

22-7392

No. 22-55948

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

FEB 22 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

MOSES CLARK — PETITIONER
(Your Name)

vs.

GLEN E. PRATT, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For the Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Moses Clark
(Your Name)

Post Office Box 3535 C-304/27^L
(Address)

Norco, California 92860
(City, State, Zip Code)

N/A
(Phone Number)

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:

Community Resources Manager (A) Robert Morales

RELATED CASES

Clark V. Gambale, No. 22-55251 (9th Cir. May 27, 2022) (same)

Clark V. Gambale, No. 2:22-cv-00641-JVS-PD (C.D. Cal. Feb. 7, 2022)

28 U.S.C.S. 1915(g); Clark V. Romero, No. 10-55783 (9th Cir. Aug. 24, 2010)

Ali V. Ahndress-Toblasson, 2013 U.S. Dist. LEXIS 18678

Clark V. Romero, No. 2:10-cv-03129-UA-AN (C.D. Cal. May 13, 2010)

Clark V. Romero, No. 5:10-cv-538-UA-AN (C.D. Cal. June 2010)

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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 Clark v. Romero, No. 10-55783 (4th Cir. 08/24/2010); 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☒ is unpublished.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 Clark v. Granado, No. 22-55251 (9th Cir. 05/27/22); 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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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 December 12, 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 _____.
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 statutory right to proceed In forma Pauperis status, Pursuant to Rule 39. 28 U.S.C.S. 1746; a motion for leave to proceed in forma pauperis status.
- (2) 28 U.S.C.S. 1915 (4) In no event shall a prisoner be prohibited from bringing a civil action for the reason that the prisoner has no assets and no means by which to pay initial partial filing fees.
- (3) Pursuant to the Court local Rules, "[a]ny person, who is unable to prepay the fees in a civil case, may apply to the Court for authority to proceed in forma pauperis." See L.S.R. 1-1.
- (4) Section 1915 provides that "any court of the United States may authorize commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets... that the person is unable to pay such fees or give security therefor." 28 U.S.C.S. 1915 (a)(1).
- (5) Rule 10. Considerations Governing Review on Certiorari.
Rule 11. Certiorari to a United States Court of Appeals Before Judgment
28 U.S.C.S. 2101(c)

STATEMENT OF THE CASE

On December 12, 2022, The United States Court of Appeals For The Ninth Circuit; Before: TASHIMA and CLIFTON, Circuit Judges; filed an order erroneously denying Plaintiff's rights to proceed in forma pauperis status, stating because appellant has had three or more prior actions or appeals dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted.

Plaintiff only suffer one civil action dismissed under 28 U.S.C. 1915(g); See Clark v. Gambale, No. 2:22-cv-00641-JVS-PD; (same) Clark v. Gambale, No. 22-55251 (9th Cir. May 27, 2022); decide before: BYBEE, HURWITZ, and R. NELSON, Circuit Judges. This case cite, Clark v. Romero, No. 10-55788; (9th Cir. Aug. 24, 2010); This case is not found in California resource.

The order filed on December 12, 2022, Before: TASHIMA and CLIFTON Circuit Judges is erroneously and insufficient to support three prior actions or appeals dismissed as frivolous, malicious, or failure to state a claim upon which relief may be granted.

Rule 10.(a) a United State court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflict with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;

Rule 10. (c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

REASONS FOR GRANTING THE PETITION

- (1) Plaintiff has not suffer three or more prior actions or appeals dismissed as frivolous, malicious, or failure to state a claim upon which relief may be granted.
- Strike 1:
(2) Clark V. Romero, No. 15:10-cv-538-UA-AN (C.D. Cal. June 2010), Dkt. No. 12; Strike 2: Clark V. Romero, No. 2:10-cv-03129-UA-AN (C.D. Cal. May 13, 2010), Dkt. No. 2; Strike 3: Clark V. Romero, No. 1055783 (9th Cir. Aug. 24, 2010), Dkt. 12.

Rule 10. (c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

- (3) Rule 11. Certiorari to a United States Court of Appeals
Before Judgment

A petition for a writ of certiorari to review a case pending in a United State court of appeals, before judgment is entered in that court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court. See 28 U.S.C.S. 2101(c).

So for the reason above Petitioner request that this Court grant this writ of certiorari pursuant to Rule 11; and 28 U.S.C.S. 2101(c).