

No. 20-7948

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Ernest H. Baker III — PETITIONER
(Your Name)

Oregon Department of Corrections
(ODOC), & Stuart Young — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Ninth Circuit no.19-35930
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ernest Baker #15503798
(Your Name)

EOCI / 2500 Westgate
(Address)

Pendleton, OR. 97801
(City, State, Zip Code)

RECEIVED
MAY - 4 2021

WA
(Phone Number)

QUESTION(S) PRESENTED

Is the U.S Supreme Court not the last line of defense for citizens of this nation in order to protect "Religious Freedom" and the free exercise thereof? Does not Stare Decisis and Set Precedent matter anymore in this nation to ensure people still have the rights of life, liberty, and the pursuit of happiness? Does clear cut evidence and law not matter anymore or can Courts rule willy-nilly and contrary to laws in Set Precedent? If these things still matter the Court must take this case. Especially since at every turn I asked to be represented as I'm documented mental health and could barely read and write prior to prison with only a 5th grade education and Special ed. and have been denied though I also presented case law for this as well... please do not let "my" handicaps establish laws contrary to Set-Precedent denying untold amounts of others to be stripped of their religious freedoms as well....

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

Baker v. ODOC, no. 19-35930 U.S. Court of Appeals
for the Ninth Circuit

Baker v. ODOC, D.C. No. 2:17-cv-00272-MK
U.S. District Court for the District of Oregon

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A Proof granting Forma Pauperis in lower Courts.

APPENDIX B Proof Showing the denial of Petition and en banc review.
(Court of Appeals)[only paperwork I have on the matter].

APPENDIX C Proof showing denial of Petition and de novo review.
(District Court)[only paperwork I have on the matter].

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
42 U.S.C. (RLUIPA) § 2000 - 1(a)(1)-(2)	4
1 st Amendment	4
Establishment Clause	4
Equal Protection	4
Cutter v. Wilkinson, 544 U.S. 709, 712 (2005)	4
Love v. Reed, 216 F.3d 682, 688 (8 th Cir 2000)	4
Jackson v. Mann, 196 F.3d 316, 320 (2d Cir. 1999)	4

STATUTES AND RULES

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 B to the petition and is

reported at 2/19; 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 C to the petition and is

reported at 2/19; 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 2/4 to the petition and is

reported at 2/19; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the 2/19 court appears at Appendix 2/19 to the petition and is

reported at 2/19; 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 Jan. 6, 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: Jan. 26, 2021, and a copy of the order denying rehearing appears at Appendix B.

An extension of time to file the petition for a writ of certiorari was granted to and including 1/19 (date) on 1/19 (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 1/19. A copy of that decision appears at Appendix 1/19.

A timely petition for rehearing was thereafter denied on the following date: 1/19, and a copy of the order denying rehearing appears at Appendix 1/19.

An extension of time to file the petition for a writ of certiorari was granted to and including 1/19 (date) on 1/19 (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

42 U.S.C. (RLUIPA) § 2000 - 1(a)(1)-(2)

1st Amendment

Establishment Clause

Equal Protection

42 U.S.C. § 1983 (Redress of Grievances)

STATEMENT OF THE CASE

Comes now Pro-se Plaintiff, Ernest H. Baker III, before this U.S. Supreme Court, and prays this court will hear my case on Religious Freedom, granting and reinstating my 1st Amendment rights which are still stripped from me. Plaintiff, in his confinement is limited in access due to Covid-19 so please accept this redress being my 3rd attempt. ① Plaintiff has clearly shown by evidence that Oregon Department of Corrections (ODOC) / Stuart Young (The Religious Admin.) , in violation of the law, are forcing Inmates to "prove their race" in order to be granted their religious rights violating the Establishment and Equal Protection Clause, and ② are denying basic human rights of Food (with maggots = non edible) and Water consistent with Inmates' religious Scruples, and ③ are discluding only certain groups of Inmates from participating in group activities per their race and/or religion in violation of the Equal Protection Clause and State & Federal law. The lower Courts in every aspect of this case ruled Contrary to the evidence and clearly established law, laws that mirror this case in nearly all aspects as seen in Cutter v. Wilkinson, 544 U.S. 709, 712 (2005), Jackson v. Mann, 196 F.3d 316, 320 (2d Cir. 1999), & Love v. Reed, 216 F.3d 682, 688 (8th Cir. 2000) - which states in Part, ("The District Courts reliance on a Rabbi's statement, that a Jew was one who was born a Jew or formerly converted, to find Plaintiff not Jewish, erroneously substituted the objective "accuracy" of Plaintiff's claim for the correct Constitutional test: whether his beliefs were "sincerely held." Defendants were not entitled to qualified immunity because when they denied a Kosher diet it was already clearly established that they must provide a diet consistent with a prisoner's own religious Scruples. ")

Plaintiff provided clear evidence showing Defendants clearly violated those exact same things in the exact same way with knowing intent of harm, starved Inmates, denied them anything to drink, racial profiled, and many more grievances - too many to name here - and I beg this court to please, please, hold them accountable, because if you dont, who then is left to hear our cries and pleas?

REASONS FOR GRANTING THE PETITION

If the prior rulings in this case are left to stand, then set-precedent under stare-decisis is dead in America and the courts will be able to trample religious rights as they will be able to rule "willy-nilly," rather than by clearly established law. I pray this court reviews this case to preserve the Free Exercise of Religion in this case for this great nation to allow "we the people" to still pursue life, liberty, and happiness which is only possible if this court continues to uphold the belief of "inalienable rights" . . .

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ernest H. Baker III

Date: 3-17-21