

22-5493

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

AUG 15 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Patrick Wiley — PETITIONER
(Your Name)

vs.
R. Masterson — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S Court of Appeals, for the Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Patrick Wiley
(Your Name)

Kern Valley State Prison, Facility C, Building #6, cell #122
(Address)

Bethel, CA 93216
(City, State, Zip Code)

(Phone Number)

RECEIVED

AUG 24 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Was the severe eye damage that was put upon ~~the Plaintiff~~ Plaintiff Patrick Wiley severe enough to justify ~~the Plaintiff~~ Plaintiff demonstration that previous court lacks jurisdiction over this appeal? Also did Plaintiff justification reason for missing the 30 days after the district court's judgment, a good enough reason to give Plaintiff action at a fair appeal? Can Plaintiff Patrick Wiley get an appeal after missing 30 days to file? Can Plaintiff Patrick Wiley get a appeal after missing the 30 days appeal, considering him being illiterate to comprehend the 30 day appeal time frame, after being dismissed in District Court?

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APPENDIX A	A copy of United States district court Findings And Recommendations. However Plaintiff missed the time to amend the complaint.
APPENDIX B	A copy showing the reason appeal from court of Appeal was dismissed, for lack of jurisdiction
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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Pratt V. McCarthy (9th Cir. 1988) 850 F.2d 590, 592-593

McClatchy V. Superior

Wolff V. McDonnell, 418 U.S. 539, 566, 94 S.Ct 2963 (1974)

STATUTES AND RULES

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 July 13, 2022; 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 is unpublished.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 A to the petition and is

reported at Oct 15, 2020; 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 is unpublished.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 13, 2022.

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 July 13, 2022.
A copy of that decision appears at Appendix B.

A timely petition for rehearing was thereafter denied on the following date: July 13, 2022, and a copy of the order denying rehearing appears at Appendix B.

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

This case involves Amendment XIV to the United States Constitution which provides, no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States equal protection of law, due process. Plaintiff should have equal action at an appeal. Also 8th amendment violation occurred with correctional officers, excessive force. Also Plaintiff 14th Amendment due process right are violated because plaintiff should have been still given a chance ~~to~~ to ~~missed~~ the appeal his case after he missed the 30 days being that he can barely read or write, and comprehend. Also a 8th amendment violation occurred, happening to plaintiff causing him to go to hospital, a excessive force.

STATEMENT OF THE CASE

On Oct 22, 2019 Plaintiff was severely hurt from two explosive grenades, causing him to go to the U.C. Davis hospital, and becoming more partially blind. C/P R. Masterson threw 2 grenades on simply a fight Plaintiff was having, instead of using Pepper spray. So Plaintiff went to U.C. Davis hospital on Oct 22, 2019 and had to get 14 stitches and making his eye vision worse, causing Plaintiff more partially blindness. Plaintiff initially filed without being able to read nor write, so plaintiff had 30 days to (amend) his initial complaint, but the period expired, so his initial complaint was dismissed. So Plaintiff received help from Inmate Tran Goetz (WAX3978), at filing in the (Court of Appeal), however Judges Collins, Collchan, and Silverman dismissed his appeal for lack of jurisdiction missing time to file his notice of appeal, because of Plaintiff not being able to read nor write, or comprehend.

REASONS FOR GRANTING THE PETITION

Plaintiff Patrick Wiley couldn't comprehend at the time of his initial civil complaint, so that's why he never amended the initial civil action, an it was dismissed. Plaintiff suffered permanent damage causing him to be more partially blind, and going to hospital for a surgery. Plaintiff should be able to get a (appeal) for the severeness that happened to him, giving him a chance to have his civil action heard. It should be a good reason to have Plaintiff (appeal) granted, being he didn't finish 4th grade and can't comprehend, and partially blind. Please grant Plaintiff action at appeal. The reason to granting the petition? So Plaintiff can have a fair civil action, or at least a fair chance at an appeal.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Pro se P.J." The signature is fluid and cursive, with "Pro se" on the left and "P.J." on the right, both underlined.

Date: Aug 19, 2022