

No. 18-6658

ORIGINAL

Supreme Court, U.S.
FILED

JUN 11 2018

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Ronald D. VETETO — PETITIONER
(Your Name)

Jefferson DUNN, vs.
Commissioner, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF ALABAMA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ronald D. VETETO, pro se
(Your Name) AIS#195182, D-28

ST. CLAIR CORRECTIONAL FACILITY
(Address) 1000 St. Clair Road

Springville, ALABAMA
(City, State, Zip Code) 35146-9790

N/A
(Phone Number)

The Court of Civil Appeals

Rebecca C. Oates
Clerk

300 Dexter Avenue
Montgomery, Alabama 36104-3742
December 28, 2017
Meg Williams, Federal
Assistant Clerk

2170320

Ex parte Ronald D. Vettero, Petition for Writ of
Mandamus (In re: Ronald D. Vettero v. Jeff Dunn, et al.)
(Montgomery Circuit Court: CV-17-55)

ORDER

Petition for Writ of Mandamus having been filed and
the same having been submitted and duly examined and
understood by the Court,
It is ORDERED that the petition be, and the same
is hereby dismissed. See Rule 21(a)(3), Ala. R. App. P.

Thompson, P.J., and Pittman, Thomas, Moore, and
Donaldson, J.J., concur.

[Certification by Rebecca C. Oates, Clerk of the Court of
Civil Appeals of Alabama]

At

Rebecca C. Oates

"I hereby certify under penalty of perjury that the
foregoing is a true, correct and authentic handwritten
copy of the instrument its contents purport to be."

QUESTION(S) PRESENTED

- I. May a State arbitrarily deny an indigent prisoner pro se effective and meaningful access to the courts?
- II. May a State arbitrarily deny an indigent pro se prisoner procedural and substantive due process of law?
- III. May a State arbitrarily deny an indigent pro se prisoner the equal protection under the law?

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:

Petitioner: Ronald D. VETETO
Defendants: Jeff DUNN, Commissioner, ADOC,
DeWayne ESTES & Karla JONES, Wardens, STCCF,
Cedric SPECKS, Anthony BROOKS & Gwen GIVENS,
Deputy Wardens, STCCF, Gary MALONE & Kevin WHITE,
C.O.S.II, STCCF, W. NORTHCUTT & L. SCOTT, C.O.S.I, STCCF,
B. HODGE, J. TRUITT, J. MASON, C.O.II, W. GUTHERY,
JONES, McLAURIN, MARTIN, LUITZE, BALDWIN,
WILLIAMSON, BARTON and ROBINSON, C.O.I, STCCF
& M. MICHAEL, Chaplain, STCCF, Defendants/Appellees/
Respondents.

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4-6
REASONS FOR GRANTING THE WRIT	7
CONCLUSION.....	8

INDEX TO APPENDICES

APPENDIX A	----- A-1
APPENDIX B	----- B-1, B-2
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

<u>Bounds v. Smith</u> , [] - - - - -	7
<u>Lewis v. Casey</u> , [] - - - - -	7

STATUTES AND RULES

Alabama Prisoner Litigation Reform Act, §§ 14-15-1 et seq, Ala. Code 1975 - - - - -	4
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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 _____ 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 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 Court of Civil Appeals of Alabama court appears at Appendix B-1 to the petition and is

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

denial of rehearing at B-2.
1.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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: _____, 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. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was March 16, 2018.
A copy of that decision appears at Appendix "A".

☐ 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

United States Constitution

First Amendment

Fourteenth Amendment

Alabama Prisoner Litigation Reform Act,
§§ 14-15-1 et seq., Alabama Code 1975.

STATEMENT OF THE CASE

On January 25, 2017, Ronald D. VETETO filed a Complaint against Jeff DUNN, Commissioner, Alabama Department of Corrections ("ADOC"), Wardens D. ESTES, K. JONES, C. SPECKS, G. GIVENS & A. BROOKS, St. Clair Correctional Facility ("SCCF") and subordinate employees because these Defendants refused to protect VETETO and other elderly, disabled and vulnerable inmates from black gang violence, i.e., extortion, thefts, robberies, assaults & batteries and murders and constant threats of same. VETETO, who is 71 yrs old, obese and suffers from arthritis, has himself been beaten several times, thieved, robbed, stabbed, poisoned, extorted and threatened and suffered broken teeth and nose twice, multiple black eyes, cuts, abrasions, bruises, concussions, cataract and near death from black gang members whom the prison administration refused to stop their violence and torts, to punish them and segregate them from the general population. With his Complaint VETETO, who is unquestionably indigent, filed a motion for leave to proceed in forma pauperis ("IFP"). Even though VETETO's Complaint clearly alleged that he had suffered grievous injuries from other inmates and continued to receive further injury and death threats, the Defendants moved the trial court to rescind VETETO's IFP status pursuant to the "three-strikes" provision of the Alabama Prisoner Litigation Reform Act, ("APLRA"), § 14-15-5(b), Ala. Code 1975, which is similar to the federal PLRA, 28 U.S.C. § 1915(g). Without entertaining and deciding VETETO's objections, holding a hearing on the matter or even mentioning the qualifying exceptions "in imminent danger of serious physical injury" and "manifest injustice," the trial court arbitrarily and maliciously granted the motion to rescind without opinion or reason(s). VETETO filed appeals and petitioned the Alabama Court of Civil Appeals for a writ of mandamus, Nos. 2160651, 2160648 & 2170320, directing the trial judge, Greg. O. GRIFFIN, to reverse his decision and restore VETETO's IFP status. The Court of Civil Appeals dismissed the appeals and petitions for technical violations and lack of jurisdiction of an interlocutory-order appeal, i.e., because VETETO had failed to file a photocopied

appendix of court orders and essential records necessary to "understand" and review the issues presented. The Court of Civil Appeals has been advised numerous times and well knows that the ADOC refuses to provide photocopying services to indigent inmates. This is a collusive Catch-22 between the ADOC and the Alabama Courts whereby they obstruct and dismiss indigent pro se prisoners' meritorious appeals and petitions by refusing to photocopy court orders and records for the appendices and refusing to order the lower courts and the ADOC/STCCF administrators to provide this sine qua non virtual-image reproduction service.

VETERO filed a "Notice of Appeal," No. 2160668, May 22, 2017, in the trial court challenging the interlocutory orders denying him IFP status. Once the certified clerk's record on appeal was filed in the Court of Civil Appeals, the requirement of an appendix for the mandamus petition superfluous; VETERO moved the Court of Civil Appeals to combine the previously filed mandamus petition with the interlocutory appeal and treat them as an acceptable form for review and decide the merits which were identical in both presentations — the denial of my IFP status. Even though the appeals court could have legally chosen any of these options or converted the interlocutory appeal to a petition for a writ of mandamus, it denied the mandamus petition, No. 2160651, June 27, 2017, and the interlocutory appeal, No. 2160668, was dismissed on September 21, 2017, because the court of appeals refused to recognize the "collateral order doctrine" and dismissed the appeal because it was not from a final judgment.

VETERO filed a "Petition for a Writ of Certiorari," No. 1160896, July 5, 2017, raising the same issue — IFP status. The prison administration refused to provide a Notary Public to verify VETERO's signature and oath to his affidavit of poverty. The Alabama Supreme Court denied VETERO's IFP motion and dismissed his "Petition for a Writ of Certiorari" without considering the merits of this issue of first impression in the Alabama courts. The Supreme Court denied VETERO's "Motion to Reconsider and Reverse Order," September 14, 2017.

So, once again, VETERO filed a "Petition for a Writ of Certiorari," No. 1170101, October 26, 2017. The Supreme Court denied the petition December 8, 2017, with no opinion and no resolution of this significant issue of first impression in the State of Alabama.

Refusing to surrender, VETERO began a new round of attempts

to have this matter of first impression reviewed and adjudicated by an appellate court. He filed a new "Petition for a Writ of Mandamus," No. 2170320, December 14, 2017. On December 28, 2018, the Court of Civil Appeals dismissed the petition as untimely even though both equitable tolling and special circumstances applied and excepted the petition from the time limitation. Finally, VETERO filed another "Petition for a Writ of Certiorari," No. 1170434, February 9, 2018, which the Alabama Supreme Court denied without opinion nor explanation, March 16, 2018.

The challenge to the IFP status of indigent pro se prisoner litigants in Alabama under the APLRA exceptions to the "three-strikes" provision remains unresolved.

On June 8, 2018, VETERO deposited his "Petition for Writ of Certiorari," to the United States Supreme Court in the STCCF legal mail system for posting in the U.S. Postal Service.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on: August 27, 2018.

Ronald S. Vetero

REASONS FOR GRANTING THE PETITION

VETETO is barred from the prison law library by the StCCF administrators and aided and abetted by the Alabama State Courts, and cannot cite but two well known authorities in support of this petition. That is enough. The above facts are sufficient argument ipso facto. They clearly demonstrate that the Alabama courts have exceeded all bounds of procedural and substantive due process, of equal justice and fairness under the law, and legal outrage in deliberately and maliciously barring and refusing him, IFP status, access to the prison law library and refusing to review his petitions and appeals, evading an important controversy of first impression in Alabama and ultimately, denying VETETO effective and meaningful access to the Alabama courts. First and Fourteenth Amendments, United States Constitution; Bounds v. Smith,* and Lewis v. Casey.*

Ronald D. Veteto

Ronald D. VETETO, pro se
AIS #195182, D-28

ST. CLAIR CORRL. FACILITY

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* cannot cite vol/pages bc VETETO is barred from the prison law library by ADOC/StCCF administrators in retaliation and punishment for his grievances and complaints.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ronald R. Veteto

Date: August 28, 2018