3-19-2013

Attachment 4

Board of Commissioners.

~~Ladies and Gentlemen~~

Fore the record, my name is Lawrence Wilgus

I testified in front of the Administration of Justice on April 17, 2012, to hopefully get answers to several questions and concerns about wrongs that affected me while in was incarcerated at N.N.C.C. I felt confident about the investigation of the computer glitch; however that wasn't much of an audit, 300 out of 12,000 inmates, that's like 2% of the population. My situation was brushed aside with an excuse of, "There was evidence of errors, but no adverse consequences". I stand here today to tell you, I sat in N.N.C.C. for 7 months, not being able to use my left arm from a guard using excessive force due to a false escape charge added to my record in the NOTIS screen on July 18, 2011. I have had two surgeries on my shoulder and would like to see changes so it doesn't happen to anyone else. During my incarceration, I wrote to you, Mrs. Masto and others telling you what had happen, hoping you would look into the situation. That same letter I wrote on October 26, 2011 is included. I believe serving 90 extra days and never having full function of my arm constitutes as an adverse effect, therefore confirming ~~inaccurate~~ inaccurate findings. I am requesting to have the L.C.B. to release their findings that reflected me.

To: Director Gregory Cox, Medical Director Michael Bannister, Warden Palmer, Jon Perry Director of Nursing N.N.C.C., Catherine Cortez-Masto A.G.

From: Lawrence Wilgus #70655 incarcerated at N.N.C.C.

Subject: Deliberate Indifference, Pending Litigation

Date: October 26, 2011

Please let me begin this letter by saying that I have numerous medical kites and grievances in concerning a few things 1) dislocated Lt Shoulder 2) Testicular Cancer 3) broken tooth to gum line to no avail on any of it. I am in constant pain, and need some sort of pain reliever and need to be seen by a doctor. No effort has been made by any of the N.N.C.C. medical staff to try and remedy this situation.

The purpose of this letter is to satisfy Respondeat Superior Doctrine, and let all Directors, wardens, medical personell, and legal counsel (Attorney General) know that I am being denied competent/prudent medical care in violation of the Eighth Amendment, and/or "conditions that cause pain, discomfort, or threat to good health," See: Dean v. Coughlin, 623 F. Supp. 392-404 (S.D. Ny 1985), McGulkin v. Smith, 974 F.2d at 1060 (chronic and substantial pain indicates that a medical need is serious), Moreland v. Wharton, 899 F2d 1168-1170 (11th Cir. 1989), significant and uncomfortable health problem is actionable, Washington v. Dugger, 860 F2d 1018-1021 (11th Cir. 1988) where "Plaintiff was denied treatment 1) that eliminates pain and suffered at least temporarily." Exposure to the pain from/and/or generated from a dislocated shoulder, broken tooth, and testicular cancer See: Givens v. Jones, 900 F.2d 1299-1333 (8th Cir 1990), "Where claim was dismissed for failure to allege, that I am in, and suffer from chronic pain;

And that N.D.O.C.'s medical staffs refusal to see me and give me some sort of pain reliever which affects my quality of life. If Doctor Gedney is unwilling and/or unqualified to help me, then I should be referred to a doctor who is. See: Smith v. Jenkins, 919 F.2d 90-93 (8th Cir. 1990) "Doctors lack of evident qualifications to diagnose and treat illness support a Deliberate Indifference Claim." A doctor commits malpractice if he/she causes injury by failing "to have and use the knowledge, skills and care ordinarily possessed and employed by members of the profession in good standing" See: W. Page Keeton et-al, Prosser and Keeton on the laws of torts § 32, at 189 (5th Ed. 1984). Hutchinson v. United States, 838 F.2d 390-392 (9th Cir. 1988). And although Director Cox, Doctor Bannister, Warden Palmer, Director of Nursing Perry and Attorney General Cortez-Masto did not commit the acts asserted, you all become responsible for the Constitutional violations when you failed to correct them in the course of your supervisory responsibilities. "A supervisor who learns of a constitutional (8th Amendment) violation through a report, or appeal (grievance procedures) may be held liable for failing to correct it" See: Williams v. Smith, 781 F.2d 319, 323, 324 (2nd Cir 1986). Deliberate Indifference by supervisory personel/officials to inmates constitutional rights is sufficient to establish liability under 42 U.S.C. § 1983 See: Ashcraft v. Bruhte, 965 F.2d 676, 677 (8th Cir 1992); Walker v. Norris, 917 F.2d 1449, 1456 (6th Cir 1990)

In Summary, please let these facts stand out,

1) I have suffered serious injury to my left shoulder due to staff members use of excessive force
2) The injury has left me in constant pain
3) This is a quality of life issue
4) N.D.O.C. has so far refused to provide any sort of treatment
5) I have testicular cancer
6) I have a broken tooth to gum line

In trying to ~~resolv~~ resolve These issues I have pursued medical kites only to be told to come to sick call (which I do) to no avail, No Doctor Appointments have been made for me to date, my case workers, and Informal Grievances along with 1st and 2nd Level Grievances I am exhausting All Administrative Remedies. It is my goal to resolve this problem without a courts intervention in a timely manner. Should I continue to be denied medical treatment. I will not hestitate to seek redress in the Judicial Forum. Once again Please let this letter serve as Notice of the deficencies and/or in-actions That I have suffered at the hands of the medical department at N.N.C.C.

Filed: October 26, 2011

Lawrence Wilgus #70655

N.N.C.C.

Affirmation and Certificate of Service

I Lawrence Wilgus 70655 do swear that the statements made herein are true and correct under penalty of perjury under the laws of the United States of America

Per 18 U.S.C. § 1621 and 28 U.S.C. § 1746.

Lawrence Wilgus #70655

And that a true and complete original and/or photo copy was (A) placed in N.D.O.C. Interdepartmental mail or (B) placed in a pre-paid First Class USPS mail addressed to the following on this 26th day of October, 2011.

1) Gregory Cox, Director of Prisons N.D.O.C.
2) Michael Bannister, Director of Medical N.D.O.C.
3) Director of Nursing NDOC, NNCC Jon Perry
4) Jack Palmes, Warden N.N.C.C.
5) Catherine Cortez-Masto Attorney General for Nevada
   100 N. Carson St.
   Carson City, Nv 89701

Lawrence Wilgus 70655