

ORIGINAL

19-8377
No. _____

FILED
APR 23 2020
OFFICE OF THE CLERK
SUPREME COURT U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Bobby Ray Knight — PETITIONER
(Your Name)

vs.

Monterey County, 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

Bobby Ray Knight 139858
(Your Name)
Calif. Substance Abuse Treatment Facility
P.O. Box 5244
(Address)

Corcoran, CA 93212
(City, State, Zip Code)

NONE
(Phone Number)

QUESTION(S) PRESENTED

ARE THE FEDERAL RULES OF CIVIL PROCEDURE (FRCP) TOO RESTRICTIVE OR INFLEXIBLE IN RESOLVING IMPEDIMENTS TO TIMELY LITIGATION, AND TIMELY EXTENSIONS TO FILE BRIEFS, FOR THOSE LITIGANTS HAMPERED BY THE CONJUNCTIVE DISABILITIES OF (1) MENTAL HEALTH DISORDERS, (2) MEDICAL HEALTH CRISIS, AND (3) INCARCERATION. SPECIFICALLY REGARDING FRCP 31-2,2 (b);

- (a) MEETING TIME SCHEDULE ORDERS; OR
- (b) SEEKING EXTENSIONS OF TIME FOR FILING BRIEFS;
WITH NOTHING AVAILABLE REGARDING
- (c) SEEKING EXTENSIONS OF TIME FOR FILING BRIEFS
IN EXTRAORDINARY CIRCUMSTANCES.

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:

Monterey County

Monterey County Jail

James H. Bass, Captain

Dr. Garcia

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TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

Federal Rules of Appellate Procedure;

Rule 31-2.2 (b) 7, 8

OTHER

FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION 3

AMERICANS WITH DISABILITIES ACT 6, 7

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 is unpublished.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 is unpublished.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 _____ 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 FEBRUARY 4, 2020.

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

FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

[NOTE:

- (1) INMATES AT CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND STATE PRISON (CA-SATF) HAVE HAD ONLY SPORADIC LAW LIBRARY ACCESS FOR SOME THREE MONTHS, AND THUS PETITIONER IS UNABLE TO PROVIDE A MORE IN-DEPTH ANALYSIS AND CITATION OF PERTINENT CONSTITUTIONAL AND STATUTORY PROVISIONS.
- (2) WARDEN S. SHERMAN AND LAW LIBRARY OFFICIALS HAVE REFUSED TO PROVIDE BLANK WHITE PAPER TO PREPARE LEGAL PLEADINGS; IN FACT SENDING A WRITTEN RESPONSE STATING TO "BUY IT FROM AN OUTSIDE VENDOR".
WHEN WE ASK FOR "SCRATCH PAPER" LAW LIBRARY OFFICIALS RIP PAPER INTO PIECES, HANDING OUT "SCRAPS".

IN FACT, PART OF THIS PLEADING IS WRITTEN ON THE REVERSE SIDE (BLANK SIDE) OF OTHER COURT FORMS.

AS SUCH, PETITIONER IS IMPEDED AS TO (a) LEGAL RESEARCH, AND (b) USING SCRATCH PAPER; PRINTING ON THE REVERSE (BLANK) SIDES.]

STATEMENT OF THE CASE

PETITIONER'S DISABILITIES OF (1) MENTAL HEALTH DISORDERS, (2) MEDICAL HEALTH CRISIS, AND (3) INCARCERATION WERE NOT PROPERLY CONSIDERED BY:

- (a) THE COURT OF APPEALS, NOR
- (b) THE DISTRICT COURT

HAD PETITIONER BEEN ACCORDED THE BENEFIT OF EFFECTIVE DUE PROCESS AND EQUAL PROTECTIONS PROCEDURES UNDER FRAP, HE WOULD HAVE HAD A MORE FAIR, LESS OBSTRUCTED OPPORTUNITY, AND THUS TIMELY FILED AN APPELLANT'S OPENING BRIEF.

THE ISSUES ON APPEAL WOULD HAVE BEEN ADDRESSED, MOST LIKELY WITH REMAND TO THE DISTRICT COURT WITH A FINDING THAT PETITIONER HAD A REASONABLE UNDERSTANDING THAT THE RELEASE AGREED TO AUGUST 21, 2017 SOLELY APPLIED TO JAMES H. BASS, CAPTAIN. WHICH OF COURSE IS THE REASON PETITIONER SUBSEQUENTLY FILED TWO (2) AMENDED COMPLAINTS, BEING FOOLED BY THE CONVOLUTED LANGUAGE OF THE AUGUST 21, 2017 RELEASE (ATTACHMENT: 1 AT PG. 4 OF 4).

OF IMPORTANCE IS TO NOTE THE DISTRICT COURT, IN ITS "STIPULATION OF DISMISSAL" SEPT. 5, 2017 ALSO SAW THE INTENT AS SOLELY TO "DEFENDANT CAPTAIN JAMES H. BASS" (ATTACHMENT: 1 AT PG. 3 OF 4). WHY THE 'FLIP-FLOP'? THIS WOULD HAVE BEEN ADDRESSED ON APPEAL. WHY DID THE COURT SEE FACTS ONE WAY SEPT. 5, 2017 (ATTACHMENT: 1), THEN 'FLIP-FLOP' SEPT. 3, 2019 (APPENDIX: B)?

IF ALL DEFENDANTS WERE RELEASED, ENDING THE LITIGATION:

- (a) WHY ALLOW FILING OF THE FIRST AMENDED COMPLAINT (DISTRICT COURT DOCKETS 22 & 23; 3/14/2018 & 3/26/2018)?
- (b) WHY ALLOW FILING OF THE SECOND AMENDED COMPLAINT BRINGING MONTEREY COUNTY AS A NEW DEFENDANT (DISTRICT COURT DOCKET 26; 4/23/2018)?
- (c) WHY DID DR. GARCIA FILE AN ANSWER, AND DEMAND A JURY TRIAL (DISTRICT COURT DOCKET 27; 5/07/2018)?

MATTERS SPECIFIC TO THE TIME SCHEDULE ORDER

PETITIONER WAS TO MEET THE TIME SCHEDULE ORDER WHILE IMPRISONED, AND WHILE TRANSFERRING FROM PRISON TO PRISON. DURING THIS STAGE HE WAS DENIED ACCESS TO HIS PROPERTY MOST OF THE TIME, AND WHEN ALL PROPERTY WAS RETURNED AT CA-SATF, MUCH WAS DESTROYED DUE TO MAJOR WATER LEAKS INTO HIS CELL. AT CA-SATF, WATER LEAKS ARE RAMPANT, DESTROYING PERSONAL PROPERTY AND LEGAL PROPERTY.

PETITIONER HAD TO RESORT TO "STREAMLINED REQUESTS" AND LETTERS (ATTACHMENT: 2)

MATTERS SPECIFIC TO PETITIONER

PETITIONER IS A 65 YEAR OLD MALE WITH AN EXTENSIVE HEALTH CARE HISTORY INCLUDING (1) MENTAL HEALTH DISORDERS (BI-POLAR, SCHIZOPHRENIA, DEPRESSION/PTSD), AND (2) MEDICAL ISSUES (CONGESTIVE HEART FAILURE, CARDIOMYOPATHY, RENAL FAILURE ETC.); (ATTACHMENT: 3 - MEDICAL), (ATTACHMENT: 4 - MENTAL HEALTH).

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request a jury trial a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**

- The trial has been set for (date):
- No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):
- Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one):

- days (specify number):
- hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

- Attorney:
- Firm:
- Address:
- Telephone number:
- E-mail address:
- Additional representation is described in Attachment 8.
- Fax number:
- Party represented:

9. **Preference**

This case is entitled to preference (specify code section):

10. **Alternative dispute resolution (ADR)**

- ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.

- Referral to judicial arbitration or civil action mediation (if available).**

(1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):

IN 2009 PETITIONER MOVED TO TRACY, CALIF AND WAS GAINFULLY SELF-EMPLOYED, HAPPY AND CONTENT, AS SEEN IN THE TWO NEWS ARTICLES OF 2010 AND 2013 (ATTACHMENT: 5).

FOR MANY YEARS HE WAS ALSO FREE OF SUBSTANCE ABUSE, AND ADDICTION. THEN, IN July 2014 PETITIONER, DUE TO CARDIO-RELATED LOW BLOOD PRESSURE, BLACKED OUT AT HOME AND FELL INJURING HIS LARYNX. HE WAS HOSPITALIZED AT THE VETERANS ADMINISTRATION MEDICAL CENTER OF SAN JOSE (V.A.) WHERE AN ABDOMINAL FEEDING TUBE WAS SURGICALLY IMPLANTED.

UPON DISCHARGE IN AUGUST 2014 THE V.A. GAVE PETITIONER COPIOUS AMOUNTS OF OPIOIDS; 120 MORPHINE TABLETS PLUS 120 OXYCONTIN, OPIOIDS, RIGHT AT THE CRESCENDO OF THIS NATIONAL EPIDEMIC AND CATASTROPHE.

FOR PETITIONER, THE V.A. REINSTATED HIS FORMER ADDICTIONS, LEADING AS EXPECTED TO CRIMINAL ACTIVITIES TO SUSTAIN HIM.

UPON REARREST IN 2015 HE WAS IN MONTEREY COUNTY JAIL (1) IN A HOUSING UNIT NOT EQUIPPED WITH TOILETS HAVING SAFETY FEATURES REQUIRED BY THE AMERICANS WITH DISABILITIES ACT (A.D.A.), NOR (2) BEING TREATED FOR HIS CARDIOLOGY RELATED ISSUES, INCLUDING LOW BLOOD PRESSURE WITH BLACKOUTS.

PETITIONER FAINTED/BLACKED-OUT IN A TOILET STALL, ONE WITHOUT A.D.A. SAFETY RAILS, FALLING WHEREBY HE SUFFERED A CHIPPED

Special Instructions:

On the following lines you may give special instructions limiting or extending the powers granted to your AGENT.

To indicate when this document shall become effective, initial one of the following:

(A) This document shall become effective upon the date of my signature.

(B) This document shall become effective on _____

(C) This document shall become effective upon the date of my disability and shall not otherwise be affected by my disability. (Springing)

Initial one of the following only, if you have initialed (a) or (b) above:

This document shall not be affected by my subsequent disability. (Durable)

This document shall be revoked by my subsequent disability. (Non-Durable)

If you want to limit the term of this document, initial one of the following:

This document shall only continue in effect for _____ years or months. (Limited)

This document shall terminate on _____ (Limited)

If I have initialed option (c) and I have become incapacitated, during the term of this document, the time limitations above shall be null and void.

Unless you direct otherwise above, this power of attorney is effective immediately and will continue until it is revoked. If either of the durable or springing paragraphs is initialed then the notice to persons executing durable power of attorney below applies.

NOTICE TO PERSON EXECUTING DURABLE POWER OF ATTORNEY

A durable power of attorney is an important legal document. By signing the durable power of attorney, you are authorizing another person to act for you, the principal. Before you sign this durable power of attorney, you should know these important facts:

Your AGENT (attorney-in-fact) has no duty to act unless you and your AGENT agree otherwise in writing.

This document gives your AGENT the powers to manage, dispose of, sell, and convey your real and personal property, and to use your property as security if your AGENT borrows money on your behalf. This document does not give your AGENT the power to accept or receive any of your property, in trust or otherwise, as a gift, unless you specifically authorize the AGENT to accept or receive a gift.

Your AGENT will have the right to receive reasonable payment for services provided under this durable power of attorney unless you provide otherwise in this power of attorney.

The powers you give your AGENT will continue to exist for your entire lifetime, unless you state that the durable power of attorney will last for a shorter period of time or unless you otherwise terminate the durable power of attorney. The powers you give your AGENT in this durable power of attorney will continue to exist even if you can no longer make your own decisions respecting the management of your property.

You can amend or change this durable power of attorney only by executing a new durable power of attorney or by executing an amendment through the same formalities as an original. You have the right to revoke or terminate this durable power of attorney at any time, so long as you are competent.

This durable power of attorney must be dated and must be acknowledged before a notary public or signed by two witnesses. If it is signed by two witnesses, they must witness either (1) the signing of the power of attorney or (2) the principal's signing or acknowledgment of his or her signature. A durable power of attorney that may affect real property should be acknowledged before a notary public so that it may easily be recorded.

You should read this durable power of attorney carefully. When effective, this durable power of attorney will give your AGENT the right to deal with property that you now have or might acquire in the future. The durable power of attorney is important to you. If you do not understand the durable power of attorney, or any provision of it, then you should obtain the assistance of an attorney or other qualified person.

CERVICAL VERTEBRAE, SEVERE MYOFASCIAL STRAIN, ALONG WITH A CONCUSSION.

THE UNDERLYING CIVIL LITIGATION

THE ACTIONS, AND INACTIONS OF DEFENDANTS LED TO THE CIVIL LITIGATION. IN EFFECT (1) FAILURE TO PROVIDE FACILITIES REQUIRED UNDER THE AMERICANS WITH DISABILITIES ACT, AND (2) DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS.

THIS PETITION FOR WRIT OF CERTIORARI

HAD THE COURT OF APPEALS, AND HAD THE DISTRICT COURT APPOINTED COUNSEL, THIS MATTER WOULD HAVE BEEN TIMELY AND EFFECTIVELY LITIGATED IN THE LOWER COURTS.

MENTAL AND MEDICAL DISABILITIES, AND PRISON IMPEDIMENTS (DISABILITY OF IMPRISONMENT), ALONG WITH THE FAILINGS OF FRAP 31-2.2 (b), ALL CONTRIBUTED TO THE NEED FOR SUPREME COURT INTERVENTION AND CORRECTIVE MEASURES.

NOTE: AN 'INMATE LEGAL ASSISTANT' PREPARED THIS PETITION, DOING SO AFTER (1) REVIEWING ALL REMAINING DOCUMENTS PETITIONER POSSESSED, AND (2) CONDUCTING MANY INTERVIEWS WITH PETITIONER. PETITIONER WAS NOT CAPABLE OF ARTICULATING THE ISSUES NOR MEETING COURT REQUIREMENTS.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

- Auto (22)–Personal Injury/Property
- Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death)

Tort

- Asbestos (04)
- Asbestos Property Damage
- Asbestos Personal Injury/ Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
- Medical Malpractice– Physicians & Surgeons
- Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
- Premises Liability (e.g., slip and fall)
- Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
- Intentional Infliction of Emotional Distress
- Negligent Infliction of Emotional Distress
- Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
- Legal Malpractice
- Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

CASE TYPES AND EXAMPLES

Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease
- Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/ Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case–Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
- Auto Subrogation
- Other Coverage
- Other Contract (37)
- Contractual Fraud
- Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
- Writ of Possession of Real Property
- Mortgage Foreclosure
- Quiet Title
- Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
- Writ–Administrative Mandamus
- Writ–Mandamus on Limited Court Case Matter
- Writ–Other Limited Court Case Review
- Other Judicial Review (39)
- Review of Health Officer Order
- Notice of Appeal–Labor
- Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
- Abstract of Judgment (Out of County)
- Confession of Judgment (*non-domestic relations*)
- Sister State Judgment
- Administrative Agency Award (*not unpaid taxes*)
- Petition/Certification of Entry of Judgment on Unpaid Taxes
- Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
- Declaratory Relief Only
- Injunctive Relief Only (*non-harassment*)
- Mechanics Lien
- Other Commercial Complaint Case (*non-tort/non-complex*)
- Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)

- Other Petition (*not specified above*) (43)

- Civil Harassment

- Workplace Violence

- Elder/Dependent Adult Abuse

- Election Contest

- Petition for Name Change

- Petition for Relief From Late Claim

- Other Civil Petition

REASONS FOR GRANTING THE PETITION

THE FEDERAL RULES OF APPELLATE PROCEDURE (FRAP) DO NOT ADEQUATELY REMEDY THE CONJUNCTIVE DISABILITIES OF (1) MENTAL HEALTH DISORDERS, (2) MEDICAL HEALTH CRISES, AND (3) INCARCERATION SPECIFICALLY REGARDING FRAP 31-2.2 (b);

- (a) MEETING TIME SCHEDULE ORDERS; OR
- (b) SEEKING EXTENSIONS OF TIME FOR FILING BRIEFS;

AND NOTHING AVAILABLE REGARDING

- (c) SEEKING EXTENSIONS OF TIME FOR FILING BRIEFS IN EXTRAORDINARY CIRCUMSTANCES.

FRAP 31-2.2 (b) REQUIRING THAT SUCH MOTION "SHALL BE FILED AT LEAST 7 DAYS BEFORE THE EXPIRATION OF THE TIME PROSCRIBED FOR FILING THE BRIEF" IS TOO RESTRICTIVE AND INFLEXIBLE, MORE SO IN THE CONTEXT OF AN INCARCERATED LITIGANT; AND A LITIGANT ALSO SUFFERING MENTAL HEALTH AND MEDICAL DISABILITIES.

FRAP CONTAINS NO MANNER TO ADDRESS THIS BY WAY OF A 'MOTION FOR RELIEF UNDER EXTRAORDINARY CIRCUMSTANCES' (e.g. FRAP 31-2.2 (c) MOTION FOR RELIEF UNDER EXTRAORDINARY CIRCUMSTANCES).

UNTIL THIS IS REMEDIED, PETITIONER AND OTHER SIMILARLY SITUATED LITIGANTS WILL BE DEPRIVED OF DUE PROCESS OF LAW, AND EQUAL PROTECTIONS UNDER THE LAWS.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Bobby F. Kneges

Date: MARCH 30, 2020