

20-7075

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

DEC 14 2020

OFFICE OF THE CLERK

J. P. PARNELL

— PETITIONER

(Your Name)

vs.

CHEN, ET AL.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

NINTH CIRCUIT COURT OF APPEAL

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

PETITION FOR WRIT OF CERTIORARI

J. P. PARNELL

(Your Name)

POST OFFICE BOX 2000

(Address)

VACAVILLE, CALIFORNIA 95696

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

At what point is the judiciary obliged to curtail efforts to procedurally bar inmate litigation and consider gross salient factors that are persuasive even considering PLRA and/or AEDPA?

Here, dated 3 December 2015, at-bar plaintiff appealed to the California State Auditor for help in uncovering the guile alleged in Parnell v Chen, Case No. 19-16163, of the concerted coercing to cause indigent inmate to sign-for and accept expensive orthopaedic footwear with no genuine medical need.

Even following at-bar litigation prompting CDCR to revamp its inmate co-pay system with the adoption of "Notice of Change to Health Care Regulations," (attached hereto at Appendix B), and notifying the district court of such changes by filing "Objections to Report and Recommendation of Magistrate Judge," filed on 5/13/19, in Case No. 2:16-cv-0749 JAM AC P, affixed here as Appendix C), the courts below have never condescended to even retort that the "changes" were meaningless.

Only the judiciary moves as though the corruption is uneventful.

In "Motion for Oral Arguments" Plaintiff apprised the circuit court that his failed attempts to whistle-blow did nothing but overwhelm him with court filing fees.

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QUESTION(S) PRESENTED

Plaintiff contested the medical need and the cost of orthopaedic shoes he was prescribed by prison physician.

The stipulation regarding the cost of the shoes was that if inmate remained indigent for thirty (30) days the cost would be expunged. However, plaintiff believed that the trust withdrawal signed by him would be transferred to a source which would allow the vendor of the ortho footwear to collect the cost even though inmate was indigent.

Plaintiff was not permitted to try-on the footwear unless he signed the Form-193 Trust Withdrawal.

Plaintiff did not want the ortho shoes. instead he wanted a light-weight canvas shoe, inexpensive, such a shoe had been previously supplied Plaintiff wherein he signed trust withdrawal for eight (8.00) dollars.

Plaintiff believed corruption was the impetus of prison medical forcing inmate to sign for stated cost of ortho shoes or go without requested relief.

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QUESTION(S) PRESENTED

Whether the syllabus given below rises to the level of Racketeer Influenced Corrupt Organization (RICO):

From the onset Plaintiff filed habeas corpus action to contest these practices. Upon reaching the federal court Plaintiff was ordered to file 28 U.S.C. § 1983. Parnell v Martinez No. 19-16393.

SYLLABUS

PRISONER FILED HABEAS CORPUS ACCUSING PENAL AUTHORITY OF COMPLICITY BY THE PRISON GUARDS UNION (CALIFORNIA CORRECTIONAL PEACE OFFICERS ASSOCIATION (CCPOA), FOR ASCRIBING MENIAL TASKS SUCH AS SWEEPING AND MOPPING FLOORS TO PRISON GUARDS INSTEAD OF INMATES.

FROM VARIED SOURCES PRISONER WAS TOLD THAT STAFF MUST PERFORM THE MENIAL CHORES BECAUSE GENERAL POPULATION (GP) INMATES COULD NOT WORK IN ADMINISTRATIVE SEGREGATION (AD/SEG) BECAUSE OF LIKELIHOOD THEY WOULD SMUGGLE WEAPONS AND DRUGS INTO AD/SEG.

PRISONER RESPONDED THAT AD/SEG INMATES WERE SINGLE-CELLED AND CUFFED AT ALL TIMES WHEN LEAVING CELL, THEREFORE THEY COULD ONLY USE A WEAPON AGAINST ONESELF. ADDITIONALLY, AD/SEG I/M'S HAVE LESS FUNDS THAN G.P. I/M'S AND WOULD THEREFORE NOT PRESENT A LUCRATIVE MARKET FOR DRUG SALES.

THEREFORE, ULTERIOR MOTIVATIONS MUST EXIST PROMPTING PENAL OFFICIALS TO ADVOCATE USE OF GUARDS ASSIGNED MENIAL TASKS, SUCH AS JUSTIFYING AUGMENTED MANPOWER NEEDS.

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Parnell v Martinez No. 19-16393, is incorporated herein because the circuit court determined Chen and Martinez in a single voice. Both cases are verisimilar in that at-bar plaintiff managed to cause the penal authority to change their procedures in a drastic fashion.

In Chen CDCR revamped the entirety of its medical co-pay system because of the corruption uncovered by Plaintiff. Plaintiff cannot prove his cause because the district court shielded defendants through powers of the magistrate judge. No respondent was ever held to answer because no respondent would have had authority to sweep facts alleged from scrutiny as did the magistrate judge. Any measure of 'discovery' would have thrown open the floodgates.

Though the Chen court never assigned a respondent to answer the validity of Solano medical assigning orthopaedic footwear for any and all foot maladies, Plaintiff received subsequent diagnoses from prison medical away from Solano, and imparted said diagnoses to the courts below. The district court simply ignored the new information provided by layman via Motion to Take Judicial Notice, and exhibit attached hereto shows that the circuit court deemed notification of such changes "unnecessary," (see Memorandum dated 9/16/20, in 9th Cir. No. 19-16163.)

Needless said, the cost of said ortho footwear should loom large. But the district court fully ignored Plaintiff's Motion to Take Judicial Notice of grossly exaggerated costs. Especially under circumstances where medical authority vouches that no such ortho footwear should have been diagnosed.

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	LETTER TO STATE AUDITOR INRE "WHISTLE BLOWER"
APPENDIX B	NOTICE OF CHANGE TO REGULATIONS REGARDING INMATE CO-PAY RETROACTIVE OF PLAINTIFF'S COMPLAINT
APPENDIX C	OBJECTIONS TO MAGISTRATE'S REPORT IN LIGHT OF CHANGES MADE BY APPENDIX-B
APPENDIX D	MOTION FOR ORAL ARGUMENTS AT CIRCUIT COURT IN HOPE OF EXPOSING FRAUD
APPENDIX E	MOTION FOR ORAL ARGUMENTS AT CIRCUIT COURT IN HOPE OF EXPOSING FRAUD
APPENDIX F	TABLE OF EXHIBITS GIVEN TO DISTRICT COURT

JURISDICTION

[] For cases from **federal** courts:

The date on which the United States Court of Appeals decided my case was 9/16/20

[] No petition for rehearing was timely filed in my case.

[x] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: (ignored), 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).

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:

RELATED CASES

PARNELL v CHEN 9th Cir. No. 19-16393 D.C. No 2:16-cv-01556-MCE-CKD

PARNELL v MARTINEZ 9th Cir. No. 19-16163 D.C. No. 2:16-cv-00749-JAM-AC

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 _____ 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 A to the petition and is

[X] reported at 16 Cal.App.4th 869; 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.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

RACKETEER INFLUENCED CORRUPT ORGANIZATIONS ACT (RICO)

STATEMENT OF THE CASE

The case of Parnell v Chen (9th Cir. No. 19-16163, D.C. No. 2:16-cv-00749-JAM-AC) is a Whistle-Blower circumstance intended to expose the corruption of prison officials pandering to vendors for purchase at exorbitant costs.

Plaintiff is an honorably discharged Vietnam combat veteran with the same jungle-rot foot conditions that has plagued him since the mid-sixties when he served.

Unfortunately, Plaintiff's remedial experiences to alleviate foot pain did not comport with prison medical. Giving full deference to prison medical is a given that cannot be denied. However, the obdurate diagnoses of CSP-Solano medical is an aberration even among California prisons, in that said medical facility's sole remedy for all maladies of the feet entailed purchasing of orthopaedic footwear from their chosen vendor.

The ortho footwear is expensive. Records will show that indigent inmates were often required to sign Form-193 Trust Withdrawals in excess of four hundred dollars (\$ 400.00) to cover costs.

The remedial footwear at-bar prisoner sought to alleviate his pain and discomfort had previously been granted him by CSP-medical, at a signed-for cost of \$ 8.00, a lightweight canvas shoe, issued by jails across America, at no charge.

STATEMENT OF THE CASE

The case of Parnell v Martinez (9th Cir. No. 19-16393, D.C. No. 2:16-cv-01556-MCE-CKD) was initially filed as a habeas corpus petition. The SYLLABUS set forth in Question Presented was the intended basis of the habeas action. Petitioner was seeking to expose such matters following his voluntary transfer from another prison (CSP-Corcoran) where he had filed in the Kings County Superior Court, contesting gang-related violence at the prison.

Transfer to CSP-Lancaster was intended to participate in a newly established Positive Program Facility (PPF) began at CSP-Lancaster. Upon arrival at the PPF facility Petitioner was placed in Ad/Seg for lack of bed-space. He was placed in a strip-cell under the same punitive conditions as inmates placed there for disciplinary rules violation reports (RVR).

Prisoner explained to all available ears that his transfer was to avail him to PPF program. Therein when he observed staff members sweeping and mopping tiers he volunteered in that he was not placed in ad/seg for recalcitrant behavior, but merely awaiting bed-space. It was then that staff informed prisoner that the menial labor must be done by staff for reasons set forth in SYLLABUS. Prisoner remained in ad/seg for approximately three weeks, awaiting the required medical lower bed. When prisoner was released from ad/seg he was moved to a cell where only the upper bed was available. The PPF program was in fact a sham, with worsening conditions until prisoner refused a urinalysis drug test for which he received punishments grossly exaggerated to those subscribed by statutes. There followed

the above-cited case of Parnell v Martinez.

Even so, Parnell v Martinez is not the cause of instant Petition for Writ of Certiorari. The relevance of Martinez is restricted to that in order to deny Plaintiff in Martinez, the courts below had to ignore that CDCR had to re-write significant portions of its Code of Regulations to evade allegations posited by petitioner's habeas corpus action, wherein Petitioner was then ordered to make such allegations in a section 1983 Complaint. Therein CDCR eluded being made to take a stance on CCR Title 15, § 3084, requiring inmates to enclose copies of all referenced documents, most of which would be prison-generated and available only through the prison.

Yet, Parnell v Chen is awash with the evidence presented herein. Layman begs protocols indulgence to examine the exhibits presented here which attest that the facts in Chen rise to the level of corruption, to the degree of RICO.

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REASONS FOR GRANTING THE PETITION

In Parnell v Chen (9th Cir. 19-16163, D.C. No. 2:16-cv-0049-JAM-AC) Plaintiff filed his § 1983 Civil Rights Action because he saw overt corruption perpetrated upon taxpayers, inter alia, by the medical department at Solano State Prison in California. Plaintiff clearly showed an adamance by prison medical staff to coerce vulnerable inmates, no matter their indigency, to sign in receipt for orthopaedic shoes/boots, a CDC Form 193 Trust Withdrawal for monies to be taken from their accounts.

Depending on the medical assessment deemed needful for the prisoner's foot condition, the ortho shoes cost as much as \$ 400.00. At-bar Plaintiff's shoes were deemed to cost \$ 60.00. However, everything about the supply and demand for the ortho footwear was a sham, a scheme devised to scam monies from funds made available to prison medical officials for treatment of inmates.

The courts below would neither look nor desire to see. The Table of Exhibits which was affixed to the Complaint, clearly apprised trier-of-fact of incongruities. (see TABLE OF EXHIBITS, attached)

Moreover, unseeing the courts below were, the Penal Authority took heed because prior to the district court denying Plaintiff's action, the State took notice and on 4/5/19, amended its Health Care Regulations with Number 19-01, where at Page 5, regarding artificial appliances, stated:

"A]nd prescribed appliances shall be provided at state expense[.]" (underline added for emphasis.) (see Exhibit NOTICE OF CHANGE, attached.)

Even so, when Plaintiff moved the Ninth Circuit for oral arguments to

prompt focus on the corruption, and moved the circuit court to Take Judicial Notice of the amending to the Health Care Regulations which opened the door to fraud and corruption by billing indigent inmates for monies they did not have nor anticipate acquiring, the circuit court, in its MEMORANDUM disposing of Plaintiff's cause, stated, "Parnell's motion to take judicial notice is denied as unnecessary. AFFIRMED."

At-Bar Plaintiff filed a Complaint which saved taxpayers thousands of dollars in corrupt pay-outs. Aside from causing a change in the statutes regarding co-pay costs for prisoners, Plaintiff accrued filing fee costs against his prison account which, because of his perennial indigency, he will likely never be able to pay. In the least prisoner believed he would be able to defray the costs of filing the complaint. Instead, Plaintiff is now forfeiting 60% of his monies. Penalizing Plaintiff for alerting the judiciary of these overt acts of corruption is, in the least, disheartening.

Plaintiff moves this Court to review Parnell v Chen, in that appointment of a magistrate judge to function as respondent preempted allegations.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

J. PARNELL



Date: DECEMBER 10, 2020