

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Keenan G. Wilkins — PETITIONER
(Your Name)

vs.

1. County of Contra Costa — RESPONDENT(S)
2. U.S. Court of Appeals, Ninth Circuit
ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeal, Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Keenan G. Wilkins

(Your Name)

RJ Donovan Cor. Fac.
480 Alta Rd

(Address)

San Diego, CA 92179

(City, State, Zip Code)

N/A

(Phone Number)

RECEIVED

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. In light of the enactment of 28 U.S.C 1915
Can the 9th Circuit's holding in
Lipscomb v. Madigan, 221 F.2d 798 (rendered
in 1955) stand?
2. Does paying a filing fee in a
42 USC 1983 Civil Action render
"Moot" that Court's revocation
of IFP Status, when the
revocation and finding of three
Section 1915 strikes is
disputed by the incarcerated
Plaintiff?

LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. County of Contra Costa, et al
2. Court of Appeals, Ninth Circuit

(Note: County of Contra Costa has not yet appeared. Petitioner is seeking Certiorari on the Ninth Circuit's finding of Mootness on IFP issue. Subject to reoccurrence).

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copy of 9th Cir Order dated 3-29-18

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copy of 9th Cir Order dated 6-19-18

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TABLE OF AUTHORITIES CITED

CASES

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1. Amster v. USDC, 806 F.2d 1347, 9th Cir 1986	5
2. Chang v. U.S., 327 F.3d 911, 9th Cir 2003	5
3. Karuk Tribe v. US F.S. 681 F.3d 1006, 9th Cir 2012	5
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STATUTES AND RULES

1. 28 USC 1915
2. 42 USC 1983

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 3/29/18.

[] No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 6-19-18, and a copy of the order denying rehearing appears at Appendix B.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional Due Process To Be
Heard on an Adverse Prejudicial Issue
(U.S. Constitution 14th Amendment)

STATEMENT OF THE CASE

- a. On 4-25-17, the Northern District Court made a "First-Time" assertion that Petitioner had 3 strikes under Section 1915 and on 6-5-17 revoked his IFP status and dismissed the Complaint.
- b. Petitioner's family paid the filing fee, however, he still pursued an Appeal to challenge the prejudicial finding, as he disputes he has 3 strikes.
- c. On 10-17-17 the 9th Circuit ordered Petitioner to file Motion on why Appeal not frivolous and why it should go forward. On 11-12-17 Petitioner filed the Motion.
- d. On 3-29-18 the 9th Circuit dismissed the Appeal citing "Mootness". Petitioner filed a Petition for Rehearing En Banc on 4-5-18. On 6-19-18 the 9th Circuit denied the Petition for Rehearing En Banc.
- e. The finding of 3 strikes is now being used to revoke other IFP status in other Action (Eastern District).

REASONS FOR GRANTING THE PETITION

Petitioner respectfully asserts that the 9th Circuit's assertion of "Mootness" in this action conflicts with established U.S. Supreme Court authorities on "Mootness."

This Court has established that a matter becomes moot when (1) it can be said with assurance that there is no reasonable expectation that the alleged issue will recur and (2) interim relief or events have completely and irreversibly eradicated the effects of the alleged violation (L.A. v. Davis (1979) 440 U.S 625). It also conflicts with established 9th Circuit authorities on "Mootness" (Chang v. US 327 F3d 911, 9th Cir 2003; Karuk Tribe v. US For Serv. 681 F3d 1006 9th Cir 2012; Amster v. USDC 806 F.2d 1347 9th Cir 1986).

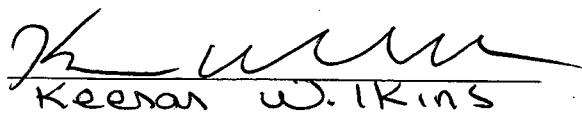
Here, the 9th Circuit is asserting its 1955 holding in Lipscomb v. Madigan 221 F2d 798, which was before the Legislature's enactment of 28 USC 1915. There is still a "live controversy" --- the prejudice of the District Courts finding of 3 strikes under Section 1915. The IFP issue will occur "again and again" and will be repeated again and again.

Petitioner is not seeking a "Second Appeal" --- he is seeking a "First-Time" Appeal on the "First Time" assertion of 3 strikes, which finding is now being used by other courts.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Keenan W. Kinns

Date: 7-12-18