

SUPREME COURT
FILED

DEC 9 2020

Jorge Navarrete Clerk

S264228

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re WILLIAM DAWES on Habeas Corpus.

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive]; *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal].)

CANTIL-SAKAUYE

Chief Justice

1 Appendix B1

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3
4 SUPERIOR COURT OF CALIFORNIA
5 COUNTY OF MONTEREY

6 In re) Case No.: 17HC000091
7 William Dawes) ORDER
8 On Habeas Corpus.)
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12 On December 14, 2017, petitioner William Dawes, an inmate in the custody of the
13 Department of Corrections and Rehabilitation, filed a petition for writ of habeas corpus seeking
14 relief from a September 27, 2017 order of the Office of Administrative Hearings authorizing the
15 involuntary administration of medication.

16 On July 10, 2018, the court dismissed the petition after considering respondent's informal
17 response.

18 On December 26, 2018, petitioner filed a "notice of appeal." As a Superior Court's order
19 denying a petition for writ of habeas corpus is not appealable, the court treats the document as a
20 motion for reconsideration.

21 Because petitioner has not cited new law or facts in support of the new petition, the court
22 declines to again reach the merits.

23 Based on the foregoing, the motion for reconsideration is DENIED.

24 Dated: 2/26/19



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CERTIFICATE OF MAILING

(Code of Civil Procedure Section 1013a)

3 I do hereby certify that I am employed in the County of Monterey. I am over the age of
4 eighteen years and not a party to the within stated cause. I placed true and correct copies of the
5 **ORDER** for collection and mailing this date following our ordinary business practices. I am
6 readily familiar with the Court's practices for collection and processing correspondence for
7 mailing. On the same day that correspondence is placed for collection and mailing, it is
8 deposited in the ordinary course of business with the United States Postal Services in Salinas,
9 California, in a sealed envelope with postage fully prepaid. The names and addresses of each
10 person to whom notice was mailed is as follows:

William Dawes, G43030
P.O. Box 1050
Soledad, CA 93960

Date: **February 27, 2019**

CHRISTOPHER RUHL, Clerk of the Superior Court,

Alejandra Moreno, Deputy Clerk
Alejandra Moreno

Appendix BIE

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

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4 In re

) Case No.: 17HC000091

5 William Dawes

) ORDER

6 On Habeas Corpus.

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7

8 On December 14, 2017, petitioner William Dawes, an inmate in the custody of the
9 Department of Corrections and Rehabilitation, filed a petition for writ of habeas corpus seeking
10 relief from a September 27, 2017 order of the Office of Administrative Hearings authorizing the
11 involuntary administration of medication.

12 On April 25, 2018, the court ordered respondent to file an informal response.

13 On May 25, 2018, respondent filed an informal response arguing that a writ of habeas
14 corpus is not the proper remedy, and that an inmate contesting the finding of an administrative
15 law judge authorizing treatment must proceed by writ of administrative mandate.

16 On June 14, 2018, and June 15, 2018, petitioner filed letters with the court that the court
17 will treat as constituting his informal reply.

18 Analysis

19 After reviewing the record, the court agrees with respondent. The writ of habeas corpus
20 "may not be invoked where the accused has such a remedy under the orderly provisions of a
21 statute designed to rule the specific case upon which he relies for his discharge." (*In re Alpine*
22 (1928) 203 Cal. 731, 739.) Relevant to the instant petition, an inmate may "contest the finding
23 of an administrative law judge authorizing treatment with involuntary medication by filing a
24 petition for writ of administrative mandamus pursuant to Section 1094.5 of the Code of Civil
25 Procedure." (Pen. Code § 2602, subd. (c)(7).) While an inmate may file a petition for writ of
habeas corpus to challenge a decision by CDCR to "continue treatment", the court finds that

1 petitioner's claims relate to the underlying order of the Office of Administrative Hearings. This
2 is underlined in the informal reply, which asserts that the administrative law judge failed to
3 follow the law.

4 Based on the foregoing, the petition is DENIED.

5 Dated: *7/10/18*



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Hon. Timothy P. Roberts
Judge of the Superior Court



Appendix C.

United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

William Dawes

Civil Action No. 19cv1920-LAB-AGS

Petitioner,

v.

The People; Xavier Becerra, Attorney
General of the State of California

Respondents.

JUDGMENT IN A CIVIL CASE

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED:

The Petition is dismissed.

Date: 10/15/19

CLERK OF COURT
JOHN MORRILL, Clerk of Court
By: s/ J. Taylor

J. Taylor, Deputy

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Appendix D'

FILED

JUN 15 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

WILLIAM DAWES,

Plaintiff - Appellant,

v.

THE PEOPLE OF THE STATE OF
CALIFORNIA; et al.,

Defendants - Appellees.

No. 20-55501

D.C. No. 3:19-cv-02122-MMA-WVG
U.S. District Court for Southern
California, San Diego

MANDATE

The judgment of this Court, entered May 21, 2020, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Craig Westbrooke
Deputy Clerk
Ninth Circuit Rule 27-7

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Appendix E

FILED

JUN 19 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

WILLIAM DAWES,

Petitioner - Appellant,

v.

THE PEOPLE and XAVIER
BECERRA,

Respondents - Appellees.

No. 19-56340

D.C. No. 3:19-cv-01920-LAB-AGS
U.S. District Court for Southern
California, San Diego

MANDATE

The judgment of this Court, entered February 26, 2020, takes effect this
date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Jessica Flores
Deputy Clerk
Ninth Circuit Rule 27-7