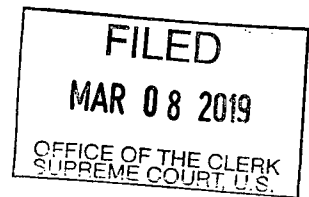


18-9057 ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

Miles L. Kaufman — PETITIONER
(Your Name)

vs.

Dir. Charles Ryan — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
Habeas Corpus

9th Cir. Ct of App.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Miles L. Kaufman
(Your Name)

P.O. Box 24402
(Address)

Tucson, Arizona 85734 - 24402
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

- ① Can The Respondent just not follow any and all Court Orders.
- ② Can we just let an Indigent Mentally ill person rot in prison.
- ③ Can The lower Courts do as they please and not give all Due Process rights at trial and to keep on with denial of all constitutional safeguards within the appellate process.
- ④ Should The Lower Courts
 - (a) Returned Copies
 - (b) Given Relief
 - (c) Honored The No Tolling laws
 - (d) Given Assistance of Counsel
 - (e) Given an Evidentiary Hearing
 - (f) As well as provide all aspects as denied on The Appeal Record

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:

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JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Dec 20 - 2017.

☒ 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).

Jurisdiction

The Petitioner Filed an untimely Writ of Habeas Corpus, And at some point gave caselaw Re No Tolling. All courts thus far have failed to respond to this issue.

Under Jurisdiction The Petitioner meet and exceeds the Rule 20.1 as well as 20.4 (a), I have made applications to all lower Courts as required 28 U.S.C §§ 2241 and 2242, We have not missed any step

My reasons within justify the granting of a Writ of Habeas Corps w exceptional circumstance warrant

The Courts discretionary

power and relief should
be given.

We ask The Court to
review the whole record
for which we have been
denied the record and the
absolute right to review of
the lower courts all courts
as required by law have
been given what the last
court sent as This Court is
giving the order from The
Ninth Circuit stating The
District Courts Case Number

We ask The Court to
reverse all decisions Thus far
and Grant The Great Writ
is The Interest of Justice

Constitutional And Statutory Provisions Involved

① The Petitioner has been denied His First Amendment Right To: Petition The U.S. Government for redress of grievances / Access to The Courts.

② OF His Fifth Amendment right Due Process of The Law and Prior to Trial

③ OF His Sixth Amendment Right To: Be confronted with the witnesses against him and the compulsory process of obtaining witnesses in his favor, And to have effective Assistance of Counsel

④ The Eighth Amendment Cruel and Unusual Punishment

⑤ 14th Amendment

State shall not deprive any person of life liberty or property, without due process of the law; nor deny to any person within its jurisdiction the equal protection of the laws.

⑥ As well as much of The Arizona Constitution and more to point Th § 14 The privilege of the writ of habeas corpus shall not be suspended by the authorities of the state, etc etc.

With only The Constitution as Our Arsenal And The Courts Duty to Enforce The Laws of The Land We Go Forward

STATEMENT OF THE CASE

Miles L. Kaufman Crackhead
suffering from Chronic Alcoholism
along with other Disabilities and
Handicaps, Who is no no better
off by doing all this time in Prison.

Was The Girl That police
say was endangered part of an
entrapment or just a local Crack
Head, Why a Top Secret Pay
off and why charge the
Petitioner with The Crime of
Endangering etc. If what
has been done is entrapment.

And if it was entrapment
the time does not reflect
the time for said.

Do we have bad conduct
by Pima County Arizona Employees
Miles Kaufman should not
do any more time in Prison.

REASONS FOR GRANTING THE PETITION

- ① Entrapment
- ② Mental Illness
- ③ Disabilities
- ④ Chronic Alcoholism
- ⑤ Drug Treatment under
18 U.S.C.A. § 3621 (e)(2)(C)
- ⑥ Denial of Trial Due Process
- ⑦ Constitutional Violations
- ⑧ Actions VIA County Courts
- ⑨ Actions / Violations by
Dir. Charles Ryan. Along
with Violations of Court Orders.

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W. L.

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To leave The Petitioner in
Prison longer is doing much more
harm than good, Mentally and
Standard Health Care are
both Denied along with any Treat-
ment Programs like Arizona,

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Miles L. Kaufman

Date: 2-27-19

No.

In The
Supreme Court of the United States

Miles L. Kaufman, Petitioner

V.

State of Arizona, Respondent
Director ADOC Charles Ryan

On Petition For Writ of Habeas
Corpus

To : The United States Supreme Court
Petition For Writ of Habeas Corpus

Miles L. Kaufman
P.O. Box 24406-57679
Tucson, Arizona 85734

Fair Process for Persons Accused
of Crime Our Government is the
potent the omnipresent teacher.
For good or for ill, it teaches the
whole people by its example.
Crime is contagious if the
Government becomes a law-
breaker, it breeds contempt
for law; it invites every man
to become a law unto himself;
it invites anarchy. To decline
that in administration of
the criminal law the end
justifies the means - to
declare that the Government
may commit crime in order to
secure the conviction of private
criminal - would bring terrible
retribution. Against that
pernicious doctrine this court

should resolutely set its Face

With in Olmstead v. U.S. 277
U.S. 438 (1928)

IF, This Court is reviewing
The Record as Filed From
Superior Court Pima County
Arizona To This Court, The
Petitioner's Case Should be
a Given, Arizona's Case
Shows a Capricious disregard
For The Laws of The Land.

Prisoners with Disabilities

Prisoners with Disabilities or handicaps are protected both by the Constitution and by Federal statutes. State and local statutes and prison regulations may also provide some protection for disabled prisoners.

Constitutional Protections Under the Eighth Amendment, Prison officials must meet the medical needs of prisoners with any disabilities and furnish the assistance that they require in order to live a minimally decent life in Prison. The prison authorities must take the prisoner as they find him.

Chronic Alcoholism

(1) Chronic alcoholism is a disease which destroys the afflicted person's will power to resist the constant, excessive use of alcohol,

(2) A chronic alcoholic does not appear in public by his own volition but under a compulsion symptomatic of the disease of chronic alcoholism, and

(3) Appellant is a chronic alcoholic who is afflicted by the disease of chronic alcoholism. See

Powell V. Texas, 392
U.S. 514 (1968)

Drug Treatment One Year Early Release

18 U.S.C.A. § 3621(e)(2)(B)

provides that person convicted of non-violent crimes may obtain release a year early by completing a drug treatment program.

See *Gale V. Clark*, 346 F.

Supp. 2d 1052, 1058 (N.D. Cal.

2004) (prisoner found eligible for early release program can't be made ineligible retroactively by change in the rules); *Kuna V. Daniels*, 234 F. Supp. 2d 1168

(D. Or. 2002) (prisoner who completed drug program was eligible for early release despite Bureau's claim he really did not show "abuse of dependance"; all that is required is use of drugs).

Smith V Ryan, 813 F. 3d 1175,
1197 - 98 (9th Cir. 2016) (habeas
relief granted because state
procedures enforcing the
constitutional prohibition of
executing intellectually
disabled are considered federal
constitutional procedures, and
misapplication is a constitutional
violation);

Rivas V. Fischer, 780 F. 3d
529, 550-52 (2d Cir. 2015)
(habeas relief granted because
petitioner produced credible and
compelling evidence which
called into serious doubt
evidence linking petitioner
to crime.

1st Argument

This is a simple Habeas Corpus,
As required in Picard V. Connor,
404 U.S. 270, 276 (1971)
(" [S]tate prisoner [must]
present State courts with same
claim he urges upon the Federal
courts. ") This has been done
to the Tee's See Lower Court
Filings:

Pima County Superior Court

CR 20074582

CR 20083466

CR 20080894

CR 20082641

Pima County and Original Filings
of Habeas for what it is worth,
The (exhaustion requirement)
has been fully satisfied

As well The Supra Anderson
V. Harless, 459 U.S. 4, 6 (1982)
as required by U.S. Court has
been fully complied with.

How could the 9th Cir. Miss
Kayzar V. Ryan, 790 F.3d 940,
947-48 n. 3 (9th Cir. 2015)

(exhaustion requirement
satisfied by pro se petition
because petitioner cited state
supreme court precedent that
cited Federal cases and
petitioner explained basis for
violation of due process);

2nd Argument

Please see Baldwin V. Reese,
541, U.S. 27, 32 (2004), Don't
Forget The Postal worker Supra,
The Court Must Correct,

The Failure of The State
Appellate or The Ninth Circuit
to mention all The Federal
claims, Does not mean the
claims were not presented or
covered see Dye V. Hofbauer,
546 U.S. 1, 3 (2005)

(prosecutorial misconduct etc
cited along with required
caselaw.

3rd Argument

We have not Failed to meet
The Exhaustion Requirement,
For a Habeas Petitioner We have
presented Material to The State
Court which alerts the Court
to the presence of more than
one Federal Claim see *As Well*,
The Petitioner, was as well able
under the rule to satisfy The
requirement even if The State
Court has not addressed the
claim in a written opinion,
see *Dye V. Hafbauer*, 546
U.S. 1. 3 (2005) (per curiam)
("Failure of state appellate
Court to mention a federal claim
does not mean the claim was
not presented to it.") In *Dye*,
The Petitioner's brief filed in state

court outlined specific allegations of prosecutorial misconduct and cited to Federal constitutional provisions and supporting case law. *Id.* The Court held the petitioner's claims were properly presented before state court and directed state court of appeals to address the claims on remand. *Id.*; see also *Smith v. Dugan*, 434 U.S. 322, 333-34 (1978) (per curiam) exhaustion requirement despite state appellate court's failure to address claim of unconseled lineup and suggestive photographic lineup. *Fortini v. Murphy*, 257 F.3d 39, 45 (1st Cir. 2001) exhaustion requirement satisfied through claim not previously

addressed in petitioner's brief);
Fahy v. Horn, 516 F.3d 169,
188 (3d Cir. 2008) (exhaustion
requirement satisfied because state
procedural rule not "firmly
established" at time of procedural
default); Clinkscale v. Carter,
375 F.3d 430, 438 (6th Cir. 2004)
(same); Powell v. Wyrick, 749
F.2d 632, 634 (8th Cir. 1984)
(exhaustion requirement satisfied
through claim not previously
addressed by state court
because issue was addressed in
petitioner's brief); and Ogle
v. Johnson, 488 F.3d 1364,
1369 (11th Cir. 2007)
(petitioner properly raised
claims).

4th Argument

Can this action demonstrate more
"Actual Injury", From all issues
resulting a denial of access to
courts to support a claim alleging
a constitutional violation, see
Lewin V. Casey, 518 U.S. 343,
349 (1996). (1st Constitutional
violation shown when Ulibarri
failed to assist with original
filing do to fact we have no
library, which has caused
actual injury to this existing
litigation. See enclosed further
for the action Denial of assistance
as required at all steps

Prisoners retain right to equal protection, see *Lee v. Wash*, 390 U.S. 333-34 (1968); As well see *Kingsley v. Hendrickson*, 135 S. Ct. 2466, 2476 (2015)

A Doc is acting via denial of proper access all Defendants / Respondents / Appellees are guilty as in *Allah v. Seiverling*, 229 F.3d 220, 225 (3d Cir. 2000) (right to access claim stated because prisoner's confinement resulted in inadequate access to legal research materials and assistance). The exhibit speak for themselves and see *Egerton v. Cockrell*, 334 F.3d 433, 438 (5th Cir. 2003) and even when it comes to envelopes and mailing See *Dorn v. Lafler*,

601 F. 3d 439, 444 (6th Cir.
2010) And with Library access
down x 2 hours per week and
most of The time less than
5 or 6 hours, This violates
Gluth v. Kangas, 951 F. 2d
1504 (9th Cir. 1991) (A DOC's
order for Typewriters, Envelopes
and indigent supplies for all
including free copies for all
with less than \$8.00 U.S.D.
A DOC and 9th Cir. are both
in gross violation of The court's
order in same.

Mental Health Care at ADOC
For the most part telemedicine
is used and Audio as well as
Video is quite impaired almost
100 % of the time, Which brings
to Point Both Civil Rights Act of
1871 and Federal Habeas Corpus
Statute and The unconstitutional
treatment at hands of State Officials.
See Heck V. Humphrey, U.S. vol
1994, 114 S. Ct 2364, 512
U.S. 477, 129 L. Ed 2d 383
See Ake V. Oklahoma 470, U.S.
68 (1985); As Well see Hawkins
V. State P. 2d 499 (1977)

Actual Injury

Lewis V. Casey, 518 U.S. 343
351, 116 S. Ct. 2174, 2180 (1996)
(arguing that prisoner could
prove actual injury if the
"inadequacies of the library"
prevented him from filing a proper
complaint.)

The State had a duty to
provide Mr. with an adequate
law library or adequate as-
sistance from a trained person
in the law.

See Bounds V. Smith, 430 U.S.
817, 828, 97 S. Ct. 1492 (1977)
(holding State or Federal Actions
are encompassed within right to
Access to The Courts.)

Read This x L Johnson V Avery,
393 U.S. 483, 490, 89 S. Ct.

747, (1969) ("[U]nless and until the state provides some reasonable alternative to assist inmates in the preparation of petitions for post conviction relief, it may not validly enforce a regulation ... barring inmates from furnishing such assistance to other prisoners.") "In this case A DOC per policy disallows any inmate assistance, Note The Petitioner is not writing this Writ nor could he ever be able to do said.

As Well see *Wolff V. McDonnell*, 418 U.S. 539, 592, 94 S. Ct. 2983 (1974) Inmate assistance, U.S. Supreme Court Ruling

Pratt V. Tarr, 464 F. 3d 730, 731 (7th Cir. 2006) (Constitutional violation because prison's failure

to provide adequate legal materials has led to loss of court access / cases).

Hebbe V. Piller, 627 F.3d 338, 342-43 (9th Cir. 2010) constitutional violation when prisoner denied access to prison library preventing him from filing brief to appeal conviction).

We are never given any legal counsel under no conditions in violation of Lewis V. Casey see Trujillo V. Williams, 465 F.3d 1210, 1226-27 (10th Cir. 2006) (constitutional violation because delayed delivery of legal materials specifically requested by prisoner prevented from filing of State Habeas Petition);

Some Courts seem to assume that the prisoner's case must be dismissed, or prevented from being filed, in order to be "frustrated or impeded."

The latter view appears to be the correct one. The Supreme Court says in a later decision that cases that were inadequately tried or settled, *King v. Barone*, 1997 WL 337032, *41 (E.D. Pa. 1997) (declining to dismiss claim based on confiscation of alleged exculpatory documentation since it is "conceivable" this may have impeded the plaintiff's petition for post-conviction relief).

Simkins v. Bruce, 406 F.3d 1239, 1244 (10th Cir. 2005)
(Lewin does not suggest that

With *Sandoz V. Lewis*,
886 F.2d 1166, 1170 (9th
Cir. 1989) (holding that
prejudice of actual injury
is not required when
dealing with the "Core
requirements under *Bounds*");

Messere V. Fair, 752
F. Supp. 48 (D. Mass. 1990)
(holding that a total
denial of the right of access
to the courts deprives an
inmate of a constitutional
fundamental right; therefore,
a showing of prejudice is not
necessary element for establishing
liability);

The fact that volumes of law books are missing from a prison law library, so that an inmate could not look up and respond to legal arguments of his opponent, is an example of "Actual Injury" see note x 2 pgs and *Hibbs v. Piller*, 627 F.3d 338 (9th Cir. 2010)

State prisoner proceeding pro se, pled an actual injury on his access to court claim, alleging that because prison officials denied him access to prison law library while facility was on lockdown.

Not we are providing this early due to excessive lockdown and lack of paper books in law library, if you can call it that.

The Plaintiff must prove
a case within a case to show
that the claim hindered or
impeded by the defendant
necessarily would have prevailed⁹.

Gomez V. Vernon, 962 F.
Supp. 1296, 1302 (D. Idaho
1997) ;

Bell V. Johnson, 308 F.3d
594, 607 (6th Cir. 2002)
(holding that losing a case on
summary judgment does not
make it frivolous, and that
it could be the basis of a
court access claim);

As Well on Younger V. Gilmore,
404 U.S. 15, 92 S.Ct. 250 (1971) per Curiam

As We Told The Lower Court
" We have No Guide Nor
Are We Given Any Assistance,
We are Maneuvering on
A " Death Camp Diet "
De Minus All Constitutional
and Due Process Requirements."

Procunier V. Martinez, 416
U.S. 396, 419, 94 S. Ct 1800,
1814 (1974) (describing right
to access the courts as part
of constitutional due process of
law requirement). see also Murky
V. Giarratano, 492 U.S. 1, 11
n 6, 109 S. Ct 2765, 2771
n 6 (1989) (Tracing right of access
to courts to due process and
equal protection clauses of The
United States Constitution).

The Failure of a Contract
Legal Person to discuss an
inmate case with Him, when
access to a law library is not
available causes "actual injury"
see *White V. Kautzky*, 269
F. Supp. 2d 1054 (N.D. Iowa
2003) (genuine issue of material
fact on inmate "Access to the
Courts claim", where contract
attorney merely handed inmate
an application for postconviction
relief without attempting to
provide him with any advice
concerning the merits of
his claim though he had
no other source of information
to assess its merits):

See Next Page, Remember
No Inmate Assistance at ADOC

Cannell V. Multnomah
County, 141 F. Supp. 2d 1046
(D. Or. 2001) (For criminal
habeas corpus, and conditions
of confinement cases, prison
officials must provide inmate
legal research resources as
well as photocopying when
inmate is obliged to provide
copies in connection with
prosecution of action):

Cannell V. Bradshaw, 97
F. 3d 14158 (9th Cir. 1996)
(holding that photocopying
can be an indispensable
service, denial of which
states a claim),

Legal Assistance Program Hindered
My Court Access

Lewis V. Casey, 518 U.S. 343,
352 - 53, 116 S. Ct. 2174,
2179 (1996). The Court said

"The inmates ... must ...
demonstrate ... the alleged
shortcomings in the Library of
Legal Assistance Program hindered my
effort 'to pursue a legal claim'."

Note We are not talking an
"isolated instance" of actual
injury, it is a daily thing to all
prisoners trying to access the courts.
"We have 'Systemic Failure'."
and a Boush Violation

Staff and AOCs are "Fulfilling
the Actual Injury Requirement"

"Daily!"
X

In *Gluth v. Margas*, The Ninth Circuit upheld the district court's imposition of a training program for prisoner legal assistants. The Gluth Court stated that "Bounds require, in the absence of adequate law libraries, some degree of professional or quasi-professional legal assistance to prisoners. Although legal training need not be extensive, Bounds does require that inmates be provided the legal assistance of persons with at least some training in the law." *Gluth v. Margas*, 951 F.2d 1504, 1511-12 (9th Cir. 1991)

Last 3-6 hour course (1996)

What's Missing?

At The Original Trial You may
say a Trial Lawyer was denied see
Gideon V. Wainwright 372 U.S.
335 (1963); Argersinger V.
Hamlin (1972), and appeals
as of Right, Douglas V. California
372 U.S. 353 (1963)

Although it is essentially true,
as petitioners argue, that a
habeas corpus petition or civil
rights complaint need only set
forth facts giving rise to the
cause of action, but see Fed.
Rul. Civ. Proc. 8 (a) (1), (3),
it hardly follows that law
library or other legal assistance
is not essential to frame such
documents it would be verging
on incompetence for a lawyer to
file an initial pleading without
Research

As Well A Doc

Fails to Follow and The Writer
is told by a CO IV Maybe in
20 Years we will honor, Your
absolute ability to File Grievance
with assistance, see Carr V.
Stelzer, 2018 WL 204120
(9th Cir. 2018)

Relief is available under
the habeas statute's
unreasonable - application clause
if, and only if, it is so obvious
that clearly established rule
applies to a given set of Facts
that could be no fairminded
disagreement on the question
White V. Wadall, U.S. 2011,
134 S. Ct. 1697, 134 S. Ct.
2035

State prisoner's claim based upon treatment is cognizable in habeas corpus in a proper case *Armstrong v. Cardwell*, C.A. 6. (Ohio) 1972, 457 F.2d 34, 64 Oll.2d 257.

Generally, whatever affects quantitative or qualitative aspects of individuals involuntary or nonconsenting confinement may be judicially reviewed in habeas corpus *Park v. Thompson*, D.C. Hawaii 1968, 356 F. Supp. 783

Within Petitioner Case He is denied access to outside books and legal reports, Habeas Corpus is proper remedy for state prisoner who sought access to his personal books and papers see *Rhodes v. Cavan* C.A.9. (Cal.) 1970, 425 F.2d 265

Criminal Sentence Can be
Attached as a Habeas Corpus
proceeding only if sentencing
court lacked jurisdiction to
impose it or committed a
constitutional error that made
sentence or underlying conviction
Fundamentally unfair, *Beau V.*
U.S. C. A. 7 (Ind. 1982) 679
F.2d 683

Cudjo V. Ayers, 698 F.3d
752, 766 (9th Cir. 2012)
(Federal habeas relief granted
because exclusion of trustworthy
and necessary, exculpatory
Testimony amounted to violation
of due process)

Wrongfully imprisoned
as Plaintiff / Petitioner
Kaufman is: see
Carrillo V County of Los
Angeles, 3 U.S. 83 (1963)
(any reasonable officer
would had understood the
Brady requirement for full
disclosure of all the evidence
allegedly withheld in the
Case