

NO. 23-6905
IN THE

ORIGINAL

SUPREME COURT OF THE UNITED STATES

FILED

JAN 29 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

PAUL HARRIS

Petitioner,

Vs.

UNITED STATES OF AMERICA

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

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ORIGINAL



QUESTIONS PRESENTED

The lower court at Lancaster, California would not allow petitioner's assistant to briefly speak to the court and explain that petitioner cannot read or write and just like the court would appoint an interpreter to help a non-English speaking person participate in their hearing(s). Petitioner's assistant would have been able to convey to the court that petitioner's sole witness Dr. Le (who performed the corrective surgery) has not been given the opportunity to address the court in providing the court with all the evidence by which to make a just ruling.

Question: Does Petitioner have a Constitutional Right to a Fair Trial including the help of an Interpreter or someone who can speak on behalf of the Petitioner who has a lack of understanding stemming from petitioner's inability to read or write?

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PETITION FOR WRIT OF CERTIORARI

Petitioner Paul Harris respectfully requests the issuance of a Writ of Certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit.

DECISION BELOW

The decision of the United States Court of Appeals for the Ninth Circuit is published at Case No. 23-55664 filed on November 17, 2023, Attached as Appendix A, and the decision by the U.S. Central District Court dated July 6, 2023 is attached as Appendix B simply followed the intangible lead set by the lower courts.

JURISDICTION

The Ninth Circuit entered judgment on November 17, 2023, and the U.S. Central District Court's decision dated July 6, 2023. This court's jurisdiction is invoked under 28 U.S.C. 1254.

FEDERAL RULE INVOLVED

F.R.C.P. #52(b)

Sixth Amendment to the U.S. Constitution

28 U.S.C. Rule 1827(D)(1)

STATEMENT OF THE CASE

Petitioner experienced a small bump on his right toe area, and a Doctor at Kaiser performed the surgery of implanting a Fixation Device (containing 5 screws, one screw longer than the other 4). After petitioner's operation, petitioner noticed major swelling and pain. Petitioner returned to Doctor Schachter's on many occasions just to be given a verbal pacifier to be patient. This went on for better than a year where petitioner suffered extreme pain and swelling. When the pain and swelling became unbearable, petitioner obtained a second opinion from different Kaiser-associated doctor name Mr. Tuan Anh Le, DPM. Dr. Le examined petitioner's right foot's big toe area and discovered that the Fixation Device implanted by the respondents Dr. Schachter (defendant in the original lawsuit) had to be removed.

Once Dr. Le removed the implanted Fixation Device ... it was also discovered that Dr. Schachter had 'cut too much bone' in addition to wrongfully implanting a device that would cover up the fact Dr. Schachter Cut Too Much Bone. At the outset of petitioner's Surgery by Dr. Le, petitioner noticed his swelling and pain had tolerantly subsided, allowing petitioner to enjoy some of life's basic needs again. This is when Dr. Le provided petitioner with the Fixation Device used by Dr. Schachter plus a Machine that is supposed to "FUSE" the bones.

The defendant, Doctor Schachter's attorneys in Superior court argued that Petitioner must be held to the same standards of licensed attorneys; this was stated simply to eliminate any reference to Dr. Le who corrected the wrongful implantation of the Fixation Device which intentionally caused Petitioner's case unconstitutionally depriving Petitioner of an assistant to

help him where he cannot read or write and its hard to understand what's going on with his case. It is incredibly unsettling how a non-English Speaking person can receive assistance to understand what's going in their cases through an Interpreter; and how Petitioner was denied the opportunity to allow his assistant to explain to the court that the Doctor who performed the corrective surgery needs to be subpoenaed so that a court will have All the Evidence after hearing Dr. Le's testimony regarding why the Fixation Device (hardware) had to be removed; but Petitioner was not allowed to have his assistant to speak nor was Petitioner provided an Interpreter by the court despite Petitioner's assistant informing the court of petitioner's inability to read or write and needed assistance though the court acknowledged the fact petitioner cannot read or write and needed help communicating and understanding with the court and parties ... the judge decided to deprive the petitioner of his rights under the **Sixth Amendment to the U.S. Constitution**, and the court accepted the defendant's version and ruled that despite the court's knowledge of the fact that petitioner cannot read or write or understand the legal language being spoken during the hearing ... The court stated that petitioner will be held to the same standards of licensed attorneys and Dismissed the case against petitioner.

REASONS FOR GRANTING THE WRIT

This court should grant Certiorari to ensure that when a person cannot read or write or understand communications during court proceedings, the courts should automatically appoint an assistant/ interpreter where a fundamental interest is at stake and the inability of individuals to understand and or express themselves in English may prevent full and necessary participation in court proceedings. Here, the courts have an obligation to ensure Due Process and Equal Access to the courts, Court Interpreter's Act of 1978 (H.R. Rep. 95-1687 at 1978), and see the court in United States vs. Lim, (9th Cir. 1986) 794 F. 2nd 469, 470, both supporting and holding "A person whose fluency in English is so impaired that it interferes that person's right to confrontation or his/her capacity, as a witness, to understand or respond to questions ... 'has a Constitutional Right to an Interpreter'". Here, the strategy of the defendants was to use the judge in silencing the petitioner and petitioner's assistant to prevent petitioner from mentioning the actual Doctor who based his need to correct the defendant's operation by removing the Internal Fixation Device (hardware) wrongfully implanted by the defendant used his Expert and professional experiences which required **Doctor Tuan Anh Le DPM** to remove the wrongfully implanted hardware, See Exhibit A. This, as can be determined, worked, and the petitioner, (a person who cannot read or write nor understand the communications during court) was deprived of his Due Process rights under the 14th Amendment to the U.S. Constitution, see also the Ninth Judicial Circuit which provides spoken language court interpreter to limited- English-Proficient persons in accordance

with Title VI of the Civil Rights Act of 1964, Section 90.606; stating that “Qualified spoken language court reporters will be Appointed where a fundamental interest is at stake”. Thus, it is respectfully

requested that this honorable court being the United States Supreme Court, is charged with ensuring All American people the promise of Equal Justice under the law, and thereby also functions as guardian and interpreter of the United States Constitution. In finality, the petitioner was also denied his rights under the Americans With Disabilities Act (ADA) to accommodations necessary to ensure petitioner's right to a fair trial. Because the lower courts did not properly allow nor apply petitioner his Constitutional rights, United States vs. Adalberto Murguia – Rodriguez, (9th Cir. 2016) No. 14-10400, this court’s review is warranted.

CONCLUSION

Mr. Paul Harris respectfully requests that this court issue a Writ of Certiorari.

Respectfully Submitted,

Paul Harris, In Pro Se



January 16, 2024