

20-6072

No. USCA9 No: 19-16189

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
JUN 18 2020  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Dorothy Maraglino — PETITIONER  
(Your Name)

J. Espinoza vs.  
California Department — RESPONDENT(S)  
of Correction and Rehabilitation (DCR)  
ON PETITION FOR A WRIT OF CERTIORARI TO

U. S. District Court - Ninth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Dorothy Maraglino  
(Your Name)

P.O. Box 1508  
(Address)

Chowchilla, CA 93610  
(City, State, Zip Code)

(Phone Number)

RECEIVED  
SEP 18 2020  
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SUPREME COURT, U.S.

**QUESTION(S) PRESENTED**

1. Does the state of California have the right to circumvent its own state garnishment laws to charge prisoners over twice the garnishment percentage allowed by state garnishment laws?

## 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:

CDCR, Secretary Ralph Diaz  
J. Espinosa, Warden CCWF  
C. Cooper, Associate Warden CCWF

## RELATED CASES

NO: 1:17-cv-01535-LJO-BAM - U.S. District Court  
EASTERN  
filed Nov 17, 2017 decided 4/5/19 filed 4/8/19  
NO 19-16189 U.S. Court of Appeals for  
Ninth Circuit  
submitted 3/3/20 filed 3/6/20

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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
• People ex rel Lynch v. Superior Court (1970) 1 Cal 3d 910, 83 Cal Rptr 670, 464 P2d 126, 1970 Cal Lexis 360	

## STATUTES AND RULES

- US Code 11 USCS §§ 1301 et seq
- US CS Title 15 chapter 41 §§ 1673
- Cal Code Civ Proc § 704.090
- California Code of Civil Procedure Part 2; Div 2; ch 5,  
Articles 3 § 706.050; § 706.051; § 706.052

## 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 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 is unpublished.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 March 6, 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

- U.S. Constitution Amendment Four
  - Protection against unlawful search and seizure
- U.S. Constitution Amendment four-teen
  - Protection against denial of due process

## STATEMENT OF THE CASE

- original case filed Nov 17, 2017, claiming
  - unlawful seizure of money that should have been exempt
    - Denial of due process for charging inmates 55% restitution when the state garnishment laws restrict garnishment to 25%
- Denied in District Court 4/8/19
- Denied in Appeals - 9th District 3/6/20
- The state of California has given themselves permission to circumvent their own laws in violation of 4th & 14th Amendments
- California's Action makes any civil action moot
- Wrongful death judgements fall under civil code by logic and by spirit of the law - so should restitution and direct judgement to victim assigned at sentencing or restitution hearing.
- Court fee collection is bound by garnishment laws which support points above (see grant Proceed in Form 2 pauperis order by Eastern District)
- State prisoners are denied a living wage and have not had a wage increase in decades making them a disfranchised population.
- California violates the Constitutional Rights of prisoners by taking 55% of all income plus any additional awarded items against prisoners such as court fees for civil action to contest restitution policies

## REASONS FOR GRANTING THE PETITION

- ① The state of California is violating the U.S. Constitution by giving itself permission to circumvent their own state garnishment laws.
- ② State prisoners are a disfranchized population in need of the SCOTUS protection.
- ③ A SCOTUS decision is needed for the nation as a whole. The problem of states ignoring their own laws happens everywhere.
- ④ States must be held to obeying the laws of their states. Laws may not be set aside to unduly punish or to unlawfully seize funds from prisoners.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: