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IN THE

SUPREME COURT OF THE UNITED STATES

LARRY HARRISON,

Plaintiff-Appellate

USSC NO: _____
6th Cir COA # 24-1815
LC No: 23-cv-10655

v.

SHARON OLIVER, RICHARD DODMAN, and MARY ZAMORA,

Defendants.
_____/

APPLICATION FOR EXTENSION OF TIME

PETITION FOR WRIT OF CERTIORARI IN THIS COURT

NOW COMES LARRY HARRISON, in pro se and respectfully requests this Court to grant him an extension of 60 days per Rule 13.(5) of the U.S. Supreme Court Rule to fonmally submit his Writ of Certiorari to the Sixth Circuit Court of Appeals October 31, 2025, decision affirming the U.S. District Court's Dismissal of his 42 USC § 1983 Civil Coimplaint.

See Attachment 1- ~~US District Court's~~ Sixth Circuit Court of Appeals Judgement.

Petitioner states the following reasons why an extension of time should be granted:

1. Petitioner is a pro se, indigent prisoner litigant that has been pursuing this matter woihiout representation from the initial filing in the U.S. Eastern District Court of Michigan.

2. Petitioner believes that the Constitutional issues involved in this case needs to be scurtinazed/decided by this Court to provide the U.S. Circuit Courts with the proper standards of review relating to Quality of Life issues and the increasing elderly populations they relate to.

3. As a pro se litigant, Petitioner Harrison has limited knowledge of the law, and is limited to 4 hours per week in the institutional law library to research and prepare the

pleadings required to submit a formal Writ of Certiorari.

4. Petitioner has around 30 days prior to the deadline to submit his Writ of Certiorari in this case, and doesn't have the Writ of Certiorari packet ~~from~~ this Court's Clerk to proceed with the proper filing.

For these reasons, Petitioner respectfully requests this Court to grant this Application For an Extension of Time.

Dated: December 4, 2025

Respectfully submitted,

Larry Harrison

E.C. Brooks Correctional Facility
2500 S. Sheridan Drive
Musgegon Heights, MI 49444

PROOF OF SERVICE

I, Larry Harrison, do swear or declare that on this date, December 4, 2025, I submitted the enclosed Application for Extension of Time to the Clerk of the United States Supreme Court in the above captioned matter, by depositing an envelope containing he Original and 5 copies of the within documents to be placed with the institutional out going mail to be sent to the United States Supreme Court Clerk of the Court for mailing, properly addressed to U.S. Supreme Court, 1 First Street, N.E., Washington, DC 20543.. Postage prepaid on December 4, 2025.

I declare under penalty of perjury that the forgoing is true and correct.

Respectfully submitted,

Larry Harrison #156814

E.C. Brooks Corr. Facility
2500 S. Sheridan Drive.
Muskegon Heights, MI 49444

P.S. Copies were sent to both Attorney's of Record.

I, Larry Harrison, declare this under penalty of Perjury.

NOT RECOMMENDED FOR PUBLICATION

No. 24-1815

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

LARRY E. HARRISON, Plaintiff-Appellant, v. SHARON A. OLIVER, Doctor; RICHARD DODMAN, RN; MARY ZAMORA, RN, Defendants-Appellees.	)	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

ORDER

Before: STRANCH, READLER, and MATHIS, Circuit Judges.

Larry E. Harrison, a pro se Michigan prisoner, appeals the district court's grant of summary judgment in favor of the defendants in his 42 U.S.C. § 1983 action. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See* Fed. R. App. P. 34(a). For the reasons discussed below, we affirm.

I. Factual & Procedural History

At the time giving rise to his allegations, Harrison was confined at the St. Louis Correctional Facility (SLF). Harrison has Hirschsprung's disease, a condition that causes him constipation and incontinence. As a result, Harrison wears incontinence undergarments. Harrison alleged that he sent several kites to Dr. Sharon Oliver between August and December 2021, requesting treatment and proper-fitting undergarments, to no avail. He then met with Dr. Oliver on December 23, 2021, and complained about his alleged lack of treatment, at which point Dr. Oliver purportedly became irate and said, "I'm not going to treat you for anything because I'm

tired of your complaints and thinking you have a right to care that's in line with treatment afforded society."

According to Harrison, on April 12, 2022, he sent a kite complaining about his incontinence undergarments not working properly, but nursing supervisor Richard Dodman responded that the provided undergarments were sufficient. In the following months, Harrison sent three additional kites regarding his undergarments. Dodman responded to the last two kites, both times refusing to provide Harrison with alternative undergarments.

On April 28, 2022, Harrison again met with Dr. Oliver intending to discuss his undergarments and diet, but Dr. Oliver allegedly threatened to adjust his medication and dismissed him due to his previous complaints. Then, on July 5, 2022, Dr. Oliver allegedly removed Harrison from her medical docket, and the health unit refused to process his subsequent medical kites. Despite this, Harrison was summoned for a follow-up appointment with Dr. Oliver on August 3, 2022, and, while in the waiting room, Harrison allegedly saw Dr. Oliver peek her head out of her office and observe him before ducking back into her office. At that time, Harrison saw Dodman, health unit manager Mary Zamora, and an unknown nurse go inside Dr. Oliver's office. Shortly thereafter, the unknown nurse came out to inform Harrison that his appointment had been canceled and would need to be rescheduled.

On August 7, 2022, Harrison met with another doctor, Darrell Barrows, who allegedly told him that Dr. Oliver no longer wanted him as her patient. Dr. Barrows allegedly agreed that Harrison's incontinence undergarments were "inappropriate and unacceptable" and that he should be "provided some sort of medical boxer briefs that would allow [him] to have confidence to leave the confines of his cell without fear of losing bowels causing humiliating and embarrassing circumstances." Dr. Barrows advised Harrison to write to Zamora requesting intervention. He did so, but Zamora allegedly never responded to his letter, leaving him no choice but to accept the "substandard" undergarments.

Harrison sued Dr. Oliver, Dodman, and Zamora[1] in their individual capacities for monetary damages, claiming that they were deliberately indifferent to his serious medical needs and forced him to wear inadequate incontinence undergarments in retaliation for complaining about the adequacy of his medical treatment, in violation of his First and Eighth Amendment rights.

After discovery, the parties filed cross-motions for summary judgment. A magistrate judge recommended granting the defendants' motion and denying Harrison's motion because Harrison did not raise a genuine dispute of material fact with respect to either of his claims. Over Harrison's objections, the district court adopted the magistrate judge's report and recommendation and granted summary judgment to the defendants.

II. Law & Analysis

a. Standard of Review

"We review a district court's grant of summary judgment de novo," viewing "the facts in the light most favorable to the non-moving party." *Flagg v. City of Detroit*, 715 F.3d 165, 178 (6th Cir. 2013) (citing *Farhat v. Jopke*, 370 F.3d 580, 587 (6th Cir. 2004); *Grawey v. Drury*, 567 F.3d 302, 310 (6th Cir. 2009)). Summary judgment is appropriate only "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). A genuine dispute of material fact exists "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A party opposing a motion for summary judgment may not rest upon his pleadings but must set forth specific facts demonstrating that there are genuine issues of material fact. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986) (quoting former Fed. R. Civ. P. 56(e)). Because Harrison is a pro se litigant, we liberally construe his filings. *See Martin v. Overton*, 391 F.3d 710, 712 (6th Cir. 2004) (citing *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (per curiam); *Jourdan v. Jabe*, 951 F.3d 108, 110 (6th Cir. 1991)).

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[1] Dr. Oliver is employed by Wellpath, LLC, an entity under contract with SLF to provide healthcare services, whereas the two other defendants are Michigan Department of Corrections employees.

b. Eighth Amendment Claim

Harrison claimed that the defendants were deliberately indifferent to his serious medical needs when they failed to provide him with appropriate incontinence undergarments. Prison officials have a duty under the Eighth Amendment to provide medical care, and they violate that duty when they act with deliberate indifference to a prisoner's serious medical needs. *See Rhinehart v. Scutt*, 894 F.3d 721, 736-37 (6th Cir. 2018) (citation modified). A claim of deliberate indifference to a serious medical need has both an objective component and a subjective component. *Id.* at 737 (citing *Framer v. Brennan*, 511 U.S. 825, 834 (1994)).

The objective component requires a plaintiff to prove that the "deprivation alleged must be, objectively, 'sufficiently serious.'" *Farmer*, 511 U.S. at 834 (quoting *Wilson v. Seiter*, 501 U.S. 294, 298 (1991)). We have held this inquiry to, at times, be a simple one. *Rhinehart*, 894 F.3d at 737. For example, if an inmate has a medical need "diagnosed by a physician as mandating treatment" then the plaintiff can establish the objective component by showing that treatment was not provided by the prison. *Id.* (quoting *Blackmore v. Kalamazoo County*, 390 F.3d 890, 896-99 (6th Cir. 2004)). But this inquiry differs when an inmate has received "on-going treatment for his condition and claims that this treatment was inadequate." *Id.* In this situation, a plaintiff must show that the treatment was "so grossly incompetent, inadequate, or excessive as to shock the conscience or to be intolerable to fundamental fairness." *Id.* (quoting *Miller v. Calhoun County*, 408 F.3d 803, 819 (6th Cir. 2005)).

The subjective component, on the other hand, requires a showing that the defendant acted with deliberate indifference. *Id.* at 738. It is not enough just to show a doctor's error in medical judgment or other negligent behavior. *Id.* Rather, the plaintiff must show that the defendant "'subjectively perceived facts from which to infer substantial risk to the prisoner, that he did in fact draw the inference, and that he then disregarded that risk' by failing to take reasonable measures to abate it." *Id.* (quoting *Comstock v. McCray*, 273 F.3d 693, 703 (6th Cir. 2001)).

In moving for summary judgment, the defendants cited Harrison's medical records, which show that he received frequent treatment for his incontinence issues. Harrison's medical records

reflect that Dr. Oliver examined Harrison on January 27, 2022, at which time Harrison requested special incontinence garments "similar to biker shorts." Dr. Oliver advised that the "current incontinen[ce] garments should be effective" and that Harrison should "continue with [a] low fiber diet." Then, on April 9, 2022, Harrison sent a kite complaining that his medical underwear was not "working adequately," and Dodman responded that he could discuss the issue soon at his scheduled biannual chronic care visit.

Harrison's medical records show that, on April 28, 2022, he "was issued 10 men[']s pads for incontinence of stool" after he complained "that all other types of incontinence products [were] not working." Later that day, he met with Dr. Oliver and requested new incontinence garments and a single cell detail. Dr. Oliver informed Harrison "that he did not meet the criteria" for a single cell detail and advised that his incontinence issues may be the result of overuse of his medication, Lactulose, "and to consider a trial of decreased Lactulose." After the exam, Dr. Oliver discussed incontinence garments with a nurse and ordered different types of garments to "improve coverage."

On May 4, 2022, Zamora informed Harrison in response to a kite that different incontinence undergarments had been ordered for him to try and that he did not meet the medical criteria for a single cell, as Dr. Oliver had stated. On May 10, 2022, Harrison's new incontinence briefs and an inflatable "cushion doughnut" arrived, and Dodman scheduled Harrison to pick them up. A note from May 12, 2022, indicates that Harrison disliked the two types of undergarments he had already tried, so Dodman provided him with two new types of undergarments and five guard pads and instructed him "to kite for more when needed and to inform health care of the combination that works best for his medical needs."

On May 22, 2022, Harrison sent a kite complaining that the undergarments he was given were "not working" and requesting a "boxer-brief style" undergarment. Dodman responded that "[b]oxer brief style underwear do not have the high absorbency characteristics [he] require[d]," and that the supplies already provided would address leakage and "meet [his] medical needs." Harrison sent another kite concerning the same issue two days later, and Dodman again responded

that the provided undergarments were sufficient to meet his medical needs but that he would schedule Harrison with a medical provider to discuss his concerns. On June 3, 2022, Harrison met with Dr. Barrows, who noted that Harrison presented "a drawing of what he feels he needs[,] which is not manufactured by any supplier."

A couple of weeks later, Harrison sent a kite inquiring whether "the prototype for the medical brief [he] provide[d] [was] being worked on." Dodman informed Harrison that the medical brief he requested was not commercially available and that Harrison could choose from multiple types that were in stock and had been offered to him. A week after that, Harrison requested a conversation on the same issue, and Dodman advised him that he could discuss his options at his next scheduled provider appointment. Harrison sent another kite on August 8, 2022, and Zamora responded, noting that Harrison had declined an appointment to discuss the options available to him. He was seen two days later by Dr. Barrows, but there was no further resolution of his undergarment issue. Lastly, on September 2, 2022, Harrison again requested "proper incontinence briefs," and he was subsequently ordered a new brand of adult undergarment liners.

Based on the foregoing, Harrison received ongoing treatment for his incontinence issues from all defendants. Although Harrison disputes the adequacy of that treatment, mere disagreement with the medical treatment he received does not rise to the level of a constitutional violation. *Rhinehart*, 894 F.3d at 740 (quoting *Dodson v. Wilkinson*, 304 F. App'x 434, 440 (6th Cir. 2008)). Nor does "a desire for additional or different treatment . . . suffice by itself to support an Eighth Amendment claim." *Mitchell v. Hininger*, 553 F. App'x 602, 605 (6th Cir. 2014).

Instead, as previously mentioned, when a plaintiff has received ongoing medical attention for his condition and claims that this treatment is inadequate, to establish the objective component, he must show that his ongoing care was "so grossly incompetent, inadequate, or excessive as to shock the conscience or to be intolerable to fundamental fairness." *Rhinehart*, 894 F.3d at 737 (quoting *Miller*, 408 F.3d at 819). We have held that there must be "medical proof that the provided treatment was not an adequate medical treatment of [the inmate's] condition or pain." *Id.* (quoting *Santiago v. Ringle*, 734 F.3d 585, 591 (6th Cir. 2013)). Courts often require the inmate

to introduce medical evidence in the form of expert testimony to prove "grossly 'inadequate care.'" *Phillips v. Tangilag*, 14 F.4th 524, 535 (6th Cir. 2021) (quoting *Rhinehart*, 894 F.3d at 737). That evidence must show the medical necessity of the desired treatment, the inadequacy of the provided treatment, and the detrimental effect of the inadequate treatment. *Rhinehart*, 894 F.3d at 737-38. And in instances, such as here, where a prisoner only alleges that the medical care he received was inadequate, "federal courts are generally reluctant to second guess medical judgments." *Alspaugh v. McConnell*, 643 F.3d 162, 169 (6th Cir. 2011) (quoting *Westlake v. Lucas*, 537 F.2d 857, 860 n.5 (6th Cir. 1976)). Harrison did not offer evidence that alternative incontinence undergarments were medically necessary and that the defendants acted with gross incompetence by failing to provide him with his preferred undergarments (which apparently are not commercially available). He therefore failed to raise a genuine dispute of material fact with respect to the objective component of his deliberate-indifference claim, and the district court properly granted summary judgment in favor of the defendants.

c. First Amendment Claim

Harrison also claimed that the defendants violated his First Amendment rights by forcing him to wear inadequate incontinence undergarments in retaliation for his complaining about the adequacy of his medical treatment. To establish a First Amendment retaliation claim, Harrison needed to prove that (1) he engaged in constitutionally protected conduct, (2) the defendants took an adverse action against him "that would deter a person of ordinary firmness from continuing to engage in that conduct," and (3) "the adverse action was motivated at least in part by [his] protected conduct." *Thaddeus-X v. Blatter*, 175 F.3d 378, 394 (6th Cir. 1999) (en banc) (plurality opinion).

Harrison's retaliation claim falters on the second element. Although a delay in medical treatment and the denial of personal hygiene products would likely deter a person of ordinary firmness from engaging in protected conduct, *see O'Brien v. Mich. Dep't of Corr.*, 592 F. App'x 338, 343 (6th Cir. 2014) (order); *Bell v. Johnson*, 308 F.3d 594, 604-05 (6th Cir. 2002) (citing *Penrod v. Zavaras*, 94 F.3d 1399, 1404 (10th Cir. 1996)), the unrefuted record evidence belies Harrison's contention that the defendants delayed treating his incontinence issues or deprived him

of incontinence undergarments. As already explained, Harrison's medical records show that Dr. Oliver rendered prompt and appropriate treatment, that Dodman and Zamora responded to his numerous complaints pragmatically and expeditiously, and that all three defendants provided him with pads and alternative undergarments in an effort to address his incontinence issues. Harrison thus failed to show that a genuine dispute of material fact existed as to whether he suffered an adverse action, and the district court properly granted summary judgment to the defendants on his First Amendment retaliation claim.

III. Conclusion

For these reasons, we **AFFIRM** the district court's judgment.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens, Clerk