

23-7216
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
APR 04 2024
OFFICE OF THE CLERK
SUPREME COURT, U.

ENRIQUE ZACARIAS PETITIONER
(Your Name) S-1A-2

VS.
Oregon Department of Corrections — RESPONDENT(S)
et al.

ON PETITION FOR A WRIT OF CERTIORARI TO

U. S. 9th Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

(Your Name)

(Address)

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Was plaintiff Enrique Diaz
assaulted after request of
Administrative Segregation at
O. S. I.?

Was plaintiff Enrique Diaz
only afforded one strike when
supposed to be afforded three
in the United States District
Court for dismissal of a lawsuit
for being frivolous, malicious or
failure to state a claim upon
which relief may be granted?

Did the state of Oregon violate
plaintiff Enrique Diaz's 8th and 14th
amendment right when not providing
the proper protection for inmates that
request Administative Segregation as a due process?

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:

J. H. Lang

TABLE OF AUTHORITIES CITED

CASES

County of Sacramento v. Lewis, 306
 523 U.S. 533, 548-49, 115 S. (Prisoners' Self
 Crit. 1998 (1998).
 PAGE NUMBER
 306-311
 [Habeas C. & J. Manual]

Sacramento v. Lewis,
 523 U.S. at 542-53.
 306-307

Conn-Guzzo v. Rivera-Montanez,
 212 F.3d 617, 622 (1st Cir. 2000)

STATUTES AND RULES

Ryan v. California Interscholastic
 Federation - San Diego

Section,
 119 Cal. Rptr. 2d 798,
 94 Cal. App. 4th 1048, 1071
 (2001).

OTHER

Leamer v. Fauver,
 288 F.3d 532, 546-47 (8th Cir.
 2002).

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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 5 to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at Appendix 1 to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[X] 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 2/13/27

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

Violation of my 5th and 14th
amendment right of the U.S
Constitution for protection against
violation of due process.

STATEMENT OF THE CASE

I was unable to pay the filing fee of \$505.00 for this case as I had three causes dismissed as frivolous, malicious or failing to state a claim upon which relief may be granted which I had two strikes left to file other suits which prevented me from proceeding with this case.

REASONS FOR GRANTING THE PETITION

I was not provided an opportunity for my case to be heard as I could not pay the filing fee for this case in which I was arrested while on transport to another inmate after requesting administrative segregation in which was violated my 8th Amendment right to protection against Due Process.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: 3/19/21