

## Constitutional Rights: Inmate Can Sue Private Hospital Nurse.

A prison inmate awoke in his cell in a pool of blood and demanded medical attention. The prison infirmary had him taken to a private hospital's ER.

In the ER a nurse put him on O<sub>2</sub> and started an IV. Despite how weak he was the nurse made him stand up and transfer from one bed to another. Then the nurse left him alone for a while. When she returned she discontinued the O<sub>2</sub> and IV, told him there was nothing wrong with him and allowed him to be discharged without ever reporting to a physician or having him seen by a physician.

He went back to the prison, then to another hospital where he was diagnosed with a serious case of bleeding ulcers.

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***The Eighth Amendment to the US Bill of Rights prohibits cruel and unusual punishment.***

***An inmate can sue prison medical personnel who are deliberately indifferent to the inmate's serious medical needs.***

***A nurse working for a private hospital which has a contract with the prison system comes under the Eighth Amendment.***

UNITED STATES DISTRICT COURT  
TEXAS

March 1, 2007

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The US District Court for the Southern District of Texas ruled the patient had the right to sue the hospital and the nurse for violating his Constitutional rights, even though these prisoners' lawsuits are usually limited only to caregivers inside the prison itself. **Carter v. Benavides**, 2007 WL 676686 (S.D. Tex., March 1, 2007).