

22-6524 ORIGINAL
No. _____

Supreme Court, U.S.
FILED

JAN - 5 2023

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

BARRY L. BROOKINS — PETITIONER
(Your Name)

vs.

RAJENDRA DWIVEDI — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEAL NINTH CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

BARRY L. BROOKINS
(Your Name)

KERN VALLEY STATE PRISON P.O. BOX 5102
(Address) FACILITY B7-118

DELANO, CALIFORNIA 93216
(City, State, Zip Code)

NONE AVAILABLE
(Phone Number)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. THE PLAINTIFF 8TH AMENDMENT CONSTITUTIONAL RIGHT UNDER A DELIBERATE INDIFFERENCE HAS BEEN VIOLATED THROUGH AN UNLAWFUL SURGERY PERFORMED WITHOUT THE PLAINTIFF GIVING HIS SIGN CONSENT & THIS PROCEDURE HAS LEFT THE PLAINTIFF PERMANENTLY DISABLED, DISFIGURED & UNABLE TO HAVE OFFSPRINGS. (DEFENDANT ACTED WHILE UNDER THE COLOR OF STATE LAW).
2. THIS BARBARIC PRACTICE PERFORMED IS OUTDATED & GOES INTO VERY CRESIS OF THIS MATTER, THAT IT WAS PERSONAL NOT PROFESSIONAL, & IT IS A DIRECT VIOLATION OF THE 8TH AMENDMENT CRUEL & UNSUAL TREATMENT. AND VIOLATION UNDER THE 14TH AMENDMENT EQUAL PROTECTION CLAUS.
3. THE PLAINTIFF 14TH AMENDMENT UNDER DUE PROCESS OF LAW, AND 1 ST AMENDMENT FREEDOM TO EXPRESSION HAS BEEN VIOLATED ON APRIL 12, 2020 WHEN THE U.S.D.C. EASTERN DISTRICT DID NOT ALLOW THE PLAINTIFF TO HAVE HIS INTERROGATORIES ACCEPTED WHICH WOULD HAVE GIVEN ADMISSIONS TO ANY DISCOVERIES TO THE DEFENDANTS STATE OF MIND PERFORMING THIS SURGERY ON APRIL 16, 2010. AFTER THE COURT HAD GIVEN PLAINTIFF PERMISSION TO PROCEED WITH PROSECUTION AGAINST DEFENDANT.
4. SEPTEMBER 21, 2021 DALE A. DROZD, DISTRIC JUDGE, PRESIDING U.S.D.C EASTERN DISTRICT DISMISSED & TIME BARRED CASE. PLAINTIFF CHALLENGED TIME BARRED STATUE OF LIMITATIONS AT NINTH CIRCUIT COURT OF APPEALS IN APPELLANTS INFORMAL OPENING BRIEF DATED SEPTEMBER 21, 2021 NO.5,6,11,14,15, 16,17,20,21,22,23,24,25. EXONERATORY EVIDENCE FAVORED THE PLAINTIFF. NINTH CIRCUIT MEDIATION PROGRAM ACCEPTED CASE FOR SETTLEMENT ON OCTOBER 13, 2021. MEDIATION RELEASED CASE ON 10.29.2021 WITHOUT MERITS STATED. DIAL IN CONFERENCE WAS SCHEDULED 10.29.2021 at 10:00 AM FOR APPELLEE. APPELLEES BRIEF IS DATED JANUARY 24, 2022. APPELLANTS INFORMAL REPLY BRIEF IS DATED FEBRUARY 2, 2022. NINTH CIRCUIT JUDGMENT WAS ENTERED AUGUST 24, 2022. PETITION FOR PANEL REHEARING, EOR. REHEARING EN BANC IS DATED SEPTEMBER 17, 2022. ORDER FILED NOVEMBER 28, 2022 CLOSED CASE.
5. THE COMMISSIONER OF THE PETITIONER BOARD OF PAROLE HEARING DATED 6.30.2017 NOT ONLY STATED TO PETITIONER BUT IT'S ALSO IN WRITING & WAS AN ATTACHED DOCUMENT TO THIS LAWSUIT. FOR THE PETITIONER TO FILE A 1983 CIVIL SUIT AGAINST THE DEFENDANT FOR THIS SURGERY & THAT SHOULD ALSO GIVE RISE TO THE STATUE OF LIMITATIONS. ALSO. THE COMMISSIONER SENT PETITIONER TO SEEK THERAPY BY DR. BRIDGEFORD. PSY'D INTERVIEWS WERE 10.12.2017 & 10.24.2017 AT SUBSTANCE ABUSE TREATMENT FACILITY (S.A.T.F.) & CORCORAN PRISON

HONORABLE WILLIAM C. RYAN SUP. CT. LOS ANGELES COUNTY DOCUMENTS DATED 12.27.2017 STATED IN WRITING TO PETITIONER FILE A LAW SUIT AGAINST DEFENDANT THIS WAS INCLUDED IN 1983 CIVIL SUIT.

IT WAS AT THIS TIME WHEN MEDICAL RELEASED INFORMATION TO PETITIONER THAT DEFENDANT RAJENDRA DUVVADI, M.D. WAS NO LONGER EMPLOYED AT CDSR & DISCONTINUED WORKING MONTHS LATER AFTER THE CASTRATION SURGERY OF PETITIONER IN 2010 & HIS NEW ADDRESS TO HIS OFFICE IN PORTERVILLE WAS GIVEN TO PETITIONER.

THE U.S.D.C. EASTERN DISTRICT REQUESTED THAT ALL THESE DEFENDANT'S BE REMOVED FROM COMPLAINT & IT BE GRANTED TO PURSUE 8TH AMENDMENT CLAIM AGAINST DEFENDANT DUVVADI, M.D.. THEN LATER 4-YRS DISMISS CLAIM AS TIME BARRED.

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:

RAJENDRA DWIVEDI, DEFENDANT
McCORMICK, ATTORNEY FOR DEFENDANT
BARSTOW, ATTORNEY FOR DEFENDANT
SHEPPARD, ATTORNEY FOR DEFENDANT
WAYTE & CARRUTH LLP ATTORNEY FOR DEFENDANT
TODD W. BAXTER # 032676-0 ATTORNEY FOR DEFENDANT
DANIEL L. WAINWRIGHT # 193486 ATTORNEY FOR DEFENDANT
DALE A. DROZD, DISTRICT JUDGE, PRESIDING
S.R. THOMAS, NINTH CIRCUIT JUDGE
PAEZ, NINTH CIRCUIT JUDGE
LEE, NINTH CIRCUIT JUDGE
BARRY LEE BROOKINS, PETITIONER

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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 A to the petition and is

reported at NINTH CIRCUIT; 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 B to the petition and is

reported at U.S.D.C. EASTERN DISTRICT; 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

[X] 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.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: NOVEMBER 28, 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

UNITED STATES CONSTITUTION EIGHT AMENDMENT DELIBERATE INDIFFERENCE

STATEMENT OF THE CASE

PETITIONER FILED A CIVIL COMPLAINT IN THE U.S.D.C. EASTERN DISTRICT AGAINST CORCORAN STATE PRISON EMPLOYEE RAJENDRA DWIVEDI, M.D. IN 2018 FOR A UNAUTHORIZED SURGERY PROCEDURE PERFORMED 4.16.2010 WHILE AT CORCORAN OUTSIDE HOSPITAL.

THE DEFENDANT RAJENDRA DWIVEDI

THE DEFENDANT RAJENDRA DWIVEDI MADE A ARBITRARY DECISION TO PERFORM A BARBARIC SURGERY OWN THE PETIONER WITHOUT THE PETITIONER GIVING ANY SIGN CONSENT. IT WAS A CRIPPLING, MAYHEM, DISFIGURMENT, SURGERY. WHICH HAS PERMANENTLY CHANGED THE PETITIONER LIFE FOREVER, DISABLED PETITIONER & HE WILL NO LONGER BE ABLE TO PRODUCE OFFSPRINGS, THIS IS A VIOLATION OF CANTEBURY V. SPENCE (TREATMENT EVIDENCE CODE 622). WHICH LED TO 8&H8th AMENDMENT CONSTITUTIONAL VIOLATION UNDER DELIBERATE INDIFFERENCE.

ON 4.16.2010 THE PETITIONER WAS HOUSED AT CORCAN STATE PRISON (SHU) SECURITY HOUSING UNIT. THE PETITIONER LEFT TESTICLE HAD SWELLING UP WITH FLUID. PREVIOUS SONOGRAM EXAMINATIONS WERE GIVEN BY THE PRISON FACILITY DR. BURNS.

THE PETIONER WAS SENT TO CORCAN OUTSIDE HOSPITAL TRANSPORTATION WAS PROVIDED BY OFFICER'S CLARK & VIAGOROSO.

ONCE AT CORCAN STATE OUTSIDE HOSPITAL ABOUT A 25-MINUTE DRIVE. THE PETITIONER HAD BEEN APPROACHED BY A DR. RAJENDRA DWIVEDI WHOM STATED THAT HE WAS GOING TO PERFORM A MEDICAL PROCEDURE OWN ME.

"I PROTESTED!" I DID NOT WANT ANY SURGERY DONE TO ME ESPECIALLY THERE TO MY TESTICLE. DEFENDENT DWIVEDI STATED" IN THE PRESENCE OF OFFICER'S CLARK & VIAGOROSO THAT IT WOULD NOT BE A SURGERY, THAT DEFENDANT WOULD ONLY INSERT A SYRINGE INTO THE LEFT TESTICLE & WITHDRAW THE EXCESS FLUID WHICH HAD BUILD UP & ATMOST IT MAY REQUIRE ONE STITCH UNNOTICED. THE PETITIONER THAN REQUESTED TO REMAIN AWAKE THROUGH THE PROCEDURE SINCE IT WAS SUPPOSE TO BE SO SIMPLE.

I REQUESTED LOCAL ANESTHESIA & WAS INJECTED WITH A LONG NEEDLE INTO MY LOWER SPINE. THIS PROCEDURE WAS ADMINISTERED BY LARRY HIX, C.R.N.A AT CORCAN OUTSIDE HOSPITAL.

DR. RAJENDRA DWIVEDI, M.D. IS THE SAME DEFENDANT DWIVEDI, M.D. STATE EMPLOYEE THAT WORKS AT CORCAN STATE PRISON & ALSO GIVEN THE PETITIONER A INTERVIEW WHILE AT THE PRISON.

DWIVEDI IS NOW AT THE OUTSIDE HOSPITAL DOING THIS SURGERY INSTEAD OF ALLOWING THE CORCORAN OUTSIDE HOSPITAL DOCTOR'S TO PERFORM THERE DUTIES.

WHILE AWAITING FOR DEFENDANT DWIVEDI, M.D. TO APPEAR IN THE OPERATING ROOM A NURSE INSERTED A SYRINGE INTO MY I.V. IN THE PRESENCE OF OFFICER'S CLARK & VIAGOROSO. I BLACKED OUT. AWAKEND A COUPLE HOURS LATER TO A SIGHT OF HORROR. MY TESTICLES WERE WRAPPED UP IN BLOODY STAINED GAULS. MY LEFT TESTICLE HAD BEEN SURGICALLY REMOVED. I DEMANDED TO SPEAK WITH DEFENDANT DWIVEDI, M.D. I WAS TOLD HE WAS NO LONGER ON THE PREMISES & COULD NOT BE CONTACTED.

I CAN NOT EXPLAIN THE MENTAL, EMOTIONAL & PSYCHOLOGICAL STATE THIS ORDEAL HAS LEFT THE PETITIONER IN. THIS CASE HAS BEEN DEALT WITH UNFAIRLY BY THE U.S.D.C. EASTERN DISTRICT & U.S. COURT OF APPEALS NINTH CIRCUIT. FOR THIS IS A HATE CRIME. IT IS MAYHEM & NO SIGN CONSENT WAS GIVEN.

REASONS FOR GRANTING THE PETITION

A PERSONS LIBERTY IS EQUALLY PROTECTED EVEN WHEN THE LIBERTY ITSELF IS A STATUTORY CREATION OF THE STATE. THE TOUCHSTONE OF DUE PROCESS IS THE PROTECTION OF THE INDIVISUAL AGAINST ARBITRARY OF GOVERNMENT.

UNDER CANTEBURY V. SPENCE-MEDICAL TREATMENT, PATIENT CONSENT. THE PHYSICIAN MUST SEEK & SECURE HIS PATIENT'S CONSENT BEFORE COMMENCING AN OPERATION OR OTHER COURSE OF TREATMENT /EVIDENCE CODE 622.

THE EXISTENCE OF A SIGN CONSENT FORM AS CONCLUSIVE PROOF OF INFORMED CONSENT. IN ARATO V. AVEDON(1993)5.CAL., 4TH 1172,1182(23 cal.RPTR. 2d 131. 858 P.2d 598(ARATO). ALSO SEE COBBSV.GRANT(1972)8 CAL.3d 229(104 CAL.RPTR. 505,502 p.2d 1.)

THE LAW IS CLEAR IN CALIFORNIA THAT THE EXISTENCE OF INFORMED CONSENT IS AN ISSUE OF FACT FOR THE JURY. THE QUESTION HAS BEEN DESCRIBED AS A "PECULIARLY FACT-BOUND ASSESSMENT WHICH JURIES ARE ESPECIALLY-SUITED TO MAKE. (ARATO, SUPRA, 5 CAL, 4TH AT P.1186.) IN ADMINISTERING THE DOCTRINE OF INFORMED CONSENT, EACH PATIENT, PRESENTS A SEPARATE PROBLEM...

AT THE TIME OF THIS SURGERY THE PETITIONER HAD BEEN HOUSED IN CORONAN STATE PRISON SECURITY HOUSING SHU FOR YEARS UNDER FALSE IMPRISONMENT & WAS GIVEN RELIEF THROUGH A STATE WRIT HABEAS CORPUS CASE NO. 08W0298G DATED JULY 30, 2010 SUPERIOR COURT OF THE STATE OF CALIFORNIA , COUNTY OF KINGS. THE DIRECTORS REVIEW BOARD OFF SACRAMENTO CALIFORNIA SENT THE PETITIONER THE FOLLOWING LETTER WHICH READS: RELEASE THE D.R.B. FROM THIS COMPLAINT PENDING THERE OFFICE IN COURT FOR THEY HAD NO REASON TO KEEP ME/PETITIONER IN THE SHU/SECURITY HOUSING UNIT & CLEARED PETITIONER YEARS AGO & PETITIONER CENTRAL FILE WAS CLEAN & PETITIONER WAS NO THREAT.

IT WAS DISCOVERED THAT THE PRISON OFFICER'S HAD A PERSONAL VANDETTA AGAINST THE PETITIONER. THIS LETTER WAS SENT TO JUDGE, THOMAS DeSANTOS OF THE SUPERIOR COURT OF KINGS COUNTY WHICH SHORTLY HAD PETITIONER RELEASED TO GENERAL POPULATION.

WHILE IN SECURITY HOUSING UNIT PETITIONER ONLY SUPPORT & CONTACT TO THE OUTSIDE WORLD HAD PASSED AWAY ON MARCH 12, 2010 PETITIONERS MOTHER. THIS HAD CAUSED FOR THE PETITIONER TO GO INTO A STATE OF DEPRESSION, & SENT INTO A C.C.C.M.S. MENTAL HEALTH PROGRAM.

ON MARCH 16, 2010 THE DEFENDANT DR.RAJENDRA DWIVEDI, M.D PERFORMED THIS UNAUTHORIZED, UNLAWFUL & BARBARIC CASTRATION SURGERY PROCEDURE OWN THE PETITIONER. THIS ONLY GIVES RISE TO THE MENTAL, EMOTIONAL & PSYCHOLOGICAL STATE THE PETITIONER HAD TO BE IN DUE TO THIS CRUELTY. IT ALSO CONFIRMS WHY SO MANY PRISONER'S WERE HAVING MENTAL PROBLEMS & COMMITTING SUICIDE IN THESE SECURITY HOUSING UNIT PROGRAMS WHICH THE ENORMITY & DARKNESS OF THESE CRIMES WERE KEPT IN SECRECY. NOW THESE SHU PROGRAMS HAVE BEEN CLOSED DOWN/DISCONTINUED STATE WIDE. AND PRISONERS SUCH AS MYSELF AFTER BEING VICTIMIZED MUST FACE IMPOSSIBLE BARRIERS & BECOME AS SMART AS THE LAWERS & JUDGES THEMSELVES IN JUST A COUPLE OF YEARS KNOWING THAT THERE CASE'S WILL NEVER MAKE IT TO COURT WITHOUT THE REPRESENTATION OF A PAID LAWER.

THE PATIENT'S MENTAL & EMOTIONAL CONDITION IS IMPORTANT IN CERTAIN CASE'S MAY BE CRUCIAL, AND... IN DISCUSSING THE ELEMENTS OF RISK A CERTAIN AMOUNT OF DISCRETION MUST BE EMPLOYED CONSISTENT WITH THE FULL DISCLOSURE OF FACTS NECESSARY TO AN INFORMED CONSENT (Id, at P.1185.) IT IS THE PHYSICIAN'S DUTY "TO DISCLOSE TO THE PATIENT ALL MATERIAL INFORMATION TO ENABLE THE PATIENT TO MAKE AN INFORMED DECISION REGARDING THE PROPOSED OPERATION OF TREATMENT. MATERIAL INFORMATION IS INFORMATION WHICH THE PHYSICIAN KNOWS OR SHOULD KNOW WOULD BE REGARDED AS SIGNIFICANT BY A →

1 REASONABLE PERSON IN THE PATIENTS POSITION WHEN DECIDING TO ACCEPT OR
2 REJECT A RECOMMENDED MEDICAL PROCEDURE(Id,at P.1183.FN.9.)

3 UNDER UNITED STATES SUPREME COURT RULES IT'S BEING REQUESTED THAT
4 THIS CASE BE REVIEWED FOR THE INTENTIONAL OR NEGLIGENT SPOILATION OF
5 EVIDENCE (AL CIV CODE § 3523.) P.C. SEC.135 CRIMINALIZES THE ~~INTENTION~~
6 ~~AL~~ DESTRUCTION OF EVIDENCE, EVIDENCE CODE SEC.413 & THE DISCOVERY REMEDIES
7 OF FORMER CODE OF CIVIL PROCEDURE SEC.2023, PROVIDE A SUBSTANTIAL
8 DETERRENT TO ACTS OF SPOILATION, AND SUBSTANTIAL PROTECTION TO THE
9 SPOILATION VICTIM.

10 THE RECORD HAS REFLECTED CLEARLY THAT PETITIONER FILED A GRIEVANCE
11 602 COMPLAINT LOG NO.CORCORAN-09-10-14494 ON 8.30.2010 AGAINST THE
12 DEFENDANT RAJENDRA DWIVEDI, M.D. FOR PERFORMING A CASTRATION SURGERY.
13 SHORTLY AFTERWARDS THE DEFENDANT DISCONTINUED WORKING FOR THE DEPART-
14 MENT OF CORRECTIONS. THE 602 COMPLAINT WAS PICKED UP & REVIEWED BY
15 ATTORNEY GENERAL ERIC HOLDER.

16 THE PETITIONER WAS TRANSFERRED IMMEDIATELY FROM CORCORAN STATE PRISON (SHU)
17 SECURITY HOUSING UNIT TO TEMACHIPPI STATE PRISON (SHU) SECURITY HOUSING
18 UNIT & PETITIONER PERSONAL PROPERTY & LEGAL WORK HAS BEEN LOST BY OFFICIAL'S.
19 THE 602 COMPLAINT LOG NO.CORCORAN-09-10-14494 OF 8.30.2010 COULD NOT BE
20 FOUND IN ADMINISTRATION RECORD FILE. (See 165-171).

21 THE PETITIONER MADE AN ATTEMPT TO PURSUE THIS MATTER WITHOUT ANY
22 MATERIAL & TANGIBLE EVIDENCE TO THE KING'S COUNTY SUPERIOR COURT CASE NO.08W
23 0298L JULY 29, 2011 (See 172-173) AND HAS BEEN PROVIDED WITH NO DIRECTION
24 OR PROFESSIONAL ADVICE TO ASSIST HIS CLAIM AGAINST THIS ATROCITY.

25 THE RECORDS REFLECTS THAT THE 602 LOG NO. 09-10-14494 OF 8.30.2010 WAS NOT
26 LOCATED NOR RETURNED TO THE PETITIONER THROUGHOUT THE YEAR'S UNTIL PETITIONER
27 SENT A REQUEST TO U.S. DEPARTMENT OF JUSTICE OFFICE OF INFORMATION POLICY
28 DATED AUGUST 28, 2019 (See 174-175) ALSO (See 176) THESE ARE ALL THE HURDLES IT
TAKES FOR THIS 602 LOG NO. 09-10-14494 TO RESURFACE IN 2019 & BE ISSUED TO
PETITIONER AFTER YEAR'S OF DENIAL THAT THEY EXISTED & AFTER A SECURE
AMENDED SCREEN OUT AT U.S.D.C. EASTERN DISTRICT CASE NO. 1:18-CV-00645-DAD
-GSA TO DISMISS ATTORNEY GENERAL ERIC HOLDER, THE BPN COMMISSIONER,
JUDGE, ROBERT S. BURNS ALSO WITH OTHER DEFENDANT'S, THE PETITIONER AGREED TO →

1 DO SO. THAT PETITIONER WAS BRAINED WITH LEAD TO PURSUE HIS PROSECUTION
2 AGAINST DEFENDANT RAJENDRA DWIVEDI, M.D.. AND ALL OF THE AFOREMENTIONED
3 PLAYS A CRUCIAL PART IN THE STATUE OF LIMITATIONS. (FRAUDULENT CONCEALMENT).

4
5 THE PETITIONER WAS MADE TO FIGHT THIS CASE UPTO 4-YEAR'S IN THE
6 U.S.D.C. EASTERN DISTRICT. AND THIS CASE WAS COMPLICATED & COMPLEXED &
7 THE COURT'S DENIED TO PROVIDE PETITIONER WITH A COUNSEL TWICE AT
8 THE U.S.D.C. EASTERN DISTRICT AND ONCE AT THE NINTH CIRCUIT COURT
9 OF APPEALS AFTER THE CASE WENT INTO THE NINTH CIRCUIT MEDIATION
10 PROGRAM FOR A POSSIBLE SETTLEMENT. I WAS DENIED COUNSEL WHEREFORE,
11 THE COURT'S COULD TAKE FULL ADVANTAGE OF THE PETITIONER. IN PROSE,
12 I HAVE MENTAL & PHYSICAL DISABILITIES & ALL OF MY RIGHTS WERE
13 DEPRIVED TO BE PROVIDED WITH A FAIR CHANCE IN THIS CASE.

14
15 UNDER UNITED STATES SUPREME COURT RULES I am REQUESTING
16 THAT THE FOLLOWING BE REVIEWED TO RESOLVE THE CONFLICT & DIFFERENCE
17 IN OPINIONS WITH THE U.S.D.C. EASTERN DISTRICT & THE NINTH CIRCUIT
18 COURT OF APPEAL INREGARDS TO THE STATUE OF LIMITATIONS TO DIS-
19 MISS THE PETITIONER 1983 CLAIM... KOCH V. CHRISTIE INT'L PLL 785-
20 SUPP. 2d. 105 (FRAUDULENT CONCEALMENT) F.R.C.P. 9(b) FRAUD OR MISTAKE,
21 CONDITION OF MIND PURSUANT (C) CONDITIONS PRECEDENT- IN PART BECAUSE
22 PARTICULARITY BY THE SUPPORTING DOCUMENTS, BREACH OF CONTRACT,
23 BETRAYED AN OATH ALSO SUPPORTED BY SMITH V. FRICKE, 2020 U.S. DIST.
24 LEXIS 117673, 2020 WL 9264824 REQUIRED BY RULE 9(b) OF THE
25 FEDERAL RULES. ISSUE'S RAISED OF THE PETITIONER BEING TRANSFERRED
26 WHILE IN THE SECURITY HOUSING UNIT, TWICE IMMEDIATELY AFTER THE
27 SURGERY & EACH TIME PLAINTIFF PERSONAL PROPERTY & LEGAL MATERIALS
28 HAD BEEN LOST BY THE PRISON ADMINISTRATION. →

1 THE PETITIONER HAS ENDURED YEAR'S OF EMOTIONAL, PSYCHOLOGICAL &
2 MENTAL ANGUISH PURSUING THIS CASE TO SEEK SOME KIND OF RELIEF.
3 THIS CASE WAS TIME CONSUMING WITH UNDO BURDEN'S BUT MOST OF ALL
4 THIS SURGERY HAS PERMANENTLY CHANGED MY LIFE FOREVER.

5 THE DEFENDANT & THE PRISON'S ADMINISTRATION'S USE DECEPTION
6 & CONCEALMENT TO STONEWALL THIS CASE & IT HAS LEAD TO CONTRADICTION'S
7 BEING DECIDED BY THE U.S.D.C. EASTERN DISTRICT & NINTH CIRCUIT
8 COURT OF APPEALS DECISION'S BEING MADE EN BANC AFTER RELEASE FROM
9 THE MEDICATION PROGRAM FOR UNKNOWN REASONS.

10
11 THE PETITIONER NOW PLACES ALL TRUST INTO THE UNITED STATES
12 SUPREME COURT TO CONSIDER THIS CASE & REVIEW IT.

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15 I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS
16 TRUE & CORRECT.

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RESPECTFULLY SUBMITTED,
DANIEL L. BROOKINS
DOC# NO. C71478
K.N.S.P. 37-118

EXECUTED ON JANUARY 5, 2023

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Barry L. Bruckman

Date: JANUARY 5, 2023