry, 604 F.3d 441. Prison inmates are entitled to the same level of professional, medical treatment as those not in jail or prison, See Estelle, v Gamble 429 U.S. 97., "the government has an obligation to provide medical care for those whom it is punishing, by incarceration. An inmate must rely on prison authorities to treat his needs, if authorities fail to do so, those needs will not be met. The Supreme Court has held that deliberate indifference can be manifested by prison doctors or nurse in their response to the prisoners needs; intentional reckless indifference occurs wherein, government employee, fails to perform those duties, knowingly and callously. Subjecting, prison inmate to the deprivation of his protected right, subjecting him to unnecessary suffering and his right to be also free from acts constituting cruel and unusual punishment, USCA 8th amendment. APRN, Teal, Jones claim and complaints and his grounds for relief and summary judgment in this pleading is not merely conclusory but is presented by specific facts. Herein, also under the claims of a prisoner's complaint however inartfully plead, should, be held to a less stringent standard because the complaint is not drafted by a lawyer. Plaintiff complains due to recklessness, negligent indifference, that the acts and failure to act responsibly, and professionally by APRN Teal, constitutes deliberate indifference because Teal should have known and could have made known to herself through the normal and required duties and daily job activities and job function the fact and facts of what was clearly, a serious medical condition and need of the plaintiff.

Teal had met with Jones several time during his visits to the Huntsville, Unit Medical department, had access to his file and not to exclude constant observation of his health condiction. The duty and care owed to prisoners is the same as that owed to private patients. Medical personnel who undertake to treat specialized problems, are held to the standard of care applicable to those of specialites, even if they do not claim specailized expertise. Expert evidence is required to establish "the standard of care" unless the issue is within the common knowledge of lay people. This requirement, is met, wherein, APRN Teal, knew or could made known to herself, had she not been negligent in her responsibilites of daily activities, and duties of her job performance. Failure to conform or to comply with proper, adequate policy and procedures and standard, of care. The issue being failure of prison personnel to follow a surgeons directions, were enough to raise a geniune factual issue, barring summary judgment. Gil v. Reed 381 F.3d 649, 660 (7th Cir 2004), the court held that Gil may rely on his treating physicians to establish a standard of care even if those physicians are agents, of the defendant. (applicable) Because it is clear that both Teal, and Dominic, acted in negligence "to wit" they both had knowledge, of or could have made known to themselves that plaintiff's serious, medical need, required treatment and specailized medication prescribed by his treating physician. Typical examples, of negligence, or medical malpratice include; failing to give necessary and required medication, prescribing inappropriate medication and the delaying of treatment. Plaintiff, Jones was subjected to gross and intentional negligence by the Huntsville Unit Medical Staff and Subordinat personnel. Non-physician performing medical service nurse, physicians assistants, technicians, may be found lieable for malpratice or negligence if they fail to have and use the knowledge, skill, and care expected of their professions or if they disobey, physicians directions.

Teal knew from observation that Jones was in need of serious medical requirements and treatment. See., *Abille v U.S.* 482 F.Supp.703, (nurse were negligent for not following the physician orders and directions); *Berman v U.S* 205 F.Supp 2d 362 (the failure to provide adequate follow up treatment. Where there exist an ongoing pattern, of ignoring treatment and failing to timely respond to or effectively, manage plaintiff's serious medical need, chronic pain and suffering. *Ruffin v Deperio* 97 F, Supp 2d 346 (2000) (holding jury, could find that treatment "consisted of little more than documenting, (plaintiff's) worsening condition "and the continuing ineffective, treatment. Which is also applicable in this instant claim, because the acts, actions and omissions by NP Tenorio; NP Dominic, and ARRN Teal, each knew the serious medical condition and need, for specialized treatment, each had access to his file and the instructions from his treating physician and personal involvement constituting causation and, sustaining plaintiff's claim and what was the consistent pattern of reckless negligent conduct, establishing, deliberate indifference. See., *Ramos v Lamm* 639 F.2d 5559 (1980) accord. *Harris v Thigpen* 941 F.2d 1495, 1505 (1991); *Digidio v Bung* 920 F.2d 525, 533 (1990); *Todaro v Ward* 565 F.2d 448, 52 (1977) even acts which appear negligent in isolation may constitute deliberate indifference if repeated. Indisputable and undenied by the government, and employee's or agents is the fact that plaintiff, was and had been continuously and consistently subjected to denial and delay of the medication which had been specifically prescribed and ordered as treatment by his treating physician and specialist. Citing., *Jones v Simek* 193 F.3d 485 (1999), the refusal to follow specialist recommendations supporting claim of deliberate indifference.

Claim against warden Strong, supervising staff, may be deliberate indifference if they fail to provide adequate staff or qualified staff, or if they fail to remedy unlawful conditions they know about. Jones claim is supported wherein, he did exercise the grievance process of which the warden is a part of. In the case of *Alsinna-Ortiz v Laboy* 400 F.3d 77(2005) (high level officials could be liable for line staff's failure to get medical care for an obviously sick prisoner if they "knew of a continuing pattern of culpable failure to do so" and made no reasonable attempt to remedy the problem. See, *Aswegen v Brub* 965 F.2d 676; *Hill v Marshall* 962 F.2d 1209.

In the support of his claim and sustaining right to relief sought and judgment in his favor, the seeking of compensation for injury damage and suffering, in the amount of \$40 Million Dollars and any other judgment and settlement of which plaintiff should be entitled. Due to the cause and actions, omissions, neglect, reckless negligence, medical malpractice and deliberate indifference to what was a severe, serious medical need. Violations under the United States Constitution, 8th, 9th, 10th Amendments. Law of the Land and Ruling Decisions of the Supreme Court of the United States of America, Violation generally a tort under state law, and maybe held under what was (formally called "pendent") or jurisdiction of the federal court.

Plaintiff presents expert evidence as required; see, *Bryan v Sharh* 351 F.Supp.2d 295(2005) "to wit" lay people would know that disregarding orders from a treating doctor deviates from the "standard of Care". See, Exhibits Presented A 1 page A1, A2, B 3 pages (1) documentation that the plaintiff did clearly have frequent visits at the Huntsville Unit Medical Department, and with APRN TEAL, and the dates and times reflect that Teal did have observation of his serious medical problem before the date of 5/11/23. Was well

aware, knowingly of Jones' serious medical need for treatment, way before the date upon which Teal finally did reveal to Jones that there had been a serious error in his treatment and medical need which had been ordered by his treating physician and specialist Dr. Paige Hoyer. Teal did state, "you should have been given this medication and treatment two years ago. This is a conscious shocking delay in what should have been duties performed within the normal operations of business and responsibilities of person(s), trained, in the field of a NP or APRN, doctor or nurse.

Wherefore, premises, considered, facts and evidence, the continuing in failing to conduct duties and to assure the correct and right medication, treatment was administered for Jones and his severe health, serious medical needs. The intentional deviation away from the treating physicians orders, suffering for over two years, unnecessarily. Jones pray this Honorable Court and Justices to grant summary judgment in his favor

UNSWORN DECLARATION

I, Sean Jones, TDCJ/CID No. 02225017, do hereby declare under the penalty, of perjury that the foregoing in this petition are true and correct.

Executed on this 5 day of July 2025

s/ Sean Jones

Sean Jones
No. 02225017
Huntsville Unit
815 12th St.
Huntsville, Texas 77348

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Paul Jones

Date: 7-5-25