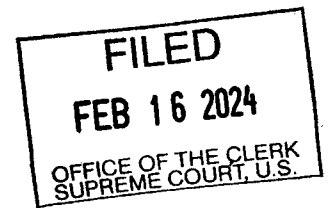


23 - 6933
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

HUY TRONG TRAN — PETITIONER
(Your Name)

vs.

TAMMY. CAMPBELL(WARDEN) — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

HUY TRONG TRAN (IN PRO SE)
(Your Name)

P.O.BOX 3481
(Address)

CORCORAN, CA 93212
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

HOW ARE PETITIONERS' CLAIM OUTSIDE "THE CORE OF HABEAS CORPUS", WHEN IT CHALLENGES THE INVALIDITY OF CONFINEMENT OR PARTICULARS AFFECTING DURATION WHICH ARE THE PROVINCE OF HABEAS CORPUS?

WAS THE LOWER COURTS DECISION DENYING PETITIONERS' CLAIM OF HIS CONSTITUTIONAL RIGHTS NOT VIOLATED? AND CORRECT OF ITS PROCEDURAL RULING?

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:

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
WILKINSON V DOTSON, 544 U.S. at 82	4
SLACK V. MCDANIEL, 529 U.S. 473(2000)	6
TURNER V. CALDERON, 281 F.3d 851, 864-65(9th Cir. 2002)	5
DOCKEN V. CHASE, 393 F.3d 1024, 1031(9th Cir. 2004)	4
NETTLES V. GROUNDS, 830 F.3d 922 at 934(9th Cir. 2016)	5

STATUTES AND RULES

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U.S.C.A. 14th DUE PROCESS RIGHTS	4
28 U.S.C. §2241(c)(3)	4
28 U.S.C. §2253(c)	5
28 U.S.C. §2253(c)(2)	5
RULE 11 GOVERNING §2254	5
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CALIFORNIA PENAL CODE §3041.5(b)(4)	4
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§3051(2)(B)	4
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APPENDIX A ...UNITED STATES 9th CIRCUIT COURT OF APPEALS

APPENDIX B ...UNITED STATES CENTRAL DISTRICT COURT OF CA.

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APPENDIX F

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 _____; 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 _____; 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 C 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 California appellate court appears at Appendix D 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 NOV. 21, 2023.

☐ 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 2/17/2021.
A copy of that decision appears at Appendix C.

☐ 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

U.S.C.A. 8th EQUAL PROTECTION RIGHTS FREEDOM FROM CRUEL AND
UNUSUAL PUNISHMENT

U.S.C.A 14th DUE PROCESS RIGHTS

28 U.S.C. §2241(c)(3)

28 U.S.C. §2253(c)

28 U.S.C. §2253(c)(2)

RULE 11 GOVERNING §2254

§2254(a)

CALIFORNIA PENAL CODE §3041.5(b)(4)

CALIFORNIA PENAL CODE §3051
§3051(2)(B)

CALIFORNIA PENAL CODE §12022.53(c)

STATEMENT OF THE CASE

Petition challenges the invalidity of confinement and particulars affecting the duration which affects release date in less than 45 days Earliest Possible Release Date(EPRD)3/26/2024(APPENDIX A, EXHIBIT E), which is the core of habeas corpus. Lower court decision denying that petitioner failed to state a valid claim of constitutional right which was incorrect in its ruling also.

Pursuant to Ca.Pen.C.§3051(2)(B)"Controlling Offense" means the offense or enhancement for which any sentencing court imposed the longest term of imprisonment". No where in its verbage does it say anything of a(n) aggregate term,consecutive sentence, and/or alternative sentence imposed.

Petitioner meets this statutory language and may seek a writ of habeas corpus if they are (1)in custody, and (2)their custody "could potentially" end or be shortened, if an unconstitutional procedure were voided and a new proceeding ordered.see DOCKEN V. CHASE,393 F.3d 1024,1031(9th Cir.2004) The claim is within core of habeas corpus where "success in that action would necessarily demonstrate the invalidity of confinement or its duration."SEE WILKINSON V. DOTSON,544 U.S.at82.

This claim affects duration of petitioner sentence because succeeding Board of Parole Hearing(BPH) would likely set next parole hearing at earlier date,Ca.Pen.C§3041.5(b)(4) or earlier release from confinement as shown in Appendix A Exhibit E EPRD 3/26/2024 in less than 45 days. The unjust and unlawful restraints impacts duration of confinement delaying petitioners' hearing to more than 2-years out constitutes denial of Constitutional Rights or could speed up hearing.

Petitioners "In custody in violation of the Constitution or laws or treaties of the United States" 28 U.S.C.§2241(c)(3)also 28 U.S.C.§2254(a) Amounts to deprivation of U.S.C.A. 14TH Depriving petitioner life and liberty without due process of law, nor denying any person without its jurisdiction the equal protection of laws; also violatæ U.S.C.A.8th of Equal Protection Freedom from Cruel and Unusual Punishment. Being forced to stay beyond

release date to go to parole hearing 2-years later when board could schedule within reasonable time of release date.

"That prisoners could bring claims in a habeas corpus petition on "challenging aspects of their parole review so long as success on the claims" could potentially affect the duration of their confinement" quoting NETTLES V. GROUNDS, 830 F.3d 922, 934.

Rule 11 of the Rules Governing §2254 cases requires this Court to issue or deny a certificate of appealability(COA). Accordingly, the Court has sua sponte evaluated the claims within the petition for suitability for the issuance of a COA. See 28 U.S.C. §2253(c) TURNER V. CALDERON, 281 F.3d 851, 864-65 (9th Cir. 2002). Which petitioner is requesting the HONORABLE JUSTICES OF U.S. SUPREME COURT if in the instant petitioner made a substantial showing of denial of Constitutional Right Pursuant to 28 U.S.C. §2253(c)(2)

REASONS FOR GRANTING THE PETITION

Its of National Importance that Supreme Court decide the question involved. It is important that the Court decides petitioners' case is in conflict with the decisions of lower courts, the importance is not only to petitioner but to others similarly situated and decision on cases erroneous, as stated above argument. That petitioners claim was in core of habeas how it affects petitioners duration of confinement. Having a release date in about 45 days of filing of this petition. But is made to stay an extra 2-years 10/9/2026 because of an Unconstitutional Legislative law of Ca.Pen.C. §3051, which petitioners longest term of imprisonment is of enhancement Ca.Pen.C. §12022.53(c) 20-year determinate term with now Ca.Prop. 57 (APP. A, EX. C) changing crediting that changed petitioners EPRD to 3/26/2024 (9th Opening Brief Ex. E). "In custody in violation of the Constitution or laws or treaties of the United States" 28 U.S.C. §2254(a) California making the laws but their official rarely abide by them.

At the very least requesting the HONORABLE JUSTICES in granting COA with respect to claims rejected on the merits, a petitioner "must demonstrate that reasonable jurists would find the district court's assessment at the Constitutional claims debatable or wrong" SLACK V. MCDANIEL, 529 U.S. 473 (2000) which jurist would find district and appellate courts assessment was wrong. Petition does fall in core of habeas corpus, Constitutional Rights denied, affecting the duration of petitioners confinement that goes 2-year beyond release date this 3/26/2024 to 10/9/2026.

Petitioner prays that Court grant relief to petitioner.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Huy TRONG TRAN

Date: 2/8/24