

No. 25-6832

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IN THE  
SUPREME COURT OF THE UNITED STATES

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FILED  
FEB 02 2026  
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SUPREME COURT, U.S.

Stanley Donald, *Petitioner,*

vs.

Carol Mici & Others, *Respondents.*

ON PETITION FOR A WRIT OF CERTIORARI TO  
STATE OF MASSACHUSETTS SUPREME JUDICIAL COURT

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**PETITION FOR A WRIT OF CERTIORARI**

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Stanley Donald,  
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## QUESTION(S) PRESENTED

Did the inmate state an actionable claim under the Federal Constitution's 8th Amendment when prison officials deliberately exposed him to COVID-19 and then denied him emergency medical treatment?

Is the State Court decision in conflict with a relevant decision of U.S. Supreme Court holdings in the case of *Helling V. McKinney*, 113 S. Ct. 2475 (1993)?

Did the State Court error when it denied inmate to amend his complaint to include those who denied him emergency medical treatment?

## 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:

### RELATED CASES

Donald V.Mici, et al., State Suffolk County Superior Civil  
Court Case#2284CV01655(2022)  
Donald V.Mici & Others, 106 Mass.App.Ct.1103(2025)  
Donald V.Mici & Others, 496 Mass.1112(2025)

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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 is unpublished.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 is unpublished.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 A to the petition and is

- reported at Donald V. Mici, 496 Mass. 1112(2025); or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the Massachusetts State Appeals court appears at Appendix B to the petition and is

- reported at Donald V. Mici, 106 Mass. App. 1103(2025) 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 Nov. 14, 2025. A copy of that decision appears at Appendix A.

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 March 2, 2026 (date) on December 3, 25 (date) in Application No. 25 A 639.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

8th Amendment to the U.S. Constitution provisions

"nor cruel and unusual punishment shall be inflicted."

42 U.S.C. Section 1983, civil action for deprivation of rights.

28 U.S.C. Section 1257(a), the U.S. Supreme Court has jurisdiction to review final judgments rendered by the highest court of a State by writ of certiorari.

U.S. Supreme Court Rule 10(c), granting certiorari when a State Court has decided an important federal question in a way that conflicts with relevant decisions of the U.S. Supreme Court.

Federal Rule Civil Procedure 15(a), a party may amend his pleading once as a matter of course at any time, by leave of court, and leave shall be freely given when justice so requires.

Massachusetts Rule Civil Procedure 15(a), a party may amend his pleading once as a matter of course at any time, by leave of court, and leave shall be freely given when justice so requires.

Massachusetts Rule Civil Procedure 12(b)(6), dismissal for failure to state a claim upon which relief can be granted.

## STATEMENT OF THE CASE

In 2018, the **petitioner, Stanley Donald**, was diagnosed as a severe chronic diabetic with high blood pressure and arthritis that required medication daily.

On March 10, 2020, the Governor of Massachusetts declared a “COVID-19 virus emergency.” On November 5, 2020, the petitioner-inmate, Stanley Donald, became infected with virus due to a major outbreak in prison.

On November 6, 2020, the **respondents, Carol Mici, et al.**, placed inmate Donald into a two-man cell with infected inmate Michael Brown in violation of Centers for Disease Control guidance on prisons. While being held in a two-man cell inmate Donald became seriously ill and unable to stand up or walk. The **respondents, Wellpath Medical Staff**, failed to provide inmate Donald with insulin for diabetes.

On September 1, 2022, petitioner commenced a complaint in State Superior Civil Court and pleaded with the Court to order all respondents to provide him with emergency medical treatment. On September 12, 2022, all respondents opposed to provide inmate Donald with emergency medical treatment.

Thereafter, being denied emergency medical treatment then inmate Donald had a stroke, heart attack with nose bleeds and was unable to walk.

On October 20, 2022, inmate Donald filed a grievance for D.O.C. Supt. Nelson Alves to order medical contractor Wellpath to provide him with medical treatment.

The grievance stated:

“On 10/20/22, I told medical contractor Wellpath (provider) I had a mild stroke and mild heart attack with nose bleed for three days and feel like I am dying and my legs feel like they are on fire and it’s hard to walk to med line. I was denied medical treatment. ...”

The inmate, Stanley Donald, on October 20, 2022, filed the same type of grievance with Wellpath but stated: “I need emergency medical treatment.”

Inmate Donald never received the emergency medical treatment until several days later: he was requested to go to Health Unit and when he proceeded to Health Service Unit he had to stagger and crawl about half a mile in a dying manner because no Correctional Staff nor Medical Staff came to assist him with a wheelchair and when he finally arrived on his own at Health Service Unit then Wellpath’s Nurse Practitioner Alexis Cushman state to inmate Donald that she made a mistake, there was an ambulance waiting out front because there is no oxygen in inmate Donald’s blood and he might be dying.

The paramedics determined that inmate Donald was dying and he was immediately taken by ambulance at high speed while paramedics kept him breathing. Inmate Donald was given an emergency blood transfusion on arrival at Milford Hospital.

The hospital doctors confirmed inmate Donald was in danger of dying and had him stay in the hospital for 8 days. It was determined Donald had organ damage which causes him to uncontrollably urinate on himself and severe nerve damage in his legs.

While the petitioner-inmate was in the hospital, all respondents filed motions to dismiss the complaint.

On December 27, 2023, the State Court allowed respondents motions dismiss complaint pursuant to Civil Rule 12(b)(6) for failure to state a plausible claim for relieve. (App. "C")

On September 30, 2025, the State Appelas court affirmed judgment of dismissalal by electronic filing system. (App. "B")

On November 14, 2025, the State Supreme Judicial Court denied further appellate review without a hearing. (App. "A")

On December 3, 2025, the U.S. Supreme Court Justice Jackson extended the time to file petition for a write of certiorari until March 2, 2026. (App. "D")

## REASONS FOR GRANTING THE PETITION

It is imperative to grant this writ of certiorari in the interest of public safety wherein the State Court's unjust decision is in conflict with the U.S. Supreme Court precedent decision in *Helling v. McKinney*, 113 S. Ct. 2475 (1993). As in *Helling*, prison officials failed to take measures to house inmate according to his existing chronic medical condition that caused further health problems, required an emergency blood transfusion, and later resulted in organ and nerve damage.

This Court granted the writ in *Helling* and held that,

“the allegations that the prison officials had with deliberate indifference, exposed inmate to levels of environmental tobacco smoke (ETS) that posed an unreasonable risk of serious damage to the inmate's future health was a valid claim under the Eighth Amendment.”

This Court must recognize that the State Court ruled that inmate Donald failed to state a valid cause of action which is in conflict with this Court's decision: as in *Helling*, the prison officials deliberately exposed inmate to COVID-19 (environmental virus), and more than *Helling*, this petitioner-inmate was later denied emergency medical treatment while he lingered near death.

More, this Court has held “To incarcerate, society takes from prisoners the means to provide for their own needs. Prisoners are dependent on the State for food, clothing, and necessary medical care.

A prison's failure to provide sustenance for inmates "may actually produce physical 'torture or a lingering death.'" *Brown v. Plata*, 131 S. Ct. 1910, at 1928 (2011).

As here, while in the hospital inmate Donald stated a valid cause for action since he was lingering near death.

This Court must grant the writ because then the prison officials cannot use the State Court's decision to deny other inmates emergency medical treatment without recourse from the Federal Courts.

The State Court also erred and ruled inmate Donald's claims are identical to claims raised in another case of *Foster v. Mici*, 488 Mass. 643, at 645 (2021). However, *Foster* case sought to have prison officials reduce the prison population due to the spread of COVID-19. Here, inmate Donald sought emergency medical treatment after being exposed to COVID-19 which does raise a valid cause of action under 42 U.S.C. 1983, and under the 8<sup>th</sup> Amendment to the Constitution, and the State Court's dismissal for failure to state a cause of action was inappropriate.

In sum, under Supreme Court Rule 10©, the State Court ignored the legal landscape of the *Helling v. McKinney* decision that this Court must resolve. Inmate Donald's request to amend his complaint should have been freely given pursuant to Mass. Rule Civil P.15(a) which mirrors Federal Rule Civil P.15(a), since the claim of being denied emergency medical treatment does state a valid cause of action for this Court to remand.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,



STANLEY DONALD, PRO-SE

Date: FEBRUARY 10<sup>th</sup> / 2026