

23-6898

No. \_\_\_\_\_

ORIGINAL

FILED

FEB 28 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Jose G. Castillo — PETITIONER  
(Your Name)

vs.

Martin Gamboa — RESPONDENT(S)  
Warden

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

Jose G. Castillo  
(Your Name)

P.O. Box 904  
(Address)

Avenal, California 93204  
(City, State, Zip Code)

- 176 -  
(Phone Number)

RECEIVED

MAR 05 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

This petitioner was given - "Noticed" -  
("By Head-quarters in Sacramento, California")  
in the ("Letter Noticed Change") it referred -  
to (my sentence); & am a immigrant from  
Mexico, do not speak English; & filed this  
law suit in federal courts, and attached  
all legal documents (to the) 9th circuit,  
There is (Extraordinary - Circumstances), and  
a California case in people vs. Allison (2019)  
39 Cal. app. 5th 688 - first appellate District - Granting -  
this petitioner case, But Not mine. This petitioner also  
cites Mendoza v. Carey (9th Cir. 2006) 449 F.3d. 1085 -  
("Prison Law Library - failed to (post Notices) in Spanish  
on filing Dates. -

## 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 - only.

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

## 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

see; People Vs. Allison (2019) 39 Cal. app. 5th.  
688-

see; Mendoza Vs. Carey (2006) 449 F.3d. 1065

see: McC Daniels Vs. Kirkland (2015) 813 F.3d. 990  
(the Entirety of the state Record.)

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

see; People Vs. Allison (2019) 39 Cal. app. 5th  
688.

see Mendoza Vs. Casey (2006) 449 F.3d. 1065

see; McC Daniels Vs. Kuklinski (2015) 813 F.3d. 1140.

STATUTES AND RULES

see; attached  
Legal Document.

OTHER

see; attached  
Legal Document.

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 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 \_\_\_\_\_ 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 \_\_\_\_\_.

☐ 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 None.  
A copy of that decision appears at Appendix None.

☐ A timely petition for rehearing was thereafter denied on the following date: None, 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 None (date) on None (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Plaintiff asserts He Received - An - Unauthorized -  
and (illegal sentence) and the superior Court  
("Will Not Correct the sentencing Error") as  
("proof - that his sentence is (illegal), plaintiff  
(submits) a June 12, 2020 - Letter) from  
An (analyst) Employed By the California  
Department of Corrections & Rehabilitation, to  
the superior Court Judge, advising, plaintiff's  
September 26, 2014 (sentencing was (inconsistent))  
with - an increase in the sentencing - tried - to - five  
- Eight - or - ten years, effective September 9, 2010, id  
at 12) please look at site (2023) - U.S. Dist. Div -  
87302 - Superior Court of Santa Clara County  
("Unauthorized and illegal sentence).



STATEMENT OF THE CASE

plaintiffs allegations and claims,

In the superior Court for the County of Santa Clara  
plaintiff was convicted of (two Counts of lewd/  
Lascivious act on a child - By use of force  
Committed on or about January 1, 2007, and March  
- 2, 3, 2013, please see; Castillo Vs. Harper (2023)  
U.S. Dist. Lexis - 87302; California Case Law (states) may be  
Challenged at any time; see; people V. King (2022) 71 CA 5th 629;  
and see; Mac Daniels Vs. Kirkland (2015) 813 F.3d 990 - the  
Entities of the state Court Record.

plaintiff contends this  
sentence, the superior Court (imposed unauthorized)  
illegal, superior Court will not correct (sentencing error).

plaintiff filed a law suit to - force the state  
to correct for \$7-million and (injunctive relief).

## REASONS FOR GRANTING THE PETITION

petitioner Castillo contends - the ("Changes") of California Law  
By the Governor's office Newsroom, and California state supreme  
Court (Case Law, see; Castillo vs. Harper (2023) U.S. Dist. Ltr.  
148009 - , is Not Banned, By Heck vs. Humphrey  
(1994) 512 - U.S. 491 - , (my Conditions) of Confinement)  
"are (part) of institution, & state Capitol records to  
" Case Records - analyst, telling this state  
prisoner - (His prison sentence is illegal and  
Unauthorized, - and they tell this petitioner, i do Not  
state a claim; please look at the whole record,  
see; Bradshaw v. Richey (2005) 546 - U.S. 14, 16 - (state Courts)  
(interpretation of - state law; - (Binds) a federal Court  
sitting in Habeas - Corpus; - This Court in (2000) 549  
U.S. 210 - in Cunningham v. California (2000) 549 -  
U.S. 210 - held; The - DSH - By placing sentence  
(Elevating - fact - binding - within - the Judge's

Province, Violates a Defendant's Right  
to Trial By Jury - safeguarded by the  
(Sixth) and Fourteenth Amendments, in Violation  
of - this Court's own Case Law, see; Apprendi,  
Ring - Blackely, and Booker, But the Holding  
is in Apprendi & Cunningham V. California (2001) Defendant  
was given a (sentence in excess) of the (statutory maximum) Based  
(on aggravating Circumstances), same as this petitioner Jose Castillo -

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

\_\_\_\_\_

Date: \_\_\_\_\_