

No.

21-55712
22-5181

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

APR 11 2022

OFFICE OF THE CLERK

Edward Avila — PETITIONER
(Your Name)

vs.

California et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Ninth Circuit Appeal

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

PETITION FOR WRIT OF CERTIORARI

Edward Avila

(Your Name)

231 Amber Dr.

(Address)

Westaco Tx 78596

(City, State, Zip Code)

(956) 246-3903

(Phone Number)

QUESTION(S) PRESENTED

Edward Avila, plaintiff, did not have a voice, as guaranteed by United States constitutional / First Amendment, in the United States judicial / System?

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:

Trung Le
Ignacia Alegre
shelly R. Bby

The State of California
Edward Avila

RELATED CASES

No related case as to the
court system required to give
Pro Se litigant reasonable accommodations
of time and half to respond to motions.

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CASES

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STATUTES AND RULES

Clark Code Pleadings (1928) pp. 371-381
FRCP 12, 15, 56

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 Central District, 5th Cir.; 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☐ is unpublished.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☐ is unpublished.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 _____ 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☐ is unpublished.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☐ is unpublished.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 July 07, 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: _____, 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

Plaintiff did not have a voice in the United States Judicial System and thus was denied his United States Constitutional First Amendment Right?

STATEMENT OF THE CASE

Plaintiff earned the right to go to a Christian Law School and that was denied to him because he has no voice in The United States Judicial System.

Defendant's Argument:

1. Just an argument as noted by Magistrate Judge thus does not rise to the level of abuse of power Doc 67.
2. Not allowed to record defendant who abused their power as representatives of the state Doc 67.
3. Plaintiff was offered law school but chose teacher occupation instead, was the lie perpetrated to the court by the defendant Doc 67.

REASONS FOR GRANTING THE PETITION

Plaintiff's Argument:

1. Denial of Guardian At Litem, what Plaintiff did not know then and knows now is that the judge did not read plaintiff's disability diagnoses which was available in the Administrative Hearing and is required for plaintiff to have reasonable accommodations. Denied Reasonable Accommodations, reasonable accommodations for the plaintiff are time and a half to respond to any motion. Plaintiff was also denied the right to Amend Complaint, thus, the court did not permit leave for plaintiff to amend his complaint after the opposing side brought up the issue of First Amendment and right to record, the system ignored plaintiff right to amend the complaint and systemic discrimination to his disability of which under reasonable accommodations would allow him forty-five days instead of the thirty days to respond to the defendant's motion to dismiss, (Clark, *Code Pleading* (1928) pp. 371-381.). Plaintiff was not allowed Rule 12 (d) "all parties must be given a reasonable opportunity to present all the material that is pertinent to the motion."

Rule 12. Defenses and Objections: When and how presented; motion for judgment and pleadings; consolidation motions; waiving defenses; pretrial hearing; (d) RESULT OF PRESENTING MATTERS OUTSIDE THE PLEADINGS. If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

The Defendants' lied to the court and was successful due to systemic discrimination violating FRCP Rule 56. Summary Judgment, (h) AFFIDAVIT OR DECLARATION SUBMITTED IN BAD FAITH.

Without access to amend the complaint or reasonable accommodations, plaintiff had to play

catchup and was not able to adjust to his disability for the remainder of the case. Doc 14; hence, allowing the system to deny plaintiff the opportunity to go to a Christian Law School by denying his United States First Amendment Right, his voice was silenced, FRCR Rule 15(c)(1)(B).

2. Defendant earned the right to go to a Christian Law School and that opportunity was stolen through systemic discrimination by the United States judicial System that failed to abide and allow reasonable accommodations for his disability. Where as other courts have allowed other plaintiffs to have reasonable accommodations, plaintiff did not have reasonable accommodations and thus the court ruled differently setting a new standard for the Judicial System that allows for the Federal Courts to deny the United States Constitutional guaranty of a voice under the First Amendment. Where as other courts have allowed plaintiffs to amend complaint after an issue of defense was brought up from the original complaint, Plaintiff was not allowed to amend the complaint setting a new standard silencing the voice of disabled litigants. Where as evidence of lying-in court was admitted in other courts, the court ruled such evidence in plaintiff's case was not allowed due to no being accompanied by a motion but the motion was submitted in accordance to plaintiffs' disability thus in the court's eyes, late; hence, a new standard for the voice of disabled litigants to have no rights Doc 92, and Doc 82. Plaintiff requests the United States Supreme Court to remand this case back down to the lower court with instructions on reasonable accommodations for a disabled citizen so that plaintiff can amend his case to include violation of his First Amendment Right.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Edmund Miller

Date: 6-14-2022