No. 20-459

*In The*
*Supreme Court of the United States*

ROBERT R. SNYDER,

*Petitioner,*

vs.

THE STATE OF CALIFORNIA

*Respondent*

ORIGINAL



**On Petition For Writ Of Certiorari**
**To the California Supreme Court**

# PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

- After the *Plata* ruling, California's legislature lowered its prison population by enacting Proposition(s): 36, 47 and 57. Should the resultant extra living space be prioritized for those prisoners who are serving Life or have already been incarcerated for a decade or decades? [Key Question]

- Should California's DOC still be allowed to punish its prisoners—using emergency Overcrowding regulation 15 CCR § 3269(h)—for a good faith cell assignment refusal, now that the *Plata* ruling created more space/flexibility hence ending the emergency? [Legal]

- Were the cases supporting denial applied by California's courts, an example of clear Legal Error? [Legal]

- Were the misrepresented procedural rulings, issued by the lower courts done deliberately or inadvertently? [Mixed]

- Did California Prison system's rulemaking authority deliberately obfuscate their emergency Overcrowding—Housing Regulations to *Inter Alia* engineer a vanguard to any potential constitutional attacks towards the reasonableness of the act's nature and purpose/means and ends? [Mixed]

- In the prison setting, should the regulatory prohibition against self-defense be scrapped once a state system exceeds its design capacity? [Mixed]

- Despite presentation of a solid factual and legal foundation for relief, did the courts below unjustly impair Petitioner's substantial right to humane living conditions, when it upheld the administrative findings? [Factual]

- In response to their emergency, why did CA build 21 prisons with small cells and bunk beds if their intent was suppose to be to reduce crowding? [Factual]

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## FEDERAL STATUTES/RULES



## OTHER AUTHORITIES

## 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 September 09, 2020 document from the California Supreme Court denying petitioner's habeas corpus (Case No. S263573) is attached at App. 1. Petitioner sought relief from the California Court of Appeal only to have his petition, Case No. D077686 denied by Order on July 16, 2020. The Order is attached at App. 2–4. The June 05, 2020 Order from San Diego Superior Court initially denying relief in this matter is attached at App. 5–7.

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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 Eighth and Fourteenth Amendments to the United States Constitution.



## STATEMENT OF THE CASE

The short course of Constitutionally deficient State proceedings can be described as fast tracked Complete Judicial exhaustion was accomplished in a mere 94 days between June 5th and September 9th, 2020. Petitioner's Factual and Legal ensemble covered a vast range of pertinent issues. The highly detailed lower court documents display the cause and effect of Snyder's struggle to endure some unrelenting living conditions.

Lately, California Prisons guard the door to their libraries as though the books themselves were captives. Petitioner has not had physical access to Law Library for over 90 days. DOC's pre-textual and otherwise speculative concerns regarding Corona-Virus, caused the need for instant Petitioner to improvise. Despite this and other multi-lateral distractions.., this Certiorari is filed in a timely manner.

The matter posited here, consists of a series of events that lasted a decade. Petitioner entered California's prison system in the height of its

Overcrowding problem and before long, began to struggle accordingly. Year after year, California's Corrections Department refused to recognize Petitioner's need for single occupancy cell status; resulting in many injuries. Petitioner sought administrative remedies and finished exhaustion by the end of 2011. At one point, Petitioner's documents demonstrate back to back to back physical altercations with overtly incompatible cellmates.

Habeas Corpus is the proper vehicle to seek remedy from his injuries, directly subsequent to the relevant set of *de facto* classifications. The cause at bar is only the latest in long series of unfortunate controversies, provoked by various custody officials. The Common Law available to this subject has a well-established history. After distilling the case materials, one theme seems to emanate most prominently: the negative effects of prolonged double celling, are prohibitive of the rehabilitation process. The Federal Courts are certainly not in disagreement there.

Evidence supplied to the lower courts shows a disturbing trend of being placed in risky conditions by the corrections administration; such that the department was sufficiently apprised of. Subsequently, both lower courts incorrectly stated only that petition writer Snyder failed to exhaust administrative remedies, contrary to the evidence. The state's taciturn review of novel Constitutional Questions ended with a blank denial.

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## REASONS FOR GRANTING CERTIORARI

It is necessary to call the state to account to share the burden comity imposes upon both state and federal courts with respect to the issues pointed out in this action. To remedy Overcrowding and its insidious by-products, this will require cooperation between all parties—both benefactor and beneficiary alike.

Certiorari is needed here to make certain that *nonce* Petitioner's important evidence is given all of the credit it is legally entitled to, and to avoid the hardship associated with being denied a satisfactory remedy. The evidence lodged below suggests his custodians have made invidious, unjustified class-classifications regarding his housing status—those that worked to his actual and substantial disadvantage. In addition, there are some disturbing statistics underlying this controversy: 70 domicile changes; 49 involuntary cellmates in one decade.

A grant of Certiorari may be needed to discover why the courts, after viewing the outstanding merits by the requestor, provided no relief—yet by contrast, granted remarkable deference to state officials. Likewise to determine why despite the valuable subject submitted for review, they were unwilling to offer a reasoned opinion to oppose Petitioner's arguments and instead improperly excluded him from the ambit of protection, normally afforded prisoners by governing decisions.

Two inmates living in cell designed for one (60 sq. feet) constitutes illegal double celling: a practice that wholly disrupts the rehabilitative process. Cohabitation with a stranger in such a small space requires a high quality of mental and physical health that most lifer prisoners in California's DOC, currently no longer have.

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## ARGUMENT

### A.: Discussion of Legal Issues

With respect to abuse taking place over a decade, relief was denied although *pars interponere* provided California with undisputed merit concerning a compelling extant risk he still faces, and the problem(s) would have been simple to remedy. Due to the strength of evidence supplied alongside the initial pleading, it is therefore disconcerting what the trial court wrote with regard to his not making a *prima facie* showing. There's a very minimal evidentiary standard for obtaining a hearing—this is akin to CA Evidence Code § 110. "The California Rules of Court demand that habeas corpus proceedings use the *prima facie* case showing as a screening mechanism; a *prima facie* showing is one that is sufficient to support the position of the party in question. . . no more is called for." [*Aguilar v. Atlantic Richfield Co.*, (2001) 25 Cal. 4th 826, 851]: "In determining whether a litigant has stated a *prima facie* claim a court must take the factual

allegations as true. . , setting aside the possibility of contradiction." (id. at 857)

The surge of suicide rates in California's Prisons deplored by *Brown v. Plata*, (2011) 179 L. Ed. 2d 969, certainly could have been prevented had its officials not flexed their bureaucratic muscles in the face of sage warnings; see *Dohner v. McCarthy*, 635 F. Supp. 408 (C.D. Cal., 1985) and *Fischer v. Winter*, 564 F. Supp. 281 (N.D. Cal., 1983). These seminal cases will be discussed later in more detail.

Now, looking at the inapplicability of *Bell v. Wolfish*, (1976) 441 U.S. 520, 543. The conditions in jail over a 60-day period are hardly comparable to an overcrowded prison system that has some dungeons – one in particular was built decades before the passage of 14th Amendment, namely San Quentin. *Toussaint v. McCarthy*, 597 F. Supp. 1388 (C.D. 1984) treated those in particular. As well, the people would undoubtedly quote *Rhodes v. Chapman*, (1981) 452 U.S. 337 as a basis for their disclaimer. *Rhodes* at 341 described South Ohio maximum corrections facility as, "Unquestionably, a top flight first-class facility; ... a window that opens and closes in 960 of such cells." Petitioner's experience is that *none* of the California prisons—built to accommodate the unanticipated population increase—have windows that open... *Rhodes* found in that case, at 348: "...(population increase) . . . did not lead to deprivations of essential food, medical care or sanitation. Nor did it increase violence among

inmates or create other conditions intolerable for prison confinement." The description of prison conditions in *Plata supra*, failed that exact inquiry.

That context also fails in the germane instance: Petitioner brings Tenth Circuit's non-precedential *Thompson v. Lengerich*, U.S. App. LEXIS 38237 *11 (10th Cir. 2019) as support. "*Rhodes* considered and ultimately rested upon, the district courts finding of fact regarding the Plaintiff's '*particular circumstances*' " (Emphasis Added) (*Rhodes Id.* at 347-48). Next, *Lengerich* *11 also states, "The conditions alleged in the amended complaint are worse than the conditions *Rhodes* held as Constitutional... *Rhodes* inmates had access to dayroom for 15 hours daily." (*Rhodes id.* at 341) Lastly *Lengerich* also at *11 goes on to say, "Thompson alleges that the amount of unencumbered space fails to comply with current recommended ACA Standards even for one inmate, let alone two." In California's post-*Dohner* construction era's (270° design cells).., this is precisely the problem. Some of California's pre-*Dohner* cells are slightly less than 60 square feet; one example is CMC-East, another CSP-Vacaville. (Both originally designed with one bed per cell).

To apply *Bell* and/or *Rhodes* here, in favor of the people, would constitute a legal error because the broad scope of their holdings are limited to a specific location and therefore does not sufficiently embrace the instant issues as they pertain to California's maximum security prisons today. Two men in one

California Prison cell is illegal primarily because of the size; [Cf. *American Correctional Association* (ACA): Performance Based Standards and Expected Practices For Adult Institutions, 5th ed.] 2020.

Below is a list of some Overcrowding related controversies from various regions:

- *Hoptowit v. Ray*, 682 F. 2d 1237, 1248 (9th Cir., 1981)
- *Jensen v. Clarke*, 94 F. 3d 1191, 1200-01 (8th Cir., 1996)
- *Cortes-Quinones v. Jimenez-Nettleship*, 842 F.2d 556. (1st Cir., 1988)
- *Gates v. Collier*, 501 F. 2d. 1291 (5th Cir., 1974)
- *Delgado v. Cady*, 576 F. Supp. 1446, 1457 (E.D. Wisc. 1983)
- *Harris v. Reeves*, 761 F. Supp. 382 (E.D. PA, 1991)

Many of these were cited in the lower court's proceedings. It is clear that Overcrowding did not become an issue in California until the late 70's, early 80's. In *Morales-Feliciano v. Hernandez-Colon*, 697 F. Supp. 26 (D. P. Rico, 1987), the conditions were described as 'sub-human' and that the officials were on the verge of losing control of the prison to a state of anarchy. It is important to realize that

Petitioner is a member of the minority; a mere 21% of the CDCR's population is Caucasian. This makes the situation more dangerous, more challenging for him while living inside this system which today is still running well over design capacity. In addition, selecting from a smaller pool of individuals, increases the likelihood of fatal compatibilities.

Petitioner *ad manum* simply made a reasonable request under the circumstances. After all of the evident abuse, he should not have to play a game of Regulatory Minesweeper with California to obtain a bridge over troubled waters. It is a documented fact that during the course of writing this petition, Petitioner was again assaulted by another inmate, resulting in a substantial injury. He has been subjected to these extremes on approximately two-dozen occasions since his 2006 arrest. Because the adult administration worked an injustice against his claim, here it is now years later, going hang gliding off the Constitutional cliff.

**B: The origins of Overcrowding in California and the prolonged effects of Double Occupancy.**

The California Prison system began to struggle in the late 70's with an unanticipated population increase. In the *Dohner* case *supra*, the court noted that California was making plans to start building several new prisons. It is uncertain why California built 21 new prisons between 1984 and 2005, simply to fill every last cell with 2

prisoners. These 21 new prisons were built with bunk beds yet with only 25 sq. feet of unencumbered living space per 60 sq. feet total space. Petitioner spent the better part of 15 years living inside these pre-fab, emergency shelter type buildings. The *Dohnor* court advised that the newly constructed prisons would act as a safety valve to relieve the crowding at the existing prisons. Accordingly, each cell should have been built with only one prisoner bed inside.

By the time Petitioner arrived at reception in 2010, almost every cell had two men inside. Even if California had built all of its new facilities with 80 sq. feet, that is still not up to par with ACA *stand ards* unless the inmates are outside of the cell most of the day. 20% of cells included in these 21 new prisons were built at 80 sq. feet; these are the super maximum-security 180° cells where inmates spend on average 23 hours of each day inside. Why did California put bunk beds in all of these cells when the clear command of the *Dohner* court at 440, was to avert the 'current, extreme emergency'?

Before switching gears, it is worth pointing out that to this very day, of 122 Federal Prisons, their total population is still almost equivalent to the number of inmates in just 33 adult California institutions. In 2018, BOP had 129,430 prisoners to California's 115,000. In 2010, California's population dwarfed the number of Federal Prisoners by many thousands...

Now, turning the courts attention to more language from both *Dohner* and *Fischer*: Petitioner considers *Dohner* the best pound for pound opinion to treat the Overcrowding/double consolidation issue overall. "California is recognized as having one of the most serious problems of Overcrowding of any state in the country." (*Dohner Id.* at 422). The case mentioned their total population in 1985 was around 30,000.

A good place to start is in regards to a breakdown in the classifications:

> "as the number of inmates climbs further, it will be increasingly impossible for the staff to meet the minimal housing needs of those inmates whose psych, medical and emotional needs make double celling a cruel infliction of needless pain." (*id.* at 415, 427); Accord—*Fischer id.* at 294, (severe Overcrowding sets limits upon the administration's ability to respond with flexibly to housing problems arising from Double celling); along those same lines, "housing assignments . . . seem to be driven more from available space than from actual suitability for single cell status," (*Dohner idem* at 415); "...there is evidence that these criteria are not always applied and do not result in single cell housing even when that kind of treatment is medically indicated." (*id.* at 415) "... nevertheless, it is clear that as Overcrowding continues over time ... and screening capacity is stretched even thinner,

> the risk for fatal incompatibility is dangerously enhanced." (*id.* at 417).

In that context, it is axiomatic what *Dohner* is conveying is this: properly and safely classifying inmates in a crowded setting becomes impossible to accomplish in a timely manner; to save time, prison officials are known to cut corners and the results have been harmful.

Next, with respect to medical and mental health.., *Dohner* went on to say, "...the physical and mental health of inmates relates to the duration as well as the (very) fact of double celling (itself). There are two aspects to this relationship: First, in-cell time on a day-to-day basis and Second, the time elapsed of exposure to the double cell experience." This is particularly true of those persons for whom a double cell is "medically or psycho-logically inappropriate." (Emphasis added/*id.* at 417).

On the next page, the court wrote,

> "The extent of detriment to the physical and mental health of prisoners exposed to double celling over time may be significantly influenced by the degree of hope and encouragement to inmates and to the institution, that an end is in sight. One component is the state's exerting itself to eliminate Overcrowding in general and in the cell in particular." *(id.* at 418).

Here the court emphasized the need to put an end to Overcrowding, not make it exponentially worse. Please also consider, "... inmates react by social and psychological withdrawal and that Overcrowding poses particular problems for psychologically vulnerable inmates such as Category J & K (EOP) inmates. Inmates also testified to the general deterioration of conditions at CMC since the advent of double celling." (*Ibidem).* Petitioner *sub-judice* stayed at CMC-East—the subject of the *Dohner* opinion—exactly 30 years later; he witnessed first hand that double cells were still in use, as of late 2015.

Overcrowding in general can be defined as too many people in too little space. Truthfully, double cells are not such an extreme if it involves a 120 sq. foot arrangement. That was certainly not the situation *Hutto v. Finney*, (1978) 437 U.S. 678, 686-87 spoke at length about, not to mention, "A filthy, overcrowded cell and a diet of grue [sic] might be tolerable for a few days and intolerably cruel for weeks or months." *Bell supra* seems consistent here with regards to a short-term stay in jail. Distinctly, Petitioner has lived through crowded conditions for years on end.

Let us turn now to *Fischer v. Winter, supra* as it offers a whole different view into the crowds... *Fischer* alike *Dohner* brings a nice array of topics regarding Overcrowding and the often, overlooked results. Considering how simply the stigma of being incarcerated itself, even absent crowded

conditions produces stress.., we trust it is true; "expert testimony establishes as a general proposition that Overcrowding increases stress, and that excessive levels of stress may induce or aggravate physical illness..." (*Fischer* at 291).

As well, "Overcrowding not only interferes with the staff's ability to supervise and intervene to protect inmates, it contributes in a variety of (*other*) ways to the stresses and tensions that increase the likelihood of violent incidents." (Emphasis added/*id. Fischer* near 293). *Inter alia*, i.e., with a poor line of sight, it is difficult to peer through a crowded room to see a violent incident already underway; thus the reason to question the current regulatory prohibition against the use of force in self-defense [(15 Cal Admin. Code § 3005(c)][1]. Also consider,

> "... deterioration in *sanitary* conditions, even if no adverse health effects are demonstrated, induces stress for many inmates. . . and some of the inmates do not observe a very good standard of personal hygiene; they shower and change clothes infrequently. These problems obviously become much more noticeable in an Overcrowded facility." (*id.* at 293).

In a small cell, all of the household's dirtiest items are within arms reach. Petitioner has more than once, personally witnessed someone punching

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[1] Petitioner was disciplined for defending himself on numerous occasions.

their celly for refusing to shower. Bunking with a person who willingly refuses to practice proper hygiene, becomes an unending emotional torment. In addition, 'lack of privacy' and 'lack of personal space,' were mentioned as stress inducing factors; (*ibidem*).

Then as to *Scarcity*: "Overcrowding also creates scarcity—of beds, of food, of shower time; fights often occur over goods or services that are in short supply. Theft is a constant problem that not only provokes fights, but induces anxiety in inmates about *the security of their possessions.*" (Emphasis Added/*Fischer ibid.*) Consider Overcrowding's mutually enforcing effect in the germane context with housing status: "Each condition of confinement does not exist in isolation; the court must consider the effect of each condition in the context of the prison environment, especially when the ill effects of particular conditions are exacerbated by other related conditions." *Wright v. Rushen*, 642 F2d 1129, 1133 (9th Cir., 1982). When Petitioner completed administrative exhaustion of the instant issue in 2011, his initial observation was that 'his expensive property was always a source of problems', between him and his cellmates.

> Lastly, "...crowding had aggravated the problem of stronger and more criminally sophisticated inmates preying on weaker, less sophisticated inmates for commissary items, money and sexual favors; supervision difficulties discussed above contribute to this problem, but an additional factor of

> importance is the inability because of Overcrowding to segregate inmates adequately.., since certain types of inmates—a predator-type and a victim-type—cannot be housed safely in the same cell, the multiple occupancy area of a jail must be considered operationally full at 80 - 90% of its bed capacity: beyond that level, it becomes almost impossible to avoid unsafe mixing." (*Fischer, Ibid.*) (accord *Dohner* at 417).

By 1985, California had multiple district litigation regarding Overcrowding and its effects; both very thorough treatments. The question becomes: Why did California wait to address this? Long after *Plata*, this relative issue continues to surface like an early morning mist hovering over a swamp.

If CDCR is currently still claiming the right to conduct compulsory compactions, then they are admitting by implication that some facilities still have a crowding problem. To address it, CDCR recently unveiled a very controversial re-sorting technique called Non-Designated Programs whereby it wields some unknown authority to remix certain Protective Custody inmates back into General Population zones. Ironically, it began doing this in 2014, starting with the *Coleman class* facilities; the very reason why the mental health programs are still the most crowded; where to this very day, most of the forced cell pairings are taking place! This is the exact opposite of what the *Dohner* court order warned as it tossed aside the Plaintiff's preliminary

injunction, contingent upon putting an end to Overcrowding *as soon as possible*, starting with the mental health programs first...

**C: Arbitrary Lower Court Denial of Petitioner's Action, Raises Serious Fourteenth Amendment Concerns.**

The displaced status of state prisoners makes them particularly vulnerable to common forms of discrimination. Despite this unfortunate backdrop the "equal protection clause requires the government to treat similarly situated people alike"; *Cleburne v. Cleburne Living Center*, (1985) 473 U.S. 432, 439. At the center of this dispute, is 15 Cal. Admin. Code § 3269. It was adopted in 2008, as an emergency to address space limitations. If the Overcrowding has since then, been partially alleviated: respectfully, (1) What further need does the department have with this emergency act and (2) What governmental interest is served besides convenience or something even less compelling? "...The governmental interest in efficiency, convenience, or cost saving may be cited in support of a challenged rule: strict scrutiny would include judicial wariness of interests such as these which can easily and indiscriminately be invoked, and which almost never point uniquely to a challenged political choice." American Constitutional Law, L. H. Tribe; §16-6 (1978).

The prison system enjoys the pointed lack of visibility within which it operates. The conditions

inherent to crowding provide bountiful opportunities for officials to suppress grievances, level extrajudicial punishments, et cetera.[2] The discriminatory enforcement of housing policy noted above has proved utility in this regard. Petitioner *ad litem* has standing here in that his unalloyed evidence of injuries there-from is weighty. He made a great showing in the lower courts after spending many months on the project. Please notice how many 14th Amendment fault lines exist with respect to the Certiorari Applicant's well-pled discussion. Suppliant included most all of these in his earlier papers: (1) Regulatory Irregularities; (2) Double cells impact on education/rehabilitation; (3) property restriction due to space limitations; (4) health and safety risks posed by gross incompatibility; (5) sexual and other acts of violence; (6) custody officials attempting to normalize this chaos using precocious scienter schemes; (7) breakdown in classifications; (8) increased risk for transmission of communicable disease; (9) risk of serious head injury from a fall off the top bunk; and (10) cellmate experimentation. There are simply too many things that can go wrong; prolonged Overcrowding provides a 'dangerous surplus of power' to prison officials who historically are known to abuse their position of trust.

The standard set forth in *Brown v. Plata supra,* addressed the most obvious hazards, however from a practical standpoint could not sort out all of the underlying causes of mental and physical

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[2] By contrast, prisoners acting as spies on behalf of the administration are experiencing no such trouble.

disease—those instances nearly made CDCR's health services collapse 20 years ago. CDCR's health care would not be so noticeably awful in the absence of ubiquitous illness—such that highlighted these systemic infrastructure deficiencies. And this begs the question: What was the primary cause of the disease? Nationwide district court injunction opinions suggest: the forced double celling in small spaces within high security institutions.., is the causation. Besides this, the holding in *Bell supra* seems to agree, as it implies that long term double cell arrangements become an inhumane condition of confinement, relative to inadequate shelter.

Despite satisfying the lengthy criteria for single man celling, Cal DOC has denied Petitioner his right to safe housing annually, for nearly a decade. As set, the Department currently has reclassified Petitioner, putting him on the road to relive endless domestic confrontations, indefinitely. After many a petition for redress of grievance, the risible factual sequence has become quite predictable: File – Pause – Denial of Petition – resume the following – (1) discrimination (2) harassment, (3) retaliation. This documented process has repeated itself countless times. Meanwhile, CDCR assumes magisterial power for the manifold accommodation of certain unqualified inmates; e.g., to an imprisoned relative of a Lieutenant or to a devoted informant, goes 'single cell status' automatically.

Notwithstanding having received plain evidence of these ongoing deprivations, the lower courts made an ultra-express disposal of the matter although the weight of evidence was in his favor. *Suprema lex supra popularis objectum.*

## CONCLUSION

The lower court disregarded Petitioner's *a fortiori* arguments as well: his informative presentation was quickly set aside without due regard for his fundamental civil rights. To this day—California's lack of clear regulatory policies, referenced herein—continue to cause systemic harm. The intent of the relevant act cannot be sufficiently disguised in order to pass through the Constitutional fire without being consumed. The subject matter brought by Petitioner is governed more by an absence of a definite rule or standard than anything else; a policy vacuum seems to be in effect in this matter here.

The Department lacked rationale for its failure to provide a safe housing environment in this instance. Clearly defined legal boundaries were trespassed by DOC's unsupported findings. Due process was violated when the courts denied relief from this conspicuously bad administrative indiscretion.

California would have suffered no prejudicial or otherwise harmful impact upon accommodation of the earlier requested relief. A less restrictive alternative does not apply here; no gray area exists between a single and double occupancy cell. In this case, the provision of protected housing status is appropriate and narrowly tailored; extends no further than necessary to correct the alleged harm along with preventing further harm.

For now, the state's decision to unlawfully deny relief rests upon anomalous decision-making without respect to the surplus of proven facts provided. As it stands, Petitioner is left to augur up possible scenarios for the court's apparent disapproval. It fails both pillars of Due Process if a non-frivolous petitioner has to guess as to the basis of the challenged decision.

Petitioner's legal questions unveil another side of the Overcrowding story that earlier cases declined to address. *Ratio confirmat causa est Justus* Certiorari can reverse these obstacles to advancing the record towards prospective relief.