

18-6606

ORIGINAL

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

OCT 15 2018

OFFICE OF THE CLERK

ANTHONY JAMES MERRICK — PETITIONER
(Your Name)

vs.

CHARLES L. RYAN, et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ANTHONY JAMES MERRICK-051614
(Your Name)

ASPC-V-Cibola, P.O. Box 8909
(Address)

San Luis, Ariz. 85349
(City, State, Zip Code)

NONE
(Phone Number)

QUESTION(S) PRESENTED

Mr. Merrick alleged that he had a right to practice his sincerely held personal religious beliefs, especially when inmates of other religious faiths were already allowed these practices by prison officials, without having to belong to a church with a religious leader who would confirm membership, beliefs and practices. Prison officials refused to give Merrick the opportunity. The United States District court later held on defendant's motion for Summary Judgment that Merrick was insincere for not having a church or its leadership come forward to verify his claims. They also found Merrick failed to raise any genuine disputes regarding religious sincerity, equal protection, and establishment of religion regardless of the affidavits and evidence he submitted to dispute defendant's claims. The United States Court of Appeals for the Ninth Circuit disregarded precedent of this court and concurrent with the district court. This case thus presents the following questions:

1. Does the lack of a workable test for determination of religious sincerity create arbitrary decisions based on bias that effectively violate the Establishment Clause.

2. The Court's Missapplication of *Mason v. New Yorker Magazine Inc*, 501 U.S. 496 (1991); and *Anderson v. Liberty Lobby*, 477 U.S. 242 (1986) holdings that court's are not to decide between disputed facts or assess credibility on a motion for Summary Judgment Warrants this Court's attention

3. Did the Court err in finding that Merrick did not raise a genuine dispute a material fact with respect to Merrick having the opportunity to practice his faith when he demonstrated other inmates were allowed to practice the exact same practices while he was denied the opportunity

4. Did the Court err in finding Merrick did not raise a genuine dispute of material facts when the three pronged test this court set forth in *Levan v. Kurtzman*, 403 U.S. 602 (1971) was not followed by the court.

5. Did the court's misapplication of *Matsushita Electrical Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574 (1986) standards that the court's must view all facts and reasonable inferences in favor of Merrick warrant this court's attention.

6. Does the government have authority to arbitrarily and capriciously determine an adherents religious sincerity based on their Bias' and thereon deny religious freedom.

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:

Additional

Defendant:

Michael Linderman

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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 C 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 April 17, 2018.

☐ 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: August 28, 2018, 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

US CONST. AMEND. V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

US CONST. AMEND VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

U.S. CONST. AMEND I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

U.S. CONST., AMEND XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

28 U.S.C. §2254

(a) The Supreme court, a justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgement of a state court only on the ground that he is in custody in violation of the constitution or laws or treaties of the United States.

(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgement of a state court shall not be granted unless it appears that--

(A) the applicant has exhausted the remedies available in the courts of the state; or

(B)(i) there is an absence of available state corrective process; or

(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the state.

(3) A state shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the state, through counsel, expressly waives the requirement.

(c) An applicant shall not be deemed to have exhausted the remedies available in the courts of the state, within the meaning of this section, if he has the right under the law of the state to raise, by any available procedure, the question presented.

(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a state court shall not be granted with respect to any claim that was adjudicated on the merits in state court proceedings unless the adjudication of the claim --

(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceeding.

(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a state court, a determination of a factual issue made by a state court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

(2) If the applicant has failed to develop the factual basis of a claim in state court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that --

(A) The claim relies on --

(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

- (ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and
- (B) The facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.
- (F) If the applicant challenges the sufficiency of the evidence adduced in such state court proceeding to support the state court's determination of a factual issue made therein, the applicant, if able, shall produce that part of the record pertinent to a determination of the sufficiency of the evidence to support such determination. If the applicant, because of indigency or other reason is unable to produce such part of the record, then the state shall produce such part of the record and the federal court shall direct the state to do so by order directed to an appropriate State Official. If the state cannot provide such pertinent part of the record, then the court shall determine under the existing facts and circumstances what weight shall be given to the state court's factual determination.
- (G) A copy of the official records of the state court, duly certified by the clerk of such court to be a true and correct copy of a finding, judicial opinion, or other reliable written indicia showing such a factual determination by the state court shall be admissible in the federal court proceeding.
- (H) Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

(i) The ineffectiveness or incompetence of counsel during Federal or state collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.

STATEMENT OF THE CASE

Mr. Merrick reentered the Arizona Department of Corrections on November 28, 2011 and informed intake staff that his religious faith was called the Fundamental American Christian Temple. Corrections staff recorded it as Christian. Upon arriving in the prison units he began requesting to practice his new faith. Merrick was told that he would have to substantiate his claims and provide more information for each of his accommodation requests. Which included a Diet, Prayer Blanket, headcovering, no shaving of facial hair and tobacco burning.

These requests were made several times and other religious practices were included as Merrick's knowledge of his faith and commitment grew. Practices included gatherings, feasts and festivals, religious books, vow of poverty, education and family relations. Mr. Merrick provided information for each of his accommodation requests to prison officials and even provided addresses to church members of his faith. He also clearly and continuously informed prison officials that his religious faith was personal to him and was not dependant upon any other person or church.

Prison officials never called Merrick in to their offices, nor did they ever write to or visit the church addresses that were provided, to inquire into his faith and why he needed rule exemptions or accommodations. Instead they wrote Merrick several times telling him that he would only be allowed to practice his faith if his religious leader came forth and verified

the existence of a legitimate church, faith and that Merrick was a member of the church and faith with those beliefs and practices.

In the numerous requests to practice his faith, Merrick pointed out to the prison officials that other religious faiths had the same practices and they allowed those inmates to practice the faith. These included faiths including Native American, Wicca, Asatru, Azteca, Muslim, Jewish and christian that had no identifiable leadership and some had no church at all, yet those inmates were allowed to practice the same practices Merrick was requesting.

Merrick filed prison grievances and appeals complaining that he should be allowed to practice his personal religious beliefs. Prison Officials denied all claims stating that Merrick's religious beliefs and practices will only be considered once a religious leader of his church has come forward to verify the existence of the church, Merrick's membership, belief and practices. Because his faith belief is not one currently recognized by ADC and must be reviewed.

Merrick sent prison officials letters to explain his beliefs and practices even though he was never told to. This too was insufficient for prison officials.

On May 6, 2015 Merrick filed a civil rights complaint alleging that prison officials violated 42 U.S.C. § 2000-cc-1 et seq.; A.R.S. § 41-1493.01; U.S. Const. Amendments one and 14 [Free Exercise of religion, Establishment of Religion and Due Process], by not allowing him to practice his personal religious beliefs.

On August 26, 2016 defendants filed a motion for Summary Judgement claiming that Merrick's religious beliefs were not sincere based on his past religion and that his church leaders did not contact defendants to verify Merrick's beliefs and practices. They also argued Merrick did not follow protocol in demonstrating a burden on his religion.

On May 9, 2017 the United States district court agreed with the defendants and granted defendants motion. The court held that all Merrick's claims must fail because he did not sufficiently dispute any material facts the defendants set forth. Merrick appealed to the United States Court of Appeals for the Ninth circuit, and the court agreed with the district court. Merrick filed a petition for rehearing en banc on April 27, 2018 pointing out that the court's decision misapplied decisions of the U.S. Supreme Court, and that the court should clarify the law. On August 28, 2018 The court denied a rehearing and on September 19, 2018 a mandate was issued.

REASONS FOR GRANTING THE PETITION

I. DOES THE DECISIONS OF GOVERNMENT AGENCIES AND COURTS IN DETERMINING AN ADHERENTS RELIGIOUS SINCERITY ON A MOTION FOR SUMMARY JUDGEMENT VIOLATE THE ESTABLISHMENT CLAUSE.

The United States District Court found that the Arizona Department of Corrections, a division of the State of Arizona, was permitted to arbitrarily and capriciously determine Mr. Merrick's religious sincerity using any methods they chose to employ. Including applying Mr. Merrick's religious faith some eighteen years earlier; his inability to force other members of his faith to come forward to verify to prison officials, the faith was legitimate and Mr. Merrick was a member with these practices; his failure to purchase religious items as prison officials permitted; that prison officials had a legitimate purpose for holding Mr. Merrick's faith to a higher standard than other inmates that practiced the same practices.

The United States Court of appeals for the Ninth circuit concurred, that prison officials could decide sincerity of religion based on the methods they chose.

In *Lemon v. Kurtzman*, 403 U.S. 602 (1971) This court held that for a government not to violate the Establishment clause; 1) The statute (or policy) must have a secular purpose, 2) It's principal or primary effect must be one that neither advances or inhibits religion, and 3) The statute must not foster an excessive government entanglement with religion. *id.* at 612, 613.

Here, the determination of sincerity by a court or government agency does not have a secular purpose. It's primary or principal

effect advances their opinion of what religious sincerity is and it inhibits the adherents (Mr. Merrick's) religious beliefs. Moreover the evaluation is an entanglement in religion for the purposes of determining Mr. Merrick's true beliefs. This court has previously said it's not within the judicial function and competence to make these determinations, see *Thomas v. Review Board*, 480 U.S. 707, 715-716 (1981); *Watson v. Jones*, 13 Wall. 679, 728 (1872); *Epperson v. Ark.*, 393 U.S. 97, 106, 107 (1968).

On a motion for summary Judgment a court simply cannot, like prison officials in this case, analyze Mr. Merrick's life and determine, and create a policy, of what they will or will not use to determine religious sincerity. A Jury, on the other hand, has no such restrictions as the establishment clause does not apply to them.

II. THE COURT'S MISAPPLICATION OF *MASSON V. NEW YORKER MAGAZINE INC.*, 501 U.S. 496 (1991) AND *ANDERSON V. LIBERTY LOBBY*, 477 U.S. 242 (1986) HOLDING THAT COURTS ARE NOT TO DECIDE BETWEEN DISPUTED FACTS OR ASSESS CREDIBILITY ON A MOTION FOR SUMMARY JUDGEMENT WARRANTS THIS COURT'S ATTENTION

The United States District Court and Ninth circuit Court of appeals opinions misapplied the standards set forth in *Masson v. New Yorker Mag., Inc.*, 501 U.S. 496 (1991) and *Anderson v. Liberty Lobby*, 477 U.S. 242 (1986) in two important ways. First, the courts flagrantly misstated the record. They held that Mr. Merrick did not dispute material facts, including religious sincerity, presented

by the defendants, when in fact he did dispute each and every material fact, including sincerity, presented by the defendants.

Under precedent set by this court, the material facts in dispute don't need to be conclusively proved at the summary judgement stage. see *First Nat'l Bank of Arizona v. Cities Services Co.*, 391 U.S. 253, 288-289 (1968). The facts must only be specific and disputed. see *Matushita, v. Zenith*, 475 U.S. 574, 587 (1986); Fed.R.Cv.P. Rule 56(c)(1). For example, the defendants stated that Mr. Merrick's religious beliefs were insincere. Then Mr. Merrick stated in dispute and under the penalty of perjury, that his religious beliefs were sincere. Thus, according to this court there has been a legitimate dispute of this material fact which precludes summary judgement. see *Masson and Anderson*, *supra*.

Here the defendants stated in their motion for summary judgement, that Mr. Merrick's religious beliefs were insincere. In response, Mr. Merrick disputed this material fact under the penalty of perjury, that his religious beliefs were sincere.

When the Federal District court and Ninth circuit court of Appeals found no fault in assessing the credibility of the parties and choosing which side to weigh more heavily, the departed from this court's mandates set forth in *MASSON* and *ANDERSON*, *supra*. In fact this court was very clear on that. *Anderson v. Liberty Lobby*, 477 U.S. at 249. (The courts cannot weigh disputed evidence to determine the truth on a motion for summary judgement). Furthermore, the court's

must always view the evidence in favor of the non-movant of summary judgement. All the facts and reasonable inferences to be drawn therefrom may only be viewed in favor of Mr. Merrick.

The decisions of the district court and Ninth circuit court of Appeals are contrary to the precedent set by this court, which is of such importance as to warrant this courts attention.

III. DID THE COURTS ERR IN FINDING THAT MERRICK DID NOT RAISE A GENUINE DISPUTE OF MATERIAL FACTS WITH RESPECT TO MERRICK HAVING AN OPPORTUNITY TO PRACTICE HIS RELIGIOUS FAITH WHEN HE DEMONSTRATED OTHER INMATES WERE PERMITTED TO PRACTICE WHAT HE WAS DENIED.

The United States District Court and the Ninth Circuit court of Appeals held that Mr. Merrick failed to raise a genuine dispute of material fact as to whether Merrick was denied a reasonable opportunity to pursue his religious faith as compared to prisoners of other faiths. However, the record in this case does in fact dispute the material facts presented by the defendants.

Merrick first demonstrated that defendants called inmates into their office when they requested religious accommodations to be interviewed to vet their claims. This material fact was stated by defendants as well. Mr. Merrick disputed the material fact that he was not treated differently by defendants. He demonstrated that when he requested religious accommodations he was never called into their office for this same vetting interview.

Additionally, Merrick pointed out sixteen additional

disputed material facts. Including each of the twelve religious practices that they allowed other inmates, but refused to allow Merrick these same practices; Religious sincerity; filling out religious preference when other inmates were allowed to change there religious preference; Other inmates were called in for a vetting interview, yet Merrick was not; and that Native Americans were allowed space for their religious ceremonies, but Merrick was denied space.

The Federal courts flagrantly mistated the record to arrive at a decision that was contrary to MASSON V. NEW YORKER MAG., INC., 501 U.S. 496 (1991); ANDERSON V. LIBERTY LOBBY., 477 U.S. 242 (1986) and MATUSHITA ELECTRICAL INDUSTRIAL CO., LTD V. ZENITH RADIO CORP., 475 U.S. 574, 106 S.Ct. 1348 (1986), and this is of such importance as to warrant this court's attention.

IV. DID THE FEDERAL COURTS ERR IN FINDING MERRICK DID NOT RAISE A GENUINE DISPUTE OF MATERIAL FACTS WHEN THE THREE PRONGED TEST THIS COURT SET FORTH IN LEMON V. KURTZMAN, 403 U.S. 602 (1971) WAS NOT FOLLOWED.

The United States district court and the Ninth circuit court of Appeals held that Merrick failed to raise a genuine dispute of material facts as to whether defendants policies had the primary or principal effect of advancing religion, inhibiting religion, or fostering excessive government entanglement with religion. However the Federal courts did not apply the full test in Lemon v. Kurtzman, 403 U.S. 602, 612.

613 (1971), nor did they apply the facts in this case to the test set forth in *LEMON V. KURTZMAN*, *supra*.

In *LEMON*, this court held that a policy will not offend the establishment clause if it can pass a three-pronged test. First, the government policy must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; and finally, the policy must not foster an excessive governmental entanglement with religion. See *Everson v. Board of Educ.*, 330 U.S. 1, 15-16 (1947); *LEMON V. KURTZMAN*, 403 U.S. at 612, 613.

Here, the record demonstrates that the defendants specifically told Merrick that they would not allow him to practice his religious beliefs unless he belonged to a church with leaders that would support his beliefs and practices.

This mandate by defendants was a policy. It was aimed at Merrick's religion and had no secular purpose. This policy's primary or principal effect was to require Merrick to join a church that has his religious practices and would verify his practices. This not only inhibited Merrick's religion, it advanced a religion (any) that had a church with religious leaders to support Merrick. Additionally this policy fostered an excessive entanglement with religion as it involves the inquiry into religious faiths, the legitimacy of those faiths and religious leaders and requires a religious leader to speak for Merrick's religious faith, membership and practices. See also *EPPELSON V. ARKANSAS*, 393 U.S. 97, 103-104 (1968) (the state must remain neutral in matters of religion and may not promote

any religion, or religious theory, doctrine or practice).

So very clearly the Federal Courts violated the dictates of this court by not following the aforementioned decisions. Moreover it was clear that Merrick disputed the facts of this claim.

Under MATUSHITA, MASSON, and ANDERSON, supra the facts and reasonable inferences therefrom should have been viewed in Merricks favor, and LEMON and EVERSON, supra make clear that defendants policy violated the establishment clause and the federal court's erred in not concurring.

V. DID THE FEDERAL COURTS MISAPPLICATION OF MATUSHITA ELECTRICAL INDUSTRIAL CO., LTD. V. ZENITH RADIO CORP., 475 U.S. 574 (1986) STANDARDS THAT THE COURTS MUST VIEW ALL FACTS AND REASONABLE INFERENCES IN FAVOR OF MERRICK WARRANT THIS COURT'S ATTENTION

The United States district court and the Ninth circuit Court of Appeals opinions misapplied the holding of Matsushita Electrical Industrial Co., LTD. v. Zenith Radio Corp., 475 U.S. 574 (1986).

In the Federal court's opinions, the facts presented in the motion for summary judgement and the response that disputed each of those facts, was viewed in light most favorable to the defendants, who filed the motion for summary judgement. The court's did not, as required by Matsushita, view the facts and any reasonable inferences from those facts, in light most favorable to the non-movant. Which in this case was Merrick.

Under Matsushita, supra, when a motion for summary judgement is filed, and the movant meets its initial burden of production,

of the absence of a genuine issue of material fact, the non-movant then must demonstrate a genuine dispute. The court has said that is done when the jury could return a verdict for the non-movant. The court however does not weigh the evidence on a motion for summary judgement, but it is mandated under *Matsushita*, that in the court's analysis, the court MUST believe the non-movant's evidence and draw all inferences in his favor. *id.*, at 255.

Again, here Merrick produced an affidavit, under the penalty of perjury, that disputed the facts proposed by the defendants. Mr. Merrick further said that his religious beliefs were sincere and this created a genuine dispute that a reasonable jury could have returned a verdict for him. The Federal courts in this case did not follow this standard, showing that the courts are out of step with this court and certiorari should be granted to correct this error.

VI. DOES THE GOVERNMENT HAVE AUTHORITY TO ARBITRARILY AND CAPRICIOUSLY DETERMINE AN ADHERENTS RELIGIOUS SINCERITY BASED ON THEIR BIAS AND THEREON DENY RELIGIOUS FREEDOM.

The United States District Court and Ninth Circuit court of Appeals found that the Arizona Department of corrections, a division of the state of Arizona, was permitted to arbitrarily and capriciously determine Mr. Merrick's religious sincerity using methods, including not asking Mr. Merrick about his religious beliefs [explain them], and any other method they chose. Giving no concern to bias.

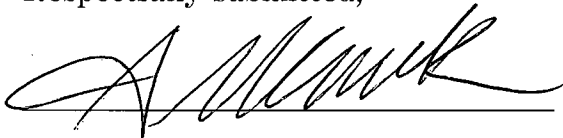
There simply are no procedural standards that a government must apply in considering an adherents religious sincerity. The defendants in this case based their decision on Merrick's youth, prior religions, and not talking to him to find out what he believed and why. This allowed them to judge Merrick's religious sincerity based upon their concept of what religious doctrines and sects allow (of known religious faiths), not on what Merrick's religious beliefs are.

Certiorari should be granted to set a procedural standard and correct the error that allows a government to arbitrarily and capriciously decide if an adherent will be allowed to practice a religious faith.

CONCLUSION

Based on the foregoing, the petitioner prays that the petition should be granted
as the issues are of National importance
The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'A. M. M. K.', written over a horizontal line.

Date: 10-12-2018