

22-6788

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

DEC 15 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

In Re Kent Williams — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

Kent Williams
(Your Name)

Idaho maximum security institution PO Box 51
(Address)

Boise, Idaho 83707
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

Should this court order the ninth circuit court of Appeals to discontinue its practice of sending its orders and answers to prisoner litigants to a third Party (Idaho Dept. of corrections) via e-file instead of serving the prisoner litigant directly and/or should this court order the lower court to establish protocols the third party (IDOC) must meet that will ensure that the documents are delivered to the prisoner and in a reliable and confidential manner that the law demands?

Is it proper for the ninth circuit court of appeals to serve its orders and answers to prisoners' petitioners to a third party instead of to the petitioner himself?

Is the IDOC's handling of the e-filed documents so improper that the ninth circuit must first correct, establish serving and handling protocols for the IDOC to follow before it can continue to serve IDOC instead of directly (U.S. mail) serving the inmate petitioner?

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:

The underlying case (Leeftang, infra) was not yet accepted by the District court, an emergency appeal was taken from the District court's denial of injunctive relief so no party has yet been served or named.

This petition is solely against the Ninth Circuit Court of Appeals. If the ZDOC could ever be considered an "interested party" there are no named defendants yet to serve.

RELATED CASES

Kent Williams v Leeftang, Paralegal, et al., D.C. No 11-22-CV-0052;
Ninth Circuit Court of Appeals No 22-35615.

Kent Williams v Fox, 22-36014

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

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**: N/A

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 November 23, 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: mailed 12-4-22, 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**: 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

First and fourteenth amendment

STATEMENT OF THE CASE

on 8-4-2022 petitioner filed in the ninth circuit court of appeals an emergency interlocutory appeal (App Docket no. 1; Brief, 14-15) from the district court's refusal to grant injunctive relief pending litigation of the prisoners' § 1983 complaint.

The suit, in part, was to force IDOC to provide "safe, reliable and confidential" copy (and e-file) service of legal papers. Please see initial complaint (District Docket no. 3) and appeal, Id. Though the actual complaint is not being appealed here, those facts are relevant to this petition.

The way in which the prisons (not all in IDOC do this) "paralegal" was handling legal documents to copy (and/or e-file) was so unreliable and of such a breach of confidentiality that the system was unusable.

At times papers given to copy or e-file would not make it back to petitioner, or first be given to other inmates. And the unmonitored process allows for staff to read the legal papers.

Plaintiff had to stop giving his legal documents to IDOC staff to copy or e-file, causing great prejudice. Petitioner has many active court actions, civil and criminal, he can not get copies made of his pleadings or legal correspondence.

the "paralegal" picks up papers to copy and e-file but then places the original and copy into the prisons institutional mail, which is not acceptable. unconfidential and a real risk of loss. Please see cited pleadings.

STATEMENT OF THE CASE

Ironically, shortly after the appeal was filed in the ninth circuit court of Appeals, that court implemented a new serving program. Instead of sending its orders/answers to inmates using the U.S. mail (which the prison serves upon the inmate - not via "institutional mail"), the court e-files their papers for the inmate to the IDOC, A Third party, (usually the defendant! in this case the paralegal is the defendant). (DKT 13)

Two problems, sending petitioners' court replies to a third party. more problematic however is what the court allows the third party to do with the document after it is e-filed (and no longer the courts problem. the Court feels it has no obligation once it presses the send button)

The prison clerk will print it out and put it in the institutional mail, and without even putting the document in an envelope.

The inherent problems are spelled out above, 2d, and in the two motions Petitioner filed with the court to try to stop the IDOC's end (DKT 16, 18), Petitioner simply asked that the court establish proper handling-delivery protocols, the court refused to address the problem.

the court set up a system of process but then refused to establish guidelines for it. An abdication of its duty.

To just address the confidentiality issues (numerous floor staff having unmonitored access to the document and likelihood

STATEMENT OF THE CASE

other inmates will gain possession -which can cause deaths). This process renders decades of case law moot that addressed handling of prisoners mail sent via the us mail. why then is this handling practice legal just because it is now electronically sent? surely this also violates this courts long precedents.

Petitioner asks this court to order the ninth circuit court of Appeals to either discontinue the serving of a third party its orders and answers to petitioner (inmates), or establish proper rules the receiving third party must follow when receiving the e-filed document, that protects the petitioners' rights and integrity of the court system.

REASONS FOR GRANTING THE PETITION

The complained about practice demeans the rights of prisoners to access the appellate court as well as to this court, being exhaustion is first required.

This process chills an inmates right to access the appellate courts and frustrates it. The high ~~level~~ probability of documents not being served upon petitioners can prevent this court from receiving cases do to default issues the process has now incurred

Exceptional circumstances warrant the exercise of the courts discretionary powers, relief can not be obtained any other way as no other court has jurisdiction over the ninth circuit court of appeals, the court can not be sued, the ninth circuit has spoken, it refuses to correct its violative conduct (9th cir Docket No. 13, 16, 18, 19).

CONCLUSION

The petition for a writ of mandamus should be granted.

Respectfully submitted,

Kent Williams / Kent Williams

Date: January 28, 2022