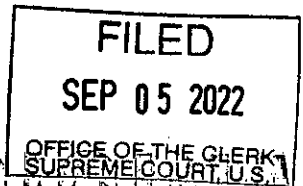


22-6035

No. _____



ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

AMERICA

(In Pro Se)

MICHAEL (MYCHAL) ANDRA REED — PETITIONER

(Your Name)

vs.

PEOPLE OF THE STATE OF CALIFORNIA — RESPONDENT(S)

& Kathleen Allison (CDCR, Sec.)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF CALIFORNIA

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

PETITION FOR WRIT OF CERTIORARI

Michael (Mychal) Andra Reed

(Your Name)

CCI P.O. BOX 1906

(Address)

Tehachapi, California 93581

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

DOES THE STATE OF CALIFORNIA CRIMINAL APPEAL TIME LIMIT
(TIME BAR) VIOLATE THE U.S. CONSTITUTION'S 14TH AMNEDMENT
EQUAL PROTECTION CLAUSE PERTAINING TO INDIGENT PRO SE
PRISONER APPELLANT LITIGANTS?

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:

RELATED CASES

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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☐ is unpublished.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☐ is unpublished.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 N/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☒ is unpublished.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 _____ 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☐ is unpublished.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 _____.

☐ 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 8/10/22.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date:
8/22/22, 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

U.S. CONSTITUTION 14TH AMENDMENT SECTION 1. EQUAL PROTECTION
CLAUSE

STATEMENT OF THE CASE

Petitioner filed a petition for Writ of Habeas Corpus (S274255) in the State of California's Supreme Court to invalidate/nullify its State time bar pertaining to Criminal Appeals (specifically, Murder convictions), believing the time bar is a violation of the 14th amendment's Equal Protection Clause.

The California Supreme court denied both petitioner's original petition (S274255) and refused to Rehear his petition arguments upon never rendering an opinion.

Petitioner now brings his cause and arguments before this court to settle the seeming U.S. Constitutional "CONFLICT", pertaining to a non-declared (nominal) State Time Bar that is hindering (injuring) petitioner by not allowing him to have "UNLIMITED" appeal rulings (he believe is warranted) on Murder conviction (which has no statue of limitations) and his extensive sentence (Life without Parole).

REASON FOR GRANTING THE PETITION

Petitioner believes that the California State appeal time bar violates pro se indigent prisoner litigants 14th amendment rights to the Equal Protection Clause pursuant to the U.S. Constitution.

California State courts basically ask indigent pro se prisoner litigants (petitioner) to attain the unattainable Law/Legal knowledge in a mandated time limit (time bar), and to generate an almost error-free (with all relevant claims therein) merited petition to the courts, without taking into serious consideration the following agonizing hinderances and deficiencies:

- A) Petitioner is not a lawyer, therefore, he does not possess a Law Degree,
- B) Petitioner has very little or limited law/legal knowledge (all aquired in prison),
- C) Petitioner has very limited law library access,
- D) Petitioner has very limited law/legal literature at his disposal to assist him in his endeavor to locate law/legal information in a "TIMELY MANNER". Prison law libraries have mostly out-dated law/legal information, case laws and etc.,
- E) Prison law libraries get updated case laws 2 to 3 years after actual court decisions were made, (Younger v. Gilmore, 404 U.S. 15 (1971)),
- F) Petitioner has transferred 10 (ten) times to different prisons in the 11 (eleven) and a half years of his prison tenure since his October 2010 entrance, which has further hindered him from adequately litigating his criminal appeal in a timely manner,
- G) Petitioner has incurred (unwarranted) Security Housing Unit (SHU) and Administrative Security Unit (ASU) stints (3 years total), where he has had "ZERO" actual law library access upon not having access to his legal documents or legal supplies. (property confiscated),
- H) Prison lockdowns occur several times a year, which causes "ZERO" movement for petitioner,
- I) Petitioner is DEAF (handi-cap), which further hampered his ability to litigate adequately in a timely manner, because he has had great difficulty in acquiring vital law/legal information in prison and from outside sources due his communication difficulties.

PETITIONER PRESENTS THIS PETITION FOR WRIT OF CERTIORARI PURSUANT TO U.S. SUPREME COURT RULE 10(b) and (c)

*Note: The aforementioned hinderances and deficiencies are the direct reason that causes indigent pro se appellant litigants (like petitioner) to persistantly introduce "PIECE-MEAL" petitions to courts.

Howbeit, California State courts supposes petitioner to meet time line (time bar) in preparing a proper petition after him (petitioner) having to basically take years to even aquire law/legal knowledge, and under said precarious circumstances.

The courts are seemingly disregarding that they are in fact, not only holding petitioner to an attorney's standard as far as presentation, but also (and more strenuously) holding him to an attorney's standard of time limit, via the state time bar. (Haines v. Kerner, 404 U.S.519 (1972)).

Petitioner, believes his petition should be Reviewed and judged (decided) on merit, not the time bar. Not doing so, clearly violates the 14th amendment's equal protection clause.

Additionally, as it currently stands, California courts are not only (directly and subtly) holding petitioner to an attorney's standard by setting a time bar on when he can appeal his conviction/sentence, but the courts are also exhibiting prejudice under the guise of procedure by basically tying petitioners hands to achieve the unattainable (become a law/legal SCHOLAR in a stringent time-table), something the California courts themselves could not accomplish, especially with all the aforementioned hinderances and deficiencies.

Additionally, and just as importantly, petitioner believes because there is no statue of limitations on "MURDER", that rightfully (constitutionally), pursuant to Section One of the 14th Amendment, the equal protection clause, which states:

"NO STATE SHALL MAKE OR ENFORCE ANY LAW
WHICH SHALL ABRIDGE (emphasis: CURTAIL)
THE PRIVILEGES OR IMMUNITIES OF CITIZENS
OF THE UNITED STATES"

The forgoing being said, Murder should not (can not) rightfully have a time bar (time limit) as to when it can be appealed to the State courts.

Petitioner believes, that setting a time limit (time bar) on when a Murder conviction can be appealed, undeniably violates the equal protection clause of the United States constitution.

Moreover, the State of California has never authorized actual monitoring (or do an actual inventory of prison Facilities Law libraries) to see if in fact, pro se prison litigants are actually being provided with adequate provisions (up dated law books, information law/legal, up dated case laws, legal supplies and etc.) to litigate our appeals sufficiently to be able to meet the State time bar provision.

Therefore, rightfully it can not be assumed that pro se prisoner litigants are being provided proper law and legal information and supplies, especially indigent prisoners, to sufficiently litigate our appeals in a timely manner to meet the State mandated time bar.

As is, the California State courts have been taking prison officials word that prison law libraries are adequate and that they are sufficient, minus actual evidence to verify or validate compliance with Constitutional standards. (Bounds v. Smith, 430 U.S. 817 (1977)).

Furthermore, as is, the State of California's time bar provision only seeming significance is being an actual hindrance (Barrier or Blockade) for pro se prisoner litigants attempt to appeal our extensive sentences, by utilizing California's appeal systems seeming set-up to-fail process.

Not being cynical, but even if petitioner is incorrect in presuming that the California State courts have not did actual inventories are audits of prison facilities law libraries, it is fair to surmise that the information or feedback the courts receive pertaining to law libraries (service, supplies, adequacy and etc.), if any, comes from second and third hand sources (prison officials), and not pro se prisoner litigants themselves, therefore, feedback (to the State courts) petitioner believes, is invalid and/or at least, "SUSPECT".

Petitioner also believes, it is contradictive (and) (futile) for State courts to agree that pro se (appellants) litigants presentations in petitions can not be held to an attorney's standard (Haines v. Kerner, 404 U.S. 519 (1972)) but in turn, hold the same litigant to an attorney's standard as far as time (time bar) to present his petition, given all the deficiencies and hinderances mentioned therein this petition.

More importantly, the United States Constitutions 14th amendments Equal Protection Clause emphatically states that States can not enforce any law that abridges a citizens rights.

As is, the California State time bar undeniably abridges petitioners privileges (Rights) as a citizen to appeal his conviction "FREE" of constraints (North Carolina v. Pearce, 395 U.S. 711 (1969)), upon exhibiting prejudice.

Just as importantly, in Linda R.S. v. Richard D., 410 U.S. 614 (1973), the U.S. Supreme court held:

"A PERSON DIRECTLY INJURED BY A LAW
HAS A STANDING TO CHALLENGE IT"

(see also Cruz v. FEC, 2019 U.S. Dist. at *17 and 4)

Here, petitioner is challenging a California State Law, the time bar, that in fact, directly injures him by not allowing him to appeal his conviction and extensive sentence (Life without Parole) because he took too long to learn law and procedure.

Prior to petitioners conviction and incarceration, he had absolutely "ZERO" law and legal knowledge, compounded by the fact, petitioner is handi-capped (DEAF), which severely hindered him from attaining outside (of prison) law/legal information, due to his obvious communication issues, law and legal information prison facilities either do not have and/or is outdated (in most cases).

Petitioner believes in all respects that, the California State time bar is a violation of the 14th amendments equal protection clause, pertaining to pro se prisoner litigants.

Because petitioner did not meet the California State time bar in presenting his (valid constitutional violation) claims, petitioner has to suffer (injured) unjustly for an aggravated offence he is not guilty of, therefore, he is in fact injured by a law (time bar). *Brownsburg Area Patrons Affecting change v. Baldwin*, 943 F. supp. 975 (1998) Head Note 8:

"THE RIPENESS DOCTRINE IS RELATED TO STANDING IN THAT IT SEEKS TO DISCOVER WHETHER A PLAINTIFF IS ACTUALLY INJURED BY A LAW. INSOFAR AS THERE IS A DISTINCTION, RIPENESS IS CONCERNED WITH TIMING, THAT IS, WHETHER THE PLAINTIFF'S THREATENED INJURY IS SUFFICIENTLY IMMINENT TO WARRANT JUDICIAL ACTION"

Here, in petitioners situation, it is quite obvious that his circumstance (Sentence: Life without parole) is very imminent, and therefore, definitely warrants Judicial action by this court to at least consider invalidating (nullifying) Californias (non-declared/nominal) time bar, so as to give petitioner a "FAIR" opportunity to appeal his conviction free of all constraints.

By all definitions, be it indirectly or directly, or unintentionally or intentionally, the California state time bar is abridging and circumventing petitioners 14th amendment Rights to the Equal Protection Clause to appeal his conviction and sentence (extensive): "FREE AND UNFETTERED". (*North Carolina v. Pearce*, 395 U.S. 711).

In *Robinson v. Lewis*, 9 Cal. 5th 883 (7/20/20), California's Supreme court admits that, under California law, there are no determinate deadlines to file a Writ of Habeas corpus petition. (at HN1). So how can a petitioner violate a time bar then?

Additionally, and just as importantly, California's time bar is in fact, non-declared (nominal), with no real set time limit, which proves conclusively, its only usage is to circumvent (defeat) appeals under the guise of discretionary authority, therefore, proving the State time bar is in fact, prejudice, especially toward indigent pro se prisoner appellant litigants.

Petitioner believes that the California State time bar is indeed in "CONFLICT" with the U.S. Constitution's 14th amendment's Equal Protection Clause, upon being a law that is in fact, injuring him (Cruz v. Fec, 2019 U.S. at *17 and Cruz v. Fec, 542, F. supp. 3d 1 (2021)), by not allowing petitioner to have unlimited appeal rulings of his extensive sentence.

"PETITIONER HAS ALL RIGHTS TO BRING HIS PETITION
BEFORE A COURT DUE TO HIM BEING (emphasis:
SEVERELY) INJURED BY A LAW"
(Cruz at *17)

Allowing the California State time bar to stand as is, will do irreparable damage to petitioner because the said law is an inadequate remedy pertaining to law, especially by it being non-declared, which opens the door for courts to abuse their discretion under the color of law (a blind law), the time bar. (Brownsburg....v. Baldwin, 943 F. supp. 975 (1998) at HN4)

Petitioners opponents, the District Attorney and the State Attorney General Office, have no time limit as to when they can litigate a Murder case, upon having unlimited resources to assist them in affirming a murder conviction, which in its self, is "UNEQUAL" and prejudicial toward an indigent pro se appellant litigant who appeals his murder conviction with a time bar. A violation of the Equal Protection Clause.

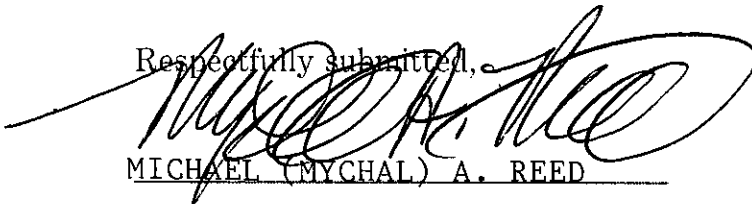
For the aforementioned reasons, petitioner ask this court to "INVALIDATE" the State of California's non-declared time bar pertaining to criminal appeals related to and from indigent pro se prisoner appellant litigants (especially those convicted of murder, which has no statute of limitation, time bar), and to declare the States time bar "INVALID", upon any other relief that this courts deems appropriate.

Petitioner prays this court grants his petition.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Reed", is written over the printed name. The signature is fluid and cursive, with a large loop at the end.

MICHAEL (MYCHAL) A. REED

Date: August 31st 2022