

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

RAYMOND ALFORD BRADFORD — PETITIONER
(Your Name)

vs.

M. MARCHAK, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS 9th CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

RAYMOND ALFORD BRADFORD, H.16258
(Your Name)

California State Prison L.A. County
(Address)

P.O. BOX 8457 Lancaster CA. 93539
(City, State, Zip Code)

NA
(Phone Number)

QUESTION(S) PRESENTED

Petitioner, Raymond Alford Bradford, (H-16258) seeks relief under Keyhea v. Rushen, 178 Cal. App. 3d 527, 527 (1986) in which the California Court of Appeal held that "state prisoners presently have a statutory right to refuse long-term treatment with psychotropic drugs absent a judicial determination that they are incompetent to do so" ... Apparently, [both], the 9th Circuit Court of Appeals [and] Lower Court (U.S. District Court, Eastern District of California, (Fresno)) clearly disagrees with the California Court of Appeal's decision under Keyhea v. Rushen, as it applies to all state prisoners, including, [Petitioner]

Therefore, to resolve the existence of a conflict between the decision(s) of the 9th Circuit Court of Appeals of which review is sought and a decision of the California Court of Appeal on the same issue. For this legal question will undoubtedly effect many more [prisoners] to come, and its importance will raise awareness to the public on this issue.

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:

Deputy Attorney General Matthew Ross Wilson

Attorney of Record, For Respondents

M. Marchak ; J. Depovic ; L. Clauseil

Attorney Thomas P. Fehér LLP,

Attorney of Record, For Respondent

S. Grewal

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9th CIRCUIT DATED: SEPTEMBER 17, 2018
NO. 08-80078

APPENDIX J: ORDER - U.S. COURT OF APPEALS
9th CIRCUIT DATED: AUGUST 12, 2008
NO. 08-80078

APPENDIX K: ORDER - U.S. COURT OF APPEALS
9th CIRCUIT DATED: MAY 22, 2018
NO. 18-70543

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Keyhea v. Rushen, 178 Cal. App. 3d 527, 527 (1984)

In which the California Court of Appeal held that "state Prisoners Presently have a statutory right to refuse Long-term treatment with psychotropic drugs absent a judicial determination that they are incompetent to do so."

STATUTES AND RULES

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 B 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 Administrative Law Judges court appears at Appendix C-H to the petition and is

☒ reported at Office of Administrative Hearings; 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 September 18, 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: _____, 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 _____.
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

Keyhea v. Rushen, 178 Cal. App. 3d 527, 527 (1986),

In which the California Court of Appeal held that
"state prisoners presently have a statutory right to
refuse long-term treatment with psychotropic drugs
absent a judicial determination that they are incompetent
to do so."

STATEMENT OF THE CASE

Petitioner appeal the 9th Circuit Court of Appeals order in case Number 18-16424 wherein he sought relief in the U.S. District Court, Eastern District of California (Fresno) under Keyhea v. Rushen, 178 Cal. App. 3d 527, 527 (1986) wherein petitioner sought to exercise his "statutory right to refuse long-term treatment with psychotropic drugs for there is no judicial determination that petitioner is incompetent to do so." As the 9th Circuit Court of Appeals dismissed the appeal as being so insubstantial as to NOT warrant further review, it was not permitted to proceed. (see Appendix A) As [both] courts, the 9th circuit court of appeals and U.S. District Court, (Fresno) California is aware of petitioner's Keyhea claim for relief but have disregarded his argument, evidence in support of it. Therefore, to resolve the existence of a conflict between the decisions of the 9th circuit; And U.S. District court; And California Court of Appeal on the same issue. The legal question is: does [petitioner] actually have that statutory right to refuse long term treatment with psych drugs under Keyhea v. Rushen, or NOT.

REASONS FOR GRANTING THE PETITION

[T]he Court should grant [Petitioners] petition for writ of Certiorari because under Rule 10. Considerations Governing Review on Certiorari this action falls within the existence of a conflict between the decision of which review is sought and a decision of another appellate, or lower court on the same issue.

An important function of the [Supreme Court] is to resolve disagreements among lower courts about specific legal questions. Another consideration is the importance to the public of the issue. In other words, the California Court of Appeal held under [Keyhea v. Rushen] prisoners have a statutory right to refuse [Long-Term] psychotropic drugs, so long as a judicial determination has NOT established the prisoner is incompetent to do so. Now, petitioner falls under that statutory right [No judicial findings] that he is incompetent to refuse long-term psychotropic drugs; but the 9th circuit Court of Appeals and U.S. district court refuse to acknowledge that statutory right which creates an existence of a conflict between the decision of California Court of Appeal and higher courts. Therefore, the Supreme Court should resolve the disagreement and specific legal question as it pertains to Keyhea and statutory right of [prisoners] and the public support of that right.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Raymond Alfred Bradford

Date: November 1, 2018

In god we trust !