

PABLO PIÑA D-28079  
P.O. BOX 7500 D-2 122\* SHU  
CRESCENTCITY.CALIF 95531

JANUARY 27, 2014  
MONDAY AM.

NINTH CIRCUIT COURT RULING ON  
RE: MEDICAL TREATMENT IN CALIFORNIA PRISONS: (POST)

I RECENTLY READ A RULING BY THE 9TH CIRCUIT COURT OF APPEALS REGARDING THE MEDICAL TREATMENT IN CALIFORNIA PRISONS.

THE COURT RULED IN BEHALF OF PRISON MEDICAL STAFF AND OFFICIALS THAT DUE TO BUDGET PROBLEMS PRISON MEDICAL STAFF CAN HIDE BEHIND THAT DOOR TO AVOID PROSECUTION FOR DENYING PRISON INMATES MEDICAL TREATMENT.

AS IT IS, PRISONERS HAVE AN UPHILL STRUGGLE WITH MEDICAL CIVIL SUITS BECAUSE THEY DO NOT HAVE A MEDICAL EXPERT TO STATE ON RECORD THAT THE PRISON DOCTORS WERE IN VIOLATION AND FAILED TO APPROPRIATELY TREAT THE PRISONER.

THE ATTORNEY GENERAL AND PRISON STAFF PRIVATE ATTORNEYS KNOW THIS AND CAPITALIZE ON THAT FACT, CLAIMING PRISON DOCTORS PROVIDED ADEQUATE MEDICAL TREATMENT AS PROTOCOL DESCRIBES.

IN MANY CASES IT'S ENOUGH FOR PRISON MEDICAL STAFF TO PRODUCE A MEDICAL RECORD THAT THEY CALLED THE INMATE DOWN TO THE MEDICAL CLINIC, SPOKE TO HIM. TOOK HIS BLOOD PRESSURE, WEIGHED HIM, AND GAVE HIM AN EXAMINATION, WHILE QUESTIONING HIM. THIS IS USUALLY ENOUGH TO SHOW THEY TREATED HIM. JUST BECAUSE THEY CALLED HIM DOWN THERE. IN SOME CASES THEY PRESCRIBE TYLENOL, OR IBUPROFEN, WHICH IS THE PRESCRIPTION FOR ALL MEDICAL PROBLEMS.

ALL INMATES THAT SIGN UP TO SEE THE DOCTOR COME BACK WITH TYLENOL OR MOTRINS. INMATES WITH A SERIOUS MEDICAL CONDITION MUST KEEP SIGNING UP, FILING GOV APPEALS TO GET BETTER TREATMENT. THIS TAKES MONTHS, EVEN YEARS. AND BY THAT TIME THE PROBLEM EITHER HAS HEALED ON ITS OWN, (WHICH IS WHAT MEDICAL STAFF ARE HOPING FOR) OR THE INMATE GETS WORSE. THEN THEY HAVETU SEND HIM TO AN OUTSIDE HOSPITAL. THIS IS WHY THERE'S SO MANY CIVIL SUITS REGARDING MEDICAL AND DENTAL STAFF ACROSS CALIFORNIA PRISONS.

WE HAD THE PRISON LAW OFFICE FORCING PRISON ADMINISTRATIONS TO DO SOMETHING DUE TO ALL THE INMATES DYING FOR LACK OF MEDICAL CARE. AND THE COURTS WERE IN AGREEMENT, ITS OBVIOUS PRISON MEDICAL TREATMENT WAS FAR BELOW ADEQUATE.

OVER →



II.

THIS GAVE PRISONERS SOME HOPE. A LITTLE COMFORT THAT THE COURTS WERE ON THEIR SIDE. THERE HAS BEEN SEVERAL MAJOR COURT DECISIONS SINCE 1995 WHICH WERE SPEAR HEADED BY THE PRISON LAW OFFICE IN SAN FRANCISCO, MADRID, PUTA, AND ARMSTRONG. AND COLEMAN.

MOST RECENTLY WAS A RULING ON DENTAL TREATMENT IN THE PEREZ CASE. THESE RULINGS ARE COURT ORDERS THAT REQUIRE PRISON OFFICIALS TO PROVIDE MEDICAL TREATMENT TO ALL INMATES AS A CLASS ACTION.

THIS JANUARY 7, 2013 RULING BY THE NINTH CIRCUIT COURT HAS COMPLETELY FLIPPED THE SCRIP AND PUT PRISONERS LIVES IN DANGER.

MEDICAL TREATMENT CANNOT GET BETTER WITH A RULING LIKE THIS. ITS GOING TO GET WORSE BEFORE IT GETS BETTER.

IF PRISON DOCTORS COULD NOW CLAIM THEY CANNOT PROVIDE ADEQUATE TREATMENT BECAUSE THEY DO NOT HAVE THE FUNDS TO DO SO. AND CANNOT BE HELD LIABLE FOR FAILURE TO TREAT A PRISON INMATE, THEN WE CAN EXPECT ALOT MORE DEATHS. THE COURT HAS GIVEN THEM A LOOP HOLE AND YOU CAN BET THEY'RE GONA WEAR IT OUT.

SHU INMATES HAVE HAD ALOT OF PROBLEMS WITH MEDICAL AND DENTAL TREATMENT, AND WE ARE IN AN ISOLATED SITUATION. THERE ARE ONLY ABOUT 500 INMATES ASSIGNED TO EACH MEDICAL CLINIC. D-FACILITY AND FACILITY.

AND WE STILL HAVE A HARD TIME BEING SEEN, AND TREATED. BUT THE GENERAL POPULATION HAS GOT TO BE WORSE, THEIR WAITING LISTS MUST BE DOUBLE OR TRIPLE THE SIZE OF THE SHU.

I WAS SURPRIZED TO READ THIS NINTH CIRCUIT COURT RULING, IF PRISON OFFICIALS HAD EXCUSES BEFORE, THEY NOW HAVE A LEGAL SUPPORTED EXCUSE TO AVOID GIVING TREATMENT.

I THINK WE ARE GOING TO HEAR ALOT MORE ABOUT THIS IN THE NEAR FUTURE. MANY DOCTORS AND NURSES DO EXACTLY WHAT PRISON GUARDS WANT THEM TO DO. SO DENIAL OF CERTAIN TREATMENT FOR RETALIATORY REASONS IS GOING TO BE AN ISSUE, FOR ALOT OF US. AND ESPECIALLY THE OLDER INMATES AND THOSE WITH CHRONIC ILLNESS.

THIS RULING SHOULD NOT STOP PRISONERS OR DISCOURAGE PRISONERS FROM FILING 602 APPEALS AND COMPLAINTS. IT WILL HAVE TO BE TAKEN TO THE U.S. SUPREME COURT.