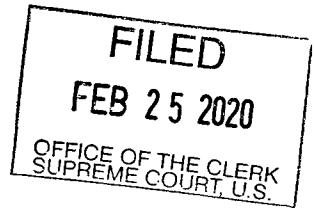


19-8403

ORIGINAL

No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

Juan Miguel Lopez — PETITIONER
(Your Name)

vs.

Stuart Sherman; "etal" — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Juan Miguel Lopez BB0029
(Your Name)
CSATF, D-5 #
P.O. Box 5242
(Address)

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

N/A
(Phone Number)

QUESTION(S) PRESENTED

How can the Court be impelled to use its' all encompassing jurisdiction to redress the imposition of a Trial Court issuing a disproportionate amount of time added to a primary base term, as an aggravated enhancement of a prior felony which is subsequently no longer considered a violent offense, or where all offenses are reduced to a nonviolent crime as a result of the enactment of New Law within the State; Proposition 57, New Federal Law; ACCA, or New Case Law deciding the category of nonviolence for a 2nd Degree Robbery by the U.S.A v. D.L. Walton decision, to reverse the Deliberate Indifference or lack of Judicial oversight, from the lower Courts, over a perpetuating Miscarage of Justice causing irreparable harm to Petitioners Liberty Interest?

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:

1. Stuart Sherman ; Warden of CSATF, Corcoran, CA.
2. Madera Superior Court, CA
3. Fifth Appellate District Court of Appeal
4. California Supreme Court
5. U.S. District Court, Eastern District of CA
6. Ninth Circuit, U.S. Court of Appeals

RELATED CASES

Not Applicable

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

*See: Constitutional and Statutory
provisions involved, and review
In re Lopez Habeas Corpus as
precedent Case Law.*

STATUTES AND RULES

See above.

OTHER

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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 E 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 D 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 C 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 Superior Court court 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Jan. 10, 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 Oct. 10, 18.
A copy of that decision appears at Appendix C.

☐ 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

1. Article III section 2
2. U.S.A. Vs. Donnie L Walton
3. Armed Career Criminal / Act / Force Clause
4. The 8th and 14th Amendments of the United States Constitution

STATEMENT OF THE CASE

On July 15, 2016, the People certified a determinate felony abstract judgement, resulting from a 8.13.15 conviction. The statement imposes 14 years for two 2nd Degree Robberies on one victim, and, one 2nd Degree Robbery on a different victim. The Court added an aggravated enhancement of 21 years and 8 months for prior felony convictions, which are now viewed as nonviolent offenses through the statutory law of State Proposition 57; the Armed Career Criminal Act and the U.S.A. v. O.L. Walton case view 2nd Degree Robbery in the category of a nonviolent offense, this, should mitigate the primary offenses by arguing the Cunningham case, in support of immediate relief in parallel with the enactment of statutory changes in the Law Authorizing the Court to readjust unconstitutional enhancements, in the Interest of Justice...

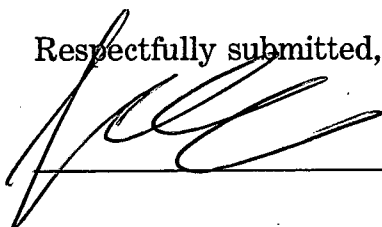
REASONS FOR GRANTING THE PETITION

The Lower Courts all erred in abdicating their inherent Authority under California Constitution Article 1 section 10, and 28 U.S.C. § 2241, to redress the enclosed Habeas Corpus, to readjust the enhanced commitment by granting a Court ruling in favor of ordering the application of existing statutory changes in New Law or Case Law, which at the **instance** of being enacted, did not sever the Equal Protection safeguards within the precedence of the Law itself, as it expanded retroactive Post Conviction Constitutional Relief for the Petitioner Juan Miguel Lopez's Liberty Interest. Nonviolent offenses should not be used by California Courts to violate fundamental fairness which imposes an unlawful restraint, which deprives a citizen of his right to Freedom for 35 years and 8 months. The Cruel and Unusual Punishment is equivalent to a Life Sentence, and deserves the intervention of the Highest Court, the esteemed United States Supreme Court to prevent further irreparable harm to the Petitioner's inalienable Constitutional Rights, as well as other inmates suffering an indeterminate sentence with an indefinite chance of parole for being convicted of a nonviolent crime, such as 2nd Degree Robbery.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 3/27/2020