No. _____

In The
Supreme Court of the United States

ROBERT R. SNYDER,

Petitioner,

vs.

THE STATE OF CALIFORNIA

Respondent

On Petition For Writ Of Certiorari
To the California Supreme Court

PETITION FOR A WRIT OF CERTIORARI

ROBERT R SNYDER, In Pro Se
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QUESTIONS PRESENTED

1. Has California's justice system forgotten what was taught by this Court's holding in *Wilson v. Seiter* [501 U.S. 294 (1991)]. (Regarding 8th Amendment inquiries requiring only minimal showing of "...specific deprivation of single human need must exist. . ,") as it allowed its department officials to deprive prisoners of manifold necessities for months?

2. By issuing a summary denial, did the state fail to accord petitioner's federal constitutionally guaranteed rights in this matter?

3. Did the state courts violate their Article 6 oath by their failure to resolve petitioner's meritorious claims?

4. Does the 14th Amendment due process demand non-silent regulations regarding lockdown, a key function within the operation of a state prison?

5. In light of petitioner's liberty interest being at stake, should that require CDCR's rule making body to draft a regulation governing usages of lockdown procedures to explain for: 1) the cause for initiation of the lockdown, 2) duties during and after a lockdown and 3) key considerations overall that would facilitate improvements in the determinative process, thereby avoiding any future occurrences of harm caused by indiscretions.

6. Did the 9th circuit court of appeals wrongly decide *Norwood v. Vance* as it may relate to Petitioner's habeas claims of being denied adequate outdoor exercise?

7. Should this Court more often question the wisdom behind Correction's Agencies unconstitutional decisions . . , thus reviving speculation into age old deference for modern day, high-tech complications?

8. Should widespread judicial standards be established because of the enormous weight of Civil Rights violations encompassed inside arbitrarily determined, month(s) long lockdown situations?

9. Is the state's compulsive use of *sub silentio* designed to prevent Federal Authority from acquiring a thorough view of material issues—the prerequisite for a full quorum discussion?

10. Should the initiating of Lockdowns exceeding 72 hours become a decision solely entrusted to the prison's nearest Superior Court having experience in handling judgments of such astounding consequence?

11. Does this example of the abusive usage of lockdown by a Warden demonstrated below, pose a serious enough risk to prisoner's health—*pro tanto* it affects all inmates in a facility—to generate concern by this court for the instant cause?

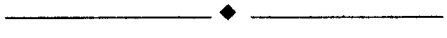
12. Despite petitioner's innovative proposal, is this yet another example of California turning a dull heart to another great way to get on the fast track towards lasting improvements and soften the impact of some of the more alarming abuses that distract

focus away from attempting to remedy a nearly dysfunctional system already burdened down by the weight of overcrowding?

13. Does the substance of this matter expose California's prison system as routinely creating overly restrictive customs—those founded upon pre-textual goals that violate conditions precedent when the "safety and security" smokescreen is being announced much too often?

14. Did the California Supreme Court deliberately refuse to acknowledge correspondence from Certiorari petitioner because it feared the extra strength of merit especially the Plata implications and the retaliation allegation?

15. Did the states' decision to deny relief imply bias derived from petitioner's numerous critiques of its prison conditions in the past?



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FEDERAL STATUTES

FEDERAL RULES

PETITION FOR WRIT OF CERTIORARI

Robert Snyder respectfully petitions for a writ of certiorari to review the denial of a Petition for writ of habeas corpus by the California Supreme Court.

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OPINIONS AND ORDERS BELOW

Opinions and Orders from the California state courts.

The June 12, 2019 document from the California Supreme Court denying petitioner's habeas corpus (Case No. S253903) is attached at App. 1. Petitioner sought relief from the California Court of Appeal only to have his petition, Case No. B287811 denied by Order on February 08, 2018. The Order is attached at App. 2. The November 28, 2017 Order from Los Angeles Superior Court initially denying relief in this matter is attached at App. 3–4.

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JURISDICTION

This Petition is authorized by United States Supreme Court rules, Rule 10(c) and is timely filed in accordance with Rule 13 and 30. This action is also 28 U.S.C. § 1257(a) relative.

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CONSTITUTIONAL PROVISIONS

This pro se Petitioner's case involves issues related to the First, Eighth and Fourteenth Amendments to the United States Constitution.

STATEMENT OF THE CASE

Petitioner originally mailed a Review Request to the California Supreme Court (hereafter CSC) concerning this matter, on February 18th, 2018 having complied with Cal Rules of Court (hereafter, CRC), Rule 8.500. Petitioner possess documentary and photographic evidence to the effect it was timely submitted to FedEx. FedEx documents and a follow-up phone call confirmed delivery to the Court.

Petitioner waited patiently for 8 months before drafting a demand for a ruling on October 27, 2018. The clerk returned this document unfiled and in unison denied the review petition's existence. A phone call to the clerk at CSC generated an incredible story about what might have happened to the document. Without hesitation, petitioner believed this Court would see his offer of proof and still review certiorari in defiance of CSC's reprobate clerk. California Department of Corrections and Rehabilitation, (hereafter CDCR) celebrated and our programming was on and off partial lockdown for months without good cause or other recourse.

Petitioner filed a Habeas Corpus in CSC on January 18, 2019. That Habeas was summarily denied June 12th 2019. Utilizing a go for broke approach to procedurally bar these claims, a timely Certiorari follows.

The CSC knows what a heavy obstacle is, nothing like the inordinate delay. Their Rules impose strict time frames for petitioners seeking review. CSC's clerks and jurists certainly have a disciplined understanding or what inmates confront while struggling to shoulder the burdens placed by large passages of time trekking the arduous road called "seeking justice." Despite this, we can bear witness to their occasionally working an injustice upon a load bearing pleader, something incompatible with their pledge to defend the constitution. The non-exemplary delay techniques of what's above demonstrated to CSC's discredit. . , should not pose an exception to the crushing weight of this court's earlier decrees.

CSC's summary or mixed denial disclaiming responsibility for petitioner's case behind "exhausting 'available' remedies," was amusing and suspicious... giving rise indefinitely to various important questions certainly were petitioner alleging an attempt to starve him, no court would request compliance with a grievance or claims procedure. However in the case here side bar the instant party in pursuit of truth avers he was starved of many fundamental requirements intrinsic

to constitutionally approved incarceration: fresh air, outdoor exercise, and peace and quiet necessary to competently litigate. In *Spain v. Procuiner,* 600 F.2d 189, 199-200 (9th Cir. 1979) the denial of outdoor exercise violates the 8th amendment proscription against cruel and unusual punishment.

Interestingly, the Trial Court docketed petitioner's case and responded appropriately to his pleadings in 11 days as it was captioned with the words; "Emergency Order Requested." Accordingly, petitioner's case was given due regard also by California's intermediate Appellate Court as they required only 9 days and they respected due process procedures. It was then disappointing to see how the only gamesmanship, came from the state's high court.

The protections of the 14th Amendment extend to state prison, particularly with respect to the deprivation of a fundamental right. A prolonged prison lockdown interferes with every constitutional mandate.

On every occasion I declare the truth unfettered from bias. The relevant lower Court proceedings plainly explained to California's Justice System how its corrections department ignored notices that a serious risk towards a large inmate population exists. Instead of ameliorating the risk posed, facility officials at CSP-Los Angeles went off the deep end and responded by vindictively instituting retaliatory measures in direct connection to the first court filing in Antelope Valley Superior Court. An abundance of caution to abate the

excessive risk to the E.O.P. inmates was not used; instead they lengthened the period of lockdown and intensified the appurtenant restrictions attendant to the confinement such as being walked in iron bracelets to the shower and back and denied outdoor exercise.

The California Courts denied the merit of the matter while keeping their basis for those upsetting decisions a secret. The denials moreover highlight the outrageous results of still more shocking legal contradictions upheld while CSC negligently supervised the coordinated indiscretions by the lower court.

REASONS FOR GRANTING CERTIORARI

As odd as it may sound, this case explores but one of perhaps a hundred different illegal customs routinely implemented by the CDCR. Certainly petitioner identified the usage of extended confinement of prisoners (many with serious mental disorders) as a first priority when he used all his time in the cell during November and December of 2017 to write the mandate request for Antelope Valley's local court.

Overcrowding (starting decades ago), presented California's corrections officials with both a challenge and/or an opportunity. In some ways they utilized lockdowns as an opportunity to

implement a new species of cruel punishments. Twenty-three 'hits' appeared after typing "lockdown as punishment" into a basic search engine licensed by Matthew Bender®. Not all of these controversies originated in California's Courts. The acts that formed the basis of petitioner's cause occurred shortly after he filed case No. 17-614 in this Court.

CDCR's offensive business of prolonged, absurdly determined lockdown or otherwise casual usage of highly restrictive, illegal customs has become a recurrent nuisance as these are being used as a weapon.

Had CSC taken more than a moment to consider reviewing this matter, they would have discovered this case: *Roberts v. Mahoning County*, (ND Ohio, 2007) 495 F. Supp. 2d 719. From what is gathered there, a 3-Judge Court pursuant to (18 U.S.C. § 3626 et seq.) and (28 U.S.C. § 2284), entered a consent judgment with a stipulated population order. State and local authorities have the primary responsibility for curing the constitutional violation, according to *Milliken v. Bradley* 433 U.S. 267 (1977). Certainly Certiorari would allow California's officials to return to their conscious senses and adopt a similar, balanced approach towards discharging public duty. Currently, the Warden need only consult the Department Secretary before initiating a lockdown. CDCR's Department Secretary retired recently, leaving a wake of scandals exposing medical neglect, torture and murder, according to Justia.com.

The most insipid variety of summary denial is what CSC did below; they blatantly refused to acknowledge the proof that FedEx delivered the document to their clerk on time. They claimed to have never received the document. This sort of illegal stunt causes inmates a crippling frustration.

ARGUMENT

Many unpublished opinions exist throughout the District Courts across America, alleging facts framed around lockdown and its damaging effects. One such instance out of hundreds is: *Camps v. Nutter*, 2017 U.S. Dist., Lexis No. 98932. The words "nearly continuous lockdowns" were recorded in the opinion. I would suggest that authority exists somewhere to support petitioner's point that the contents pending determination deserve review via Certiorari on the grounds that reckless prison administrations are an important and compelling concern. Hopefully they are not being lulled by the guards into causing such forms of privation.

Petitioner knows first hand that this is an issue of great public significance because it involves depriving the rights of a large number of persons; it seems well deserving of an exercise of this Court's discretionary powers. All citizens have a stake in the courts upholding the Constitution, *Rodriguez v. Robbins*, 715 F3d 1127 (9th Cir. 2013). The American people cannot afford for the other 49 states

to pull a page out of CDCR's playbook, assuming they too can operate under the color of impunity.

Now, turning to a figurative background: Lancaster's guards complained to facility operation managers that inmates were frequently assaulting them. Turns out that out of 5 such incidents, 4 inmates sustained serious injuries and 1 officer. Considering all those 5 incidents happened during a period of 90 days at the enhanced outpatient program/Coleman class member, E.O.P. facility. The length of confinement can't be ignored when determining the constitutionality of the confinement, *Hutto v. Finney* 57 Led 2d 522, 538 (1978). Two separate 30-day lockdowns ensued within 90 days. The responsible party, the respondent, was competent at the time of this arrogant decision; he thereby acted with knowledge that a prolonged lockdown was unnecessary—*avaunt,* clearly unlawful. Were the lockdowns enacted solely for the staff's benefit?

Disparate treatment: The prison at CSP-Los Angeles put out a memo six months earlier documenting a series of events where their discretion urged activation of a lockdown. The Warden's description of the need was no different than the ones in question here. That lockdown was two weeks before this author arrived at LA County's only penitentiary on May 18th, 2017. A memo, called a "PSR" (Program Status Report) is suppose to be distributed to inmates and staff weekly during a lockdown. That lockdown lasted a little over a week. The CSC was shown three memos side by side; the

other two were the only ones inmates received from the late 2017 lockdown. If there was substantial evidence for imposing the lockdowns, it was not shared with the inmates per their regulations. This begs the question, "why suddenly the exaggerated response to similar circumstances?"

The prison officials may respond to that question if forced, rendering anything besides confessed error. . , folderol. It is axiomatic that lockdowns, in some cases serve a legitimate penological interest. In contrast, here there's no rational connection between Lancaster's would-be explained version and the objectively unreasonable lockdown duration. The action itself, selected by the Department cannot withstand Constitutional scrutiny from the "Reasonableness Standard".

Judges from the ninth appellate circuit treated a case in 2003 entitled—*Walker v. Gomez*, 370 F.3d 969 where multiple officer involved incidents and/or disturbances happened; (3rd incident at Calipatria's B-Facility. A gang member stabbed a staff member. Programming resumed 12 days later) (id. at 972). Violence involving prison employees usually causes somewhat longer lockdowns than that, but 30 days on an E.O.P. yard is unheard of.

Denial of outdoor exercise constituted cruel and unusual punishment according to *Spain v. Procunier*, 600 F.2d 189, 199-200 (9th Cir. 1979) as quoted by *Norwood v. Vance*, 572 F.3d 626, 630 (9th Cir. 2008) (THOMAS, J. dissenting).

The CDCR's decision to confine 600 inmates for the mistakes of a few, over the dreadful course of 9 weeks arguably gives rise to the appearance of retaliatory *animis*—a charge alleged thousands of times over by American prisoners. While CDCR's need for this procedure has long since gone unexplained . . , petitioner here remembers that many verifiable suicide attempts took place at the time. "... lockdowns further impeded the effective delivery of care," citing *Brown v. Plata* (2011) 179 L.Ed. 2d 967, 493 U.S. at pg. 978. The severity of the condition during lockdown also matters. In *Palmer v. Richards*, 364 F.3d 60 (2d Cir. 2004) the court held that aggravated conditions for 77 days could be 'atypical and significant'. Overly suspicious respondents steadfastly maintain their highly questionable position: Prisoner Inhumanity is none of petitioner's business.

California's unapologetic course of action continues to elude justice and may be a prelude to influencing its 49 sister states to adopt similar cruel customs, without any concern for procedural due process. Petitioner argues that as well, the 'important questions' test/the first headnote from *Wolff v. McDonnell* 418 U.S. (1974) 539, 542 applies to the unsupervised Warden's decision to turn his whole E.O.P. yard into a dark, dank dungeon severe enough to meet the "significant and atypical" standard. The lockdown conditions of confinement were much worse than what is normal for prisoners. These rights guaranteed by *Wolff* still apply under *Sandin v. Connor*, 515 U.S. 472, 115 S.Ct. 2293,132, L.Ed.2d 418 (1995).

The duties of a prison during lockdown include (1) investigation, (2) weapons search and (3) time to permit a highly charged situation to cool down. This happened at Lancaster after 10 days. Unfortunately, the sub-culture behind the mindset used by California when it decided to violate (Cal Penal Code § 236), the personal liberties of very many inmates, remains active in its effect. In the corrections regulation manual, CCR Title 15 Div. 3, it is absolutely silent as to the operation of lockdowns. CDCR's regulatory authority does not contain anything substantial to guide official decision making; apparently that invited the afore noted arbitrary application. Arbitrary lockdowns are akin to false imprisonment except for some dire emergency.
Oportet quad certa res deducatur in judicium.

CONCLUSION

The levels of this sort of massive tortious activity were amplified on the behalf of CDCR officials; petitioner would prefer to not presume that this bad faith confidence was built upon the CSC's numerous, previous and favorably written decisions in support of California's corrections department. All of Lancaster's D-facility staff profited *ob vitae solatium*; keeping watch over fully confined inmates requires much less concentrated effort.

CSC could have upheld the reasonableness standard and still utilized summary procedures also if—but only if—done so to petitioner's reprieve. [cf. *Turner v. Safley* (1987), 482 U.S. 78, 87-92]. It would have been preferable for all parties that this cause of action have its resolve quietly; there's no joy in unveiling the conflicting goals of the state. A workable, less restrictive alternative could have been forged without compromising essential facility security factors.

Ironically for a system that paroles so comparatively few lifers using "lack of insight" as its misrepresented rational . . , the CDCR's own questionable insight cannot progress itself until its own High Court unleashes many attention demanding rulings, effectively outlawing many of their underground policing tactics. However, at this rate, petitioner remains dubious with hopes this is a reasonable expectation. Nonetheless, this Court can teach California a valuable lesson in a positive manner, were it to determine petitioner's controversy as reviewable. Finally, petitioner prays his *relevium* through a grant of Certiorari *ex merito justitiae: ratio est radius divini luminis.*

CERTIFICATE OF COMPLIANCE WITH RULE 14

Petitioner here made every effort to comply with the standards and restrictions governing content, according to the Supreme Court Rule 14. To the best of petitioner's knowledge, this motion for rehearing is both formally and procedurally correct. Petitioner believes that the contents of the above document will show this motion is presented in good faith, as it is a fact that petitioner and other similarly situated EOP prisoners are in need of relief and that it is certainly not for the purpose of delay.

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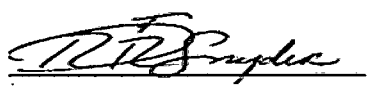
VERIFICATION

I am the petitioner in this action. All of the alleged facts are true to the best of my knowledge and beliefs. This document was written in good faith and with respect to the penalty of perjury. Both of the above Dated: 07/ 21 /2019

Respectfully submitted,



Robert R. Snyder,
Petitioner in Pro Se

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