

21-6923

ORIGINAL

FILED
JAN 11 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Raymond V. Di Giacomo, Jr. — PETITIONER
(Your Name)

San Francisco Superior Court ^{vs.} — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

California Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Raymond V. Di Giacomo, Jr.
(Your Name)

66 Geary St #414
(Address)

San Francisco, CA 94103
(City, State, Zip Code)

415 595 4107
(Phone Number)

QUESTION(S) PRESENTED

- ① Should a disabled litigant be allowed to seek a reasonable accommodation from a Court which requires one or more of said Court's judges to keep their vocal tones toward said litigant to a "reasonable level," when said judges interact with said litigant, if said litigant has a verifiable disability which pertains to the concepts of audio sensitivity, etc?
- ② To what extent is a state court bound to Federal Law, including, but not limited to, the "ADA of 1990," in regard to the processing of reasonable accommodation requests, and, more specifically, in regard to said court's duty to engage in the "interaction process"?
- ③ To what extent is a State liable for the conduct of its Judicial Officers, when said harmful conduct is a result of a State's lack of adequate funding to its trial Courts?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[x] 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:

Petitioner Raymond V. DiGiacomo, Jr.

Respondent San Francisco Superior Court

Real Parties In Interest

RELATED CASES

→ DiGiacomo v. Recology, Inc., et AL.
San Francisco Superior Court Case No.
CGC-19-581651 (consolidated)

- Note that Petitioner applies for a reasonable accommodation with the San Francisco Superior Court after being injured by a Judge in a motion hearing, which regarded Case CGC-19-581651, described above.

- See Also Cal. Rules of Ct., Rule 1.100(g)(2)
1.100(g)(3)
(3)

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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 _____ 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 _____ 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 C 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 State Court of Appeals court 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.

1.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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 10/13/21.
A copy of that decision appears at Appendix C.

☐ 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

- Due Process
- Equal Protection
- ADA of 1990
- Interactive Process (29 C.F.R. sec 1630.2 (o)(37))
- Reasonable Accommodations (29 CFR 1630.9)
- Mental Health Disability (42 USC 12102(2))
- Verbal Communications (Title II sec. 35.160 (a)(1))
" " (b)(1)
" " (b)(2)

STATEMENT OF THE CASE

- Plaintiff/Petitioner brought a Private Nuisance action against trash collector Recology, Inc. ("Recology"), and other parties, in where said nuisance revolves around Recology's late evening trash collection activities.
- Petitioner resides in supportive housing with about 80 other mentally and physically-disabled tenants especially susceptible to the ramifications of sleep deprivation and noise-related Nuisances.
- Petitioner is Self Represented due to his indigent status, and due to the fact that Recology is a City-enabled monopoly which no attorneys have expressed an interest in litigating with, in regard to this issue.
- On July 6, 2021, Petitioner sought a Reasonable Accommodation ("RA") from the San Francisco Superior Court, as Petitioner had experienced difficulty in engaging in law and motion hearings due to the unreasonably loud, and, at times, assaultive vocal tones of the trial court's law and motion judge.
- Petitioner filed the RA in an attempt to lower said judge's vocal volume to a "reasonable level" during future hearings, as said predicament was harmful to Petitioner's health, and prevented Petitioner from achieving Due Process
- Said RA requests were then denied by the lower and higher courts

REASONS FOR GRANTING THE PETITION

- All litigants, regardless of their disability or financial status, should be allowed to litigate within a safe courtroom environment. Further, the State Courts should otherwise be required to engage in the "interactive" phase of the Reasonable Accommodation ("RA") process, if said litigant meets the criteria of having a disability, and said RA request is in itself "reasonable" in nature.
- Further, the time has come for the California Court System to reasonably fund its trial courts, to otherwise prevent or minimize the aggressive behaviors of judges toward litigants, and especially self-represented, indigent litigants, in where said indigent litigants are more likely to experience said aggressive behaviors as a direct result of said lack of funding from the State Legislature.
- Moreover, our society has evolved to a point where judges no longer need to imitate those obnoxious and antiquated jurists seen on television, and within the theaters, whom shout at litigants for theatrical value, and for reasons related to their own hubris and disillusionment.
- Put simply, we are now, as a country, better than that.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Raymond V. DiGiorgio, Jr.

Date: January 11, 2022

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