

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

Coby Townsend Hurst Plaintiff

V

Civil Case No 5:21-cr-05029

Dr. MARK RUCKER
NURSE... DANIEL BURSON
MERCY HOSPITAL ET. AL

ANSWERS TO MOTION FOR
SUMMARY JUDGEMENT BY: Coby Hurst
PLAINTIFF

#1. On 6/9/19 I ~~Toby~~ Townsend Hurst underwent a unconsensual catheter placement procedure that was forced resulting in 3 days urinary track Bleeding injury, as well as ongoing discomfort from procedure. Also mental and emotional anguish due to psychological effect from procedure. I'm asking 10 million for rape or equivalent (penetrating genitalia opening of penis with foreign object). Also 1 million in emotional and mental anguishment of not trusting medical personal anymore
(page 1)

#2. On 6/9/19 Dr. MARK RUCKER ordered a forced catheter procedure without consent to treatment on Coby Townsend Hurst that was performed by NURSE Daniel Burson on 6/9/19 (1318) see Exhibit D document 20 page 47 of 61 page ID #123 (Drug Screen/Urine Sample) of page.

#3 and #4 I Coby Townsend Hurst was in a ambulance Handcuffed. There was no possible way to get a grievance form filled out in ambulance or Hospital as I was handcuffed to the bed, therefore I used a verbal NO! grievance protesting the procedure. See Questions and Answers starting on Line #1 of Exhibit A, Document 20 page 20 of 61 page ID #96 to and Ending on Exhibit A Document 20 page 27 of 61 page ID #103 that ended on line 12

#5 and #6 A unauthorized seizure of body fluid (residual urine sample by forced penetration of my penis should violate the 4th amendment as well as violate Arkansas Criminal Code Annotated 5-14-101 to _____ of Arkansas Rape Laws See Questions and answers of deposition Exhibit A of Document 20 beging on page 7 of 61 page ID # 83 ending on page 28 of 61 page ID # 104 of Exhibit A et seq.
NO MEANS NO

#7. Unconsensual search/seizure of my body causing pain and penetration of my penis is violation of Arkansas rape laws. Pursuant to PLRA §1983 the commission of physical injury (3 days bleeding from forced penetration of the urinary track of penis and continued discomfort is physical injury. The act of penetration of the genitalia open by ~~any~~ any object is a sexual act and amounts to abuse of Mr. Hurst 4th amendment rights and person (unconsensual conduct) see Document 22 page 17 of 20 page ID 161 (page 3)

#8 and #9 The 8th amendment cruel and unusual punishment claim as well as dilliberant indifferent claim should be cognizable and satisfied due to the risk of physical injury of pain and discomfort occurring and occurred due to forced penetration of urinary track which amounted to 3 days bleeding and continueing discomfort in urinary track to date, thats known by medical staff to be possible by forced catheter procedure See *Levine v Roebuck* 550 F3d 684 (8th cir 2008) and Like cases admitting to causing discomfort.

#10 The Mercy Hospital is a cognizable deffendent. They own and operate the facility where the forced procedure occurred plus the property on which the physical injury occurred. After further review of the case as a whole Plaintiff agrees to the dismissal of Caleb Miller and Nurse Angie Nachtigal due to fact they were not a part of force procedure or order of said act.

#11. The for the above mention facts should not grant summary judgement
1. Mercy Hospital owns the property and facility where physical injury occurred, 2. Dr Mark Rucker ordered the offending procedure and 3. Nurse Daniel Burson was the one who inserted the "intermittent" urethral catheter and illegally obtained the residual urine sample for testing without consent which resulted in the ~~ph~~ physical injury and continuing discomfort that sustains a monetary claim against said defendants.

"Affadavit"

12. I Coby Townsend Hurst swear under oath and penalty of perjury I suffer anxiety and mental anguish plus emotional conditions when having any medical staff treat or examine medical issues. This is due to the unconstitutional and unauthorized acts of Dr Mark Rucker & Nurse Daniel Burson performed on 6/9/19. I suffered 3 days Bleeding and continue to suffer pain and erectile dysfunction from the forced penetration of my penis by Nurse Daniel Burson that resulted in this claim.

(page 5)

IN SUPPORT OF DENYING DEFENDANTS SUMMERY JUDGEMENT

IF you see Exhibit C page 33 of 61 page
ID #109 at 10:30 under Physical Exam
Constitutional: He is oriented to person, place
and time (NO DISTRESS)

Then IF you see Exhibit C page 37 of
61 page ID #113 under ED Provider Notes by
Rucker, Mark R MD at 6/9/19 10:30am continued
(it states 215 pt calm alert awake no
confusion, vitals stable)

What is the reason that at the time
6/9/19 at 1:18 of the procedure was I
Coby Townsend Hurst (PATIENT) unconstitutionally
forced by NURSE Daniel Burson to and suffer
the penetration of my penis with a catheter
tube shoved into my bladder to collect
a urine sample in the first place without being
court ordered or properly sanctioned by
authorities. See exhibit D document 20 page
48 of 61 page ID #124 under Collection Information
(Urine) Clean catch Collection.

This information clearly shows I'm calm
and stable from 10:30am to just before
the forced procedure at approx 1:18pm and
no reason for this treatment.

(page 5.5)

Verification

Pursuant to 28 U.S.C. § 1746, I Coby Herst # 99103 declare and verify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on January, 30th, 2022.

* [Signature] # 99103

Certificate of Service

This is to certify that on this 30th day of January, 2022, I Coby Herst # 99103, the Plaintiff pursuant to 28 U.S.C. § 2244 had mailed a true and correct copy of the foregoing "Plaintiff 42 U.S.C. § 1983 Statement of claim Affidavit pursuant to 42 U.S.C. § 1946" by way of A.D.C., U.S. Postal Service here at EA, Ark., to the following: Delta Regional Unit

Pro se clerk Office of The Clerk
600 W. Capital Ave 35 E. Mountain, Rm 510
Suit # 149 Fayetteville AR 72701
Little Rock, Arkansas
72201-3325

Respectfully Submitted
This 30th day of January, 2022.

* [Signature] # 99103

EA, Ark. Delta Regional Unit
P.O. Box 990 880 East Gaines
Marianna, Arkansas 72560
Duermont Arkansas 71638

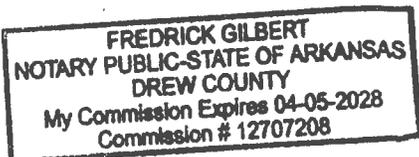
I also am using the electronic mail service to serve 9505 this Document Answers to Summary Judgement

To Kirkman T Dougherty Kdougherty@hardinlaw.com
rjohnson@hardinlaw.com

Glenn Scott Ritter gritter@wlj.com Keepa@wlj.com,
sjohnson@wlj.com

State of Arkansas)
County of Drew) 155

Subscribed / Sworn before me
A Notary Public, on this 1-30-22
day of January, 2022.



Fredrick Gilbert
Notary Public Seal

Hurst 99103
Unit
E. Games
T, AR
71638

ADC
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