

No. 27-5465

IN THE  
SUPREME COURT OF THE UNITED STATES

Kent Williams — PETITIONER  
(Your Name)

vs.

Clerk Stewart — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Ninth circuit court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kent Williams 119473  
(Your Name)  
Idaho maximum security institution  
PO Box 51  
(Address)

Boise, Idaho 83707  
(City, State, Zip Code)

None  
(Phone Number)

## QUESTIONS PRESENTED

Does the United States District court for the District of Idaho Rule 342, which imposes only upon "Prose Prisoners" a twenty (20) page limit on civil rights petitions (42 USC § 1983) violate the First and Fourteenth Amendment to the United States constitution?

Whether rule 342 violates the Due Process and Equal protection clause of the Fourteenth Amendment since it only targets and prejudices indigent prose prisoners who can not afford an attorney to file their 42 USC § 1983 complaints for them.

Whether rule 342 violates the right to petition under the First Amendment since it prevents raising claims, naming defendants and undermines petitions.

### 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:

There were no respondents served as the complaint was dismissed in the initial review order.

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TABLE OF AUTHORITIES CITED

CASES None

PAGE NUMBER

STATUTES AND RULES  
42 USC § 1983

OTHER None

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 is unpublished.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 is unpublished.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: N/A

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 December 9, 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: April 29, 2021, and a copy of the order denying rehearing appears at Appendix C.

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: N/A

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

First and Fourteenth Amendment

42 USC § 1983

## STATEMENT OF THE CASE

on August 8, 2018 Williams filed a 42 USC § 1983 complaint against various prison officials in the Idaho Department of corrections claiming unlawful placement in and conditions of suicide watch, as well as access to courts and right to petition claims. He was granted In Forma Pauperis status.

on February 7, 2019 the District court implemented local rule 342 (Appendix ) three months after that on April 15, 2019 the court issued its initial review order (Appendix ) and retroactively applied 342 and its page limit of 20 total pages for complaints filed by Pro se Prisoners. Williams was instructed to separate the original 68 page petition into two suits (20(a)(2)) and could not exceed 20 pages each, cover to certificate of service.

there was no way to keep the two amended petitions (Appendix ) under twenty pages and still maintain the integrity of the complaints. or keep all claims and defendants. The amended complaints were 31 (a) and 43 (b) pages. With the complaints Williams filed an "objection to or motion not to impose" General order 342 = (Appendix ). The motion was denied and each petition was dismissed with prejudice for exceeding 20 pages (Appendix )

Williams timely appealed, No. 19-35936, Ninth Circuit; D.C. No. 1:18-cv-00343.

With little comment the appellate court denied the appeal (appendix), only stating that pro se prisoners must also follow local rules. The court misunderstood Williams's argument. He was arguing that the rule itself was unconstitutional. Not that it should not apply to him because he was an indigent prisoner.

The 20 page limit is unconstitutional on its face for any petitioner, pro se prisoner or otherwise. It prevents a person from presenting claims and naming defendants.

Even if a person could afford to divide the complaint into multiple, separate suits it, as is the case here, would weaken the suit. And Williams certainly could not afford to pay for four suits.

The rule will either chill an indigent prisoners' right to petition, or if he chooses to divide into multiple suits impose an uneven fee application on him which only congress can impose (such as it did through the Prisoner Litigation Reform Act).

And if Williams had separated both petitions into multiple ones they would be watered down. Especially petition (a). Each incident compounded the prejudice. Neither petition could name each defendant and present each claim if separated into two petitions: there is no logic to this rule, it simply penalises and chills the right to petition.

Because it only targets those unable to afford an attorney,

that is, indigent prisoners, it violates the equal protection clause of the Fourteenth Amendment. Perhaps if it applied to all prisoners it would not.

The courts' reasoning for 342 is that it saves on public resources. If the court forces indigent inmates into filing several suits that could be filed as one, with separate trials, it would have the opposite effect. Its goal of course is met by chilling that right.

The rule is not a discretionary one. There is no exercise of discretion. It is a firm rule. There was no finding by the District Court of superfluous language. In its order to dismiss, the District Court cites another court saying page limits force parties to hone their arguments (page 3). A petition is not an argument. An argument pleading is quite different than a petition, which is a specific right mentioned in the First Amendment. A court always has the authority to make case by case findings of inappropriate or unnecessary language. This firm rule is unnecessary and unconstitutional.

## REASONS FOR GRANTING THE PETITION

It is now the ninth circuits holding that states can impose upon indigent prisoners such a restrictive and harmful impediment upon their fundamental right to petition the Government for redress of grievances

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kent Williams / Kent Williams

Date: July 20, 2021