

No. 16-6017

ORIGINAL

Supreme Court, U.S.
FILED

SEP 11 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

RANDY MATTHEW CORDERO PETITIONER
(Your Name)

vs.

Nick A. GUZMAN, %; 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

RANDY MATTHEW CORDERO # T-37551

(Your Name)

RICHARD J. DONOVAN CORRECTIONAL FACILITY
480 ALTA ROAD

(Address)

SAN DIEGO, CALIFORNIA, 92179

(City, State, Zip Code)

(619) 661-6500

(Phone Number)

QUESTION(S) PRESENTED

1. DID THE LOWER COURTS DECIDE MY CIVIL CASE IN LIGHT MOST FAVORABLE TO THE PLAINTIFF ?
2. CAN THE DISTRICT COURT TRY A CIVIL CASE OF CONSTITUTIONAL RIGHTS DEPRIVATION AND PERSONAL INJURY WITHOUT FIRST ALLOWING THE JURY TO HEAR OF THE DAY PRIOR INCIDENT THAT LED TO FURTHER INJURY THE FOLLOWING DAY, AND ONLY ALLOW THE JURY TO HEAR ABOUT THE GUN SHOT INJURY TO MY HEAD ?
3. DID THE DISTRICT COURT FAIL TO INSTRUCT THE JURY TO DELIBERATE ON THE DELIBERATE INDIFFERENCE STANDARD ?
4. SHOULDN'T THE 9TH CIRCUIT COURT HAVE KEPT MY CASE IN THE COURT'S PRO BONO PROGRAM SO THAT THIS CASE COULD'VE BEEN CURED OF DEFICIENCIES ?
5. CAN THIS CASE BE USED TO CHANGE THE WAY OUR SOCIETY IS AFFECTED BY INJUSTICES IN OUR COUNTRY, AND BRING JUSTICE TO OFFICER SCOTT JONE'S FAMILY ?
6. HOW COME TRIAL COUNSEL AND THE COURT NOT FORMALLY MOVE TO IMPEACH THE DEFENDANT AND WITNESSES AFTER CATCHING THEM IN SEVERAL SIGNIFICANT LIES ON THE RECORD, ONLY AFTER DISCOVERING THE ATTORNEY GENERAL DIANA ESQUIVEL RESPONSIBLE FOR DESTROYING KEY EVIDENCE OF THE RIFLE THE DAY BEFORE TRIAL ?
7. WAS THE COURT'S POST-PONEMENT OF MY TRIAL TO KEEP THE NEWS MEDIA AND MEMBERS OF THE PUBLIC FROM ATTENDING MY TRIAL ?

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:

DEFENDANTS NICK A. GUZMAN, CORREC. OFFICER/HIGH DESERT PRISON
D. VINCENT, CORREC. OFFICER/HIGH DESERT STATE PRISON
T. SMITH, CORRECTION OFFICER/HIGH DESERT STATE PRISON
A. PARRA, CORREC. OFFICER/ CORCORAN STATE PRISON
J. MEJIA, CORRECTION OFFICER/HIGH DESERT STATE PRISON
J. BUGARIN, CORREC. COUNSELOR/CORCORAN STATE PRISON

JOHN DOES 1 THRU 20

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TABLE OF AUTHORITIES CITED

CASES

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CHRISTOPHER L. KENNEY V. HIGH DESERT STATE PRISON, et al.,

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 B 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 A to the petition and is

APPELLANT'S INFORMAL BRIEF, AND, MOTION TO
 reported at FILE SUPPLEMENTAL BRIEF; 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 JUNE 12, 2019.

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: JULY 2, 2019, and a copy of the order denying rehearing appears at Appendix C.

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

EIGHTH AMENDMENT :

FAILURE TO PROTECT

DELIBERATE INDIFFERENCE

EXCESSIVE FORCE

CRUEL AND UNUSUAL PUNISHMENT - (ROBINSON V. CALIFORNIA, 1962)

FIRST AMENDMENT :

ACCESS TO THE COURTS ^{RICHMOND NEWSPAPERS V. VIRGINIA, U.S. SUP. CT. 1980;}
^{GLOBE NEWSPAPER CO. V. SUPERIOR COURT, U.S. SUP. CT. 1982}

RETALIATION IN RESPONSE TO ACCESS TO THE COURTS

CALIFORNIA PENAL CODES :

CONSPIRACY § 182

INTIMIDATION OF VICTIM/WITNESSES § 136.1

COMPOUNDING / CONCEALING CRIMES § 153

CALIFORNIA DEPT. OF CORRECTIONS POLICY & PROCEDURES :

MEMORANDUM - "ZERO TOLERANCE RE: THE CODE OF SILENCE"
FEBRUARY 17, 2004 (SEE APPENDIX F)

DEPARTMENT OPERATIONS MANUAL - § 33030 - 19. (SEE APPENDIX F)

CALIFORNIA CODE OF REGULATIONS, TITLE 15 § 3391 (a).

STATEMENT OF THE CASE

MY LAWSUIT SEEKS TO RECOVER DAMAGES FOR INJURIES SUFFERED WHEN I WAS ASSAULTED BY TWO INMATES KNOWN TO BE A DANGER TO MY SAFETY BY CUSTODY STAFF AT HIGH DESERT STATE PRISON. IT ALSO SEEKS ADDITIONAL INJURIES SUFFERED AFTER DEFENDANT GUZMAN DISCHARGED HIS WEAPON IN RESPONSE TO THE ASSAULT ON ME, AND FOR THE RETALIATORY DEPRIVATION OF RIGHTS I'VE BEEN SUBJECT TO BY CUSTODY STAFF FOR PROSECUTING THESE CLAIMS.

ON NOVEMBER 8, 2011, HIGH DESERT STATE PRISON STAFF FAILED TO PROTECT ME FROM OTHER INMATES KNOWN TO BE A DANGER TO MY SAFETY. I WAS FORCED TO RETURN BACK TO THE YARD, WHICH LED TO ME BEING ATTACKED A SECOND TIME AND DEFENDANT GUZMAN SHOOTING ME IN THE HEAD ON NOVEMBER 9, 2011. I SUFFERED A CRANIAL FRACTURE, HEMORRHAGING IN THE BRAIN, NERVE DAMAGE, AND TEMPORARY PARALYSIS AS A RESULT, WITH AMPLIFIED POST-TRAUMATIC STRESS DISORDER, ANXIETY, AND MAJOR DEPRESSION.

THEN ON MARCH 5, 2013, I TELEPHONED ATTORNEY WILLIAM L. SCHMIDT TO DISCUSS FILING A CIVIL RIGHTS SUIT AGAINST HDSP AND DEFENDANT GUZMAN. WHILE ON THE TELEPHONE, I BECAME AWARE THAT CORCORAN STATE PRISON'S OFFICER PARRA WAS MONITORING MY TELEPHONE CALL AND SHORTLY AFTER I WAS ASSAULTED/ATTACKED INSIDE OF MY CELL BY TWO INMATES OF THE PROTECTIVE CUSTODY (SENITIVE NEEDS YARD)- PRISON GANG KNOWN AS "TWO-FIVE". BOTH GANG MEMBERS LATER TOLD ME THEY WERE BOTH INSTRUCTED TO ATTACK ME BY DEFENDANT OFFICER PARRA OF CORCORAN PRISON, IN RETALIATION FOR MY CIVIL SUIT AGAINST DEFENDANT GUZMAN AND HIGH DESERT STATE PRISON.

ONE OF THE HDSP OFFICERS WHO FAILED TO PROTECT ME ON NOVEMBER 8, 2011, WAS OFFICER SCOTT JONES. AN ARTICLE ABOUT HIS DEATH WAS PUBLISHED IN AN AUGUST 31, 2015, ROLLING STONE MAGAZINE WRITTEN BY JESSICA PISHKO, TITLED "HIGH DESERT SUICIDE: WAS A PRISON GUARD HADED TO DEATH?" IT IS BELIEVED HIS DEATH WAS A MURDER AND SET UP TO LOOK LIKE A SUICIDE BECAUSE ~~SEVERAL~~ SEVERAL FORMER HDSP CORRECTIONAL OFFICERS CONFIDED THAT JONES WAS MURDERED BECAUSE IT WAS FEARED JONES WAS WEAK AND WOULD RAT-OUT OTHER PRISON GUARDS FOR THE MISCONDUCT GOING ON AT HIGH DESERT STATE PRISON AND THAT THIS WAS AN EFFORT TO CONCEAL THEIR MISCONDUCT.

ALSO, PLEASE SEE OFFICE OF THE INSPECTOR GENERAL, "2015 SPECIAL REVIEW: HIGH DESERT STATE PRISON," AVAILABLE AT http://www.oig.ca.gov/media/reports/Reports/Reviews/2015_Special_Review_-_High_Desert_State_Prison.pdf.

BECAUSE OF THIS LITIGATION, I'VE SUFFERED A SERIES OF RETALIATIONS FROM HIGH DESERT STATE PRISON, CALIFORNIA STATE PRISON AT CORCORAN, R.J.DONOVAN CORRECTIONAL FACILITY, AND KERN VALLEY STATE PRISON. THESE CLAIMS ARE SUPPORTED BY INMATE WITNESSES, STAFF WITNESSES, AND DOCUMENTS.

- A USE OF FORCE IS EXCESSIVE AND VIOLATES THE EIGHTH AMENDMENT WHEN IT IS NOT APPLIED IN AN EFFORT TO MAINTAIN OR RESTORE DISCIPLINE BUT IS USED TO MALICIOUSLY AND SADISTICALLY CAUSE HARM.

REASONS FOR GRANTING THE PETITION

THIS COURT SHOULD GRANT CERTIORARI BECAUSE APPELLANT'S CASE INVOLVES THE DEATH OF A DEFENDANT AND POTENTIAL PLAINTIFF'S WITNESS, CORRECTIONAL OFFICER SCOTT JONES. AN ARTICLE ABOUT HIS DEATH WAS PUBLISHED IN AN AUGUST 31, 2015, ROLLING STONE MAGAZINE WRITTEN BY JESSICA PISHKO, TITLED, "HIGH DESERT SUICIDE: WAS A PRISON GUARD HADED TO DEATH? SIMILAR INCIDENTS LIKE THIS HAVE HAPPENED IN THE STATE OF CALIFORNIA, AND ALSO IN THE STATE OF OREGON, AND OREGON'S DEPARTMENT OF CORRECTION'S FACILITY CAPTAIN.

THIS ISSUE IS IMPORTANT BECAUSE NOT ONLY IS S. JONES' MURDER UNSOLVED, BUT THE CONDITIONS IN CALIFORNIA PRISONS CONTINUE TO GO ON AND NOTHING IS BEING DONE TO PREVENT THE CULTURE OF VIOLENCE CONSTRUCTED BY PRISON GUARDS. A LOT OF CORRUPT PRISON GUARDS EXISTS ALL THE WAY UP TO THE CALIFORNIA DEPARTMENT OF CORRECTIONS HEADQUARTERS IN SACRAMENTO. THE EASTERN DISTRICT'S MAGISTRATE JUDGE, CAROLYN K. DELANEY, TOLD ME THAT THE C.D.C.R. IS NEVER GOING TO TAKE RESPONSIBILITY FOR THEIR ACTIONS. THIS ADVERSLEY AFFECTS OUR SOCIETY AS A WHOLE.

THE DECISIONS OF THE LOWER COURT WERE ERRONEOUS TO OVERLOOK THE FACT THAT I DID CHALLENGE THE DISTRICT COURT'S SUMMARY JUDGEMENT FOR DEFENDANTS MEJIA, SMITH, VINCENT, BUGARIN, AND PARRA.

THE JURY WAS NOT ALLOWED TO HEAR ABOUT THE DAY PRIOR INCIDENT, NOVEMBER 8th, 2011, WHERE DEFENDANTS OFFICER MEJIA, SCOTT JONES, CHACON, AND NURSE KEAL FAILED TO PROTECT ME AFTER I INFORMED THEM I COULD NOT BE RETURNED BACK TO THE PRISON YARD BECAUSE MY SAFETY AND SECURITY WAS IN JEOPARDY. OFFICER SCOTT JONES TOLD ME, "THEY WANT YOU BACK THERE, SO YOU'RE GOING BACK!" THEIR FAILURE TO PROTECT ME LED TO ME BEING SHOT IN THE HEAD THE NEXT DAY, NOVEMBER 9th, 2011, BY DEFENDANT NICK A. GUZMAN.

I ALSO DID CHALLENGE THE FACT THAT TRIAL COUNSEL DID NOT APPEAL THE DISMISSED CLAIMS AGAINST DEFENDANTS MEJIA, SMITH, VINCENT, BUGARIN, AND PARRA. TRIAL COUNSEL MERYN GRANT TOLD ME THE TRIAL COURT WOULD NOT ALLOW HER TO AND THAT SHE CAN ONLY REPRESENT ME IN JUST MY CLAIM AGAINST DEFENDANT GUZMAN FOR SHOOTING ME IN THE HEAD.

THE NATIONAL IMPORTANCE OF THIS CASE IS TO UPHOLD "DELIBERATE INDIFFERENCE STANDARDS" CASES UNDER THE EIGHTH AMENDMENT OF OUR U.S. CONSTITUTION IN THE LOWER COURTS. HOW CAN A JURY DECIDE ON MY CASE INVOLVING MY INJURIES WITHOUT FIRST BEING AWARE OF THE DAY PRIOR INCIDENT THAT LED TO MY INJURIES?

THE PANEL OF CIRCUIT JUDGES WALLACE, FARRIS, AND Trott ALSO ERRED BY CONCLUDING THIS CASE WAS SUITABLE FOR DECISION WITHOUT ORAL ARGUMENT, AND THE FACT THAT CIRCUIT JUDGES CHRISTEN ^{MARCH 29, 2018} AND FRIEDLAND GRANTED MY APPOINTMENT OF PRO BONO COUNSEL, BUT THEN CIRCUIT JUDGES TASHIMA AND GRABER DENIED MY REQUEST FOR PRO BONO COUNSEL ON JULY 19, 2018 AND REMOVED MY APPEAL FROM THE COURT'S PRO BONO PROGRAM.

THE APPELLATE COURT ALSO DENIED MY MOTION REQUESTING PERMISSION TO FILE A SUPPLEMENTAL BRIEF, WHICH WAS NECESSARY TO SUPPORT MY CLAIMS. I AM NOT A TRAINED LAWYER. IT IS UNFAIR OF THE LOWER COURT TO NOT TAKE INTO CONSIDERATION THAT I STATED IN MY OPENING BRIEF THAT I WASN'T SURE WHAT MY APPEAL ISSUES WERE BECAUSE MY TRIAL ATTORNEYS NEVER RESPONDED TO ANY OF MY LETTERS TO TELL ME WHAT MY APPEAL ISSUES ARE.

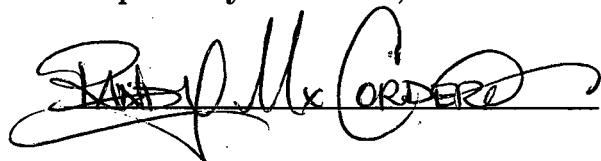
THIS CASE IS NATIONALLY IMPORTANT TO THE PUBLIC BECAUSE IT SHOWS THAT THERE EXISTS PRISON GUARDS WHO DO NOT VALUE HUMAN LIFE, NOR SET A GOOD EXAMPLE TO THE PUBLIC. THESE ABUSES BY LAW ENFORCEMENT DO NOT SERVE ANY PENALOGICAL INTEREST OR CORRECTIONAL GOAL.

AND MANY OF TODAY'S LAW ENFORCEMENT/PRISON GUARDS DO NOT HONOR OUR FEDERALLY PROTECTED CONSTITUTIONAL RIGHTS PROVIDED BY OUR FOUNDING FATHERS.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. J. McORDER". The signature is fluid and cursive, with "R. J." on top and "McORDER" on the bottom.

Date: SATURDAY - AUGUST 31ST, 2019

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

RANDY MATTHEW CORDERO — PETITIONER
(Your Name)

VS.

NICK A. GUZMAN, et al., — RESPONDENT(S)

PROOF OF SERVICE

I, RANDY MATTHEW CORDERO, do swear or declare that on this date, SAT. AUGUST 31, 2019, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

YEVGENIY PARKMAN
CALIFORNIA ATTORNEY GENERAL'S OFFICE
455 GOLDEN GATE AVE., ste. 11000
SAN FRANCISCO, CALIFORNIA, 94102

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

Executed on SATURDAY, AUGUST 31st, 2019


(Signature)