

No. **21 - 5744**

Supreme Court, U.S.
FILED

JUN 25 2020

OFFICE OF THE CLERK

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Joseph George — PETITIONER
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States COA for the 9th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Joseph George BF-3836
(Your Name)
Pelican Bay State Prison
P.O. Box 7500, C-3-224
(Address)

Crescent City, CA 95532
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Does a long running Government and Organized Criminal conspiracy targeting and framing petitioner for battery cases meet the PLRA 3-strikes exception of imminent danger?

Once convicted and imprisoned, does continued attacks orchestrated by prison guards with organized criminals and framing petitioner with battery cases meet the 28 U.S.C. § 1915(g) exception?

Does denying an indigent prisoner in forma pauperis under 28 U.S.C. § 1915(g) violate the First Amendment Access to court? if the prisoner actual meets the exception?

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: *Defendants*

1. McDonalds, 2. VON'S, 3. San Diego Police Department, 4. San Diego Sheriff's Department 5. San Diego City Attorney's Office, 6. San Diego District Attorneys Office, 7. San Diego County Public Defenders Office 8. Office of Assisted Counsel, 9. Replanet, 10. Mission Valley Oral and Maxillo-facial Surgery Inc. 11. Southeast Neuroscience Center 12. Oral Facial Surgery Center, 13. DAV Co or DAVACO Construction Co. 14. Zurich Insurance Co. 15. Court Clerks Micheal Roddy and Charlie Sarnoff Court Reporters Cathy Comfort, and Gabriel Hernandez 17. Brian Neeley, Josue Jimenez, Allen Reed, Mariam Gallegos, Edith Martinez and Doe Defendants 1-100 from all public entities and private businesses, Shelley Zimmerman, William Gore, Dennis Flynn, Sarah Sutter, Bonnie Dumanis Summer Stephen, Jan Goldsmith, A Davila, T. Richard, Melissa Kehrman, Josue Rivera, Christopher, Robert Stall

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.

STATEMENT OF THE CASE

Petitioner filed a Section 1983 with civil conspiracy diversity and supplemental jurisdiction claims against Public Entities, Private Businesses and Gang Members for orchestrating framing and entrapping petitioner with Assault and Battery cases. Defendants were calling the police on petitioner for panhandling but allowing non profit organizations to solicit donations and other homeless people on their premises.

The City and District Attorney's Office would press charges knowing these battery cases were orchestrated by organized criminals and the police were providing false reports and fabricating evidence.

Petitioner is seeking monetary damages and appointment of counsel. The United States District Court for the Southern District of California denied in forma pauperis status and appointment of counsel under the 3-strikes 28 U.S.C. § 1915(g).

Upon filing an appeal, the Ninth Circuit Court of Appeal dismissed the appeal under 28 U.S.C. § 1915(g).

Now that petitioner is convicted in prison on an actual innocent case. Prison guards continue to orchestrate attacks by organized criminals and frame petitioner with false and fabricated battery cases. Petitioner had to build a spider web for protection (See Appendix N for the photo) With petitioner continuously being threatened by prison guards and organized criminals whether in Administrative Segregation or protective custody general population meets the imminent danger exception under FARA 3 strikes.

STATEMENT OF THE CASE

ON 7/31/15, Defendant Brian Neeley acting in concert with the McDonald's Owner, defendant does, employees defendant Edith Martinez called the San Diego Police. Defendant Officer Sarah Sutter wrote a false report and photo shopped fake and fabricated injuries on defendant Neeley from an alleged head butt.

Defendant Doe 1 Detective wrote a false report by defendant Martinez that Neeley was pushed four times in the chest

On 8/3/15, Defendant Does 1-10 arrested petitioner in battery case number M204855. Petitioner was released after about ten days.

On 9/23/15, Defendant Does 1-8 arrested petitioner on a re-issued warrant and tried to plant a knife in the back seat but petitioner had the San Diego Police remove the weapon once seen.

Petitioner bailed out of jail and continued panhandling in front of McDonald's where defendant owner would confront petitioner. The employees were told to call the police on petitioner by owner.

Defendant Doe 1-17 Vons employees use to call the police on petitioner for panhandling instead of obtaining a stay away order from 9/1/15 to 3/31/17. But allow non profit organizations and other homeless people solicit donations.

Defendant Doe at Replanet reported an argument, the police arrived and told petitioner to leave Vons parking lot on 2/16.

On 8/26/16, Defendant Josue Jimenez punched petitioner in the right eye. A struggle ensued. The San Diego Police Defendant LARRY TURNER wrote a false report and Defendant Detective FRANK

STATEMENT OF THE CASE

Dragula wrote a fake report petitioner kicked dents in defendant Jimenez rental car.

(See Petitioner Booking Photo as Appendix C)

Petitioner hereby incorporated by reference all San Diego Sheriff's Detention Grievances and Defendant Does 1-25 Sheriff's Deputies for harassment and threats that petitioner cannot recall from 1/15 through 2/5/18.

On 9/17 and 18/16, Defendants A. Davila and T. Richards were trying to lace petitioner's soup with drugs to orchestrate a stabbing assault. Petitioner filed a grievance for the video surveillance. Defendant Dennis Flynn denied these allegations in the grievance.

Petitioner went to court numerous times but there was never a probable cause hearing in the misdemeanor cases M204855 and M221817.

Petitioner signed a deal in the Jimenez case. The alleged Neeley case was dropped but for two years Neeley never came to court so the alleged victim was hiding from prosecutors and defense investigators.

Petitioner was arrested on 8/26/16 and released on 3/1/17 because of day for day petitioner was over incarcerated for 90 days. Since misdemeanors carry a 6 months jail time.

Defendant Robert Stall, Michael Garcia, Jackie Braden, Michael Anselm and William Trainor conspired to deny petitioner proper discovery, investigations, and expert witnesses to accept plea bargain.

On 3/2/17, Defendant Jon Berry and Defendant Does are Vows employees, surrounded petitioner and tried to provoke an attack while accusing petitioner of assaulting Jimenez.

STATEMENT OF THE CASE

On 3/31/17, Defendant Allen from DAVACO Construction Co. in Florida was remodeling McDonalds pushed petitioner as part of the conspiracy was subsequently punched in the mouth.

Defendant Reed told San Diego Police Officer GARRY DAVIS punched in the mouth.

(See Police Report as Appendix D)

Defendant Melissa Kohman, Zurich as part of the conspiracy authorized emergency treatment

(See Zurich Email as Appendix E)

Defendant Smith Mission Valley Oral and Maxillofacial Surgery did a CT scan and falsely reported Reed had a non displaced fracture of the right zygomatic buttress as part of the conspiracy

Petitioner wrote co workers defendants Kenneth Sprinti, Fred Hammond, and Robert Spaulding threatening to sue.

(See Dr. Timothy Smith Report as Appendix F)

On 4/5/17, Defendant Reed went to Dr. Marlon Hanley at Affordable Dentures in Houma, LA. who did a CT scan and reported Reed has no facial fractures

(See Dr. Hanley Report as Appendix G)

On 4/20/17, Defendant Reed went to Dr. David Baughman at Oral-Facial Surgery Center who falsely reported Dr. Hanley wrote or referred Mr. Reed for a facial fracture or jaw fracture

(See Dr. Baughman Report as Appendix H)

Defendant Donald Gervais at Southeast Neuroscience Center provided false medical records to assist Reed commit perjured testimony about multiple injuries as part of the conspiracy.

(See Dr. Gervais Report as Appendix I)

STATEMENT OF THE CASE

On 10/27/17, At the Conditional Examination Dr. Smith never testified to seeing any bruising, swelling or redness on the right side of Reed face. ~~Did not~~ mention the swollen lips like Officer Davis to conceal the fact Reed was punched in the mouth.

(See Conditional Examination Pages 11, 17, 18 Appendix K

Defendant Gabriel Hernandez Court Reporter omitted in the transcript side of face on page 11 line 12. To mislead jurors that a punch to the lips can cause a jaw fracture as part of the conspiracy. See Appendix K page 11.

At the Preliminary Hearing, Defendant Holland TATOYA falsely testified the injury was a jaw fracture called zygomatic buttress RT 20: 5-9.

Petitioner was bind over without NO medical Records RT 28: 18-19

Petitioner Alleged being targeted for battery cases by organized criminals RT 30: 8-12

(See Preliminary Transcripts 20, 28, 30 as Appendix J)

Defendant Reed committed perjury by testifying Dr. Smith discovered 2 facial fractures and Dr. Baughman discovered 3 facial fractures RT 467: 20, 472: 18-19, 473: 19

Defendants Michael Roddy and Charlie Sarno failed and refused to schedule a hearing on the motion to dismiss before trial on false evidence and recall of sentence as part of multiple conspiracies

(See Cover Sheet on Dismissal Motion and Sentence
(Recall as Appendix L and M)

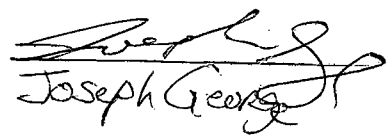
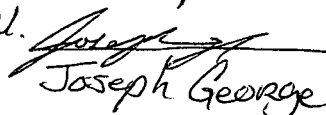
STATEMENT OF THE CASE

In the 9th Circuit, petitioner meets the outgoing threat criteria by being threatened daily by inmates they are going to get petitioner when in the holding cell upon transfer from Pelican Bay and the fact petitioner has been attacked at multiple institution by prison guards orchestrating attacks by gang members See Williams v. Paramo (9th Cir 2015) 775 F3d 1182, 1190

CLAIMS

Civil Conspiracy to frame and entrap petitioner with battery cases deny liberty to be free from false charges and imprisonment in violation of the 4th Amendment; over incarceration; pain and suffering from injuries caused by battery and false imprisonment, discriminatory first Amendment. See Albright v. Oliver (1994) 510 U.S. 266. Galbraith v. Co. of Santa Ana (2002) 307 F.3d 1119, and due process of the 14th Amendment.

I declare under the penalty of perjury that the foregoing is true and correct

Executed on the 14th day of January 2021. 
Resubmitted on June 6, 2021.  Joseph George

REASONS FOR GRANTING THE PETITION

Petitioner has to file lawsuits requesting Temporary Restraining Orders and Preliminary Injunctions in order to attempt to be placed in the Protective Housing Unit to save his life and being framed for another battery.

In fear of a long running Government and Organized Criminal Conspiracy. Where is the JUDICIAL INDEPENDENCE? Does the UNITED STATES CONSTITUTION REALLY EXIST?

In light of the Government coordinated attack on the United States Capital by some employees its time for the Court enforce the Constitution. This is a great case to start...

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: September 2, 2021