

19-8481

ORIGINAL

No. _____

Supreme Court, U.S.
FILED

DEC 26 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Ronald D. VETETO PETITIONER
(Your Name)

vs.

Jeff DUNN, Comm'r, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF ALABAMA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DATE:

December 19,

2019

Ronald D. VETETO, pro se
(Your Name) AIS #195182, B-37

ST. CLAIR CORR'L FACILITY
(Address) 1000 St. Clair Road

Springville, ALABAMA
(City, State, Zip Code) 35146-9790

N/A
(Phone Number)

QUESTION(S) PRESENTED

- A. Was Petitioner VETERO denied his constitutional right to meaningful and effective access to the Alabama courts, i.e., access to the prison law library and (2) WESTLAW and other essential litigation accoutrements, or (3) the appointment of competent counsel to represent him?
- B. Was Petitioner VETERO denied his statutory right to proceed in forma pauperis in violation of the Due Process and Equal Protection Clause of the Fourteenth Amendment, United States Constitution?
- C. Did the trial judge violate Petitioner VETERO's Due Process and Equal Protection, U.S. Constitutional rights, when he denied VETERO notice of the hearing and an opportunity to oppose the Defendants' motion to rescind VETERO's in forma pauperis status in violation of Rule 6(d), Alabama Rules of Civil Procedure?
- D. Was Judge Gregory O. GRIFFIN, Circuit Court disqualified and did he err when he refused to recuse himself for his demonstrated racial bigotry?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] 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:

Jefferson DUNN, Comm'r, Alabama Department of Corrections, DeWayne ESTES, Karla JONES, Wardens, Cedrick SPECKS, Anthony BROOKS, Gwen GIVENS, Deputy Wardens, Kevin WHITE, Gary MALONE, C.O.S. II's, William NORTHEUTT, LaTonya SCOTT, C.O.S. I's, Bruce HODGE, John MASON, Jonathan TRUITT, Derrick DENT, C.O. II's, Wendell GUTHERY, Mark JONES, Christopher McLAUREN, Cory MARTIN, Jasper LUTZE, Michael WILLIAMSON, James BARTON, Darryl ROBINSON, Dameta BALDWIN, Bryan CHAPMAN, C.O. I's, Tanya ARY, M. ESTELLE, Ronald DOUGLAS, Classification Technicians, Mark MICHAEL, Chaplain, St. Clair Correctional Facility, Alabama Department of Corrections, Respondents.

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TABLE OF AUTHORITIES CITED

CASES

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<u>Bounds v. Smith</u>	[]	- - - -
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STATUTES AND RULES

ALABAMA PRISONER LITIGATION REFORM ACT, §14-15-5(b)	- - - - -
ALABAMA RULE OF CIVIL PROCEDURE 6(d)	- - -

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 D & 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 _____ to the petition and is~~

~~☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.~~

The decision of the trial (circuit) court denying/refusing to reinstate VETERO's IFP status, et alia, from
☐ For cases from **state courts:** *which he appealed and sought a mandamus petition appears at Appendix "A."*

The opinion of the highest state court to review the merits appears at Appendix D & 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 Court of Civil Appeals court appears at Appendix "B" & "C" 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 _____.

☐ 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 August 30, 2019
A copy of that decision appears at Appendix "D" & "E" September 12, 2019

☒ A timely petition for rehearing was thereafter denied on the following date: October 23 & 24, 2019, and a copy of the order denying rehearing appears at Appendix "F" & "G"

☐ 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

Petitioner VETETO cannot cite/quote these pertinent constitutional provisions and statutes due to the gross violations of his rights to access the prison law library, WESTLAW and other legal research/reference resources and accoutrements essential to minimally effective litigation.

STATEMENT OF THE CASE

A. History of Proceedings Below. Petitioner VETETO filed a Complaint, VETETO v. Jeff DUNN, Comm'r, et al., No. 03:CV-2017-055 (Montgomery County Circuit Court), Jan. 25, 2017, pursuant to 28 U.S.C. § 1331, 1343, 42 U.S.C. §§ 1983, 1985, 1986 and various State laws and torts accompanied by a motion for leave to proceed in forma pauperis ("IFP") supported by an "Affidavit of Substantial Hardship." The State trial judge Gregory D. GRIFFIN ("GRIFFIN") granted VETETO's motion for leave to proceed IFP, February 1, 2019. The Defendants, administrators and employees of the St. Clair Correctional Facility ("SCCCF") and the Alabama Department of Corrections ("ADOC"), filed a motion, inter alia, to rescind VETETO's IFP status pursuant to the "3 Strikes" penalty of the Alabama Prisoner Litigation Reform Act ("APLRA"), § 14-15-5(b), Ala. Code 1975, but failed timely serve Petitioner VETETO a copy of this motion on VETETO at his proper address until well after Judge GRIFFIN had granted this motion without prior notice of the hearing nor an opportunity to respond after the elapse of five (5) days, 6(d), Ala. R. Civ. P., to VETETO on April 11, 2017, one day after the motion was filed. VETETO moved for vacation of the improper order and an opportunity to respond to the Defendants' motion with an extension of time and access to the prison law library, WESTLAW and other essential legal research and reference resources and litigation accommodations. Judge GRIFFIN denied this motion without reason nor opinion given. This began a two-year stream of interlocutory appeals, permissive appeals and petitions for writ of mandamus, all attempting to overturn Judge GRIFFIN's denial/refusal to permit VETETO access to the prison law library, WESTLAW, and other litigation essentials and leave to proceed IFP. See Nos. 2160651, 2160668, 2170320,

2171019, 2171157, 2180600, 2180614 (Ala. Civ. App.)
Nos. 1160896, 1170101, 1170434, 1180174 (Ala. S. Ct.),
culminating in Judge GRIFFIN's denial of VETERO's motion
to reinstate IFP status and to order access to the
prison law library, et al., March 12, 2019 (EXH. "A")
and Nos. 1180495 (converted mandamus petition) and
1180567 (interlocutory appeal) (Ala. S. Ct.) and the
denials of their "Applications for Rehearing" (EXHs. "D",
"E", "F", & "G") (Aug. 30, Sep. 12, Oct. 23 & 24, 2019).

B. Statement of Facts Supporting Issues Presented.

VETERO filed two Complaints in the Alabama State courts
alleging serious violations of his constitutional and statu-
tory rights and commonlaw torts comprising, inter alia,
black-on-white violence, assaults and batteries,
serious physical injuries, racial discrimination,
abuse, bigotry and hostile living environment. See
VETERO v. MERRIWEATHER, et al., No. 59-CV-2015-038
(June 12, 2015), venue transferred, No. 03-CV-2015-
0536 (Montgomery Cnty Cir. Ct.), rev'd — So. 3d —, No.
2150603 (Ala. Civ. App. Oct 5, 2016); & VETERO v. Jeff
DUNN, et al., No. 03-CV-2017-055 (Monty Cnty Cir. Ct.)
The State courts are sitting on these two cases and refuse
to move them forward to trial, to grant VETERO access to
the prison law library, WESTLAW, etc., or the appoint-
ment of competent counsel to represent him and leave
to proceed IFP. No opinions nor explanations have
ever been given for their inaction and malfeasance.
VETERO filed numerous interlocutory appeals, permissive
appeals and petitions for writ of mandamus, all citing
his constitutional right of access to the courts, i.e., the
prison law library, WESTLAW, etc., and his statutory
right to proceed IFP and adduced a surfeit of support-
ing allegations in the Complaint and amendments and
supplements demonstrating clear and convincing

evidence that he was(is) under "imminent danger of serious physical injuries" and murder. No one, not the Defendants, not the judges and not the justices ever disputed this evidence or evinced any counter evidence. Consequently, VETERO, righteously, filed judicial complaints against these corrupt and dishonest judges and justices citing numerous instantiations of his predicate complaint, the anti-prisoner litigant discriminatory abuse and bigotry and conspiracy to obstruct and bar their access to a fair and just opportunity to present their claims, to due process of law and the equal protection of the law and to condign relief. The anonymous processor rejected VETERO's judicial complaints on technical, insubstantial and immaterial procedural grounds, deficiencies imposed on him by VETERO's imprisoners (photocopying complaints), the Defendants and the State court judges and justices. The Judicial Inquiry Commission never considered the complaints, sent some back to VETERO and lost or destroyed the remainder. Further, VETERO sought declaratory and equitable relief in Federal courts against these miscreant judges and justices, but was stymied much the same way there. The Alabama Supreme Court refuses to docket and review a petition for writ of mandamus, converted a permissive interlocutory appeal to a mandamus petition without VETERO's assent and then denied it, and, thus far, has refused to consider and docket the two petition and appeal cases transferred to the Supreme Court from the Court of Civil Appeals. See Exhibits "B" & "C" in Appendix. Further, VETERO is also barred from filing a petition for post-conviction relief pursuant to a new Alabama Criminal Statute that probably would reduce his sentence from a life term without parole to a life term because he has no access to the law, its application and necessary procedural requirements for pleading.

Finally, between the impediments imposed by the State and Federal courts, VERERO is essentially barred from access to the courts in Alabama and in effect subject to an execution of the civil death penalty. VERERO is not the only Alabama prisoner so decapitated. Other Alabama prisoners are experiencing similar obstructions and civil deaths. VERERO is one of the foremost paralegals in the Alabama prison system and if he cannot break through the invisible judicial curtain blocking due process and equal protection then almost no pro se prisoner litigant can either. This United States Supreme Court is our last best hope and savior.

REASONS FOR GRANTING THE PETITION

Even though Petitioner VETERO is barred from the prison law library, WESTLAW and other legal research resources and essential litigation accoutrements, the law regarding and legal precedents governing these issues are self-evident and few authorities of law are required to prove the firmly established legal principles and the utter illegality and unconstitutionality of the anti-prisoner litigant conspiracy, animus, bigotry and overt malicious actions and omissions and malconduct of the State court judges and justices. The facts show that VETERO was (and is) clearly qualified and eligible to proceed in the State courts in forma pauperis ("IFP") pursuant to the Alabama State poverty statute, §12-19-70(b), Ala. Code 1975, and Judge GRIFFIN correctly granted Vetro leave to proceed IFP. Also, VETERO was (and is) constitutionally guaranteed the right to meaningfully and effectively accede the State courts and pursue a satisfactory remedy specifically, access to a well stocked law library, WESTLAW and other legal research and reference resources and essential litigation accoutrements or competent counsel skilled and interested in prisoners' rights to represent him by appointment. See Johnson v. Avery, Wolff v. McDonnell, Bounds v. Smith, Lewis v. Casey and Christopher v. Harbury; First, Fifth and Fourteenth Amendments, U.S. Constitution. Apparently, the Defendants, judges and justices failed to read VETERO's Complaint and its amendments and supplements which teemed with events and factual allegations eliciting manifest inmate-on-inmate violence, serious injuries and murders in the prison and, to the point, the "imminent danger of serious physical injury" which exempts a pro se prisoner from the ~~§14-15-2(b)~~ "3 strikes" exclusion penalty, at the time he filed his Complaint and thereafter. Ignoring

the seeming factual allegations and events of ongoing daily violence, serious physical injuries and murder of VETERO and/or his friends and threats and extortion of same, and the manifest injustice in refusing to arrest or restrain the racial discriminatory violence, abuse, robberies, rapes, thefts and extortion. §14-15-5(b), Ala. Code 1975.

When the Defendants filed their motion to rescind his JFF status, they sent VETERO's copy to a prison camp where VETERO had never been confined. Judge GRIFFIN eschewed Alabama Rule of Civil Procedure 6(d), never gave VETERO the five (5) days notice required before a hearing, never gave VETERO an opportunity to oppose the rescission motion and granted the Defendants' motion ONE DAY after it was filed. Clearly GRIFFIN never intended to allow VETERO to respond nor to consider any such response. Further proof of this is that GRIFFIN denied VETERO's motion to vacate his order, extend the time to respond and allow him to respond after ordering the Defendants to give VETERO plenary access to the prison law library, WESTLAW and other legal research/reference resources and essential litigation accoutrements so he could support his premises and arguments. This malfeasance is clearly a violation of procedural and substantive Due Process and Equal Protection under the law. Fourteenth Amendment, U.S. Constitution. A fortiori, VETERO's opposition and arguments, which have never been considered by the trial and appellate courts, are IRREFUTABLE. The undisputed facts educed in the Complaint, its amendments and supplements clearly demonstrate that VETERO met the criteria for exemption from the §14-15-5(b) "3 strikes" penalty of the APLRA. The Defendants, the trial judge GRIFFIN, the appellate judges and the supreme court justices all eschewed these facts and arguments and never once denied that VETERO

was under "imminent danger of serious physical injuries" and murder at the time he filed his §1983 Complaint and thereafter and, therefore, was exempt from the "3 strikes" penalty and eligible to proceed in the trial AND appellate courts IFP.

All decisions by the trial court, the Court of Civil Appeals and the Alabama Supreme Court denying VETERO IFP status and access to the prison law library, WestLaw, litigation essentials, etc., were arbitrary, capricious, irrational and contrary to clearly establish State and Federal law and the United States. Finally, VETERO believes that these judges and justices effected the rejection and destruction/loss of some of his judicial complaints against them via an anonymous functionary who hid behind his nameless facade and refused to explain his arbitrary rejections.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ronald A. Velez

Date: December 19, 2019