

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	Case No. 10-00320-07-CR-W-DGK
)	
BENITO CASTILLO GUTIERREZ,)	
Defendant.)	

MOTION FOR IMMEDIATE MEDICAL EVALUATION AND TREATMENT

COMES NOW Defendant Benito Castillo Gutierrez, by and through his appointed attorney, and moves the Court for its Order for Immediate Medical Evaluation and treatment and may be prescribed. In support of this Motion, Defendant states as follows:

1. During the transportation of Defendant back to the Lafayette County Detention facility in Lexington, MO, following the arraignment and detention hearing on Tuesday, November 23, 2010, the Lafayette County Sheriff's van transporting Defendant and others struck a cow on the highway.
2. Defendant, along with other prisoners/detainees in the van were unrestrained by seat belts.
3. As a direct and proximate result of the collision with the unrestrained cow on the roadway, Defendant sustained personal injury, including but not limited to soft tissue injury to his neck, shoulders, back; and skeletal injury, although Defendant does not believe that he sustained any fractures.
4. A substitute van was utilized to transport Defendant from the scene of the collision with the unrestrained cow to the Lafayette County Jail.

5. Defendant requested medical review for his injuries, which were causing him pain and suffering, but no medical care or attention has been rendered to the Defendant.

6. Defendant is suffering pain, and needs immediate medical attention.

WHEREFORE, Defendant prays the Court for its Order approving Medical Evaluation and Treatment, as the Court deems just and proper under the circumstances.

Respectfully Submitted,

LAW OFFICES OF DAVID H. JOHNSON

By: /s/ David H. Johnson

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to Government counsel of record, AUSA Bruce Rhoades.

/s/ David H. Johnson

David H. Johnson, MBE# 23466