DOUGLAS LEE HORN #106646
AZ. STATE PRISON COMPLEX-LEWIS
RAST-UNIT HU2-A11, P.O. BOX-3600
BUCKEYE, AZ. 85326

UNITED STATES OF AMERICA DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

DOUGLAS LEE HORN,
PLAINTIFF,

vs

DORA SCHRIRO, ET AL.,
DEFENDANTS,

CASE # CV04-2014-PHX-SMM-(LOA)

PLAINTIFF, REFILES for SUMMARY JUDGMENT BY LAW ISSUES

DEFENDANTS, ARE SUED IN THERE INDIVIDUAL, AND OFFICIAL CAPACITY

PROCEEDING AS PRO SE

42 U.S.C. § 1983

HON. STEPHEN M. McNAMEE

COMES NOW DOUGLAS LEE HORN, PLAINTIFF, TO RE-FILE for SUMMARY JUDGMENT WITHIN 30-DAYS of MARCH 7, 2007.

• STATEMENT of FACTS •

THIS IS A 42 U.S.C. §§ 1983 ACTION ALLEGING PLAINTIFFS, CONSTITUTIONAL RIGHTS WERE (VIOLATED), BY MEDICAL "DELIBERATE INDIFFERENCE", AND (A.D.A.), (VIOLATIONS). PLAINTIFF, DESCRIBED AZ. PRISON MEDICAL CARE AS "BROKEN BEYOND REPAIR". (NOT), ONLY DID PRISONER-PATIENTS, OFTEN (NOT), GET CARE, BUT WHEN THEY DID, IT WAS (NOT), ADEQUATE TO MEET EIGHTH AMENDMENT STANDARDS. (ALL), of PLAINTIFFS, SERIOUS INJURIES, AND DISABILITIES, WERE CAUSED BY ARIZONA PRISON MEDICAL. PLAINTIFF, IS ENTITLED TO JUDGMENT AS "A MATTER of LAW."

[DATE] MARCH 15, 2007 [NAME] Douglas Lee Horn

I STATEMENT of FACTS

BROWN V. NATIONSBANK CORP., 188 F3d 579 (5TH CIR. 1999). THE GUARANTEE of DUE PROCESS PROTECTS CITIZENS AGAINST DELIBERATE (HARM), FROM GOVERNMENT OFFICIALS.

I INTRODUCTION

PLAINTIFF, ALLEGED THAT DORA SCHRIRO, DIRECTOR of THE ARIZONA DEPARTMENT of CORRECTIONS (A.D.C.) R. PRATT, FACILITY HEALTH ADMINISTRATOR (F.H.A.), DR. ROBERT JONES, DIRECTOR of HEALTH, DONALD SLOAN, (F.H.A.) AND DR. EDUARDO VINLUAN AND DR. JASON M. LEVINE, WERE "MEDICALLY DELIBERATE INDIFFERENT" TO PLAINTIFFS, SERIOUS MEDICAL NEEDS (FAILED) TO "TREAT", "DIAGNOSE", AND "MEDICATE", EYE. "CAUSED", TRIP TO HOSPITAL EMERGENCY ROOM THAT LED TO TWO MAJOR EYE OPERATIONS, LAST EYE OPERATION BY DR. LEVINE; "HORRIABLY MUTILATED", EYE MADE DOUBLE-VISON (SO BAD), PLAINTIFF, MUST WEAR "BLACK EYE PATCH," ALL THE TIME. PLAINTIFF, WAS (DENIED TREATMENT) EVEN (WHEN OBVIOUS). "LOSS of VISION", IN GOOD EYE IS THE RESULT, AND (NO), VISION WITH BLACK EYE PATCH, AND BAD DOUBLE-VISION. (PAIN), AND (SUFFERING), of (NO), OR (LITTLE) PAIN MEDICATION IN BOTH EYE OPERATIONS MEANS NEVER, TO ALLOW CORRECTION of DOUBLE VISION OPERATION.

I. STATEMENT of FACTS

SEE: MORRISON V. HALL, 261 F3d 896 (9TH CIR. 2001). PRISON WALLS DO (NOT) FORM A BARRIER SEPARATING PRISON INMATES FROM THE PROTECTIONS of THE U.S. CONSTITUTION, THUS WHEN A PRISON REGULATION, OR PRACTICE, offENDS A FUNDAMENTAL CONSTITUTIONAL (GUARANTEE), U.S. DISTRICT FEDERAL COURTS WILL "DISCHARGE THEIR (DUTY)" TO (PROTECT), PRISONER'S, "CONSTITUTIONAL RIGHTS". SEE: SANDIN V. CONNER, 515 U.S. 472, 484, 132 LEd 2d 418, 115 SCt 2293 (1995), AN INMATE CAN CLAIM A (DUE PROCESS) VIOLATION if HE CAN SHOW DEPRIVATION of A PROTECTED LIBERTY INTEREST; SUCH INTEREST ARE GENERALLY LIMITED TO (A). THOSE ACTIONS THAT UNEXPECTEDLY ALTER THE INMATE'S TERM of IMPRISONMENT; AND (B). THOSE ACTIONS THAT IMPOSE AN ATYPICAL AND SIGNIFICANT HARDSHIP, IN RELATION TO THE ORDINARY INCIDENTS of PRISON LIFE. PLAINTIFF HAS SHOWN MANY HARDSHIPS.

BOAG V. MACDOUGALL, 454 U.S. 364, 70 LEd 2d 551, 102 SCt 700 (1982); HAINES V. KERNER, 404 U.S. 519, 30 LEd 2d 652, 92 SCt 594 (1972). PRO SE LITIGANTS PLEADINGS ARE TO BE CONSTRUED LIBERALLY AND HELD TO LESS STRINGENT STANDARD, THAN FORMAL PLEADINGS DRAFTED BY LAWYERS; if COURT CAN READ PLEADINGS TO STATE A VALID CLAIM ON WHICH LITIGANT COULD PREVAIL, IT SHOULD DO SO.

I. STATEMENT of FACTS

(SECOND) THE DEFENDANTS, DID ACT WITH SUFFICIENTLY CULPABLE STATE of MIND.

PRISON officials KNEW of PLAINTIFFS, SERIOUS MEDICAL CONDITION AND DISREGARDED THE EXCESSIVE RISK TO PLAINTIFFS, HEALTH, AND SAFETY UP TO THE POINT PLAINTIFF, HAD TO GO TO HOSPITAL EMERGENCY ROOM, AND ALMOST "LOST HIS EYE". LEWIS PRISON WOULD (NOT), LET HIM SEE A DOCTOR, AND (NO), EMERGENCY PRISON STAFF WAS ON DUTY IS ABUSE, SUPERVISORY LIABILITY.

THIS DISTRICT COURT IS QUALIFIED TO RESOLVE PLAINTIFFS, ISSUES PRENSENTED, THAT THE DEFENDANTS, PERFORMED ACTS WHICH IS PROVEN, CONSTITUTED A (VIOLATION), of THE (LAW) THAT DEFENDANTS, ARE CHARGED WITH (VIOLATING) SEE: McNALLY V. U.S., 483 U.S. 350, 97 LEd 2d 292, 107 SCt 2875 (1987).

PLAINTIFF, IS FIRST AND ALL IN DISTRICT COURT SYSTEM FOR "JUSTICE", AFTER BEING DULY WRONGED By DEFENDANTS, ACTS or OMISSIONS. HIBERNIA NAT. BANK V. ADM. CEN. SOC. AMONIMA, 776 F2d 1277 (5TH CIR. 1985); FALLEN V. U.S., 378 U.S. 139, 12 LEd 2d 760, 84, SCt. 1689 (1964). BECAUSE THE PLAINTIFF, DID (ALL), THAT COULD BE REASONABLEY EXPECTED, THE MOTION TO (DISMISS), WAS (DENIED).

II A.D.A. "DISCRIMINATION"

PLAINTIFF, HAS GREAT TROUBLE TRYING TO (READ), OR (WRITE), WITH VISUAL IMPAIRMENT of (ONE EYE), GOING BAD AND OTHER IN BLACK EYE PATCH. HARD TO SLEEP WITH-SLEEP APNEA, DIABETIC, BAD HEART, BAD BACK, LEGS HURT, HAND HURTS. SEE: HEAD V. GLACIER NORTHWEST INC. 413 F3d 1053 (9th Cir. 2005).

PLAINTIFF, BELIEVES THIS "DISCRIMINATION" (VIOLATIONS), of HEALTH CARE AND A.D.A. RIGHTS BY DEFENDANTS, AGAINST PLAINTIFF, IS BASED UPON A "SUSPECT CLASSIFICATION", of "DISABLED INMATE". THIS IS ALREADY DEMONSTRATED THAT PLAINTIFF, (HAS), BEEN SUBJECTED TO "DISCRIMINATION", BY PRISON "MEDICAL DELIBERATE INDIFFERENCE" BY DR. LEVINE, AND DR. VINLUAN.

"THE (LAW)", IS EVIDENCE FOR PLAINTIFFS, EVIDENCE FOR DEFENSE IN THE WITHIN CAUSE of ACTION EIGHTH AMENDMENT. FACTS SHOW PLAINTIFF, IS BEING SUBJECTED TO "DISCRIMINATION", BY ALL DEFENDANTS, IN THE WITHIN CAUSE of ACTION IS ILLEGAL, AND UNCONSTITUTIONAL.

DEFENDANTS, INTENTIONALLY DISCRIMIN-ATE, AGAINST PLAINTIFF, BY MEDICAL AND A.D.A. VIOLATIONS, IS UNCONSTITUTIONAL.

II A.D.A. VIOLATIONS

HALL V. THOMAS, 190 F3d 693 (5TH CIR. 1999).
PENNSYLVANIA DEPT. OF CORRECTIONS V. YESKEY, 524 U.S. 206, 141 LEd 2d 215, 118, SCt 1952 (1998). THE AMERICANS WITH DISABILITIES ACT (A.D.A.) "APPLIES TO PRISONS". (A.D.A.) PROTECTS A "QUALFIED INDIVIDUAL WITH DISABILITIES LIKE PLAINTIFF, WHO HAS MANY DISABILITIES HAND, BACK, LEGS, EYE, HEART; DIABETIC, AND SLEEP ABNEA, IS CONFINED IN WHEELCHAIR CANT WALK. SEE: BASITH V. COOK COUNTY, 241 F3d 919 (7TH CIR. 2001).

PLAINTIFF, IS A.D.A. DISABLED AND AZ. PRISON SYSTEM MUST TAKE PLAINTIFF, AS HE IS, AND CAN (NOT), GO ON "DISCRIMINATING" ON THE BASIS OF DISABILITY. SEE: COOPER V. OLN CORP. WINCHESTER DIV. 246, F3d 1083 (8TH CIR. 2001). WHETHER A PERSON HAS A DISABILITY UNDER (A.D.A.), IS AN INDIVIDUALIZED INQUIRY. SEE: TOYOTA MOTOR M.F.G. V. WILLIAMS 534 U.S. 184, 151 LEd 2d 615, 122 SCt 681 (2002). "FEDERAL COURT OF APPEALS, HELD (NOT), TO HAVE APPLIED (PROPER), STANDARD, UNDER AMERICANS WITH DISABILITIES ACT DEFINITION OF "DISABILTY", IN 42 U.S.C.S. §§ 12102 (2) (A) FINDING THAT WORKERS CARPAL TUNNEL SYNDROME, LIMIT PERFORMANCE

II A.D.A. VIOLATIONS

PLAINTIFF, ALSO ALLEGED THAT SCHRIRO, DEPUTY WARDEN RAMOS, LARRY CARTER, A.D.A/R.A. LIAISON, DR. KENDALL, DIRECTOR of HEALTH, DR. JONES, AND SLOAN, (VIOLATED) THE A.D.A. BY (FAILING) TO PROVIDE PLAINTIFF REASONABLE A.D.A. ACCOMMODATIONS. PLAINTIFF HAS SPINAL COLUMN BONE INJURY, FROM FORCED TO SLEEP ON WOODEN WEDGE, LOSS of VISION, CARPAL TUNNEL SYNDROME, SERIOUSLY INJURED RIGHT HAND PLAINTIFF MUST WEAR ACE BANDAGE TO WRITE THIS, WITH ARTHRITUS IN FINGER JOINTS AND WRIST, INJURIES TO KNEES, HIP, FEET IS CONFINED IN A WHEELCHAIR CANT WALK "WILL ONLY GET WORSE". BROKE-UP CRACKED MATTRISS FOR YEARS (HURT), BACK EVEN MORE, HAS BEEN (REPLACED) WITH NEW FIRM MATTRIS. A.D.A. ACCOMMODATION of A (TYPEWRITER) STRAP OR PIPE ABOVE BED, IS STILL NEEDED. DEFENDANTS, (VIOLATE), CLEARLY ESTABLISHED STATUTORY OR CONSTITUTIONAL RIGHTS.

DEFENDANTS, WERE "MEDICALLY DELIBERATE INDIFFERENT," TO PLAINTIFFS, MEDICAL NEEDS AND "DISCRIMINATED" AGAINST PLAINTIFF, WITH EVIL MOTIVE AND INTENT TO (HURT) PLAINTIFF ON PURPOSE. IS THE FACTS. BY (ALL) DEFENDANTS.

HOWARD V. ADKISON, 887 F. 2d 134, 140 (8th Cir. 1989). "DEFENDANTS, WHO ACTED IN (VIOLATION), of PRISON POLICIES WERE (NOT), IMMUNE".

II A.D.A. USED AS PUNISHMENT

ARMSTRONG V. WILSON, 124 F3d 1019 (9th CIR. 1997). AMERICANS WITH DISABILITIES ACT (A.D.A.), AND REHABILITATION ACT (R.A.), APPLIED TO INMATES IN STATE CORRECTIONAL SYSTEM. SEE: E.E.O.C. V. R.J. GALLAGHER CO. 181 F3d 645 (5th CIR. 1999), ONE DOES (NOT) HAVE TO HAVE SOME OBVIOUS SPECIFIC HANDICAP, IN ORDER TO BE REGARDED AS DISABLED FOR A.D.A. PURPOSE. SEE: HILBURN V. MURATA ELECTRONICS NORTH AMERICA, INC. 181 F3d 1220 (11th CIR. 1999). HEART DISEASE CONSTITUTES A PHYSICAL IMPAIRMENT, UNDER THE A.D.A.. PLAINTIFF, TAKES NITROGLYCERN HEART MEDICATION TO STAY ALIVE. (IS DISABLED). CONSTITUTIONAL LAW, WAS CLEARLY ESTABLISHED AT THE TIME. A.D.A. "DISCRIMINATION", (VIOLATES), PLAINTIFFS, RIGHT TO EQUAL PROTECTION UNDER THE (LAW). "THE PURPOSE of THE EQUAL PROTECTION CLAUSE of THE FOURTEENTH AMENDMENT IS TO SECURE (EVERY PERSON), AGAINST INTENTIONAL AND ARBITRARY "DISCRIMINATION", IN PRISON MEDICAL, AND A.D.A. RIGHTS, WETHER OCCASIONED BY EXPRESS TERMS of A STATUTE, OR BY ITS IMPROPER EXECUTION THROUGH DULY CONSTITUTED AGENT LIKE DEFENDANTS. SEE: EIGHTH AMENDMENT UNDER CRUEL AND UNUSUAL PUNISHMENT INFLICTED. SEE: FOURTEENTH AMENDMENT, ABOUT CANT DENY TO ANY PERSON "EQUAL PROTECTION of LAW".

I UNDER TITLE II of THE A.D.A.
MITCHELL V. MASSACHOSETTS DEPT. of
CORRECTION WL 378404 (MARCH 8, 2002).
(ADA) CASE INVOLVING SERVICES.
NAVADO V. MALONEY, 2001 WL 1445239
(D. MASS. 2001). (A.D.A.) AND OTHER CLAIMS
INVOLVING SERVICES.
NIECE V. FITZNER, 941 F. SUPP. 1497
(E.D. MICH. 1996). (A.D.A.) CLAIM INVOLVING
SERVICES.

MEDICAL CARE

CORNELIA V. LAIB, WL 1537965 (OCT. 13, 2000),
MEDICAL CARE ISSUE.
FLOWERS V. BENNETT, 2000 WL 33249109
(DEC. 11, 2000) MEDICAL CARE ISSUE
GIBBS V. GRIMMETTE, 2001 WL 672741
MEDICAL CARE ISSUE.
GIBSON V. COUNTY of WASHOE, NO. 99-
-17338 (MAY 22, 2002) MEDICAL CARE ISSUE
HARRISON V. BARKLEY, 2000 WL 986408
(JULY 17, 2000) MEDICAL CARE ISSUE.
KRUGER V. JENNE, 2000 WL 33523085
(JUNE 19, 2000) MEDICAL CARE ISSUE.
PEACOCK V. TERHUNE, 22 NDLR 183
(E.D. CAL. 2002), MEDICAL CARE ISSUE.
ESTELLE V. GAMBLE, 429 U.S. 97, 50 LEd 2d 251, 97 Sct
285 (1976) CRUEL AND UNUSUAL PUNISHMENT CLAUSE of EIGHTH
AMENDMENT ESTABLISH GOVERNMENT'S (OBLIGATION) TO PROVIDE (8)
MEDICAL CARE FOR THOSE WHOM IT IS PUNISHING BY INCARCERATION".

III SCOPE of DOUBLE JEOPARDY PROTECTION

DEFENDANTS, THINK PLAINTIFF, HAS (NO), RIGHTS. DEFENDANTS, ARE IN LAWLESSNESS, IMPOSED UPON THE PLAINTIFF, PURSUED SIMULTANEOUSLY AS "MULTIPLE PUNISHMENT, DOUBLE JEOPARDY IN COORDINATED EFFORT of CONSPIRACY TO (HURT), PLAINTIFF, By EVIL MOTIVE AND INTENT.

THE DEFENDANTS, ACTED ABUSIVELY By SEEKING A "SECOND PUNISHMENT, BECAUSE of DISSATISFACTION WITH PLAINTIFFS, 22-YEARS FLAT SENTENCE, OR WHAT EVER REASON.

THE DOUBLE JEOPARDY CLAUSE REPRESENTS IN THIS CASE "MULTIPLE PUNISHMENTS", FOR SAME offENSE. SEE: U.S. V. HALPER, 490 U.S. 435, 440 (1989). IT IS (NOT), LIMITED TO "LIFE OR LIMB", SANCTIONS; IT APPLIES TO IMPRISONMENT. MULTIPLE PUNISHMENT of HEALTH CARE AND A.D.A VIOLATIONS, IS ILLEGAL, UNCONSTITUTIONAL IS THE LAW. ADDITIONAL (VIOLATIONS) of DISCRIM-INATION IN A.D.A. AND HEALTH CARE IS STILL CATEGORIZED AS A "SECOND PUNISHMENT", WITH IN THE MEANING of DOUBLE JEOPARDY CLAUSE.

THE SUPREME COURT SO HELD IN 1874, STATING WE DO(NOT), DOUBT THAT THE U.S. CONSTITUTION WAS DESIGNED AS MUCH TO PREVENT THE CRIMINAL FROM BEING TWICE PUNISHED, FOR THE SAME offENSE, AS FROM BEING TWICE TRIED FOR IT.

III SCOPE of DOUBLE JEOPARDY PROTECTION

SEE: GREEN V. U.S. 355 U.S. 184, 2 LEd 2d 199, 87 S.Ct. 221 (1961). THE CONSTITUTIONAL RIGHT (NOT), TO BE PLACED IN DOUBLE JEOPARDY, IS BEING A VITAL SAFEGUARD IN AMERICAN SOCIETY,

NOTE, PLAINTIFF, WHO IS ALREADY (PUNISHED) BY INCARCERATION, MAY (NOT), BE SUBJECTED TO "ADDITIONAL (PUNISHMENTS)", BY HEALTH CARE, AND A.D.A. VIOLATIONS BY "DISCRIMINATION". THIS AMOUNTS TO A (SECOND) SANCTION, WHEN THERE IS A (PROHIBITION), AGAINST "DOUBLE JEOPARDY CLAUSE", IS THE LAW.

FAILURE TO COMPLY WITH STATE LAW, MAY STATE A CONSTITUTIONAL CLAIM.

PALAZZOLO V. GORCYCA, 244 F3d 512 (6TH CIR. 2001). THE "DOUBLE JEOPARDY CLAUSE", (PROTECTS), AGAINST A "SECOND", PUNISHMENT BY "MULTIPLE PUNISHMENT FOR SAME OFFENSE. PLAINTIFF, IS IN "MULTIPLE PUNISHMENTS", BY THE DEFENDANTS, VIOLATIONS, of MEDICAL AND A.D.A. RIGHTS IS DOUBLE PUNISHMENTS, BY "DISCRIMINATION", IS DOUBLE JEOPARDY.

THE PLAINTIFF, HAS STANDING TO SUE, WITH DEFENDANTS, CONDUCT, CAUSED PLAINTIFF, ACTUAL SERIOUS (INJURIES), OR THREATENS TO DO SO, AND THERE MUST BE A FAVORABLE COURT DECISION LIKELY TO REDRESS PLAINTIFF'S, INJURIES. THE DEFENDANTS, ACTIONS, OR LACK of DID (HARM) THE PLAINTIFF, PERSONALLY, WITH FUTURE (HARMS).

IV MEDICAL ABUSE AS TORTURE

THE EIGHTH AMENDMENT PROHIBITS THE INFLICTION OF "CRUEL AND UNUSUAL PUNISHMENT". AN EIGHTH AMENDMENT (VIOLATION) IS ESTABLISHED WHEN THERE IS A CONDITION OF (URGENCY) THAT DID RESULT IN (DEGENERATION OR EXTREME (PAIN + SUFFERING), LIKE PLAINTIFF, WENT THROUGH, BY TWO MAJOR EYE OPERATIONS.

A SERIOUS MEDICAL CONDITION EXIST WHERE THE FAILURE TO TREAT A PRISONER'S CONDITION COULD RESULT IN FURTHER SIGNIFICANT INJURY, OR THE UNNECESSARY AND WANTON INFLICTION OF (PAIN). SEE: GOTIERREZ V. PETERS 111 F. 3d 1364, 1373 (7TH CIR. 1997).

PLAINTIFF'S, EIGHTH AMENDMENT CLAIM FOR INADEQUATE MEDICAL CARE IS (PROVEN), BY "MEDICAL DELIBERATE INDIFFERENCE," OF DEFENDANTS WERE (RECKLESS), DISREGARD OF A SUBSTANTIAL RISK OF SERIOUS (HARM). ESTELLE, 429 U.S. AT 106 "DELIBERATE INDIFFERENCE" TO A PRISONERS MEDICAL NEED MAY BE ESTABLISHED "WHETHER THE INDIFFERENCE IS MANIFESTED BY PRISON DOCTORS, OR BY PRISON GUARDS, INTENTIONALLY DENYING, OR DELAYING, ACCESS TO MEDICAL CARE, AND IT HAPPENED.

IV MEDICAL DELIBERATE INDIFFERENCE

THE STANDARD FOR "DELIBERATE INDIFFERENCE" IS BOTH OBJECTIVE, AND SUBJECTIVE. SEE: CHANCE V. ARMSTRONG, 143 F. 3d 698, 702 (2ND CIR. 1998). (FIRST), THE ALLEGED DEPRIVATION OF A BASIC HUMAN NEED MUST BE OBJECTIVE, TERMS, SUFFICIENTLY SERIOUS - IT WAS, (SECOND) DELIBERATE INDIFFERENCE ON THE PART OF AN OFFICER IS SHOWN BY DISREGARDS EXCESSIVE (RISK), INVOLVED LIKE "ALMOST LOOSING AN EYE", TO INFECTION-OFF TO HOSPITAL EMERGENCY ROOM, PAIN AND SUFFERING AGAIN. AT LEWIS PRISON, UNDER DR. EDUARO VINLUAN, PRISON DOCTOR THERE WAS (NO), ADEQUATE TREATMENT THAT WORKED, (NO), RIGHT DIAGNOSES, (NO), RIGHT MEDICATION, THIS EXACERBATED PLAINTIFF'S, MEDICAL PROBLEM, "CREATED A CONSTITUTIONAL CLAIM," BY LAW.

DEFENDANT, PHYSICIANS CONSCIOUSLY CHOOSES "AN EAISER AND LESS EFFICACIOUS", TREATMENT PLAN of "MEDICAL DELIBERATE INDIFFERENCE" IS ESTABLISHED. SEE: WHITE V. NAPOLEON. 897 F 2d 103, 109-10 (3RD CIR. 1990).

THE COURSE of TREATMENT BY DR. VINLUAN, AND DR. LEVINE, CHOOSE WAS MEDICALLY UNACCEPTABLE UNDER THE CIRCUMSTANCES. THEY CHOSE THIS CORSE IN CONSCIOUS DISREGARD of AN EXCESSIVE RISK TO THE PLAINTIFFS, HEALTH. SEE: JACKSON V. McINTOSH, 90 F. 3d 330, 332 (9TH CIR. 1996).

IV MEDICAL ABUSE AS TORTURE

THIS LACK of CARE IS WHY PLAINTIFF, HAD TO GO TO HOSPITAL EMERGENCY ROOM, THEY SAID if PLAINTIFF, DID (NOT), COME IN, HE WOULD of (LOST), HIS EYE, IT WAS THAT SERIOUS. SEE: FOULKS V. COLE COUNTY, MO., 991 F.2d 454, 456-57 (8TH CIR. 1993). THE COURT HELD THAT A (DELAY), of SEVERAL DAYS IN TREATING of BLEEDING AND BRUSED PRISONER FACT, DEFENDANT, HAD ACTED WITH "DELIBERATE INDIFFERENCE". SAME CAN BE SAID FOR PLAINTIFF.

ITS A MATERIAL FACT PLAINTIFF, HAD A SERIOUS EYE CONDITION "OUT-of-CONTROL". PRISON OFFICIALS HAD ACTUAL KNOWLEDGE of A RISK DEMONSTRATED BY OBVIOUS, THROUGH "CIRCUMSTANTIAL EVIDENCE, BUT (NO) "EMERGENCY STAFF ON DUTY". SEE: ESTELLE V. GAMBLE, 429 U.S. 97, 103 (1976). WEST V. ATKINS, 487 U.S. 42, 57-58 (1988); RICHARDSON V. McKNIGHT, 521 U.S. 399, 117 S.Ct. 2100 (1997); ESTELE V. GAMBLE, 429 U.S. AT 104 DEAN V. COUGHIN, 623 F. SUPP. 392, 404 (S.D.N.Y. 1985) RUFO V. INMATES of SUFFOLK COUNTY JAIL 502 U.S. 367, 392-93 (1992); HARRIS V. THIGPEN, 941 F. 2d 1495, 1509 (11TH CIR. 1991). THE "DELIBERATE INDIFFERENCE", STANDARD EMBODIES BOTH AN OBJECTIVE, AND A SUBJECTIVE STANDARD. (FIRST); THE ALLEGED DEPRIVATION of MEDICAL SERVICES IS IN OBJECTIVE TERMS SUFFICIENTLY SERIOUS. (SECOND) DEFENDANTS, KNOWLEDGE of PLAINTIFFS, SERIOUS MEDICAL NEEDS MAY BE INFERRED BY CIRCUMSTANTIAL EVIDENCE.

IV MEDICAL ABUSE AS TORTURE

CITY MANAGEMENT CORP. V. U.S. CHEMICAL CO. INC. 43 F3d 244 (6th CIR. 1994). ROLE of JUDGE AT SUMMARY JUDGMENT STAGE IS (NOT), TO WEIGHT EVIDENCE, BUT TO DETERMINE WHETHER THERE IS GENUINE ISSUE of MATERIAL FACT.

PLAINTIFF, WILL SET FORTH SPECIFIC FACTS SHOWING THAT THERE IS A GENUINE ISSUE FOR TRIAL BEST HE CAN. THE JUDGMENT SOUGHT SHALL BE RENDERED FORTHWITH. THE PLEADINGS, DEPOSITIONS, ANSWERS TO INTERROGATORIES, AND ADMISSIONS (ON FILE), TOGETHER WITH EVERY H&R, INMATE LETTER, AND GRIEVANCE PLAINTIFF, WROTE, THE COURT MUST HAVE SOME IDEA of WHAT IS GOING ON, AND MOVE THE JUDGMENT AS A MATTER of LAW, FOR PLAINTIFF PRISONERS, MEDICAL NEEDS, MUST RECEIVE IT.

HEALTH CARE MEDICAL DELIBERATE INDIFF-ERENCE" BY DEFENDANTS, POSED A (DANGER), TO PLAINTIFF, IS "CRUEL AND UNUSUAL PUNISH-MENT, AND DOUBLE JEOPARDY. PLAINTIFF, "CAME TO PRISON (AS) PUNISHMENT (NOT) (FOR) PUNISHMENT," BY PRISON MEDICAL IS IN DISPUTE. CRAWFORD-EL V. BRITTON, 523 U.S. 574, 140 L.Ed.2d 759, 118 S.Ct 1584 (1998). INMATE SOUGHT DAMAGES WAS (NOT), REQUIRED TO ADDUCE CLEAR AND CONVINCING EVIDENCE of IMPROPER (MOTIVE) IN ORDER TO DEFEAT officers SUMMARY JUDGMENT.

V CONCLUSION.

DEFENDANTS, SHOW INTENTIONAL "DISCRIMINATION", of MEDICAL AND A.D.A. IN SOME PART ON THE PLAINTIFFS, MANY DISABILITIES - SEE: WISCONSIN CORRECTIONAL SERVICE V. CITY of MILWAUKEE, 173 F. SUPP. 2d 842, 849 (E.D. WISC 2001). INTENTIONAL "DISCRIMINATION AGAINST THE DISABLED DOES (NOT), REQUIRE PERSONAL ANIMOSITY OR ILL WILL, IT IS SUFFICIENT THAT THE DEFENDANTS, (VIOLATED) WELL ESTABLISHED A.D.A. LAW, RULES, AND REGULATIONS. TITLE II of THE A.D.A. PROHIBITS STATE AND LOCAL GOVERNMENTS FROM "DISCRIMINATION", AGAINST INDIVIDUALS ON THE BASIS of DISABILITY LIKE PLAINTIFF. DEFENDANTS, ACTED UNDER COLOR of FEDERAL LAW.

THIS CASE IS HOW IMPORTANT DAMAGES ARE, THIS CASE HAS "CONTROVERSIES", WITH ACTUAL CONCRETE DISPUTES, JUSTICABILITY. SEE: RENNE V. GEARY, 501 U.S. — 111 S.Ct. 2331, 2336 (1991); FLAST V. COHEN, 392 U.S. 83, 94-97, 88 S.Ct. 1942 (1968). DAMAGE DEMAND BY PLAINTIFF, IS REASONABLE. UNDER §1983, PLAINTIFF, (CAN), RECOVER COMPENSATORY AND PUNITIVE DAMAGES.

PLAINTIFF, HAS SHOWN THAT THERE IS A GENUINE ISSUE of MATERIAL FACT AS TO EACH ESSENTIAL ELEMENT of THIS CASE. PLAINTIFF, HAS EMOTIONAL DISTRESS.

V. CONCLUSION

PRISON A.D.A. MUST FURNISH (AUXILIARY AIDS), AND (SERVICES), WHEN NECESSARY. PLAINTIFFS, SERIOUSLY INJURED RIGHT HAND/WRIST ARTHRITUS (QUALIFIES) PLAINTIFF, TO USE HIS OWN (TYPEWRITER), THE FACT PLAINTIFF, HAS DIABETICE IN BOTH EYES WILL GO BLIND IN TIME. PLAINTIFF, DOES (NOT), KNOW HOW TO READ BRAILLED MATERIAL.

MEASURES MUST BE MADE TO ENSURE (NO), "DISCRIMINATION", ON (TYPEWRITER), "COURT ORDER".

FOR THESE REASONS BY (LAW), THE PLAINTIFF, IS RIGHT, AND MOVES THIS COURT TO GRANT SUMMARY JUDGMENT IN FAVOR of THE PLAINTIFF, AND ANY OTHER RELIEF THIS COURT DEEMS APPROPRIATE.

PRISON IS (ONE SENTENCE), AS (PUNISHMENT), NOW DEFENDANTS, WITH (MULTIPLE PUNISHMENTS) (MEDICAL FRAUD) (MEDICAL DELIBERATE INDIFFERENCE) TO THE POINT OF "CRUEL AND UNUSUAL PUNISHMENTS", ADDED TO BY A.D.A. "DISCRIMINATION", CONSTITUTED A (SECOND) PUNISHMENT FOR THE SAME OFFENSE IN (VIOLATION) OF THE "DOUBLE JEOPARDY CLAUSE". RELIEF MUST BE GRANTED

PLAINTIFF, PRESENTS SUFFICIENT EVIDENCE TO REFUTE A COMMON-SENSE CONNECTION BETWEEN A LEGITIMATE OBJECTIVE & PRISON REGULATIONS, AND GOVERNMENT CANT BE TO (HURT), PLAINTIFF, ON PURPOSE AND VIOLATE A.D.A. AND CONSTITUTIONAL RIGHTS of PLAINTIFF. DEFENDANTS (16) ACTUALLY CAUSED PROBLEMS IN PAST & LIKELY TO CAUSE MORE IN FUTURE.

VI INJUNCTIVE RELIEF

THE "REAL OR IMMEDIATE THREAT" of INJURY OCCURED IN TWO PARTS (MEDICAL), PLAINTIFF, ALMOST (LOST), HIS EYE, DO TO "MEDICAL DELIBERATE INDIFFERENCE", BY DR. VINLUAN, CAUSED A EYE INFECTION SO SERIOUS PLAINTIFF, HAD TO GO TO HOSPITAL EMERGENCY ROOM 4-DAYS, THEN ON TO RINCON #9 PRISON MEDICAL, ANOTHER 20-DAYS. DR. VINLUAN, MEDICAL FRAUD "DELIBERATE INDIFFERENCE", CAUSED, TWO MAJOR EYE OPERATIONS BY DR. LEVINE, WHO (LIED) TO PLAINTIFF, ABOUT LAST EYE OPERATION. PLAINTIFF, (NEVER), WOULD of AGREED TO HORRIABLY MUTILATE EYE AND PUT (TUBE) IN "WRONG AREA" of EYE. DOUBLE-VISON MADE SO BAD PLAINTIFF, MUST WEAR (BLACK-EYE-PATCH). THE PLAINTIFFS, EYE WENT FROM (BAD) TO (WORST), RECKED, IRREPARABLE INJURY of (NO) "PAIN MEDICATION", THAT WORKED, WITH CUT-UP BLEEDING EYE IN STICHES, WAS (TORTURE) of AMERICAN PRISONER. THE HARDSHIP of HAVEING TO WEAR BLACK-EYE PATCH, CAUSED IMPAIRED VISION IN GOOD EYE.

(A.D.A.) - YEARS of BROKE-UP, WORE OUT MATTRIS (HURT), PLAINTIFFS, ALREADY SPINAL COLOMN INJURY (PAIN), AND (SUFFERING), CAUSED "PERMINANT INJURY", "BAD BACK", FROM IRREPARABLE HARM. A.D.A. VIOLATION. ACCOMMODATION of FIRM NEW MATTRIS; "IGNORED FOR YEARS", BY DEFENDANTS. NOW (NO), A.D.A. TRANS-PORT AT LEWIS PRISON FOR PLAINTIFFS (WHEELCHAIR), IS AGAINST A.D.A. RULES, REGULATIONS, LAW, IS "DISCRIMINATION". FACES SIGNIFICANT RISK of IRREPARABLE INJURY IF TRANSPORTED WITHOUT A.D.A. VAN. (17)

VI

RELIEF REQUESTED

UNDER 18 U.S.C. § 3626 (B) (3), A COURT MAY (NOT), TERMINATE RELIEF IF IT FINDS THAT THERE IS A "CURRENT AND ONGOING (VIOLATION), OF THE FEDERAL (RIGHT). RIGHT NOW THERE IS (NO) A.D.A. VAN, NO STRAP OR PIPE ABOVE BED, NO TYPEWRITER ACCOMMODATION.

DECLARATORY RELIEF: IN THE FORM OF FINDINGS BY THIS COURT THAT PLAINTIFFS, RIGHTS HAVE BEEN (VIOLATED) AND (DEFENDANTS), ARE THE PERSONS WHO DID IT.

INJUNCTIVE RELIEF: IN THE FORM OF A ORDER FOR DEFENDANTS, TO PROVIDE (MEDICAL CARE), (A.D.A) TITLE II AND (R.A.) ACCOMMODATIONS UNDER 42 U.S.C. § 1983 STRAP ABOVE BED, (A.D.A. TRANSPORT) AND (TYPEWRITER).

COMPENSATORY RELIEF: IN THE AMOUNT OF FIFTY THOUSAND DOLLARS ($50,000.00) FROM EACH DEFENDANT.

PUNITIVE DAMAGES: IN DAMAGES WHICH ARE ALLOWED AS AN ENHANCEMENT OF COMPENSATORY DAMAGES BECAUSE OF THE WANTON, RECKLESS, MALICIOUS, OR OPPRESSIVE CHARACTER WHICH PLAINTIFF, COMPLAINS. SEE: SMITH V. WADE, 461 U.S. 30, 75 LED 2d 632, 103 SCT 1625 (1983).

COURT COST, ATTORNEY FEE

AND WHAT EVER ELSE THIS COURT DEEMS JUST & FAIR.

[DATE] MARCH 14, 2007 [NAME]

Douglas Lee Horn

CERTIFICATE of NOTARY

I DOUGLAS LEE HORN, DULY SWEARS THAT EVERYTHING IN THIS DOCUMENT, TO BE TRUE AND CORRECT TO THE BEST of MY KNOWLEDGE AT THIS TIME UNDER PENALTY of PERJURY.

[DATE] MARCH 15, 2007 [NAME]

Douglas Lee Horn

#106646-DOUGLAS LEE HORN
AZ. STATE PRISON COMPLEX-LEWIS
RAST-UNIT HU2-A11, P.O. BOX-3600
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CERTIFICATE of SERVICE

A COPY of THIS DOCUMENT WAS MAILED THIS
29 DAY of MARCH, 2007, TO:
30

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Douglas Horn