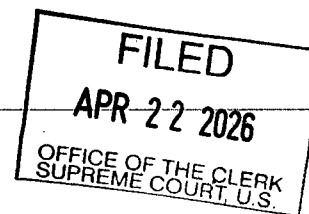


26-5547

No.



IN THE
SUPREME COURT OF THE UNITED STATES

WANG, LISHAN — PETITIONER
(Your Name)

vs.

KURLYANDCHIK, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeals for the Second Circuit(USCA2)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Wang, Lishan #375805

(Your Name)

1153 East ST. South

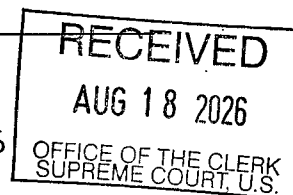
(Address)

Suffield, Connecticut 06080

(City, State, Zip Code)

1-860-627-2184 or 1-860-292-4226

(Phone Number)



QUESTIONS PRESENTED

QUESTION 1:

Once a court concludes that a prisoner had NEVER made threatening statements or become physically violent in the forced medication context, can it trample, circumscribe and self-overrule(MTD vs. SJ Flip) his First Amendment Right with its own opinions in the name of "appropriate deference to medical professional's judgment"?

QUESTION 2: (Double Jeopardy: Ruling on credibility + Violation of Neutrality)

In order to decide with "undisputed facts", after crediting plaintiff of being non-threatening & non-violent, can a U.S. Court design a de novo defense theory(Court's: "Peaceful words + non-violent noncooperation" vs. Defendants': "Overt Threat/Violence") on defendants' behalf?

QUESTON 3:

Undisputed facts from Plaintiff(Appx. I, Page 17-92) prove that, as medical professionals, defendants had knowingly made misdiagnoses, fabricated/falsified medical records, and made untruthful allegations under oath. Can U.S. Courts still afford "appropriate deference to their exercise of professional judgment"?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

1. PETITIONER(Plaintiff): Lishan WANG
2. RESPONDENTS(Defendants): Victoria Dreisbach, Diana Kurlyandchik, Misty Delciampo, Clara Mejias, Judy Hall, Heather Madison

RELATED CASES

1. USCA2: Wang v. Delphin-Rittmon, et al.
Case#: 24-2249

Appellant: Mr. Lishan Wang

Appellees: Diana Kurlyandchik, Victoria Dreisbach, Misty Delciampo, Clara Mekias, Heather Madison, Judy Hall (Ms. Delphin-Rittmon in the Caption was NOT an appellee; Neither was she a defendant. USCA2 just used the caption from District Court).

2. U.S. District Court, District of Connecticut: Wang v. Delphin-Rittmon, et al.
Case No.: 3:17-cv-00586-JAM

Plaintiff: Mr. Lishan Wang

Defendants: Diana Kurlyandchik, Victoria Dresibach, Misty Delciampo, Clara Mejias, Heather Madison, Judy Hall (Ms. Delphin-Rittmon is not a defendant).

TABLE OF CONTENTS

	Page
Opinion Below.....	1
Jurisdiction.....	2
Constitutional and Statutory Provisions Involved.....	3
Statement of the Case.....	4
Reasons for Granting the Writ.....	15
1.Objective Reasonableness in non-violent prisoner's non-violent speech..	15
2.Violation of Objective Reasonableness in D. Conn.'s MID vs. SJ Flip....	16
3.Designing a de novo defense theory by Courts a violation of Rule 56....	16
4.Defendants' misconducts disqualify them for Q.I. and invalidate Courts' deference to medical professionals' opinions.....	17
Legal Analyses On Consistency Of Legal Definition Of "Imminent Risk".....	17
Consolidated Analysis Of Relevant Questions On The USC Section 1983	
Excessive Force/Unauthorized-Medication Claim.....	18
1. Qualified Immunity.....	18
2. Imminent Risk of Physical Harm & Objective Reasonableness.....	22
3. Request to review "Appropriate Deference" To Medical Professionals' Judgment.....	26
4. Courts' violation of Rule 56 & Magistrate Judge's bias, misconducts...	27
Conclusion.....	27

INDEX TO APPENDICES

- APPENDIX A: The Decision of the United States Court of Appeals for the Second Circuit(USCA2)
- APPENDIX B: The Decision of the United States District Court District of Connecticut(D. Conn.)-Rulings on Motion for Summary Judgment(SJ)
- APPENDIX C: The Decision of the United States District Court(D. Conn.)-Rulings on Motion to Dismiss(MTD)
- APPENDIX D: Order of the United States Court of Appeals(USCA2) denying Plaintiff/Appellant's Timely Filed Petition for Rehearing
- APPENDIX E: Docket Sheet of the Case(No. 24-2249) Filed by Plaintiff at USCA2
- APPENDIX F: Plaintiff/Appellant's Brief for Appeal at USCA2
- APPENDIX G: PLAINTIFF/Appellant's Reply Brief Rebutting Defendants' Answers
- APPENDIX H: Plaintiff/Appellant's Petition for Rehearing/Rehearing En Banc
- APPENDIX I: Plaintiff's Rebuttal to Defendants' Motion for Summary Judgment(SJ) at U.S. District Court(D. Conn.)
- APPENDIX J: Plaintiff's Rebuttals to Defendants' Motion to Dismiss(MTD) at U.S. District Court(D. Conn.)
- APPENDIX K: Plaintiff's Amended Complaint Accepted and Used By U.S. District Court(D. Conn.)
- APPENDIX L: Docket Sheet of the Case(No. 3:17-cv-00586-JAM) Filed By Plaintiff at U.S. District Court, District of Connecticut(D. Conn.)
- APPENDIX M: Complaints About District Court's Bias, Non-neutrality, & Corruption

TABLE OF AUTHORITIES CITED

CASES	Page Number
Anderson v. Liberty Lobby, Inc., 477 U.S. 242(1986).....	24
Bee v. Greaves, 744 F.2d 1387	25
Bias v. Advantage International, Inc., 905 F.2d 1558(1990).....	15, 25
Boxer X v. Harris, 437 F.3d 1107(11th Cir. 2006).....	25
Briscoe v. LaHue, 460 U.S. 325(1983).....	19
Celotex Corp. V. Catrett, 477 U.S. 317(1986).....	16, 24
Corselli v. Coughlin, 842 F.2d 23, 26-27(2d Cir. 1988).....	15
Darnell v.Pineiro, 849 F.3d 17 (2d Cir. 2017).....	15
Davis v. White, 794 F.3d 1008(8th Cir. 2015).....	17
Devereaux v. Abbey, 263 F.3d 1070(9th Cir. 2001)(en banc).....	19
Erickson v. Pardus, 551 U.S. 89(2007).....	18
Estate of Jones v. Masel, 2020 WL 2062180(E.D. Wis.).....	21
Gordon v. Cnty. of Orange, 888 F.3d 1118(9th Cir. 2018).....	15
Graham v. Connor, 490 U.S. 386(1989).....	22, 23
Harlow v. Fitzgerald, 457 U.S. 8000(1982).....	19
Hudson v. McMillian, 503 U.S. 1(1992).....	22
Johnson v. Glick, 481 F.2d 1028(2d Cir. 1973).....	23
Kingsley v. Hendrickson, 576 U.S. 389(2015).....	15, 22
Miller v. Leathers, 913 F.2d 1085, 1089(4th Cir. 1990).....	15
Miller v. Prince George's Cty., 475 F.3d 621, 631-32(4th Cir. 2007).....	17
Miranda c. Cty. of Lake, 900 F.3d 335(7th Cir. 2018).....	15
Mullenix v. Luna, 577 U.S. 7(2015).....	21
Pearson v. Callahan, 555 U.S. 223(2009).....	19, 21
Powell v. Tex, 492 U.S. 680-81(1989).....	15
Raynor v. Pugh, 817 F.3d 123(4th Cir.2016).....	15
Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133(2000).....	24

CASES	Page Number
Saucier v. Katz, 533 U.S. 194(2001).....	21
Scott v. Harris, 550 U.S. 372(2007).....	24
Scott v. Plante, 532 F.2d 939(3rd Cir. 1976).....	25
Sell v. United States, 539 U.S. 166(2003).....	20
Surprenant v. Rivas, 424 F.3d 5, 15(1st Cir. 2005).....	17
Thornbough v. Abbott, 490 U.S. 401(1989).....	25
Tolan v. Cotton, 572 U.S. 650(2014).....	21, 23, 24
Turner v. Safley, 482 U.S. 78(1987).....	25
U.S. v. Bullard, 37 F.3d 765, 769(1st Cir. 1994).....	25
U.S. v. Cobb, 905 F.2d 784 (4th Cir. 1990).....	25
United States v. Hardy, 724 F.3d 280, 295(2d Cir. 2013).....	16, 26
Washington v. Harper, 494, U.S. 210(1990).....	20
Wearry v. Cain, 577 U.S. 385(2016).....	19
Whitley v. Albers, ...	22
Youngberg v. Romeo, 457 U.S. 307, 322-23(1982).....	16, 26

STATUTES AND RULES

STATUTES	Page Number
First Amendment U.S.C.....	3
Fifth Amendment U.S.C.....	3,7,10
Eighth Amendment U.S.C.....	3
Fourteenth Amendment U.S.C.....	3
28 U.S.C. § 636(c)(1).....	3, 27
28 U.S.C. § 1254.....	3, 24
42 U.S.C. § 1983.....	3, 17
RULES	
FRCP Rule 12(b)(6).....	17
FRCP Rule 56.....	3,11,13,16,17, 24

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 _____; 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 & C 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 September 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: February 17, 2026, and a copy of the order denying rehearing appears at Appendix D.

☐ 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

1. Constitutional Provisions

- 1) First Amendment U.S.C. (Right to Freedom of Speech/NO Speech, civil disobedience)
- 2) Fifth Amendment U.S.C. (Right not to self-incriminate)
- 3) Eighth Amendment U.S.C. (Freedom from Unusual & Cruelty & Excessive Force)
- 4) Fourteenth Amendment U.S.C. (Equal Protection used by unsentenced prisoners
for remedy of 8th Amendment right violation)

2. Statutory Provisions

- 1) 42 U.S.C. §1983
- 2) 28 U.S.C. § 636(c)(1)
- 3) Fed. R. Civ. P. Rule 56
- 4) 28 U.S.C. §1254

STATEMENT OF THE CASE

1. This case derives from injustice in Petitioner's criminal case at the State of Connecticut. Plaintiff had been charged with "murder". After finding Public Defender in his criminal case conducting no evidence collection, he decided to be his own lawyer (pro se). He was sent to Whiting forensic Institute for competency assessment and restoration. After five months he was found competent to stand trial and with no mental defects or diseases except brief depression before the arrest. He was allowed to represent himself. However, the discovery and resources for his defense were still controlled by State Public Defender(PD). Both PD, prosecutor and criminal court had wanted to "box" him into using Insanity as his defense. He refused, because PD and the psychiatrist did NOT plan to do any investigation on his past history of mental diseases and his history of employments. The PD had criminal court to find him incompetent to stand trial again and had Whiting Forensic Institute to find him suffering from schizophrenia and recommend treatment with psychotropic medicine Zyprexa. He had filed appeal(via PD as his pro se right had been taken away) to state supreme court and the Supreme Court of the United States(SCOTUS), wanting to use court's violating his constitutional right to a second opinion from his own expert as the key point for state supreme court and SCOTUS to review, but was rejected by the PD who used the efficacy of the Zyprexa as the key point for review. State supreme court ruled in criminal court's favor, and SCOTUS did not take the case: Order of forced medication proceeded.
2. On February 22, 2017, one day after SCOTUS's decision, criminal court ordered the beginning of the forced medication. Chief psychiatrist Dr. Kurlyandchik ordered forced medication to be started at 2:30PM, 2/22/2017. She did not talk to Mr. Wang, the plaintiff, before then, and until 4:00PM. However, her medical notes show she had talked to Mr. Wang in an attempt to review the court protocol for forced medication with him. That is her false allegation. One objective evidence to prove that she had lied is that

she did not order blood draw before the first administration of Zyprexa to Mr.Wang (Court's protocol is that obtaining blood sample before first dose of Zyprexa is a key measure to monitor the side effects from Zyprexa to protect Mr.Wang's physical integrity as the law requires it). She did not place any order for drawing Mr.Wang's blood as baseline for monitor in medical records, either. Since Mr. Wang believed he did not have schizophrenia and did not have a history with schizophrenia, either, he did not want to be medicated. He used peaceful words and passive, non-violent civil disobedience as a protest against giving him unnecessary medicine for non-existing disease. He told the staff that he was not crazy, they were crazy; he did not need med, they needed med. He told them "you need to carry me to the treatment room" as a passive means of non-cooperation. At no time did he ever make threatening statements or become physically violent. U.S. District Court District of Connecticut(D. Conn.) had believed Mr.Wang NEVER being violent or threatening, and had ruled to affirm his non-violence in Summary Judgment(SJ). However, defendants had documented extensively with specific details in medical records falsely alleging Mr. Wang had uttered profanity(e.g., "you fucking cunt", "what the fuck do you want?"), made threatening statements(e.g., "I'm going to physically assault you", "I'm going to continue to physically assault you", "(Mr.Wang) Patient threatens this nurse", etc.), and become physically violent. Defendants had used Mr. Wang's "threat/violence" as the reasons they used excessive forced and injected Benadryl to Mr. Wang against his will and without court order in their Motion to Dismiss(MTD) and Motion for Summary Judgment(SJ). Since defendant Dr. Kurlyandchik had NEVER talked to Mr.Wang before 2:30PM, 2/22/17, her order for prolonged 4-point restraint on him before the start of forced medication at 2:30PM means she had ordered excessive force to be used on Mr. Wang before he had even said those peaceful words (as decribed above). This is a critical and important fact because both District Court (D. Conn.) and Appeal Court(USCA2) had ruled against Mr. Wang(in SJ & Appeal) solely based on Mr. Wang's peaceful words and his passive civil disobedience, including those occurred hours later. Both courts had quoted his words out of contexts and on wrong time-lines!

3. At about 2:45PM, 2/22/17, after restraining Mr. Wang for about 20 minutes, defendant RN Madison injected the first dose of Zyprexa into him. She alleged in medical records that Mr. Wang had threatened her. In fact, Mr. Wang had NEVER talked to her and another defendant RN Delciampo. Every defendant except RN Judy Hall had documented extensively in medical records falsely alleging Mr. Wang had made specific threatening statements to them and become physically violent for hours. However, during the discovery, all of them except Dr. Kurlyandchik had alleged under oath that for more than two years at Whiting, they could not recall an incident that Mr. Wang had ever been mean, rude, disrespectful, threatening, or violent to them or other people, including staff and other patients. As to 2/22/17 and 2/23/17, they alleged they had no memory about Mr. Wang's behavior and referred plaintiff to the medical records they wrote. Mr. Wang had submitted to court the records or statements made by other staff, such as Mr. Palenski and Mr. Will Fernandez, that they only observed Mr. Wang did not want to engage the staff or had only been "verbally aggressive" (such as threatening to sue defendants)[see Appx K, Page 20 ; Appx J, Page 8&25; Appx I, Page 37-43 ; Appx F, Page 12]. One staff member "Edward" had even untied Mr. Wang to let him urinate[Appx I, Page 87], proving Mr. Wang had NOT posed any "imminent risk harm to others" without restraint. Both District Court and Defendants/movant had NEVER disputed such specific material facts from Plaintiff proving his non-violence, and they had NEVER disputed Plaintiff's statements in his Affidavits and Rebuttals to Defendants MTD & SJ accusing defendants of fabricating and falsifying medical records with false allegations that Mr. Wang posed threat/violence to them or other people. In fact, plaintiff's evidence is so strong that District Court had believed him and in SJ ruled at the beginning that he had NEVER made threatening statements or become physically violent. (APPX B, Page 4)

4. From 2:45PM to 4:00PM, even though Zyprexa had been administered and Mr. Wang had NOT become violent (Staff Mr. Palenski was observing him and documenting every 15 minutes Mr. Wang's peaceful words and non-violent behavior. see Appx K, Page 20 ; APPX I, Page 37-43; Appx J, Page 8&25). However, defendants had NOT released him from restraint.

5. At about 4:00 PM, defendant Dr. Kurlyandchik for the first time came to the treatment room to talk to Mr. Wang on 2/22/17. Mr. Wang did not want to talk to her, because for months before 2/22/17, Mr. Wang had agreed talking to her only when his counsel(PD) was present. The reasons: Dr. Kurlyandchik had always documented in medical records falsely alleged that Mr. Wang's thought was rigid, illogical, and delusional; and Mr. Wang did not agree and wanted to have a witnesses. However, as late as 2/8/2017, Dr. Kurlyandchik had documented in medical records(Appendix F, Page 14) describing that Mr. Wang had no "behavior problems". Since Mr. Wang was still in 4-point restraint, it was difficult to talk to Dr. Kurlyandchik. As one way for protest, he said to her that "I'm not crazy; you're crazy; I don't need med; you need med; I'm going to sue you, because I have Chinese government behind me(Note: Mr. Wang was in constant contact with Chinese Embassy and Consulate asking them to intervene to stop forced medication)". Mr. Wang had NEVER verbally threatened her. At certain point, Dr. Kurlyandchik told Mr. Wang that if he stated "I will not attack anyone if restraint is removed". Feeling a trap for self-incrimination by making such far-fetched statement when he did not threaten any one and had no intention to hurt any one on 2/22/17 or any other dates, Mr. Wang did not want to say it as she requested and instead remained silent(he was worried about such statement would indicate that earlier he had wanted to harm others, and would justify defendants' continuing to restrain him after the injection was completed one and half hours ago). Therefore, Dr. Kurlyandchik continued to order prolonged restraint on Mr. Wang, falsely alleging that he made verbal threat and become physically violent. However, Dr. Kurlyandchik had NEVER documented that she had asked Mr. Wang to say "I'll not attack any one if released" and had NEVER used Wang's silence as the reason she ordered extended 4-point restraint at 4:30PM, nearly 2 hours after the injection of Zyprexa was finished. Plaintiff had explained why he remained silent when defendant Kurlyandchik asked him to make a statement[Appx K, Page 8]. Initial magistrate judge in his initial review had also noticed Wang's explanation for his silence. However, later D. Conn. and USCA2 had equated his silence to imminent risk of harm [Appx A & B], neglected his explanation, even though defendants/movan's theory

of their defense is based on their falsely alleging "threat/violence" from Wang, NOT on Wang's peaceful words or silence, and went so far as designing a de novo defense theory on defendants' behalf using Wang's peaceful words, criticism, and noncooperation as triggering factors to make defendants feel unsafe and decide to extend restraint continuously until next day(2/23/17) and to inject Benadryl twice to him against his will and without court order.

6. After 4:30PM, 2/22/17, defendant Dr. Dreisbach took over the job from Dr. Kurlyandchik for forced medication on Wang. She noticed in medical records that previous shift's staff had documented Mr. Wang had verbally threatened staff and had physically become violent. She continued to falsely allege that Mr. Wang had uttered profanity, made threat, become physically violent and even attempted to escape from the restraint. She ordered continuation of 4-point restraint until midnight next day(2/23/17) and added Benadryl injection to Mr. Wang "to calm him down" and "to prophylactically protect Mr. Wang from the side effects of Zyprexa". When Defendant RN Mejias injected him with Benadryl, Mr. Wang protested and asked her why she injected him with Benadryl. Defendant Mejias simply said that "Doctor ordered". Mr. Wang calmly asked her why doctor ordered it and the name of the doctor. RN Mejias told him that too many injections would cause the development of scar tissue in his buttock and recommended Mr. Wang to take Zyprexa by mouth. The conversation was calm, peaceful, and meaningful. Shockingly, later he found defendant RN Mejias had falsely alleged in medical records that Mr. Wang had threatened to assault staff and "will continue to physically assault staff", indicating he had already assaulted staff physically. And yet, during discovery she had stated under oath that Mr. Wang in two and half years at Whiting had NEVER been rude, mean, disrespectful, threatening, or physically violent to anyone. **She even said under oath that Mr. Wang had said to her that he liked her.** As to 2/22/17 and 2/23/17, she had NO memory and referred Mr. Wang to the medical records she wrote.

7. During Discovery, Dr. Dreisbach had lied under oath (APPX J, Page 5-6 ; Appx I, Page 82), denying she had seen Wang in early hours of 2/23/17 when Mr. Wang had a fall,

- loss of consciousness, and nasal bone fracture, flagrantly contradicting the medical note she wrote detailing the nurse contacted her, she examined him, she contacted hospital, and later surgeon at hospital instructed her about Wang's wound care and use of antibiotics.
8. Defendant RN Delciampo had NEVER talked to Mr. Wang on 2/22/17 and Mr. Wang had NEVER seen her. And yet, in medical records, she had documented specific details falsely alleging Mr. Wang had uttered profanity to her ("You fucking cunt"), made verbal threat to her ("I'm going to physically assault you"), and she continued to document such false allegations after 2/22/17 [Appx I, page 50-63; APPX J, Page 15-19]. And yet, during Discovery she stated under oath that in more than two years attending Mr. Wang at Whiting, she was unable to recall an incident which Mr. Wang had been rude, mean, disrespectful, threatening, or violent to her. As to 2/22/17, she referred Mr. Wang to the notes she wrote in medical records. All defendants had under oath refused to describe anything occurred on 2/22/17 and 2/23/17, except defendant Dr. Kurlyandchik who under oath continued to make false allegations that Mr. Wang had verbally threatened harm to her and become physically violent on 2/22/17; and yet defendant Dr. Kurlyandchik was the one who clearly stated in medical records that before 2/22/17, Mr. Wang had no behavior problems at Whiting for nearly one year since she joined Whiting as his main psychiatrist. And she didn't consider Mr. Wang's remaining silent in response to her request for a statement was very important or significant in her decision ordering extended 4-point restraint on Wang, because she had NOT even documented it in medical records. It is District Court and USCA2 who amplify Mr. Wang's silence to Dr. Kurlyandchik's request and make it part of "undisputed facts" of Mr. Wang's peaceful words to subjectively and conclusorily equate it to "imminent risk of harm to others" Mr. Wang had posed! (APPX A, Page 5).
9. Defendant Dr. Dreisbach ordered not one dose, but two large doses of Benadryl to be injected to Mr. Wang, as well as continuing 4-point restraint, falsely alleging that he was agitated, violent, threatening, and trying to escape. The second dose of Zyprexa and the first dose of Benadryl were injected to him by defendant Mejias at about 8:00PM, 2/22/17. About this time (not long after the injections), staff "Edward" was monitoring him. He had untied Mr. Wang to let him urinate. "Edward" was by himself, obviously without any con-

cern about so-called "assault" from Mr. Wang. "Edward" knew Mr. Wang well as a staff member and he knew Mr. Wang was not a violent person. This material fact proves that there is no such thing as "imminent risk of harm" posed by Mr. Wang.

10. Third shift nurse Defendant Ms. Hall injected the second dose of Benadryl. Mr. Wang had questioned again why they kept injecting Benadryl to him against his will and without court order. Defendant RN Hall said, "It is for the side effects of Zyprexa." Ms. Hall had given a different version of the reason from the one by RN Mejias. Obviously, RN Hall's version proves that Benadryl was not for "calming Mr. Wang down" (as Dr. Dreisbach had falsely alleged in medical records and later under oath during the discovery) and in fact it is NOT a standard protocol or textbook routine that Benadryl needs to be used at the same time with Zyprexa for prevention of the side effects of Zyprexa. Plaintiff's such factual disputes had convinced the court that defendants' defense theory "threat/violence" was "untenable" and court had ruled that Wang had never been threatening or violent. However, defendant RN Hall had stated in medical record that Mr. Wang had reassured her that he would not assault any one; therefore, she released him from 4-point restraint after 10 plus hour. Mr. Wang was drowsy already from the first dose of Benadryl. He did NOT have memory that RN Hall had asked him to give her such reassurance and he did not recall he had ever said those reassurance; but he told court in his rebuttals to defendants' MIT and SJ that it is unlikely that he would say anything like that, because he was firm and clear in his will never giving any statements which may "incriminate" himself. However, both defendants and courts disregard Mr. Wang's factual disputes on this issue. Instead, they had tortured Mr. Wang enough and they fabricated Mr. Wang's "consent"(not to assault) to give them a way out to end the 4-point restrain. Due to the effects of Benadryl, minutes after the release, Mr. Wang walked to the bathroom by himself and fell to the floor, lost consciousness, broke his nose with profuse bleeding, and for a "long time" nobody noticed him. The criminal court's protocol and Dr. Kurlyandchik's order are that during forced medication (which could last for weeks) Mr. Wang must be put on continuous one on one observation for the very reason to prevent his fall. Both Benadryl and Zyprexa have effects on central nervous system(CNS) and cardiovascular system(CVS). Together they've

cumulative effects to cause drop of blood pressure and loss of consciousness. Simply put it, defendant Dreisbach's excuses for injecting Mr. Wang with Benadryl against his will do not stand: there was no allergy to Zyprexa in Mr. Wang; Benadryl can not mitigate Zyprexa effects on blood pressure(it only exacerbates Zyprexa's hypotension effect); and Mr. Wang was NOT "agitated or excited" and thus did not need Benadryl to calm him down.

11. NOT drawing Wang's blood before the first dose of Zyprexa and NOT observing him continuously within the first 24 hours of forced medication with Zyprexa is a serious violation of criminal court's protocol and Whiting's own protocol. One reason for criminal court to grant forced medication is: the state and the law have instituted strict safety guardrail to monitor the side effects of Zyprexa so that Wang's capacity to participate in his own defense in criminal case and his body integrity would NOT be significantly compromised: State or Whiting experts had testified at court specifically about the importance and significance of those two measures they planned to use in protecting Mr. Wang's constitutional rights in his criminal case: blood before Zyprexa as baseline for dose titration and side effects monitoring; continuous one on one observation to ensure no fall and other incidents which may injure his head and brain. Because it is so important, even the hypocritical public defender(Atty. Thomas Ullmann who masterminded the misdiagnosis of Wang's schizophrenia and unnecessary forced medication) had quickly sent a letter to relevant personnel in charge to protest defendants' such flagrant failures(Appx J, Page 41).

However, both District Court and Appeal Court had disregarded such material facts from plaintiff proving defendants' violations of the protocols. Defendants' protocol violations should have disqualified them from claiming QI, as well as their fabrications of medical records and false allegations of Wang being threatening/violent(because Court had ruled on Wang's credibility that he NEVER being threatening/violent. Appx B, Page 4). Initially defendants had protested at a hearing that court had violated Rule 56 making decision on the credibility of Wang's statements, because alleging Wang being threatening/violent is the keystone of defendants' defense for using excessive forces. After District Court designing a new theory using Wang's protest, criticism, and peaceful noncooperation as

"undisputed facts" to rule in defendants/movan's favor, defendants had reversed their "protest" and instead hailed district court's "correct decision" in ruling on Wang's credibility on Wang's denying his "threat/violence".

12. At the wee hours on 2/23/2017 Wang was sent to the Emergency Department(ED) of Middlesex Hospital. The doctor at ED asked staff Mr. William Fernandez whether or not Mr. Wang was violent. Mr. Fernandez said, "He is not violent, just verbally aggressive." When the doctor was stitching Mr. Wang to close the wound on his nose, Mr. Wang asked him to take a picture of the wound before it was closed. The doctor refused but then agreed to take one with his cellphone just for Mr. Wang to take a look. The doctor said he would delete the photo immediately.

13. Mr. Wang later filed a civil suit against the defendants at U.S. District Court(D. Conn.).

Since he was an unsentenced prisoner, court had proceeded on defendants' violations of Wang's 14th Amendment Right(for sentenced prisoners, excessive force and cruelty go under 8th Amendment). When defendants filed Motion to Dismiss(MTD), the court ruled in Plaintiff's favor, affirming two issues: 1) Indeed the force(4-point restraint for 10 plus hours and illegal injections of Benadryl) has been excessive and met the criteria for "Unusual cruelty", because the criminal court order for forced medication "is NOT a blank check" for defendants to use any other drug(s) without court order or against his will. 2) Plaintiff's claims that he had never been threatening/violent (defendants had claimed Wang being "threatening/violent" to rationalize and justify their use of excessive forces). Although plaintiff in his Amended Complaint and Rebuttals to defendants MTD had described the peaceful words he had said on 2/22/17 and his non-violent, passive non-cooperation with the staff, court did not use them to justify defendants' use of excessive forces. Before MTD ruling, Plaintiff in another case had complained about same magistrate judge and wanted to have a different judge on his case "if there is a law allow him to make the change". That complaint probably irked the judge. When defendants filed Motion for Summary Judgment(SJ), District Court ruled in their/movan's favor, using Wang's peaceful words and noncooperation as "scarecrows" which had "spooked" defendants and "prompted" them to use force based on their professional judgments. Court cites case

laws saying defendants' professional opinions are highly respected in court systems. Plaintiff noted that all the cases cited by D. Conn. about respecting medical professional's opinions have also set "exceptions" when medical professionals are not acting on nationwide norms and their opinions should not be taken for grant as truth and correct. Defendants' fabrications of evidence to prove their defense theory ("threat/violence") and their violations of the court-mandated protocol are the evidence of defendants' departure from the nationwide norms for medical professionals. Although MTD and SJ are subjected to different rules and laws, but definition of "imminent risk" of harm is objective and consistent in both MTD and SJ. Wang's admissions of saying those words and using non-violent noncooperation consistent and same. They should have played the same role and have same effects on court's rulings in both MTD and SJ. And defendants' defense theories in both MTD and SJ are same and with same "threat/violence". They had NEVER used plaintiff's peaceful words and passive noncooperation to rationalize and justify their use of force. The MTD vs. SJ flip of court's rulings is made by court's violating Rule 56 Neutrality As Gatekeeper for court(designing a de novo defense theory on defendants' behalf) and court's failure to use post-Kingsley Objective Reasonableness doctrine. Therefore, plaintiff had filed an appeal to the United States Court of Appeals for the Second Circuit, using materials facts and case laws to argue: 1) District Court had violated Rule 56 by designing a de novo defense theory for defendants; 2) Plaintiff's peaceful words and passive noncooperation are his protected speeches; 3) Using non-fighting speech and peaceful civil disobedience as "imminent risk of harm" lacks objective reasonableness; 4) Defendants' misconducts (fabrication of evidence and violation of protocol) including proved perjury under oath(lying) should have disqualify them from claiming QI.

14. Although USCA2(Appeal Court) had admitted they have difficulty understanding Appellant's submissions, they proceeded to affirm District Court's decisions. USCA2 used his admissions of saying those peaceful words, remaining silence(not responding to Dr. Kurlyandchik's request for a statement), and peaceful noncooperation as "undisputed facts" to rationalize and justify defendants' use of force. It did not bother to delve into the contexts and

and the timings when and where those words had been said. USCA2 affirms District Court's theory in defendants' defense, ignoring that theory is NOT defendants' theory for defense. USCA2, like D. Conn., used court's thought process as defendants' thoughtprocess, and because defendants are medical professionals, their "opinions" must be respected; therefore, court's thoughtprocess(new defense theory it designed for defendants) should be respected by court system! A CIRCULAR SELF-RIGHTEOUS AND SELF-VALIDATED REASONING & PRACTICE. USCA2 did not address D. Conn's violation of Rule 56(Neutrality of Court) and defendants' misconducts (which would have fit them into the exceptions in the case laws about DEFERENCE and which would have disqualified them from claiming QI), and many other issues including objective reasonableness, First Amendment right(including to No Speech), and Fifth Amendment right(silence to protect oneself), etc (APPX A, Page 4: Laws for "Deference").

15. Plaintiff/Appellant had filed motion for rehearing/rehearing en banc. USCA2 had allowed him to file a petition by 1/20/2026. In Petition(Appx H), plaintiff/petitioner had in many places pointed out to court that, based on Dr. Kurlyandchik's 4:00PM, 2017 notes,(she had already ordered prolonged 4-point restraint on Mr. Wang before the start of the injection of first Zyprexa), defendants had ordered the use of force for unnecessarily prolonged period of time before Wang had ever uttered any words. If that is truth, it would have nullified USCA2's reasoning because the court, not paying attention to Wang's factual disputes about defendant Kurlyandchik's fabrication or falsification of medical notes, had used Wang's words as cause for defendants to use force and the cause should have occurred before the effect(Plaintiff/appellant had repeatedly and consistently stated in his rebuttals to MTD & SJ, his Brief to USCA2 for appeal, and affidavits that defendant Dr. Kurlyandchik had NOT met or talked to Mr. Wang before 4:00PM, 2017. Her 4:00PM medical note had falsely alleged that Mr. Wang had verbally threatened her). On 2/17/2026, in less than one month, USCA2 had denied Wang's Petition for Rehearing/Rehearing en banc(Appx D).

16. This civil case is extremely important, because D. Conn. and USCA2's rulings have perpetuated the injustice plagued in Mr. Wang's criminal case, corruptions of the state & its court(misdiagnosis and unnecessary forced medication), and cruelty of the state & public defender. Mr. Wang was a trained physician and scientist in both China & USA with sanity.

REASONS FOR GRANTING THE PETITION

1. Post-Kingsley(Kingsley v. Henderickson, 576 U.S. 389(2015)) objective standard

should be absolute in cases involving protected speech. It is a significant departure from the accepted and usual course of judicial proceedings for court to design a new, de novo theory using plaintiff's peaceful words to help defendants, & use court's deference for medical professionals as approval!.....

There is circuit split regarding the use of post-Kingsley objective standard in cases involving prisoner's protected speech. After district court ruled that criminal court's order of forced medication is not a blank check for defendants to use other non-approved drugs or force, that defendants alleged Mr. Wang having no prior behavior problem in state's custody, and that he had not made threatening statements or become physically violent, there is no material facts as evidence for both defendants and courts to conclude that he had posed an "imminent risk" of harm to others. Courts' conjectures, using his admissions of peaceful protests, criticism, and non-violent noncooperation are subjective. There are cases showing the second circuit had used post-Kingsley objective standard(Darnell v. Pineiro, 849 F.3d 17(2d Cir. 2017)). And yet, it had used subjective standard in Wang's case.

Examples of Cases:

Bias v. Advantage International, Inc., 905 F.2d 1558(1990)
[Subjective judgment, even with plausible reasoning, is a jury question.]

Corseelli v. Coughlin, 842 F.2d 23, 26-27(2d Cir. 1998)
[Jury could find for prisoner even if he had refused an order.]

Miller v. Leathers, 913 F.2d 1085, 1089(4th Cir. 1990)
[Verbal provocations would not justify breaking a prisoner's arm.]

Miranda v. Cty. of Lake, 900 F.3d 335(7th Cir. 2018)
[Overturn pre-Kingsley subjective standards.]

Powell v. Tex., 492 U.S. 680-81(1989)
[Remaining silent does not reveal future dangerousness-an expression of 5th Amendment Right.]

Raynor v. Pugh, 817 F.3d 123(4th Cir. 2016)
[As in Bias v. Advantage International, Inc., factual disputes should have precluded granting motion SJ.]

U.S. v. Bullard, 37 F.3d 765, 769(1st Cir. 1994)
[Remaining silent does not reveal "criminal mind".]

U.S. v. Cobb, 905 F.2d 784(4th Cir. 1990)
[Verbal provocation does not excuse a physical assault by law enforcement officer.]

Gordon v. Cnty. of Orange, 888 F.3d 1118(9th Cir. 2018)
[Overturn pre-Kingsley subjective standards.]

REASONS FOR GRANTING THE PETITION

2. Post-Kingsley objective standard should be used to weed out arbitrary rulings and MTD vs. SJ Flip in cases involving prisoners' protected speech. Although MTD and SJ follow different rules and use different standards in granting or denying them. However, the objective standard for the definition of "imminent risk" is consistent in both stage(MTD + SJ). Mr. Wang's admission of his "peaceful words + non-cooperation" are consistent at both stages. Defendants use falsely-alleged "threat/violence" as keystone for their MTD+SJ and do not use Wang's "peaceful words/non-cooperation" as their defense theory are consistent, too, at both stages. District Court's flip in MTD vs. SJ is purely arbitrary and subjective. Otherwise, it should have granted defendants' MTD in the first place. Court's de novo theory for defendants does NOT involve any claims from each party: Wang's admissions of "peaceful words/noncooperation" are not claims which need court's acceptance or crediting! (Defendants didn't make use of them!)
3. Designing a de novo defense theory by court (based on a prisoner's protected speech) on Movant's behalf is a clear violation of Rule 56 Neutrality Doctrine. In Wang's case, both D. Conn. & USCA2 have designed a de novo theory on defendants/movant's behalf, plucking his words/silence and non-cooperation out of context and using them as conerstone and decisive factors to conclusorily rationalize and justify defendants' use of excessive force/unapproved drug. They transplanted their thoughts(de novo defense thoery) into defendants as if they were movant's own. Then using courts' deference for medical professionals' opinions to render the credibility and objectivity to the theory; then circling back to self-approve this court-designed new theory. Rule 56 requires court be "neutral gatekeeper" and review all submissions from both parties, not just Rule 56(a) 1 & 2. (Celotex Corp. v. Catrett, 477 U.S. 317 (1986)). Simply put, court's new theory is based on its own opinions/judgment, NOT defendants'. Therefore, it has falsely & inappropriately afford "deference" to itself! (Violating U.S. v. Hardy & Youngberg v. Romeo which render deference to med. prof.!) [Appx. A, P 4].

REASONS FOR GRANTING THE PETITION

4. Fabrication of evidence and making false allegations in law will disqualify defendants from claiming qualified immunity(QI). Defendants had done exactly that(APPX I, P 17-92).

Examples of Law:

Davis v. White, 794 F.3d 1008(8th Cir. 2015)

[Qualified Immunity does not apply to discretionary acts done in bad faith or with malice.]

Miller v. Prince George's Cty., 475 F.3d 621, 631-32(4th Cir. 2007)

[Fabrication of evidence and making false allegations in law will disqualify defendants from claiming QI.]

Surprenant v. Rivas, 424 F.3d 5, 15 (1st Cir. 2005)

[Fabrication of evidence and making false allegations in law will disqualify movan from claiming QI].

*D. Conn. & USCA2 had failed to be "Neutral gatekeeper" in [Appx A, P6] summarily dismissing Plaintiff's such arguments [Appx F, P3& 28] as "no merit"!

LEGAL

ANALYSES

*Legal Standard (or Definition) For What Constitutes "Posing An Imminent Risk Of Physical Harm To Others" Remains Fundamentally The Same Throughout Federal Civil Case.

1. The Underlying Legal Definition/Standard Is Consistent. However, the way the court applies and evaluates that standard differs significantly between the Motion to Dismiss(MTD) stage (usually under FRCP Rule 12(b)(6) and the Motion for Summary Judgment (SJ) (under FRCP Rule 56). Courts use the same substantive legal test for imminent risk of physical harm at both stages. The ohrase typically requires: A realistic, credible, or certainly impending threat (not merely speculative, hypothetical, or remote). "Imminent" generally means the harm is about to occur or is likely in the near term, not a distant or theoretical possibility. The risk must be to other parties, and courts evaluate it objectively based on the specific facts alleged or proven. Courts can not suddenly redefine "imminent risk" between MTD & SJ.
2. Allegations of Imminent Risk. Allegations of imminent risk must be non-conclusory and supported by specific facts; must produce admissible evidence sufficient for a reasonable jury to find imminent risk.

Consolidated Analysis Of All Questions On The USC Section 1983

Excessive Force/Unauthorized-Medication Claim

The Civil Rights Case: a Section 1983 suit by an inmate(pretrial detainee/unsentenced prisoner in a state forensic hospital alleging excessive force(4-point restraints for more than 10 hours) and unauthorized injections of Benadryl(causing loss of consciousness, fall, and broken nose) during court-ordered Zyprexa administration for competency restoration.

Key undisputed or plaintiff-proven facts: 1) no verbal threats or physical violence by the plaintiff; 2) defendants falsified and fabricated medical records claiming verbal threats and physical violence from plaintiff; 3) defendants' violation of criminal court's order/protocol(no blood draw for baseline data before first Zyprexa injection); 4) prior medical records showing no violent behavior in custody; 5) plaintiff's non-cooperation/refusal to walk to the treatment room and non-threatening verbal statements(I am not crazy, you are crazy, I don't need medication, you need medication, I will sue you, I have Chinese government behind me); 6) Courts' MTD(Motion to Dismiss) ruling that the Zyprexa order(Criminal Court's order to use Zyprexa for competency restoration) was not a blank check for defendants' use of extra drugs or excessive force; 7) undisputed facts from plaintiff showing excessive force/restraint ordered by defendants before any words were spoken by plaintiff.

Plaintiff needs to know: Pro se litigants receive liberal construction of pleadings (Erickson v. Pardus, 551 U.S. 89, 2007), but still are bound by procedural rules.

Questions plaintiff had correctly presented to District Court and/or Appeal Court, and had argued with factual evidence, but both courts had either ruled against him or concluded they were meritless:

1. Qualified Immunity(QI): Do Defendants Misconducts(Lying under oath, Protocol Violation, + Falsification/Fabrication of Records) Disqualify Them?

Yes, these facts (not disputed by defendants) can defeat QI under the two-prong test (Harlow v. Fitzgerald, 457 U.S. 800, 1982; Pearson v. Callahan, 555 U.S. 223, 2009):

- 1) whether the facts show a constitutional violation, and
- 2) whether the right was clearly established.

*Falsification/Fabrication of records/Lying under oath: Plaintiff had submitted documents (Appendix I, Document No. , Page 17-92 ; Appendix J, Document No. , Page ; Appendix K, Document No. , Page) to courts and proved (without dispute from defendants) that defendants had fabricated "threats/violence (from plaintiff)" in medical records to justify force/Benadryl (used on him or plaintiff). This supports a § 1983 fabrication-of-evidence claim (analogous to deliberate fabrication in criminal cases; see Devereaux v. Abbey, 263 F.3d 1070, (9th Cir. 2001) (en banc); see also Wearry v. Cain, 577 U.S. 385 (2016) (fabricated testimony)). Courts have held that knowing falsehoods in incident reports or medical logs render force objectively unreasonable because no reasonable medical staff could believe a threat existed (e.g., First Circuit Reversal of QI where officers' account contradicted undisputed facts; see also cases denying QI when force was "gratuitous" despite fabricated resistance). Witness immunity (Briscoe v. LaHue, 460 U.S. 325 (1983)) protects trial testimony, but not pre-trial medical records or affidavits. Plaintiff had also submitted documents (Appendix I, Document No. , Page 17-92) to courts and proved (without dispute from defendants) that defendants had lied under oath. Lying defeats the "reasonable officer" belief required for QI.

*Plaintiff had pointed it to both district court (Appendix I, Document No. , Page 17-92) and Appeal Court (Appendix F, Document No. , Page 2-3 ; Appendix G, Document No. , Page 2-3; Appendix H, Document No. , Page 6-8) that defendants' falsification/fabrication of medical records with false allegations of his threatening others and their lying under oath with similar false allegations should have disqualified them from claiming QI; both lower court and higher court hadn't addressed or ruled on this issue.

*Protocol violation(no blood draw before Zyprexa): Defendant Dr. Kurlyandchik, the Chief psychiatrist in charge of forced medication, had falsely alleged in medical records that she had talked to Plaintiff before the beginning of the forced medication with Zyprexa. She did not! The fact that she did not order blood draw before first injection of Zyprexa further proved that she did not talk to Mr. Wang, the plaintiff, before Zyprexa. The Public Defender who representing Mr. Wang in criminal case(against Mr. Wang's will for self-representation) had even sent a formal legal letter to protest and question why the blood was not drawn before Zyprexa, because at testimony, the expert who recommended Zyprexa for "competency restoration" had clearly told the court that Mr. Wang would be monitored closely and intensively to avoid any side effects which could harm his body and his capacity to participate in his criminal defense, and blood drawing before Zyprexa was an important measure for such guardrail to establish the baseline for toxicity monitoring. Defendants' such protocol violation shows the Zyprexa order was not followed, supporting that entire forced-medication episode was not "medically appropriate"(Washington v. Harper, 494 U.S. 210(1990); see also Sell v. United States, 539 U.S. 166(2003)). Courts treat deviations from court-approved protocols as evidence of unreasonableness(e.g., reversals in excessive-force cases where officers ignored training/protocols).

*Prior non-violence records in State-custody: Defendants in medical records had clearly documented that Mr. Wang had no behavior issue in their custody. Plaintiff had submitted official documents to District Court to prove he never had behavior problem at DOC and in State Custody(Appendix I , Document No. Page 15-28 ; Appendix J , Document No. , Page 8, 13). He had submitted the similar documents to the Appeal Court(Appendix F , Document No. , Page 14). Despite his criminal charges, plaintiff has a history of non-violence records. These create a genuine dispute that defendants knew plaintiff posed no imminent risk, defeating the second QI prong(right to be free from force absent threat was clearly established post-Kingsley and Harper). Plaintiff had even provided evidence to District Court(Appendix J , Document No. , Page 8) and Appeal Court(Appendix F ,

Document No. , Page 12) showing the staff who carried out forced medication had at certain point untied him for urination, an indication of Mr. Wang's non-violence, and evidence showing Mr. Wang stayed quiet and didn't want to engage defendants. Defendants had NEVER disputed those evidence and plaintiff's conclusion. The District Court had even concluded that Wang had NEVER made threatening statements and never become physically violent(defendants had protested court's such conclusion). Court's such conclusion indirectly proved that court ruled defendants had made false allegations about Wang being threatening and physically violent; and defendants had litigated in "bad faith".

***Can plaintiff accuse defendants of engaging in "bad faith litigation"?**

Yes, in a Rule 11 or 28 U.S.C. 1927 motion for sanctions(frivolous defenses or bad-faith prolongation), but this does not automatically overturn Summary Judgment(SJ). It can support an appeal argument that defendants' SJ motion relied on falsified evidence. Courts have sanctioned defendants in 1983 cases for bad-faith reliance on fabricated records. Key cases on QI+ misconduct: Pearson v. Callahan(flexable order); Saucier v. Katz, 533 U.S. 194(2001)(pre-pearson sequencing); Mullenix v. Luna, 577 U.S. 7(2015)(high bar for "clearly established"); see also Tolan v. Cotton, 572 U.S. 650(2014) (reversing QI grant in excessive force where court credited officer's version); Estate of Jones v. Masel, 2020 WL 2062180 (E.D. Wis.) (QI denied where medical staff falsified mental-health records to justify force); multiple circuits reverse QI when force based on "fabricated resistance"(e.g., 1st Cir. 2026 reversal in excessive-force/denial-of-care; 9th Cir. reversal where officers lied about threats).

Courts' misconducts: Both district court and appeal court had violated Rule 56 and did not act as a "neutral gatekeeper" in Mr. Wang's case. Although defendants had argued based on their false allegations and fabricated medical records that Wang had made threatening statements and become physically violent, the courts had come up with a de novo theory on defendants behalf quoting Wang's words(out of context and ignoring

his explanations in the contexts) and using them as "undisputed facts"(because defendants had never said that Wang's peaceful, non-threatening words were the reason they used excessive force and illegal drugs on him) to rationalize and justify defendants' use of excessive force and illegal drug on Wang(because defendants were medical professionals and Wang was "insane" facing serious charges).

2. **Imminent Risk of Physical Harm & Objective Reasonableness:** Courts' rulings(e.g., the criminal court's order for forced medication with Zyprexa is NOT a blank check for defendants to use excessive force/unapproved drugs; Wang had never made threatening statements and had never become physically violent) and plaintiff's arguments based on credible evidence showing his non-violence and peacefulness clearly demonstrate that Plaintiff has a strong argument that district court failed to apply the objective-reasonableness standard(Kingsley v. Hendrickson, 576 U.S. 389 (2015) for pretrial detainee; Hudson v. McMillian, 503 U.S. 1(1992)/ Whitley v. Albers, for sentenced prisoners).

*The court already accepted (at MTD and via plaintiff's evidence) no threats, no violence, no prior violent behavior. Non-cooperation plus "peaceful words"(civil disobedience) do not automatically equal "imminent risk" under totality-of-circumstances (Graham v. Connor, 490 U.S. 386(1989) factors: need for force, threat severity, resistance, efforts to temper). Harper allows forced medications only if "dangerous to self or others"(staff untied Wang's restraint in the middle of using excessive force proves Wang had never been "dangerous to others"); mere refusal to walk or verbal criticism does not meet this if no physical escalation. In His Appeal Wang had made "objective reasonableness" a key issue(Appendix F , Document No. , Page 3) and he had re-emphasized it again in his Petition for Rehearing En Banc(Appendix H , Document No. , Page 6-8). However, the U.S. Court of Appeal for Second Circuit had denied his appeal and his petition for rehearing en banc.

*Force ordered BEFORE any words spoken: This is powerful-restraint proceeded any speech/ resistance, so no probable cause or immediate need for force existed. SJ was erroneous

if the record shows this timing(undisputed fact viewed in plaintiff's favor). Plaintiff had emphasized this fact(defendants' use of force before Wang said any words) in his Petition for Rehearing to USCA2(Appendix H , Document No. , Page 3, 12). His arguments in his rebuttals to defendants' Motion for Summary Judgment(Appendix I , Document No. , Page 69) and his Brief for Appeal (Appendix F , Document No. , Page 13) that defendants had NEVER talked to him before the start of forced medication but had already ordered 4-point restraint(based on the medical records written by defendant Dr. Kurlyandchik), and defendants had failed to draw blood before first injection of Zyprexa(violating court's protocol) are based on credible facts and his arguments had never been disputed or rebutted by defendants. Therefore, both District Court and USCA2 had made obvious, significant mistakes in awarding defendants the summary judgment.

*Court used words plaintiff never claimed as justification: Courts had quoted plaintiff's words out of contexts(those words were not said all at once; plaintiff had explained in the contexts why he said them and why he did not want to respond; they are said separately in a span of two hours; all of them were said before defendant Dr. Kurlyandchik ordered 4-point restrain) or without context, and more harmfully, courts had subjectively interpreted them in movants' (defendants') favor and unfairly projected them as defendants' defense theory(which defendants had never used). Defendants' theory was "threats/violence" (which plaintiff disproved). If the court invented (and they did) an alternative "imminent risk from words" theory, this can be argued as 1) failing to view facts favorably to non-movant, and 2) resolving credibility disputes (impermissible at SJ)(Court had already resolving credibility disputes when it dismissed defendants claims and affirmed Wang had never made threatening statements and had never become physically violent).

Objective-reasonableness cases: Kingsley(objective test; no subjective intent needed); Graham(totality; split-second but not hindsight); Tolan(must credit plaintiff's version); see also Johnson v. Glick, 481 F.2d 1028(2d Cir. 1973) (pre-Kingsley but influential in 2d Cir.); multiple post-Kingsley reversals where verbal resistance alone insufficient(e.g., 6th, 9th Cir. cases on "passive resistance").

REQUEST: "Imminent Risk" definition for SCOTUS cert. Plaintiff petitions for certiorari (28 U.S.C. § 1254) arguing a circuit split or important federal question on whether "peaceful words+ non-cooperation during court-ordered medical procedure" = imminent risk post-Harper/Kingsley(no direct SCOTUS definition in forced-medication context; Harper uses "significant danger", not "imminent"). SCOTUS needs to address: the MTD vs. SJ flip, protocol violation, pre-speech force, and falsification. (SCOTUS can review this case as a prelude to possible near future reviews of cases involving ICE agents and Mr. Alex Pretti (a VA nurse killed by ICE agent at Minneapolis, Minnesota), Ms. Renne Goods).

Request: Court "Designed a New Theory"/ Violated Rule 56 Neutrality as "Gatekeeper".

This is a viable appellate argument and plaintiff had appealed to USCA2 on this argument. Rule 56 requires the court to act as a neutral gatekeeper: view all evidence and inferences in the light most favorable to the non-movant, draw no credibility determinations, and grant SJ only if no genuine dispute of material fact exists(Celotex Corp. v. Catrett, 477 U.S.317 (1986); Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)).

*The district court could not "design" a new justification(words=imminent risk) if defendants never asserted it and plaintiff's evidence contradicted any threat. At SJ, court had already ruled at beginning that Wang had never made threatening statements and had never become physically violent. Court had obviously contradicted itself by designing such theory on defendants behalf(even the handbook of defendants' employer, Whiting Forensic Institute defines "posing imminent risk of harms to others" as "making threatening statements for physical harms and/or becoming physically violent") and used subjectivity to project its theory to defendants. This effectively weighed evidence/credibility against plaintiff.

*Cases on Rule 56 "neutral gatekeeper"/neutrality violations: Tolan v. Cotton(SCOTUS reversed SJ for crediting officers' version over plaintiff's); Scott v. Harris, 550 U.S. 372(2007) (but distinguished-video evidence); Anderson(no weighing credibility); Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133 (2000) (Court cannot disregard non-movant's evidence); see also 2d Cir. precedents reversing SI where court "filled gaps" in defendants' theory

(e.g., excessive-force cases citing failure to view facts favorably); Federal Judicial Center's "Analysis and Decision of Summary Judgment Motions"(explicitly warns judges against acting as advocates); multiple circuits criticize "gatekeeper" failure in civil-rights SJ (e.g., 9th Cir. on inventing theories; 1st Cir. reversals). The MID-to-SJ flip on identical facts strengthens the arguments that the court abandoned neutrality.

*Plaintiff in his Petition for Rehearing(Appendix H , Document No. , Page 4) had clearly pointed it out to USCA2 that both parties had submitted the same arguments in MID and SJ. Why did lower court had awarded MID to plaintiff(non-Movant) while he had admitted he said those same words (which had not been disputed by defendants)?

REQUEST: SCOTUS To Review Prisoner's First Amendment Right To Peaceful Speech And Non-Violent Civil Disobedience. Plaintiff argues the words were protected speech, non-cooperation was passive, non-violent without hampering forced medication with Zyprexa. The force used by defendants in direct response had violated the First Amendment(retaliation for plaintiff's refusing to go along with their misdiagnosing him with schizophrenia and content-based restriction).

*In prisons/forensic hospitals, speech is protected unless it violates Turner v. Safley, 482 U.S. 78(1987) (reasonable relation to legitimate penological interest). Mere criticism ("you are crazy","you need med") or threats to sue is core petitioning speech.

*Forced medication + restraints because of the words can be retaliation(Boxer X v. Harris, 437 F.3d 1107 (11th Cir. 2006) (grievance protected)). Some courts recognize forced psychotropics implicate First Amendment "freedom of thought" (Bee v. Greaves, 744 F.2d 1387 (10th Cir. 1984) (pretrial detainee); Scott v. Plante, 532 F.2d 939 (3d Cir. 1976); see also Sell (noting mental-process effects)).

*Cases: Turner(balancing test); Thornburgh v. Abbott, 490 U.S. 401 (1989) (speech); multiple Section 1983 retaliation wins where non-threatening verbal protests punished(e.g., 2d Cir. prison-speech cases). This bolsters the excessive-force claim: Force was not "objectively

reasonable" if motivated by protected speech. Plaintiff had made all the above-mentioned arguments in line with similar case laws, and yet the USCA2 had ruled against him.

3.REQUEST SCOTUS To Review "Appropriate Deference" To Medical Professionals' Judgment when they had committed so many serious misconducts including perjury and submitting fabricated medical records and other untruthful documents to U.S. Court.

*In defending their theory designed for defendants/movan(Courts' theory: using plaintiff's "peaceful words + non-violent noncooperation" vs. Defendants' theory: alleging "plaintiff threatening them and being violent") on defendants' behalf, Appeal Court has used court system's deference to medical professional's judgment to self-servingly "approve" court's devised de novo theory:(APPX A, Page 4) "In determine whether decisions made by medical professionals were reasonable, we afford 'appropriate deference' to their exercise of professional judgment. United States v. Hardy, 724 F.3d 280, 295(2d Cir. 2013); see also Youngberg v. Romeo, 457 U.S. 307, 322-23(1982)."

*Plaintiff/Appellant has correctly in his Brief for Appeal(APPX F, P2) poined out that "Court has erred in using generalized belief in case laws to in theory credit defendants with good judgment." 1) Defendants' judgment on the need to use force is based on their false allegations that Wang was "threatening/violent", for which Court had dismissed it (APPX B,P4: Wang had never been threatening or violent.), NOT based on his "peaceful words + noncooperation"(or not based on court's theory). 2) Supreme Court in Youngberg went on to hold that "liability may be imposed only when the decision by the professional is such a substantial departure from accepted professional judgment, practice, or standards as to demonstrate that the person responsible actually did not base the decision on such a judgment."(457 U.S. at 323). Plaintiff had proved (APPX F, G, H,I,&J & K) in numerous submissions to courts that defendants had knowingly made misdiagnoses, fabricated & falsified medical records, and made untruthful statements under oath. Defendants and courts had NEVER disputed plaintiff's above claims about defendants' misconducts. Obviously and

indisputably, defendants' practices and judgments had been "such a substantial departure from accepted professional judgment, practice, or standards". Again, defendants' theory or judgment is different from COURTS' theory, and their judgment is based on standards("overt threat/violence", disputed by both parties), different from COURTS'(Plaintiff's admission of "peaceful words+noncooperation", undisputed by both parties)in both MTD & SJ). 3)Both District Court & Appeal Court had used logical fallacies to twist and turn against Appellant /Plaintiff(APPX G) to rationalize their violations of his 1st Amendment Right & demonize him.

4.Courts' Bias & Corruptions Are The Cause For The Miscarriage Of Justice In Thia Case. The Magistrate Judge presiding this case at D.Conn. had inherent bias against Plaintiff. He had filed a judicial complaint about His Honor JAM(APPX M). His Honor's formulating a de novo theory(using plaintiff's own words as "undisputed facts" and affording defendants undue "deference" as legal basis, despite Plaintiff's words are peaceful and defendants had lied in medical records and under oath) for defense on their behalf is a flagrant Rule 56 violation and arbitrary self-serving. Wang had wanted His Honor to recuse[28USC§636(c)(1),APPX G&H].

CONCLUSION

1. The United States Court of Appeals for the Second Circuit has so far departed from the accepted and usual course of judicial proceedings and sanctioned such a departure by a lower court(D. Conn.), as to call for an exercise of SCOTUS' supervisory power.
 2. Petitioner/Plaintiff Mr. Wang had NOT posed an "imminent risk" of harm to others.
- The petition for a writ of certiorari should be granted.

Respectfully submitted,

Liskun Wang

Date: August 10, 2026

Tawanna Furtick

TAWANNA FURTICK
NOTARY PUBLIC
CONNECTICUT
MY COMMISSION EXPIRES 02-28-2031

