

FLORIDA DEPARTMENT OF CORRECTIONS
DENTAL HEALTH QUESTIONNAIRE

3210

- Are you in good health? Y N
- Has there been any change in your general health within the past year? Y N
- Are you under the care of a physician? Y N
If yes, what is the condition being treated? Herniated Disc L5/S1, under tx (medically)
- Have you had any serious illnesses or operations? Y N
If yes, what was the problem? Back and Kidney -> KIDNEY STONES had hx (NOT CURRENT)
- Do you or have you had any of the following diseases or problems? Y N
If yes, what was the problem? Hernia Appendix -> age 16

Rheumatic Fever	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Fainting Spells/Seizures/Epilepsy	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Heart Murmur	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Diabetes	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Heart Disease	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Jaundice/Hepatitis	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
High Blood Pressure	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Liver Disease	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Low Blood Pressure	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Inflammatory Rheumatism	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Stroke	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Stomach Ulcers	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Chest Pain	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	(Kidney Trouble) <u>stones -> NOT CURRENT</u>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Shortness of Breath	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Tuberculosis (INH Treatment)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Swollen Ankles	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	VD Syphilis/Gonorrhea	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Artificial Heart Valves	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	HIV+/AIDS	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Prosthetic Joints	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	IV Drug Use	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Seasonal Allergies	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Sickle Cell Anemia	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Asthma	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Hemophilia	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Hives/Skin Rash	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Anemia	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Thyroid Problems	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Other (list):	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Cancer/Tumors/Cysts	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		

- Have you had abnormal bleeding associated with previous tooth extractions, dental surgery, or trauma? Y N
- Have you had any prior serious trouble with dental treatment? Y N
- Have you ever had treatment for cancer of your head or neck including surgery, radiation treatment, or chemotherapy? Y N
- Do you bruise easily? Y N
- Have you ever required a blood transfusion? Y N

10. List all medications you are presently taking or have taken in the last two weeks (include any over-the-counter medications):
Ibuprofen -> back, has Rx for 800mg / BID
Lithium, Wellbutrin, Celebra, Gabapentin - info not updated

11. Are you allergic or have you ever reacted adversely to:

Local Anesthetics/Novocaine	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Iodine/Seafod	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Penicillin Antibiotics	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Nickel Metals	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Sulfonamide	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Latex	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Aspirin, Tylenol or Motrin	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Other (list):	

12. Do you have any disease, condition or problem not listed above that you think I should know about? Y N

WOMEN ONLY

- Are you pregnant? Y N
- Do you have any problems associated with your menstrual period? Y N

E. MANDEL, D.D.S.
SENIOR DENTIST, OKALOOSA C.I.

Signature of Patient: [Signature] Date: 3-20-07
 Health Update: Douchages on h/p
 Health Update: n/c
 Signature: [Signature] Date: 3-16-10

Signature/Stamp of Dentist: [Signature] Date: 3-20-07
 Signature/Stamp of Dentist: STEVEN KOVACS, D.D.S. Date: 01/21/08
 Signature/Stamp of Dentist: [Signature] Date: 6/10/10

Inmate Name: CURTIS, JAMES
 DC#: DC# 166314
 Date of Birth: DOB 10-19-74
 Institution: W/M
 DC4-734 (Re)

This form is not to be amended, revised, or altered without approval of the Deputy Director of Health Services Administration



Portale Medical Diagnostic Inc.
8140 Belvedere RD Suite 4
West Palm Beach Florida 33411
(561) 964-7984

Patient Name		Date of Birth	Referring Facility
JAMES CURTIS - 166314		10/28/2010	SOUTH BAY CORRECTIONAL
Referring Physician		Faxed to	
DAUPHIN			
Examination Submitted			
SINUSES			
Patient History			Exam Date
PAIN			10/28/2010

Accession: 110238

Examination: SINUSES

Findings: Three views were taken. Mucoperiosteal thickening is seen in the right maxillary sinus. There is no air fluid level. There is no fracture or bone destruction. The remaining sinuses are clear. The orbital rims are intact. The nasal septum is in the midline. Conclusion: Right maxillary sinusitis. Otherwise negative.

ROGER MCCLELLAN, MD
SIGNATURE ON FILE

[Handwritten Signature]
10/29/10

[Handwritten Signature]

Transcribed by: KAM

J. WADE, ARNP
SOUTH BAY CF

Attention! The Protected Health Information contained in this fax is highly confidential. It is intended for exclusive use by the Facility named above, and its designees. Unauthorized use is a violation of Federal Law (HIPAA), and will be reported as such. If you have received this fax in error, please destroy.

Allergies: PCN → Hives/emeri

DATE/TIME

10/26/10

DOCTOR'S CLINIC

0920

B/P 128/81 T: 99.8 P: 87 R: 20 Wt: 190

Appt type: (FIU) scr1 emrl otr1

RE: Medications

History: Gerd

noted m. muen LN

10/26/10

1050

S: Pt stated he had his ^{MILLNER, LPN} teeth pulled and is blowing out yellow discharge from nose.

O: General - pt showed me that indeed he did blow yellow discharge from his nose.

face - ⊕ pressure to left maxillary sinus.

Alp 1) Anusitis

- ~~Kelex 500mg TID to BID~~
- Levamisole 500mg QD daily x 14 days
- continue decongestant and secretin prn

Medical action

Noted 10/26/10

J. Wade

J. WADE, ARNP
SOUTH BAY CF

Inmate Name: Curtis, James
DC# 166314 Race/Sex W/M
Date of Birth 10-15-74
Institution

SBDF
11630

S- Subjective Data
O- Objective Data
A- Assessment of S and O Data
P- Plan

This form is not to be amended, revised, or altered without approval of the Deputy Assistant Secretary of Health Services Administration.

FLORIDA DEPARTMENT OF CORRECTIONS Chronological Record of Health Care

Allergies: PCN

DATE/TIME	Notes	Provider
<u>10-28-10</u> <u>10:45</u>	<u>Incidental note: X-ray of sinuses done today</u>	<u>L. WEST, LPN</u> SBCF

<u>10/29/10</u> <u>0830</u>	<u>Incidental note: X-ray results done - Results placed in chart. Chart to MD bit.</u>	<u>MILLNER, LPN</u> SBCF
--------------------------------	--	-----------------------------

(The main body of the table is crossed out with a large diagonal line.)

Inmate Name Curtis James
 DC# 1166314 Race/Sex W/M
 Date of Birth 10-15-74
 Institution South Bay Correctional Facility

- S- Subjective Data
- O- Objective Data
- A- Assessment of S and O Data
- P- Plan

This form is not to be amended, revised, or altered without approval of the Deputy Assistant Secretary of Health Services Administration.

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

DENTAL TREATMENT RECORD

DATE AND TIME	
10/18/10 0930	DS07/FV. Visit - HAR - ASC. Post op extraction site wound healing looks good. Pt. c/o bony spicule in extraction site - upon evaluation did not see any bony spicule or bony projections in the extraction site. Pt. c/o slight pain in the extraction site; advised pt. to keep brushing w/ warm salt water rinses. Nil. FV 2 weeks.
 DR. VEERAMANCHANI, DDS SBCF	
10/20/10 1100	Formal opinion received for similar issue, answered & returned.
 DR. VEERAMANCHANI, DDS SBCF	
10/26/10 0900	DSSC Visit - HAR - NCC - CE: had tooth pulled still not healing, & have puss & blood coming out. IPA & 1 occlusal film done. No sinus wall obliteration noted. Extraction site healing well. Placed pt. Given Onset Forte 15 packs to be taken TID for 5 days. Pt. also had a consult with Mr. Wade nurse practitioner, consulted him to have an x-ray of the sinus done. It also has been placed on Alis by Mr. Wade for the same condition. Nil: FV to medical after having the x-ray of the sinuses done.
 DR. VEERAMANCHANI, DDS SBCF	
11/3/10 1600	Reviewed the report - 3 views of maxillary sinuses were done. The report concluded pt. has maxillary sinusitis on the right side. Pt. had this extraction done in the recent past which is on the left side. Pt. to be seen by medical as needed for his sinusitis. Nil: PRN.
 DR. VEERAMANCHANI, DDS SBCF	

Inmate Name James Curtis
 DOB# 166314 Race/Sex W/M
 Date of Birth 10/19/74
 Institution SBCF

This form is not to be amended, revised, or altered without approval of the Deputy Director of Health Services Administration

PEN

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

DATE AND TIME	DENTAL TREATMENT RECORD
9/22/10 1500	Postop bleeding controlled. Postop written & oral instructions reviewed. Adv. pt. to take pain killers available at the prison. Adv. FU in 2 weeks. DR. VEERAMANCHANI, DDS SBCF
9/28/10 0930	DSEC Visit - HQR ASC - CC: Had tooth pulled on 9/22/10 now got hole to sinuses & bone sticking in the gum plus bad tooth. Postop healing looks good on extraction site. Advised the pt. that the healing looks good & he needs to wait another 1-2 weeks for the discomfort to subside since it's just been a week since his extraction. Pt. started having an attitude & started blowing air through the socket & says he has a hole in the tooth socket going into the sinus. Advised the pt. that he is not supposed to blow air through his nose or through the socket & let the healing process take place & if any communication exists it will heal & if it doesn't we would do further FU to do the necessary tx at that time. Pt. doesn't want to understand & says I will grieve on you & I will see you in court & left dental very mad. Adv. Postop FU 1 week. DR. VEERAMANCHANI, DDS SBCF
10/5/10 1430	Formal grievance received & answered. Denied. DR. VEERAMANCHANI, DDS SBCF
10/7/10 1400	Formal grievance received for similar issue, answered & returned. DR. VEERAMANCHANI, DDS SBCF

Inmate Name James Curtis
 DC# 166314 Race/Sex W/M
 Date of Birth 10/19/74
 Institution SBCF

REN

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

DATE AND TIME	DENTAL TREATMENT RECORD
8/31/10 0900	<p>DSCC Visit - HQR-NSC - CC: "Pain on LL between the molar both ever since Gate beans in my tray & hit down on a rock" - IPA done - #18, 19 post restorations intact, no pathology noted. Pocket depths of 4mm noted. Rt tenders in the gingiva interproximal to #18 & #19. Adv. pt to do warm salt water rinses. Chlorhexidine gluconate rinse given, OHI reviewed. Nothing abnormal noted at this time. Adv. pt the same. TO FU in 3 days after the rinses. MV: FU in 3 days</p> <p style="text-align: right;">DR. VEERAMANCHANENI, DDS SBCF</p>
9/3/10 0920	<p>DSOT/FU Visit - HQR-NSC - Rt. still feels pain on LL posterior and did not find any relief after doing warm salt water rinses. Possible acute periodontitis on LL. Prescribed Erythromycin 500 mg po TID for 10 days, Ibuprofen 500 mg po TID for 10 days prn pain. MV: FU/SRPP LL quadrant</p> <p style="text-align: right;">DR. VEERAMANCHANENI, DDS SBCF</p>
9/21/10 1000	<p>DSOT/FU Visit - HQR-NSC - Rt. here for localized SRPP on LL. Rt. says he feels fine on LL & the pain actually is coming from UL posterior & he is not able to bite on it. IPA done. Recurrent distal decay noted on #14. Rt. not able to bite on #14. Possible fracture on #14, & pt doesn't grab. Adv. the pt the same. Poor prognosis on #14 due to possible fracture & is non restorable. Adv. Ext of #14. MV: Ext #14. NO SRPP performed on LL at this time.</p> <p style="text-align: right;">DR. VEERAMANCHANENI, DDS SBCF</p>
9/22/10 1500	<p>DSOT/FU Visit - HQR-NSC - Obtained consent for Ext of #14. Pre op rxn, (Carpule ephedrine - 1:100,000 Epi infiltration given on UL posterior. Simple Ext/solvent curettage of #14 done.</p> <p style="text-align: right;">DR. VEERAMANCHANENI, DDS SBCF</p>

Inmate Name: James Curtis
 DC# 166314 Race/Sex W/M
 Date of Birth 10/19/74
 Institution SBCF

This form is not to be amended, revised, or altered without approval of the Deputy Director of Health Services Administration

(4)

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

DATE AND TIME	DENTAL TREATMENT RECORD
08/13/09 1600	Inmate Request Received and Answered Subject: <u>Issue about everything -</u> on some list for <u>elisa / PRN</u> pt had callout for <u>1045</u> for <u>sent</u> DSW Security Notified
08/19/09 800	Dental record received and reviewed, AE Next Appt: PRN D. Baljin, Cert. Dental Asst. S.B.C.F.
8/25/09 1100	Dental record received and reviewed, AE Next Appt: PRN D. Baljin, Cert. Dental Asst. S.B.C.F.
6/10/10 0900	DSE Visit. H&R REC. EC: Pain on UR & LR posterior. 2PA'S done on UR & LR posterior # 2, 3 & 31. It says the previous dentist drilled to deep & ever since he had pain on several of his teeth. Pain on percussion on # 2 31. Best restorations intact & in function. No recurrent decay noted, no periodontal pathology noted. Perceived a x-ray of right mandible. No abnormality noted in the x-ray as well. If symptoms are dealt w/ & relieved, it could be possible fracture & pt doesn't qualify for CT & if symptoms worsen advise pt that further x-rays would be indicated. Pt doesn't want extraction at this time. No Tx indicated at this time. Pt doesn't have any cold / sinus pain either at this time. No Tx indicated at this time. Adv. pt to return to dental for any further symptoms worsens ADVISE.
7/28/10 0940	DSAX PERIODIC VISUAL ORAL EX. H&R REC DC4-735 COMPLETED. RH & N wall. TMS asymptomatic oral cancer screening was INFORMED OF FINDINGS AND HOW TO OBTAIN CARE IF DESIRED. OHT advised. Adv. PRN

T. LANGFORD
CERTIFIED DENTAL ASSISTANT

T. LANGFORD
CERTIFIED DENTAL ASSISTANT

DR. VEERAMANCHANI, DDS
SBCF

DR. VEERAMANCHANI, DDS
SBCF

Inmate Name: Curtis James
 DC# 1162314 Race/Sex W/M
 Date of Birth 10-19-1974
 Institution MHC

This form is not to be amended, revised, or altered
 without approval of the Deputy Director of Health
 Health Services Administration

5

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

DATE AND TIME	DENTAL TREATMENT RECORD
cont'd	<p>gum slightly inflamed b/c 2,3 open contact bleed slightly on probing - when patient asked to show me where flow is catch - he would flow and stop on the tooth and say "there" - no overhang, flow not catching very smooth. Patient went on to root that every tooth even worked on - all 4 quadrants - are giving him nothing but pain and problems - they're too deep - they mean up, etc.</p> <p>only possibility, if symptoms are real and not perceived, would be a fractured tooth - does not qualify for Ref or upon them only tx would be extraction - patient says he won't extract tooth.</p> <p>Will reevaluate if patient requests or gets worse.</p> <p>NU PRN</p>
02/03/08 1230	<p>Inmate Request Received and Answered Subject: on weekly list for JMW Box PO</p>
07/21/08 1030	<p>HGR. NO charges - DIAV. PLO, Gross Department 2 contras, flow CHI, Florida Box 4-BW/D DN: PRN</p>
08/10/09 1300 8/11/09 0850	<p>Inmate Request Received and Answered Subject: Even clearing. Placed a flow list potat present in sil coll, HGR copying of 2 sides that appeared on thurs f.</p> <p>Ulcer present on right cheek and left vertical benth corner - both ulcers on nonkeratinized mucosa diagnose - Aphthous major - patient says he has hist ofanker sore. Unfortunately no med availble - will heal 2-10-14 dpr refund Ibaguifer NU PRN</p>

TAMARA LANGFORD
CDA - MHCF

STEVEN KOVACS, D.D.S.
MHCF

T. LANGFORD
CERTIFIED DENTAL ASSISTANT

STEVEN KOVACS, D.D.S.
MHCF

Inmate Name Curtis James
DC# 1162314 Race/Sex L/M
Date of Birth 10-19-1974
Institution MHC

This form is not to be amended, revised, or altered without approval of the Deputy Director of Health Services Administration

6

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

DATE AND TIME	DENTAL TREATMENT RECORD
2608 0700	TRANSFERRED FROM BAY CORRECTIONAL FACILITY <i>moore</i> TO <u>HAVEN</u> ON <u>2608</u> Carol McBride, CDA, RDH Bay Correctional Facility <i>CMcBride</i>
09/25/2008 1300	Received at Moore Haven Correctional Facility Dental Record Reviewed <i>[Signature]</i> TAMARA LANGFORD CDA - MHCF
09/27/2008 0830	INTAKE SCREENING AND EXAM DENTAL ORIENTATION WITH OHI INCLUDING BRUSHING AND FLOSSING HEALTH QUESTIONNAIRE COMPLETE <i>[Signature]</i> S. KOVACS DDS MHCF
09/29/08 0900	Inmate Request Received and Answered Subject: <i>HQ DSAW - Annual Exam: Clay</i> <i>Placed on Blue DSAW List</i> <i>[Signature]</i> TAMARA LANGFORD CDA - MHCF
09/29/08 1600	Inmate Request Received and Answered Subject: <i>on white list - for pain, infection or swelling</i> <i>follow sick call procedures.</i> <i>[Signature]</i> TAMARA LANGFORD CDA - MHCF
04/22/08 1100	Inmate Request Received and Answered Subject: <i>on white list for Blue DSAW. HQ</i> <i>[Signature]</i> TAMARA LANGFORD CDA - MHCF
5/6/08 0830	patient presented for sick call HQR multiple complaints - says the worst area is between molars on top right - "bleeds when he brushes, bleeds spontaneously at night, something between his gums that catches and hooks his finger, cold sensitive hurts to bite on, aches" 1 PA Foken, perio good - no pockets deeper than 3mm, no decay #2 Arod #3 P+, -ve to tooth abscess, no cold/sinus problem <i>[Signature]</i> STEVEN KOVACS, D.D.S. MHCF

Inmate Name CURTIS, JAMES
DC# DC# 166314
Date of Birth DOB 10-19-74
Institution W/M

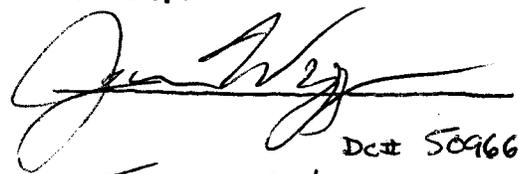
This form is not to be amended, revised, or altered
without approval of the Deputy Director of Health
Health Services Administration

7

Declaration Under Penalty of Perjury OF JAMES Wynegar
James Wynegar, being Competent to make this declaration and having
Personal Knowledge of the matters stated therein, declares pursuant to
28 U.S.C. § 1746:

I speak to Inmate Curtis Everyday and I saw his mouth when he had
his tooth pulled. Then I saw how his socket where tooth pulled was leaking
pussey stuff. It was swelled up and beet red. You could see white objects
sticking out of his gums and blood around his gums. He had a hard time
eating everyday for at least 2 weeks. I also see Mr. Curtis has a cavity
or what looks like a cavity in his upper right molar tooth and a dark
colored spot in his left upper molar tooth. He told me they are painful
and yet when he returns from dental he states they wouldn't do anything
for him. The right upper molar has gotten worse over the last six months.
I know first hand that the dental waiting list is almost 2 yrs long. The
dentist Veeramachaneni will only pull teeth and do no fillings or root
canals. She and Ms Boldin tell you point blank if you file grievances
on dental you won't be seen and they will deny you treatment
Dentist Veeramachaneni. Always tell you nothing is wrong when you
are in pain or have dental problems. She puts it off until tooth
get infected or has to be pulled. I've been at South Bay since
12-7-09 and only seen dental one time. You see and hear guys saying
how dentist Veeramachaneni denied them treatment at dental sick call
because had wrote a grievance on her and tells them nothing wrong
when you clearly can see a cavity and other dental problems.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
is true and correct. Executed on May 18, 2011.


Dc# 509662
James Wynegar

Declaration under Penalty of perjury of Jeff Steele

Jeff Steele / being competent to make this declaration and having personal knowledge of the matters stated therein, declares pursuant to 28 U.S.C. § 1746:

I have been at SBCF since 2008 and only seen dental two times. My first time was around 2009 - 2010 (2010). I personally saw inmate Curtis's mouth with puss draining out of the socket where the tooth was pulled it was swollen and dark red. The gum around the socket had what look like bone splinters sticking out. When Mr. Curtis blew his nose he had bloody brown green stuff come out. It was clear he was in severe pain, but he said the dentist wouldn't do anything for him. I can also see what looks like a cavity in his upper right molar tooth that keeps looking worse.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on 5-20-11, 2011

Jeff Steele - 680187
Dett

November 10, 2010

Inmate Curtis, James IM 166314 was seen on 10/26/2010 for a dental sick call. The inmate was given 15 packs of onset forte (antihistamine). He was also seen by the ARNP who ordered an X Ray of the sinus and prescribed the antibiotic Levaquin 500mg PO daily for 14 days. On 10/28/2010 the X Ray of the sinus was taken and the results were given to him on 11/1/2010 in which it was normal. The inmate verbalized understanding. Medical has no idea about any transfers of this inmate or retaliation. If you have any further concerns feel free to fill out a sick call request form.

Thank you,

Mrs. Brown, Acting HSA

Referred to
Health Services

405
090
07B
5

Office of Citizens' Services
OCT 15 2010
LPB #: 10-70622

SECRETARY WALTER A. McNeil

JAMES CURTIS D#166314

Florida Dept. of Corrections
2601 Blair Stone Road
Tallahassee, FL 32399

South Bay Correctional Facility
P.O. Box 7171
South Bay, FL 33493-7171

RE: Notice of Complaint seek Assistance

DEAR MR. McNeil: 10-7-10

I'm writing you as the Secretary over all Florida Dept. of Corrections. I'm hoping you can do something about my issue to help me or you'll forward it to the right person or agency who can do something. The problem is that staff at this facility retaliate for your use of the grievance process. These actions violate the First Amendment of the Federal Constitution. Now I've gone to Senior Staff, but my pleas go unheard and you're always brushed off. I've had problems with receiving needed care from medical for my chronic conditions. Thus I wrote grievances and state agencies like Private Prison Monitoring and The Governor's office seeking help. Regional Director Ms. Villacorta got involved along with Mr. Sherrod the contact monitor here and I got some care by medical, but they didn't follow the specialist instructions and retaliated by taking away my medications, medical passes, and providing needed care. So on 9-22-10 I went to dental and got a tooth pulled. The dentist told me the tooth could be saved by a root canal but they don't do them. So my only option was to have tooth pulled. The dentist just wants to pull teeth not even fill them as it's cheaper and less work. Anyway when she pulled my tooth she broke the bone around my tooth and those bones are sharp and jagged and sticking into and out of my gums, thus causing the wound to not heal. Also I got an infection and a hole goes to my sinus cavity and it drained into my mouth. The area was and still is Swollen, Red, infected and very painful. So on 9-28-10 went to dental sickcall, but dentist and Asst. said my conditions were normal. They would not do any examination or anything for me. So I said I was going to grieve the matter. So they got upset and kicked me out of dental and told me not to return. It's been two weeks and I'm still having problems and severe pain and suffering. I can't get treatment out of retaliation because I said I would grieve them.

to Sue. you were sent a copy of that by u.s. Mail and should have it by now. Well Staff here like to retaliate by Detentionary transfers, bogus disciplinary Reports and no treatment. Ms. Villacorta called MR. Wilson here in Classification about the Retaliation back in August 2010. Dental staff is good friends with the Senior staff and Classification and are in the process to get me transferred. My prison record speaks for its self. I've been in FDC since 2001 and have no disciplinary reports on my record. I've done vocational classes and want to take more. I'm no trouble maker Sir, but the trouble makers get to stay here. But if you write grievances on a serious matter you put on the bus for transfer yet numerous dirty urines, drugs, and other serious disciplinary problems get to stay here. I've been here only since August 2009. Some guys over ten years may over five even the trouble makers. I'm asking you to please get someone to investigate this and stop the reprisal. Also the staff here aren't trained in dealing with inmates like myself who have mental disabilities which we receive treatment for. They go out of their way to harass you and make you go off. Mental health staff states the Security staff have no training in dealing with mental health inmates. Why does FDC require training, but here at private prisons they don't get to be trained and this is a mental health facility for inmates? I'm doing good with my mental health issues with my counselor who sees me every two weeks. I don't understand why I get punished for having to use my grievance system because of staff's misconduct. They tell you to write it up, but then retaliate once you do. The HSA got fired for falsifying documents. That should show how things operate. Please help me. I've gone to my classification officer Ms. Rivers who tells me classification is aware of the Reprisal against me. But no one will talk to my family and you're always threatened by reprisal. You can't even get grievances to the warden here and MR. Wilson you never get your request but from him. I need your help please Sir, I may be moved by the time you get this letter if so it will prove my retaliation claims. There is no reason for a transfer. I'm minimum custody, get all Above Satisfactory Ratings, No trouble on my record, and I don't want grievances. I get out in June 2012 I should be able to do my time here to take programs. I'm not any disciplinary problem. Please help and send copy of this to the

Sincerely
Luis

Warden how and kind of classification please.

James Curtis 166314
SECF RD. Box 7171
South Bay, FL 33493

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-81199-CIV-RYSKAMP
MAGISTRATE JUDGE P.A. WHITE

JAMES T. CURTIS, :
 :
 Plaintiff, :
 :
 v. : REPORT OF
 : MAGISTRATE JUDGE
 DR. MAMATHA VEERAMACHANENI, :
 et al., :
 :
 Defendants. :

I. Introduction

James T. Curtis, confined at the South Bay Correctional Facility ("SBCF"), has filed a pro se civil rights complaint, claiming denial of adequate dental treatment. (DE#1) The plaintiff is proceeding in forma pauperis.

This Cause is presently before the Court for initial screening of the complaint, pursuant to 28 U.S.C. §1915.

II. Analysis

As amended, 28 U.S.C. §1915 reads in pertinent part as follows:

Sec. 1915 Proceedings in Forma Pauperis

* * *

(e)(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that -

* * *

(B) the action or appeal -

* * *

(i) is frivolous or malicious;

(ii) fails to state a claim on which relief may be granted; or

(iii) seeks monetary relief from a defendant who is immune from such relief.

A complaint is "frivolous under section 1915(e) "where it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989); Bilal v. Driver, 251 F.3d 1346, 1349 (11 Cir.), cert. denied, 534 U.S. 1044 (2001). Dismissals on this ground should only be ordered when the legal theories are "indisputably meritless," id., 490 U.S. at 327, or when the claims rely on factual allegations that are "clearly baseless." Denton v. Hernandez, 504 U.S. 25, 31 (1992). Dismissals for failure to state a claim are governed by the same standard as Federal Rule of Civil Procedure 12(b)(6). Mitchell v. Farcass, 112 F.3d 1483, 1490 (11 Cir. 1997)("The language of section 1915(e)(2)(B)(ii) tracks the language of Federal Rule of Civil Procedure 12(b)(6)"). In order

to state a claim, a plaintiff must show that conduct under color of state law, complained of in the civil rights suit, violated the plaintiff's rights, privileges, or immunities under the Constitution or laws of the United States. Arrington v. Cobb County, 139 F.3d 865, 872 (11 Cir. 1998).

Pro se complaints are held to "less stringent standards than formal pleadings drafted by lawyers and can only be dismissed for failure to state a claim if it appears 'beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'" Estelle v. Gamble, 429 U.S. 97, 106 (1979) (quoting Haines v. Kerner, 404 U.S. 519, 520-21 (1972)). The allegations of the complaint are taken as true and are construed in the light most favorable to Plaintiff. Davis v. Monroe County Bd. Of Educ., 120 F.3d 1390, 1393 (11 Cir. 1997).

To determine whether a complaint fails to state a claim upon which relief can be granted, the Court must engage in a two-step inquiry. First, the Court must identify the allegations in the complaint that are not entitled to the assumption of truth. Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)). Twombly applies to §1983 prisoner actions. See Douglas v. Yates, 535 F.3d 1316, 1321 (11 Cir. 2008). These include "legal conclusions" and "[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements." Second, the Court must determine whether the complaint states a plausible claim for relief. Id. This is a "context-specific task that requires the reviewing court to draw on its judicial experience and common sense." The plaintiff is required to plead facts that show more than the "mere possibility of misconduct." The Court must review the factual allegations in the complaint "to determine if they plausibly suggest an entitlement to relief." When faced with

alternative explanations for the alleged misconduct, the Court may exercise its judgment in determining whether plaintiff's proffered conclusion is the most plausible or whether it is more likely that no misconduct occurred.¹

A. Statement of Claims

The plaintiff names Mamatha Veeramachaneni ("Dr V"), a dentist at South Bay, along with Dental Assistant Ms. Boldin, and Nancy Finisse, a Health Services Administrator. The plaintiff states that the dental department is understaffed at "SBCF", and that he was not seen by a dentist until almost a year after his arrival on August 25, 2009. He complained of severe pain on his upper and lower right teeth and bleeding gums. Dr. "V" stated she would only address one complaint at a time. The plaintiff contends he refused to allow her to pull all his teeth and she refused further treatment.

He claims that on August 31, 2010, he bit on a rock found in his food, resulting in cut and swollen gums. "Dr.V" and Bolden refused treatment and told him to obtain pain medication from his dorm. Three days later he returned in more pain and "Dr. V" provided pain medication and antibiotics. He returned on September 21, 2010, and was told his teeth were fractured. A tooth was pulled which he claims could have been saved. Plaintiff states he reported severe pain, bones sticking out of his gums which were red and swollen, and a hole torn through his sinus cavity which was getting worse. He was not seen again for almost a month, during which time he was not provided with antibiotics or pain medications. He claims "Dr. V" was hostile because he filed

¹ The application of the Twombly standard was clarified in Ashcroft v. Iqbal, 129 S.Ct. 1937 (2009).

grievances against her. He claims she refused to treat a cavity and would not allow Bolden to provide him with a toothpaste for sensitive teeth.

The plaintiff further claims that Ms. Finnise met with him on May 6, 2011, and refused to help him after he explained his dental problems. On June 9, 2011, he was told by the defendants that the GEO denied his request for a consult with an outside dentist. He claims to have continuous pain.

B. Sufficiency of the Claim

Denial of Medical treatment

The Eighth Amendment prohibits any punishment which violates civilized standards of decency or "involve[s] the unnecessary and wanton infliction of pain." Estelle v. Gamble, 429 U.S. 97, 102-03 (1976) (quoting Gregg v. Georgia, 428 U.S. 153, 173(1976)); see also Campbell v. Sikes, 169 F.3d 1353, 1363 (11 Cir. 1999). "However, not 'every claim by a prisoner that he has not received adequate medical treatment states a violation of the Eighth Amendment.'" McEligott v. Foley, 182 F.3d 1248, 1254 (11 Cir. 1999) (citation omitted). An Eighth Amendment claim contains both an objective and a subjective component. Taylor v. Adams, 221 F.3d 1254, 1257 (11 Cir. 2000); Adams v. Poag, 61 F.3d 1537, 1543 (11 Cir. 1995). First, a plaintiff must set forth evidence of an objectively serious medical need. Taylor, 221 F.3d at 1258; Adams, 61 F.3d at 1543. Second, a plaintiff must prove that the prison official acted with an attitude of "deliberate indifference" to that serious medical need. Farmer, 511 U.S. at 834; McEligott, 182 F.3d at 1254; Campbell, 169 F.3d at 1363. The objective component requires the plaintiff to demonstrate that he has been subjected to specific deprivations that are so serious that they deny him "the

minimal civilized measure of life's necessities." Rhodes v. Chapman, 452 U.S. 337, 347 (1981); see also Hudson v. McMillian, 503 U.S. 1, 8-9 (1992).

A serious medical need is considered "one that has been diagnosed by a physician as mandating treatment or one that is so obvious that even a lay person would easily recognize the necessity for a doctor's attention." Hill v. DeKalb Reg'l Youth Det. Ctr., 40 F.3d 1176, 1187 (11 Cir. 1994) (quotation marks and citation omitted). The subjective component requires the plaintiff to demonstrate that the prison officials acted wantonly, with deliberate indifference to the plaintiff's serious needs. See Farmer v. Brennan, 511 U.S. 825, 834 (1994); Wilson v. Seiter, 501 U.S. 294, 298-99 (1991). Deliberate indifference is the reckless disregard of a substantial risk of serious harm; mere negligence will not suffice. Id. at 835-36. Consequently, allegations of medical malpractice or negligent diagnosis and treatment fail to state an Eighth Amendment claim of cruel and unusual punishment. See Estelle, 429 U.S. at 106. The inadvertent or negligent failure to provide adequate medical care "cannot be said to constitute 'an unnecessary and wanton infliction of pain.'" Estelle, 429 U.S. at 105-06; Wilson, 501 U.S. at 298.

Further to rise to a level of an Eighth Amendment violation the plaintiff must demonstrate inhumane conditions of confinement. Farmer v Brennan, 511 U.S.,. 825 (1994), These conditions must show a deprivation of a normal civilized measure of life's necessities, see Toney v Fuqua, 09 WL 1451645 (11 Cir. 2009) (denial of tooth paste and tooth brush for a period of time did not rise to an Eighth Amendment violation).

Deliberate indifference can be established by evidence that necessary medical treatment has been withheld or delayed for non-medical or unexplained reasons. Farrow v West, 320 F.3d 1235, 1247 (11th Cir.2003) (finding jury question on issue of deliberate indifference because of unexplained fifteen-month delay in treatment). The tolerable length of delay in providing medical attention depends on the nature of the medical need and the reason for the delay. Harris v. Coweta County, 21 F.3d 388, 393-94 (11 Cir. 1994). A plaintiff may also establish deliberate indifference with evidence of treatment "so cursory as to amount to no treatment at all." Ancata v. Prison Health Servs., Inc., 769 F.2d 700, 704 (11 Cir. 1985). If prison officials delay or deny access to medical care or intentionally interfere with treatment once prescribed, they may violate the Eighth Amendment. Estelle, 429 U.S. at 104.

C. Analysis

Out the outset, the Court takes judicial notice that the plaintiff has filed over 84 pages of exhibits, including his medical records and grievances filed. These exhibits should be considered at the summary judgment level. For this preliminary screening the Court has relied upon the facts as stated.

The plaintiff has sufficiently stated a claim for denial of adequate medical treatment at this preliminary stage by all three named defendants. He claims that pain medication was denied or delayed and that he suffered continual pain from a seriously deteriorating dental condition. Medical records may be used to either support or refute the plaintiff's claims at a later date when the facts are more fully developed. It is therefore

recommended that the claim of denial of adequate dental treatment proceed against the named Defendants.

III. Recommendation

It is therefore recommended as follows:

1. The case shall proceed against Dr. Veeramachaneni, Ms. Boldin and Ms. Finisse for denial of adequate medical treatment.
2. Service will be ordered by separate order.
3. The Court views motions to dismiss with disfavor as the standard of review is the same as in this preliminary screening, and issues of immunity will be determined upon a fuller development of the record.

Objections to this Report may be filed with the District Judge within fourteen days following receipt.

Dated at Miami, Florida, this 15th day of November, 2011.



UNITED STATES MAGISTRATE JUDGE

cc: James T. Curtis, Pro Se
#166314
South Bay Correctional Facility
Address of record

7526/jlb

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

Case No.: 9:11-CV-81199-KLR
Magistrate Judge P. A. White

JAMES T. CURTIS,

Plaintiff,

vs.

DENTIST MAMATHA VEERAMACHANENI,
DENTAL ASSISTANT MS. BOLDIN and
MS. NANCY FINISSE,

Defendants.

**DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFF'S COMPLAINT**

COME NOW, the Defendants, DR. MAMATHA VEERAMACHANENI, MS. BOLDIN, and MS. NANCY FINISSE, by and through their undersigned counsel, and files this their Answer and Affirmative Defenses to Plaintiff's Complaint and states the following:

STATEMENT OF CLAIM

1. Denied
2. Denied
3. Denied
4. Denied
5. Denied

Defendants' Answer and Affirmative Defenses to Plaintiff's Complaint
Curtis v. Veeramachaneni, et al.
Case No.: 9:11-CV-81199-KLR
Page 2

6. Denied
7. Denied
8. Denied
9. Denied
10. Denied
11. Denied
12. Denied
13. Denied
14. Denied
15. Denied
16. Denied
17. Denied
18. Denied
19. Denied
20. Denied
21. Denied
22. Denied
23. Denied
24. Denied

Defendants' Answer and Affirmative Defenses to Plaintiff's Complaint
Curtis v. Veeramachaneni, et al.
Case No.: 9:11-CV-81199-KLR
Page 3

- 25. Denied
- 26. Denied
- 27. Denied
- 28. Denied
- 29. Denied
- 30. Denied
- 31. Denied
- 32. Denied
- 33. Denied
- 34. Denied

RELIEF REQUESTED

- A. Denied
- B. Defendants deny that Plaintiff is entitled to the relief requested.
- C. Defendants deny that Plaintiff is entitled to the relief requested.
- D. Defendants deny that Plaintiff is entitled to the relief requested.
- E. Defendants deny that Plaintiff is entitled to the relief requested.

FIRST AFFIRMATIVE DEFENSE

The allegations against the Defendants do not rise to the level of a constitutional claim.

Defendants' Answer and Affirmative Defenses to Plaintiff's Complaint
Curtis v. Veeramachaneni, et al.
Case No.: 9:11-CV-81199-KLR
Page 4

SECOND AFFIRMATIVE DEFENSE

At all times material hereto, the Defendants acted in good faith when dealing with the allegations in the Plaintiff's Complaint.

THIRD AFFIRMATIVE DEFENSE

That at all times material hereto, the doctrine of comparative fault was applicable to the Plaintiff's lawsuit and, therefore, the Plaintiff's alleged claims for damages against the Defendants should be reduced and/or extinguished pursuant to the doctrine of comparative fault.

FOURTH AFFIRMATIVE DEFENSE

The Plaintiff's Complaint fails to state a cause of action against the Defendants.

FIFTH AFFIRMATIVE DEFENSE

The Plaintiff has failed to comply with any and all conditions precedent to bringing these claims against the Defendants, and his claims against the Defendants are therefore precluded.

SIXTH AFFIRMATIVE DEFENSE

The Plaintiff has failed to comply with any and all administrative procedures prior to bringing these claims against the Defendants and his claims against the Defendants are therefore precluded.

Defendants' Answer and Affirmative Defenses to Plaintiff's Complaint
Curtis v. Veeramachaneni, et al.
Case No.: 9:11-CV-81199-KLR
Page 5

SEVENTH AFFIRMATIVE DEFENSE

The Plaintiff has failed to comply with any and all grievance procedures before bringing his claims against the Defendants and his claims against the Defendants are therefore precluded.

EIGHTH AFFIRMATIVE DEFENSE

At all times the Plaintiff was himself negligent in causing any and all alleged damages that he is complaining of in his Complaint and therefore, any damages alleged against the Defendants should be reduced and/or extinguished pursuant to the doctrine of comparative negligence.

NINTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint is a medical malpractice claim and is barred based upon Section 766.106, Florida Statutes, and therefore should be dismissed.

DEMAND FOR JURY TRIAL

The Defendants demand a trial by jury on all issues so triable as of right.

Defendants' Answer and Affirmative Defenses to Plaintiff's Complaint
Curtis v. Veeramachaneni, et al.
Case No.: 9:11-CV-81199-KLR
Page 6

By s/Donald A. Chiquina
Donald A. Chiquina, Esquire
Florida Bar No. 574384
Attorneys for Defendants
WIEDERHOLD, MOSES, KUMMERLEN
& WARONICKI, P.A.
560 Village Blvd., Suite 240
West Palm Beach, Florida 33409
561-615-6775; Fax: 561-615-7225
Dchiquina@wmrfla.com

I HEREBY CERTIFY that on this 7th day of February, 2012 I electronically filed the foregoing with the Clerk of the Southern District Court by using the CM/ECF system. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participant: James Curtis, DC #166314, South Bay Correctional Facility, P.O. Box 7171, South Bay, FL 33493-7171.

By s/Donald A. Chiquina
Donald A. Chiquina, Esquire
Florida Bar No. 574384
Attorneys for Defendants
WIEDERHOLD, MOSES, KUMMERLEN
& WARONICKI, P.A.
560 Village Blvd., Suite 240
West Palm Beach, Florida 33409
561-615-6775; Fax: 561-615-7225
Dchiquina@wmrfla.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No.: 11-CV-81199-RYSKAMP/WHITE

JAMES T. CURTIS,

Plaintiff,

v.

DR. MAMATHA VEERAMACHANENI
et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATIONS
OF MAGISTRATE JUDGE**

THIS CAUSE comes before the Court on the report of United States Magistrate Judge Patrick A. White [**DE 8**] entered on November 17, 2011. No objections have been filed, and the time to do so has expired.

The Magistrate issued his report based on an initial screening of Plaintiff's *pro se* civil rights complaint pursuant to 28 U.S.C. § 1915. The Court has conducted a *de novo* review of the report, applicable law, and pertinent portions of the record. Accordingly, it is hereby

ORDERED AND ADJUDGED that

- (1) The report of United States Magistrate White [**DE 8**] be, and the same hereby is **RATIFIED, AFFIRMED and APPROVED** in its entirety;
- (2) This case shall proceed against Defendants on Plaintiff's claims for denial of adequate medical treatment;
- (3) Service will be entered by separate order.

DONE AND ORDERED in Chambers at West Palm Beach, Florida this 7 day of
February, 2012.

/s/ Kenneth L. Ryskamp
KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-81199-CIV-RYSKAMP
MAGISTRATE JUDGE P. A. WHITE

JAMES T. CURTIS, :
 :
 Plaintiff, :
 : ORDER SCHEDULING PRETRIAL
 v. : PROCEEDINGS WHEN PLAINTIFF
 : IS PROCEEDING PRO SE
 MAMATHA VEERAMACHANENI, :
 et al., :
 :
 Defendants. :
 _____ :

The plaintiff in this case is incarcerated, without counsel, so that it would be difficult for either the plaintiff or the defendants to comply fully with the pretrial procedures required by Local Rule 16.1 of this Court. It is thereupon

ORDERED AND ADJUDGED as follows:

1. All discovery methods listed in Rule 26(a), Federal Rules of Civil Procedure, shall be completed by **June 7, 2012**. This shall include all motions relating to discovery.

2. All motions to join additional parties or amend the pleadings shall be filed by **June 21, 2012**.

3. All motions to dismiss and/or for summary judgment shall be filed by **July 12, 2012**.

4. On or before **July 26, 2012**, the plaintiff shall file with the Court and serve upon counsel for the defendants a document

called "Pretrial Statement." The Pretrial Statement shall contain the following things:

- (a) A brief general statement of what the case is about;
- (b) A written statement of the facts that will be offered by oral or documentary evidence at trial; this means that the plaintiff must explain what he intends to prove at trial and how he intends to prove it;
- (c) A list of all exhibits to be offered into evidence at the trial of the case;
- (d) A list of the full names and addresses of places of employment for all the non-inmate witnesses that the plaintiff intends to call (the plaintiff must notify the Court of any changes in their addresses);
- (e) A list of the full names, inmate numbers, and places of incarceration of all the inmate witness that plaintiff intends to call (the plaintiff must notify the Court of any changes in their places of incarceration); and
- (f) A summary of the testimony that the plaintiff expects each of his witnesses to give.

5. On or before **August 9, 2012**, defendants shall file and serve upon plaintiff a "Pretrial Statement," which shall comply with paragraph 4(a)-(f).

6. Failure of the parties to disclose fully in the Pretrial Statement the substance of the evidence to be offered at trial may result in the exclusion of that evidence at the trial. Exceptions will be (1) matters which the Court determines were not discoverable at the time of the pretrial conference, (2) privileged matters, and (3) matters to be used solely for impeachment purposes.

7. If the plaintiff fails to file a Pretrial Statement, as required by paragraph 4 of this order, paragraph 5 of this order shall be suspended and the defendants shall notify the Court of plaintiff's failure to comply. The plaintiff is cautioned that failure to file the Pretrial Statement may result in dismissal of this case for lack of prosecution.

8. The plaintiff shall serve upon defense counsel, at the address given for him/her in this order, a copy of every pleading, motion, memorandum, or other paper submitted for consideration by the Court and shall include on the original document filed with the Clerk of the Court a certificate stating the date that a true and correct copy of the pleading, motion, memorandum, or other paper was mailed to counsel. All pleadings, motions, memoranda, or other papers shall be filed with the Clerk and must include a certificate of service or they will be disregarded by the Court.

9. A pretrial conference may be set pursuant to Local Rule 16.1 of the United States District Court for the Southern District of Florida, after the pretrial statements have been filed. Prior to such a conference, the parties or their counsel shall meet in a good faith effort to:

- (a) discuss the possibility of settlement;

- (b) stipulate (agree) in writing to as many facts and issues as possible to avoid unnecessary evidence;
- (c) examine all exhibits and documents proposed to be used at the trial, except that impeachment documents need not be revealed;
- (d) mark all exhibits and prepare an exhibit list;
- (e) initial and date opposing party's exhibits;
- (f) prepare a list of motions or other matters which require Court attention; and
- (g) discuss any other matters that may help in concluding this case.

10. All motions filed by defense counsel must include a proposed order for the undersigned Magistrate Judge's signature.

DONE AND ORDERED at Miami, Florida, this 9th day of February, 2012.

s/Patrick A. White
UNITED STATES MAGISTRATE JUDGE

cc: James T. Curtis, Pro Se
DC #166314
South Bay Correctional Facility
600 U.S. Highway 27 South
South Bay, FL 33493

Donald A. Chinquina, Esquire
Wiederhold, Moses, et al.
560 Village Boulevard
Suite 240
West Palm Beach, FL 33409

Hon. Kenneth L. Ryskamp, United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 11 cv 81199 KLR

**The attached hand-written
document
has been scanned and is
also available in the
SUPPLEMENTAL
PAPER FILE**

PROVIDED TO
SOUTH BAY CORRECTIONAL FACILITY
ON 6-7-12 *for* FOR MAILING

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH - DIVISION

FILED by *SP* D.C.
JUN 11 2012
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. - MIAMI

JAMES T. CURTIS

Plaintiff

vs.

CASE NO: 11-81199 - CIV. RYSKAMP

Magistrate Judge P.A. White.

MAMATHA VEERAMACHANENI et.al

Defendant

PLAINTIFF'S PETITION FOR REHEARING AND OR OPPOSITION TO THE
MAGISTRATE'S DENIAL OF PLAINTIFF'S MOTION TO COMPEL DISCOVERY FROM
DEFENDANTS

Comes Now the plaintiff James T. CURTIS, filing pro-se and would respectfully
submit this MOTION FOR Rehearing And OR OPPOSITION TO THE MAGISTRATE'S DENIAL
OF Plaintiff's Motion to Compel Discovery from Defendants. Plaintiff would state the following
in Support:

1.) Plaintiff submitted his Request for Admissions, Interrogatories and production
of Documents to Defendants Attorney on 4-3-12.

2.) Upon receiving their responses to such plaintiff found they had objected to
and or not properly answered his discovery Request.

3.) Thus plaintiff wrote a letter to Defense Counsel on 5-8-12 asking to work
out the Discovery objection and not properly answered discovery Request. Was Attached
to original Motion to Compel.

4.) Plaintiff re-Submitted the Admissions, Interrogatories, and Production of Documents Request that defendants objected to and plaintiff even went as far as re-wording and waiving certain ones, Plaintiff clearly can show he was trying to work through all the discovery disputes with defendants and their counsel and they refuse to work with plaintiff. Thus plaintiff needs a Motion to Compel from this Court.

5.) Plaintiff's letter to Counsel dated 5-8-12 which was attached as an exhibit to the original Motion to Compel asked Counsel to respond within ten days and he never did nor has he.

6.) Plaintiff's only option to get needed discovery was to Submit the motion to Compel as he did to the Court. Along with Attachments and Exhibits.

7.) I believe the Court doesn't understand that plaintiff submitted the revised documents Requested to defendants and their Counsel already on 5-8-12 and still they refuse to respond or even work with plaintiff. Thus denying plaintiff needed discovery simply because they just don't want to.

WHEREFORE Plaintiff would ask this Honorable Court to reconsider his Motion to Compel discovery from Defendants and liberally construe that motion as it's done pro-se by the plaintiff who's not an Attorney. See Haines v Kerner 404 U.S. 519 (1972) Loren v. Sassar 309 F.3d. 1296, 1301 (11th Cir 2002) and grant plaintiff the needed motion to compel to make Counsel for the defendants and defendants provide plaintiff with needed discovery. Plaintiff has done all he can do to try to work with defendants and their Counsel and they refuse. Thus it's requested this Honorable Court grant a Motion to Compel defendants to answer the discovery requests they objected to or improperly didn't answer. ITS so prayed and asked for.

6-7-12

DATE

Respectfully Submitted



James T. Curtis 166314

SBCF P.O. Box 7171

South Bay, FL 33493

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of this Motion was sent to Attorney Donald A chinquina at PO Box 3918 West Palm Beach, FL 33402 on this 7th day of June 2012 by U.S. Mail. As I placed it in South Bay C.F Staff hands for mailing.

6-7-12
DATE

Respectfully Submitted



JAMES T. CURTIS 166314

SBCF PO Box 7171

South Bay, FL 33493