

20-7588
No. _____

Supreme Court, U.S.
FILED
MAR 12 2021
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Anthony Sharif Gay — PETITIONER
(Your Name)

vs.
The United States Court of Appeals
For the Ninth Circuit — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Anthony Sharif Gay
(Your Name)
A. S. P.C. - Tucson, Winchester Unit
10,002 South Wilmot Rd / P.O. Box 24401
(Address)

Tucson, ARIZONA 85734
(City, State, Zip Code)

N/A
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

- 1) Whether a Court's knowing review of, and ruling on, a petition for writ of mandamus, that was neither authored nor delivered by the Petitioner, constitutes extraordinary circumstances requiring review and wanton disregard for inalienable human rights.
- 2) Whether Courts are obligated to protect and defend a person's inalienable human rights when those rights are violated by State and Federal actors cloaked in authority.

LIST OF PARTIES

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 judgement is the subject of this petition is as follows:

1. Judges Canby, Graber, and Friedland: United States Court of Appeals for the Ninth Circuit

RELATED CASES

1. Arizona v. Gay. Superior Court of Pima County, Case # CR-20011542, April 30, 2004 (Judgement Ordered)

2. Arizona v. Gay. Arizona Court of Appeals, Case # 2CA-CR 2004-0306, January 23, 2007 (Judgement Ordered)

3. Arizona v. Gay. Superior Court of Pima County, Case # CR-20011542, April 5, 2010 (Judgement Ordered) - Rule 32/ Post Conviction Relief

4. Arizona v. Gay. Supreme Court of Arizona, case # CR-11-0095-PR, August 8, 2011 (Judgement Ordered)

5. Gay v. Ryan. U.S. District Court for the District of Arizona, case # 4:12-cv-00544-CRP, September 30, 2016 (Judgement Ordered)

6. Gay v. Shinn. U.S. Court of Appeals for the Ninth Circuit, case # 20-72683, December 14, 2020 (Judgement Ordered)

7. Gay v. Ryan. U.S. Court of Appeals for the Ninth Circuit, case # 21-70007, February 11, 2021 (Judgement Ordered)

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2d. (Callaghan) 1611

In Re Occidental Petroleum Corps, 217 F.3d 293, 47 Fed R.

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serv 3d. (Callaghan) 176, 2006

U.S. App. LEXIS 15037 (5th Cir 2000)

STATUTES and RULES

Title 18 U.S.C.S. §§ 241 and 242

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UNITED STATES CONSTITUTION

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Int'l Covenant on Civil and Political Rights

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Rome Statute of the Int'l Criminal Court

6

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 February 11, 2021.

☒ 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).

STATEMENT OF THE CASE

On April 30, 2004, Petitioner Anthony Sharif Gay was convicted for the murder of Stacy McKeown and sentenced to natural life.

Gay has always proclaimed his innocence and has fought to present a meaningful defense with the material evidence that proves it.

On December 14, 2020, the United States Court of Appeals for the Ninth Circuit issued an Order denying Petitioner's application to file a second or successive 28 U.S.C. § 2254 habeas corpus petition in the district court. (Appendix C).

Petitioner submitted a petition for writ of certiorari with the United States Supreme Court, unaware that, according to 28 U.S.C. Section 2244(b)(3)(E), the denial could not be reviewed.

On January 04, 2021, the Ninth Circuit Court of Appeals' Clerk sent Petitioner a letter stating that a petition for writ of mandamus and/or prohibition had been received by them, in Petitioner's name, and to pay the docket fee if he wanted to proceed. (Appendix D).

Petitioner replied with a letter stating that he never drafted, submitted or delivered a petition for writ of mandamus and that there must be a mistake; could the Ninth Circuit Clerk explain what was going on, etc. (Appendix E). The Ninth Circuit's Clerk never responded to Petitioner's letter, nor did the Clerk remove the fraudulent petition for writ of mandamus from the docket.

1 Ninth Circuit only sent the docket showing Petitioner's letter was
2 received and filed; again, never answering it and correcting the
3 record. (Appendix E).

4 On February 11, 2021, Ninth Circuit Court of Appeals' Circuit
5 Judges Canby, Graber, and Friedland issued an Order denying
6 injunctive relief and closing the case of the fraudulent case,
7 opened on a fraudulent petition for writ of mandamus, that was
8 not drafted, dictated, delivered, nor submitted by this Petitioner,
9 Anthony Sharif Gay. (Appendix A).

10 Petitioner Gay responded with a second letter, again, stating that
11 he did not write, nor send, the petition for writ of mandamus that
12 was docketed as: In re Anthony Sharif Gay, Anthony Sharif Gay
13 v. Charles Ryan, No. 21-70007; that he was a victim of fraud
14 and that the Ninth Circuit had "mistakenly" accepted and
15 ruled on a fraudulent petition. Gay informed the Ninth Circuit
16 Court of Appeals of his intention to move forward with drafting
17 and submitting his own petition for writ of mandamus, for
18 the first time. (Appendix F) (declaration attached).

19 On February 24, 2021, Petitioner Gay sent his authentic Petition
20 for Writ of Mandamus to the Ninth Circuit Court of Appeals
21 (Appendix G).

22 Petitioner's mother has called and spoken with the Clerk of the
23 Ninth Circuit Court of Appeals, who stated that "they" do not
24 have, and have not docketed, Petitioner's petition for writ of
25 mandamus and that "mandamus is off of the table"; the case is
26 closed. Petitioner has received no correspondence, nor reply,
27
28

1 from the Ninth Circuit Court of Appeals regarding the fraudulent
2 petition, etc.

REASONS FOR GRANTING THE PETITION

The rights to petition the Government for redress of grievances, and Higher Courts for review of Lower Court decisions, are inalienable human rights guaranteed by the Constitution and International Law. United States Constitution, First Amendment; and Article Six. International Covenant on Civil and Political Rights, Article 9, 4 and 14, 5. Convention Against Torture, Article 14, 1. American Convention, 8, H.

Courts have a legal obligation to protect petitioners from the actions of those cloaked in authority that violate their rights. American Declaration on the Rights and Duties of Man, Article 18.

The Respondents are trained and experienced in the Law, adjudication, and jurisprudence; so it is reasonable to expect them to recognize a fraudulent petition when one is filed in their Court. They were required to recognize the malice, judicial bias, concealment of evidence, concerted actions, willfull blindness and color of law crimes, upon review of District Court decisions. Instead, the Respondents arbitrarily affirmed District Court's rulings, which now draws suspicion, in light of the fact that they have subsequently accepted, reviewed, and ruled on a petition for writ of mandamus they knew this Petitioner did not dictate, write, send, nor consent to.

1 Respondents have abdicated and ignored their duty to protect
2 this Petitioner from a miscarriage of justice and multiple on-
3 going violations of his inalienable human rights, by Federal
4 and State actors; particularly, but not limited to, by any means,
5 his rights to petition the Government for redress and to be free
6 from torture and inhumane treatment.

7 These material facts establish that Respondent's prior
8 rulings, at least with regards to this Petitioner, are question-
9 able, at best; and have damaged the integrity of the judicial
10 processes. Their conduct reflects the likelihood of unofficial,
11 undeclared, secret, coordinated arrangements within the
12 judiciary system.

13
14 The writ of Mandamus is for extraordinary circumstances likely
15 to reoccur, including a Court's erroneous practices, that exemplify
16 important questions in need of guidelines for future resolution.
17 General Motors Corp v. Lord, 488 F.2d 1096, 17 Fed R. Serv. 2d
18 (Callaghan) 1611. To obtain mandamus relief, Petitioner must do
19 more than prove merely that the Court erred. In Re Occidental
20 Petroleum Corp, 217 F.3d 293, 47 Fed. R. Serv. 3d (Callaghan) 196, 2000
21 U.S. App LEXIS 15039 (5th Cir 2000).

22 The fact that the Respondents have docketed and denied a fraudulent
23 Petition for Writ of Mandamus, in order to block this Petitioner's
24 true and authentic Petition, is a showing that Respondents more
25 than erred, and qualifies as an extraordinary circumstance.

1 that, not only is likely to occur again, but is probably a long time
2 pattern and practice of human and civil rights violations. They
3 have shown willfull malice and wanton disregard for this Petitioner's
4 inalienable human rights, as Petitioner told Respondents that
5 he was not the author, nor sender, of the fraudulent Petition,
6 two (2) times.

7
8 "When federal and state actors within the criminal justice
9 systems conspire to injure, oppress, threaten, or intimidate any
10 person ; and/or whoever under the color of any law, statute,
11 ordinance, regulation, or custom, willfully subjects any person
12 to the deprivation of any right ... or to punishments, pains and
13 penalties, on account of their color or race ... they shall be fined
14 and/or imprisoned ... " see Title 18 U.S.C.S., §§ 241 and 242

15 When respondents refused to nullify the fraudulent petition for writ
16 of mandamus, especially after being informed, twice, by this Petitioner,
17 that he did not submit it, they demonstrated that they were not
18 victims of the fraud, along with petitioner; On the contrary, it
19 satisfies that they are co-conspirators in a chain conspiracy
20 which has had the effect of injuring Petitioner by depriving him
21 of his inalienable human rights, including his rights to petition
22 the Government for redress and have Higher Courts review the
23 decisions of Lower Courts. Respondents, as trained and experienced
24 adjudicators, are aware of Petitioner's inalienable human rights
25 and Constitutional Guarantees.

Under Universal Jurisdiction and pursuant to article twenty seven (27) of the Rome Statute of the International Criminal Court, any immunities or special procedural rules shall not bar the I. C. C. From exercising its jurisdiction over Respondents, herein, as there is an "irrelevance of official capacity" when State actors are knowingly engaged in Imprisonment, crimes against humanity, and systematic widespread attacks causing great suffering. Rome Statute of the I. C. C., Article 27

Petitioner is aware of the magnitude and gravity of the allegations and statements above; but they are material facts. Over the course of twenty (20) years, Petitioner has been witness, and subjected, to torture, racial discrimination and segregation, and a miscarriage of justice that are the products of large scale, systematic abuses of power, and concerted actions, of State and Federal actors, that have left Petitioner damaged; and caused him multiple continual, continuous and permanent injuries. The record shows that Petitioner's incoming and outgoing legal mail is hindered and thrown away, property and cell are destroyed, and he has sustained threats of violence and death by prison staff; all the products of coordinated acts of State / Federal actors within a chain conspiracy that are a continuing violation of Petitioner's natural human rights and fundamental freedoms. Please consult the Appendices for an indepth understanding of the level of State corruption that have been reached, confirmed crimes against humanity by A&DC officials, etc.

CONCLUSION

Petitioner respectfully seeks a meaningful opportunity to present a complete defense, proper review, extraordinary relief, an evidentiary hearing, and/or any relief appropriate for this matter, according to this Court's discretion and Constitutional guarantee.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anthony S. Gay

Anthony Sharif Gay

Date: 3/8/21