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S263573

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re ROBERT RYAN SNYDER on Habeas Corpus.

The petition for review is denied. (See *In re Dexter*
(1979) 25 Cal.3d 921, 925-926)

SUPREME COURT

FILED

Sept. 09, 2020

Jorge Navarrete, Clerk

Deputy

CANTIL-SAKAUTE

Chief Justice

**COURT OF APPEAL, FOURTH
APPELLATE DISTRICT,
DIVISION ONE
STATE OF CALIFORNIA**

In re ROBERT R. SNYDER) D077686
) (San Diego County
on) Super. Ct. No.
) HSC11734)
Habeas Corpus) (T. Walsh, Judge)
)

Court of Appeal 4th Dist.
FILED
Jul. 16, 2020

Kevin Lane, Clerk/
Executive Officer
Deputy

THE COURT:*

The petition for writ of habeas corpus has been read and considered by Justices Benke, Huffman, and Aaron.

Robert Snyder was sentenced to prison in 2010 for 32 years to life for attempted murder with use of a firearm and is currently housed at a prison in San Diego County operated by the CDCR (the Department). Snyder complains that sharing a prison cell with another inmate puts his health and

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safety at risk. He alleges he has had 48 different cellmates over the years; the Department has not adequately screened them for compatibility with him and, as a result, he has gotten into violent fights with some and has been punished for refusing to share a cell with others; and the rapid turnover of cellmates in an overcrowded prison increases his risk of contracting COVID-19. Snyder ask this court to issue an order to show cause, hold an evidentiary hearing, and “dispose of the matter as justice and equity require” by, among other things, ordering the prison to give him a single-occupancy cell.

Snyder is not entitled to habeas corpus relief. “As a general rule, a litigant will not be afforded judicial relief unless he has exhausted available administrative remedies. [¶] The requirement that administrative remedies be exhausted ‘applies to grievances lodged by prisoners.’ ” (*In re Dexter* (1979) 25 Cal.3d 921,925.) A prison inmate may submit a grievance “to dispute a policy, decision, action, condition, or omission by the Department’s Office of Appeals. (*Id.*, tit. 15, § 3481, subd. (a).)

Snyder has not shown he completed (or even initiated) the administrative review process as to his current complaints about having to share a prison cell with another inmate. He left blank the portion of the Judicial Council form petition for writ of habeas corpus that asked to him to “[e]xplain what administrative review [he] sought or explain why [he] did not seek review.” The only administrative appeal documents attached to the petition concern

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grievances Snyder lodged in 2011 and 2012 while he was housed at a different prison. Since nothing in the petition or its attachments suggests resort to the available administrative remedies would be futile or would cause irreparable injury, Snyder must exhaust those remedies before he may seek relief from the courts. (*In re Serna* (1978) 76 Cal.App.3d 1010, 1014)

The petition is denied.

BENKE, Acting P. J.

**SUPERIOR COURT OF CALIFORNIA,
IN THE COUNTY OF SAN DIEGO**

IN THE MATTER OF THE) HSC11734 – 3rd
APPLICATION OF:) Petition
)
ROBERT R. SNYDER,) ORDER DENYING
) PETITION FOR
Petitioner.) WRIT OF HABEAS
) CORPUS

F I L E D
San Diego Superior Court
June 05 2020

Clerk of the Superior Court
By: L. Viray

**AFTER REVIEWING THE PETITION FOR
WRIT OF HABEAS CORPUS IN THE ABOVE-
REFERENCED MATTER, THE COURT FINDS:**

Petitioner is currently incarcerated by the CA Department of Corrections and Rehabilitation (CDCR), Richard J. Donovan Correctional Facility.

On June 5, 2020 petitioner filed a petition for writ of habeas corpus. Petitioner complains about the fact that he is required to share a cell with another inmate, rather than enjoy single cell housing

status. Petitioner attacks various CDCR regulations controlling housing of inmates as being internally inconsistent ineffective, and overly burdensome to inmates. He mentions the current public health emergency caused by the Coronavirus Disease 2019 (COVID- 19), but provides no facts or arguments regarding its impact on his confinement. He attacks double cell housing of inmates without vetting for compatibility and claims prison officials relish in retaliation against, and causing violence between inmates.

The petition is denied.

Every petitioner, even one filing in pro per, must set forth a *prima facie* statement of facts that would entitle him to habeas corpus relief. (*In re Bower* (1985) 38 Cal.3d 865, 872; *In re Hochberg* (1970) 2 Cal.3d 870, 875 fn 4.) The petitioner then bears the burden of proving the facts upon which he bases his claim for relief. (*In re Riddle* (1962) 57 Cal.2d 848, 852.) Vague or conclusory allegations do not warrant habeas relief. (*People v. Duvall* (1995) 9 Cal.4th 464, 474.) The petition should include copies of “reasonably available documentary evidence in support of claims . . .” (*Id.*)

Additionally, as a general rule, petitioners will not be afforded judicial relief unless they have successfully sought and exhausted available administrative remedies. (*In re Dexter* (1979) 25 Cal.3d 921; *In re Muszalski* (1975) 52 Cal.App.3d 500.)

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Here, petitioner has not shown that he even attempted to exhaust administrative remedies with regard to his many complaints about his confinement. Accordingly petitioner has not shown that he is entitled to judicial review of his claims. However, even if petitioner had shown exhaustion, he would not be entitled to relief on the merits.

Petitioner has failed to set forth specific facts to establish a basis for habeas corpus relief. The petition is a lengthy list of complaints and conclusory allegations of faulty conditions or misconduct maintained by CDCR officials without legally relevant details, documentation, and authority in support.

Pursuant to the foregoing, the petition is denied.

A copy of this order shall be served upon petitioner.

IT IS SO ORDERED.

DATE: 06/05/2020

/s/ TIMOTHY R. WALSH
Judge of the Superior Court

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

}

On 9-22-2020

Date

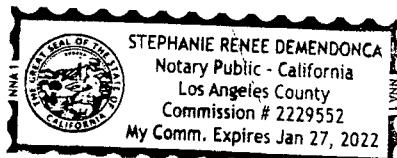
before me, Stephanie Renee Demendonca - notary public

Here Insert Name and Title of the Officer

personally appeared Mary E. Guzman-Snyder

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



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I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

Signature of Notary Public

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