

No. **20-8159**

IN THE
SUPREME COURT OF THE UNITED STATES

C.S. Robledo
(Your Name)

— PETITIONER

FILED

MAY 12 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

VS.

Aramark, L.L.C.
AND Michael Fish — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
U.S. District of Colorado (Federal, Denver)
~~United States Tenth Circuit Court of Appeals~~
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Craig Sebastian Robledo
(Your Name)

12750 State Hwy 96
(Address)

Ordway, CO 81034
(City, State, Zip Code)

(719) 496-8794
(Phone Number)

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:

Judith Middleweek
Joshua Lang
Susan Swerdferger
Michael Fish

RELATED CASES

2017-cv-02022 (U.S. District, Colorado)

20-1367 (10th Circuit Court of Appeals)

QUESTION(S) PRESENTED

1. DOES A COUNTY JAIL DEPUTY QUALIFY AS A "State Employee"?
2. DOES A NOTICE OF INTENT SENT TO THE ATTORNEY GENERAL OF A STATE QUALIFY AS NOTICE UNDER THE COLORADO GOVERNMENT IMMUNITY ACT FOR SUING A STATE DEPUTY OR LAW ENFORCEMENT OFFICER?
3. DO LAW ENFORCEMENT OFFICERS QUALIFY AS "State Employees"?
4. IF A PRISONER WAS GRANTED FORMA PAUPERIS IN A STATE COURT, DOES SAID STATUS APPLY ONCE THE CASE IS REMOVED TO FEDERAL COURT?
5. IF THE OPPOSING PARTY [DEFENDANTS] PAID THE FILING FEE IN FEDERAL DISTRICT COURT, AND THE PLAINTIFF APPEALS JUDGMENT; SHOULD THE "PLRA" APPLY TO A PRISONER-APPELLANT WHO IS INDIGENT, BUT HAS 3 "STRIKES"?
6. DOES A CLERK OF THE COURT OF APPEALS HAVE MORE AUTHORITY THAN A 10th CIRCUIT JUDGE?
7. CAN A CLERK OF THE U.S. COURT OF APPEALS DENY A PETITION FOR REHEARING?

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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☒ is unpublished.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 ~~November 17, 2020~~.

* December 18, 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: approximately March 2021, 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).

* Clerk Christopher M. Wolpert refuses to allow me to file a "Petition for Rehearing"

☐ 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

1. Access to Courts and the Appellate System
2. Colorado Government Immunity Act (C.R.S. § 24-10-108)
3. 8th Amendment Right to be free from Cruel and Unusual Punishment
4. 1st, 5th, 14th Amendments regarding "redress of grievances" and "due process of law".
5. 28 U.S.C. § 1915

STATEMENT OF THE CASE

On November 17, 2020, the U.S. Court of Appeals for the 10th Circuit issued an order (Attached) which commanded Craig S. Robledo to pay the \$505.00 filing fee.

Craig Robledo did NOT receive the order until JANUARY of 2021.

C.S. Robledo is a PRISONER of the Colorado prison system.

He was transferred from Sterling prison to CSP Supermax 2 on October 8, 2020.

On or about November 19th, 2020, the 10th Circuit's order arrived at Sterling prison.

On December 29, 2020, C.S. Robledo was transferred to Arkansas Valley Prison.

On or about December 18, 2020, the 10th Circuit Court of Appeals dismissed the action.

Petitioner was not notified. He never received the November 17th order NOR the December 18th, 2020 order until January of 2021.

Petitioner MAILED a Petition For Rehearing to the U.S. Court of Appeals. The Clerk, Christopher Wolpert, refused to accept it or file it.

Petitioner is being told that **ONLY** the \$505 filing fee will reopen the appeal. His Petition For Rehearing was never read nor ruled upon.

Notwithstanding all of this, one of the reasons for dismissal of this action in the U.S. District Court (Colorado) was a "failure to serve" the Complaint upon the Aramark Defendants.

They hid inside the Jefferson County jail and would not meet with the U.S. Marshalls. Also, Mike Fish, a Jefferson County DEPUTY; Law Enforcement officer; claimed the Notice of Intent mailed to the Colorado Attorney General was void and does not apply to him.

The Jefferson County Attorneys claim a Deputy is not a government employee nor a state employee.

Petitioner mailed numerous letters to the U.S. Court of Appeals, to no avail.

He then wrote to this Court on March 3, 2021 (Attachment L-1) and received this packet on or about April 14, 2021.

This Petition followed.

REASONS FOR GRANTING THE PETITION

- A. Billion dollar corporations like "Aramark Food Services" should not be allowed to evade justice nor suit by having their employees hide inside of jails where they work.
- B. Jail Deputies and Law Enforcement officers must be considered State or Government employees for the purpose of Notice requirements under a State's immunity act. (Like C.R.S. § 24-10-108)
- C. Clerk's duties at the Court of Appeals must require them to **FILE** a Petition For Rehearing.
- D. A Clerk in a U.S. Court of Appeals must not have jurisdiction nor authority nor discretion to deny or reject a timely filed Petition For Rehearing.
- E. Mailing errors during COVID-19 pandemic protocols should not disqualify a Federal Appeal.
- F. If a Defendant files for removal to Federal Court and pays the filing fee; a Plaintiff on Appeal who is a prisoner should not be held to a 3 strikes requirement under 28 USC § 1915, especially where He did not wish to file in Federal Court.

CONCLUSION

C.S. Robledo is being punished by a CLERK of the U.S. Court of Appeals for the 10th Circuit.

The petition for a writ of certiorari should be granted.

Respectfully submitted, C.S. Robledo, Paralegal

A handwritten signature in black ink, appearing to be 'C.S. Robledo', is written over a horizontal line.

Date: April 17, 2021