

In The United States District
Court for the Southern District
of Texas - Houston Division

United States Courts
Southern District of Texas
FILED

SEP 16 2020

David J. Bradley, Clerk of Court

Dwight Russell, et al.,
Plaintiffs,

vs.

Case No. 4:19-cv-00226
(Class Action)

Harris County, Texas, et al.,
Defendants

The Honorable Lee H. Rosenthal
Chief United States District
Judge

Plaintiff's Emergency Motion to Compel Injunctive

Relief Due to the Intentional and Wanton Infliction of

Pain and Suffering in Violation of the 8th and 14th

Amendments to the U.S. Constitution and the Amer-

icans with Disabilities Act of 1990 and Amendments

Act of 2009

p. 1

To The Honorable Lee H. Rosenthal, Chief United States District Judge, Presiding:

Now Comes Devin Paul Cole, Plaintiff, incarcerated pre-trial detainee in the dangerous, God forsaken, inhumane, unsanitary and unconstitutional Harris County Jail and files this his Emergency Motion to Compel Injunctive Relief, etc., with the Court, for the reasons set forth below:

I.

First I voluntarily and freely waive all rights to ~~Confidentiality~~ Confidentiality Laws under HIPPA etc. I want this Court and Plaintiff's Attorneys to have unlimited immediate access to all of my Medical Records.

II.

I am requesting that Ms. R. Hill, LWW, Medical Grievance Investigator, Dr. Laxman Synders, M.D., Medical Director, and Dr. or Physician Assistant, Gaston Cassillas all be added to this lawsuit for falsifying Death Certificate and Autopsy Report Information and Entering false, Incorrect and untrue information relating

to inmates received in the infirmary with "fever, coughing, breathing trouble, heart trouble, broken bones, fractures of bones, cancer, and other serious medical ailments," and deleting/erasing and altering computer information on medical department computers regarding complaint and medical care and denial of Narcotic (Strength Pain Medication) to inmates with Seizures, Hepatitis C, Substance Abuse History, Mental Health History in violation of the Americans with Disabilities Act of 1990 and Amendments Act of 2009.

III.

On 2-29-2020 I verbally requested the new, oral 90 day tablet prescription to cure Hepatitis C. The Nigerian L.D. (Provider) and Ms. R. Hill denied my request. They refused to give me the 90 day prescription to cure Hepatitis C. I made the request again and Dr. Laxman Sunders, M.D. and Medical Director and Dr. Gaston Casillas, P.A. / M.D. both denied Hepatitis C treatment.

On 6-13-2020 I slipped and fell on a wet floor in the jail and broke my middle (3rd) finger on my right hand completely (through & through) and the ligament/tendon's tore off the bone completely.

If am right handed, my abilities related to the use of my right hand in lifes daily activities, have been impaired substantially. To make matters worse, I have been denied effective Narcotic Strength Pain Medication since I was injured. I am in pain all the time. My finger is ruined, permanently disfigured.

At that time my Left Elbow was fractured and my lower back began causing me a great deal of pain. I've asked for X-Rays and they will not even X-Ray my Left-Elbow and Lower Back.

On 6-14-20 I was sent to the Ben Taub hospital. While there Doctor's X-Rayed my hand, shot/injected Novacaine into my finger, gave me 10mg. Norco-Hydrocodone Pain Killers, wrapped my hand and entire arm up in a Splint/Bandage/Tape and set a date for surgery 10 days later. They sent Norco Hydrocodone Pain Killer Orders back with me to be given every 4 hours for pain. Once I got back they cut the prescriptions in half and then cut them off completely.

On 6-22-20 I returned to Ben Taub. They were going to admit me for surgery. Because of so many (COVID-19) Coronavirus patients I declined the operation. When I got back on the morning of

the 23rd, June, 2020, they forced me to sign a refusal. I refused to sign a refusal at first and then guards (sheriff's dept. deputies) surrounded me and threatened to put me in a holding tank with newly arrived inmates fresh off the streets. At that time, I under physical coercion signed the refusal and wrote "Coronavirus - COVID-19" "Medical Malpractice," etc. on the refusal form where it asked reasons. Also, they were going to keep me in the jail infirmary medical cell's once I returned from the hospital if I had surgery where all the sick inmates are. Again, I am not going to risk catching COVID in a high risk area of the jail on the 1st floor on Bay 1a/b. The lesser of 2 evils, pain and suffering (finger disfigurement) or DEATH Dying from (COVID-19) Coronavirus. I chose to "Stay Alive" with a broken finger.

On June 30th, 2020 I read where Mr. Susman Attorney @ Law & Founder of Susman & Godfrey Law Firm had contracted (COVID-19) Coronavirus after receiving intensive care at a Texas Medical Center hospital (Herman or Methodist) and subsequently died. He was a healthy man and a Legal Genius. My fears were not unfounded.

On 8-11-2020 I saw a Orthopedic M.D.

Specialist here at the jail. He ordered Tramadol pain medicine, a narcotic, non-opioid, schedule 4 controlled substance for 30 days. Ms. Tatum LNU put it in my medication spot in the Log Book for dispensing. Two days later it disappeared.

Dr. Gaston Casillas being manipulated by Nurses Hill and Tatum reduced it to over-the-counter Naproxyn which is ineffective, causes me acid reflux, which causes esophageal cancer. Gabapentyn is useless for this type of pain as well.

On September 10th, 2020, I was supposed to see the Orthopedic M.D. again and Ms. Hill, LNU cancelled it. A LNU-Nurse called me out on the 5th floor on Sept. 9th, 2020 and was going to give me another 30 day prescription for Tramadol, order X-Rays for my elbow and lower back and send me back to the hospital after COVID Vaccines are available and I've had the shots but LNU-Hill said No I had everything cancelled.

My anger over suffering & enduring extreme pain without effective Narcotic Strength Pain Medication required to kill this type of pain is the driving force behind all of my filings during this time.

p.6

Motion to Compel an Order from this Court for me to see a Neutral and Detached Medical Doctor from a Source Independent of Ben Taub Hospital, Harris County Hospital District or the Jail Hospital Medical Department so that he can review my X-Rays take X-Rays and give me medication for Hepatitis C and Pain medication strong enough to stop severe pain.

I had a Sonogram procedure and 1 1/2 years of Blood Test at the Hepatitis C Clinic at John Sealy Hospital Galveston and Stile Unit - Beaumont - TDCJ - CID from January - 2018 to August - 2019 and was awaiting Hep - C Treatment but my sentence expired discharged and I never received the 90 day pill prescription. I've had it since 1979 when I was 14. I'm 55 now. LVN, Memnat O. Onasanya, refused to give me Hep - C Treatment - 90 day pills on 2/29/20 @ 11:31 am.

Please see the Attached Exhibits - A - Orthopedic Specialist - Special Needs Advisement attached; Plaintiff's Exhibit - B - proof of exhaustion of administrative remedies; Exhibit - C - R. Hill, LVN denial of all of the above.

"Interfering with the treatment once prescribed constitutes deliberate indifference of to serious medical needs." Citing *Farmer v. Brennan* & *Estelle v. Gamble*. Additionally I am requesting that a Sheriff's Office Captain come

Please Order my Electronic Note Pad (Kios) Filings and request sealed & preserved, so they are not Deleted or Destroyed like Thomas Draco's & Ronald Jones were. Judge Rosenthal ^{2nd} ^{place} and photograph my Right hand & middle finger, on said right hand and my Left foot & toes - Arthritis where it is obvious to a Layman - I am in PAIN and have serious injuries. Also, subpoena X-Ray reports from here and Ben Taub! All medical records I want released to this Court.

Wherefore, Plaintiff prays that the Court grant him the relief to which he may be entitled in these proceedings in accordance with Federal law.

Executed and Sworn to on September 10th, 2020.

Respectfully submitted,

Devin Paul Cole

Devin Paul Cole
Plaintiff / Pro se

"I declare under penalty of federal perjury that the above and foregoing 8 page Emergency Motion and its contents of factual allegations are in all things true and correct on this 10th day of September 2020."

Devin P. Cole
Devin P. Cole



Harris County Sheriff's Office
Health Services
1200 Baker St., Houston, TX 77002

August 11, 2020

Special Needs Advisement

COLE, DEVIN PAUL JA09 5H1
SPN: [REDACTED]
DOB: 07/13/1965
SEX: Male

Date Issued: 08/11/2020
Provider ID: 1790013586007050
Location of Care: Health Services (JA09)

HCSO Special Needs Advisement

To the Watch Commander:

This Patient has a medical problem which would benefit from: [REDACTED]

Other: [REDACTED] [REDACTED]

For: [REDACTED]

Comments: END DATE: 22 SEPTEMBER 2020

This medical problem will be re-evaluated as needed. Please notify Health Services immediately of any concerns.

Electronically Signed on 08/11/2020 at 7:09PM

On 8-13-20
Dr. Gaston Casillas, LUN-R. Hill
and LUN-Tatum
corrected and destroyed
my Tramadol prescription.

Re-Order
Tramadol 2 x's Day
for 30 dys. Torn ligament/
tendon from finger bone &
broken finger X-Ray
8/11/20

Plaintiff's Exhibit - A

INMATE GRIEVANCE BOARD

GRIEVANCE RECEIPT

TO: INMATE COLE

DEVIN PAUL

SPN# 2145549

Cell Block: 5H1 05I

**This is your notification, as required by the Texas Commission on Jail Standards that your grievance was received on 8/28/2020 and filed as grievance # 35544
This grievance is in reference to MEDICAL SERVICES**

**At this time, your grievance is under investigation.
Please do not file any further grievances in reference to
this matter.**

Grievance Board Member BDSHELTON

8/28/2020

Plaintiff's Exhibit B

GRIEVANCE RECEIPT
INMATE GRIEVANCE BOARD

1200

To: **DEVIN PAUL**

COLE

Grievance Received

8/28/2020

SPN# 2145549

From: Inmate Grievance Board

Ref: GRIEVANCE # 35544
MEDICAL SERVICES

* In 15 yrs as Medical
Grievance Investigator LVN R. Hill
determined every single inmate grievance
to be unfounded.

The Inmate Grievance Board has received a grievance from Inmate

DEVIN PAUL COLE

Upon completion of your investigation, check the appropriate finding and provide the Inmate with this
Grievance Receipt.

I have investigated this grievance and determined it to be:

☒ Unfounded

☐ Founded/Resolved

☐ Founded/Unresolved

☐ ATW/TDC

☐ OIG/IAD or Bureau Investigation

Cole v. Harris Conty.

H-16-2716

Grievance Receipt

Inmate Copy

2016
US Dis. Lexis
135417

Grievances with an Unfounded or Founded/Resolved determination may be appealed to the
Grievance Board. Appeals must be in writing and submitted within (5) five working days of
the investigating supervisor's decision (excluding holidays).

Grievance Receipt was Delivered to Inmate COLE

on Date: 9.9.2020

Supervisor's printed name:

R. Hill LVN

Supervisor's Signature:

R Hill LVN

Date:

9.9.2020

Plaintiff's Exhibit - C

SEP 16 2020

David J. Bradley, Clerk of Court

September 10th, 2020

Dear Mr. David J. Bradley, Clerk,

Please find enclosed my Emergency
Pro Se Motion to be filed with your office
and Chief Judge Rosenthal's court in accordance
with Federal Law.

Thank you.

Very Truly Yours,
Devin P. Cole

* { Russell vs. Harris County, Tx.
Case No. 4:19-cv-00226 } Plaintiff
Title 42 USC § 1983 } Pro Se

Devin P. Cole - Plaintiff

SPN#02145549
Harris County Jail
1200 Baker St.
Houston, Tx. 77002

p.1

HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name: David Paul Cole

SPN: 02145549 Cell: 5-4-1

Street: 1200 Baker Street

HOUSTON, TEXAS 77002



INDIGENT
FEDERAL / LEGAL

United States Courts
Southern District of Texas
FILED

SEP 16 2020

David J. Bradley, Clerk of Court



U.S. POSTAGE >> PITNEY BOWES



ZIP 77002 \$ 000.80
02 4W
0000368784 SEP 11 2020

* Mr. David J. Bradley, Clerk
United States District Court
Southern District of Texas
P.O. Box 61010, Houston, Texas
77268