

22-5700 ORIGINAL

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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Eric Johnson — PETITIONER  
(Your Name)

vs.

Secretary Of Corrections — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court Of Appeals, 9th Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Eric Johnson  
(Your Name)

HOSP-C1-227 P.O. Box 3030  
(Address)

Susauville, CA 96127  
(City, State, Zip Code)

—  
(Phone Number)

QUESTION(S) PRESENTED

1. Whether the United States Court of Appeals, 9th Circuit knowingly denied a habeas petitioner, the constitutional right to file an appeal, in direct violation of the First Amendment of the Constitution of the United States to seek redress of grievances.
2. Whether the United States Court of Appeals, 9th Circuit knowingly violated the Fifth Amendment of the Constitution of the United States requirements of due process of the laws in federal courts.
3. Whether the United States Court of Appeals, 9th Circuit knowingly violated its own dicta and holdings, in *In re McKinney*, 739 F.2d 1395 (1984) and cases cited.
4. Whether the United States Court of Appeals, 9th Circuit knowingly denied a habeas petitioner unrestricted access to the courts, in direct violation of the Sixth Amendment of the Constitution of the United States.

## **LIST OF PARTIES**

[V] 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:

## **RELATED CASES**

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## TABLE OF AUTHORITIES CITED

### CASES

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*In re Thomas*, 508 F.3d 1225 (9th Cir. 2007)

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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 \_\_\_\_\_; 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 is unpublished.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 \_\_\_\_\_; 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 August 24, 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: September 8, 2022, 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**:

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

1. The First Amendment of the United States Constitution.
2. The Fifth Amendment of the United States Constitution.
3. The Sixth Amendment of the United States Constitution.

28 U.S.C. § 1291

28 U.S.C. § 2254(e)(1)

3.

## STATEMENT OF THE CASE

The magistrate judge and the district judge, knowingly denied petitioner an evidentiary hearing, requiring the prison officials to produce documentary evidence, clearly clarifying, that petitioner is, in fact (legally) confined in prison, in direct violation of 28 U.S.C. § 2254(e)(1), and the Fifth Amendment of the United States Constitution's right of due process of the laws in federal courts.

Then afterwards, the United States Court of Appeals, 9th Circuit knowingly denied petitioner the constitutional right to prosecute an appeal, in direct violation of 28 U.S.C. § 1291, which grants a habeas petitioner a statutory right to file an appeal.

In the notice of appeal petitioner directed the court's attention to the screening form that district judge Jennifer L. Thurston included with the court's order, which clearly indicated the word (warning), in bold capital letters, that the case was closed, of which petitioner included as an exhibit. Petitioner informed the court (who) was the district judge directing a warning to? And indicated, that must be why the motion for consideration was not filed in the district court.

The United States Court of Appeals knowingly (disregarded) said fact, obviously, because of some ulterior motive. The court cites *In re Thomas*, 508 F.3d 1225 (9th Cir. 2007), as legal authority to the court's pre-filing review in case number 12-80065. *In re Thomas* is not relevant to petitioner's case. *In re Thomas* involves a state prisoner filing a civil rights (lawsuit) against a state judge.

Case number 12-80065 does not involve petitioner filing a civil rights lawsuit against a state judge but involves a petition for a writ of habeas corpus. Therefore, *In re Thomas* is not relevant legal authority.

A.

## REASONS FOR GRANTING THE PETITION

The United States Court of Appeals, 8th Circuit has so far departed from the accepted and usual course of judicial proceedings, or has sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power, and the importance to the case not only to petitioners, but to other prisoners similarly situated.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Erik Johnson

Date: September 18, 2022