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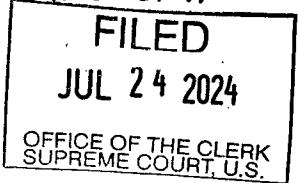
No. 23-2660

**ORIGINAL**

Originating Case No. 1:22-cv-00128-SPW

IN THE

SUPREME COURT OF THE UNITED STATES



Gilbert Campa — PETITIONER  
(Your Name)

vs.

Ingrid Rosenquist, Mickey Eckhart — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States District Court for the Thirteenth Judicial District  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE) of Montana  
(Billings Division)

PETITION FOR WRIT OF CERTIORARI

Gilbert Campa  
(Your Name)

Crossroads Correctional Center / 50 Crossroads Dr.  
(Address)

Shelby, Montana - 59474  
(City, State, Zip Code)

(406) 434-7055  
(Phone Number)

### QUESTION(S) PRESENTED

1). Did the Ninth Circuit Court of Appeals err in dismissing my Appeal to my Civil Action Complaint for considering it being one day late when responding back to the Federal Court. As being that the Federal Court didn't Notify a Time Limit to respond back on the Order to Dismiss by the Federal Court Judge Susan P. Waters. (See Appendix-B- In all four pages of Judge Susan Waters Order to Dismiss Civil Action Complaint).

2). Did the Ninth Circuit Court of Appeals err by not realizing that there was a Holiday even in the month of September which was Labor Day. As Holidays are never included anytime with Time Limits against someone who is filing any kind of Appeal or Motion with any Court.

3). Did the Ninth Circuit Court of Appeals err in not taking it into consideration, that how if when really being a day late, how that is not even being Prejudicial at all to the Respondents.

## 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:

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## INDEX TO APPENDICES

- APPENDIX A - Amended Complaint for Violation of Civil Rights with Additional pages, 1-through-10, with the ORDER OF
- APPENDIX B - DISMISSAL for the bail jumping charges with ONLY ONE Cause No. Opinion/ORDER by Federal Court United States District Judge Susan P. Waters.
- APPENDIX C - Notice of Appeal to the Order of Civil Action Complaint.
- APPENDIX D - All Responses back from the United States Court of Appeals for the Ninth Circuit.
- APPENDIX E - Case Law of Cole v. MSPB, 2000 U.S. App. Lexis 5760, (1-page).
- APPENDIX F - Court Record Transcripts, (1-page).

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

Case Laws in Notice of Appeal to the Order of Civil Action Complaint,  
In Appendix-C:-

- 1). Pearson v. Callahan Page -1-
- 2). Holmes v. Kucynda Page -2-
- 3). Section 1983, Civil Liability. 42 U.S.C. § 1983. Page -2-
- 4). State v. Skaw (Case Law enclosed). Last page of the  
Notice of Appeal.
- 5). Holmes v. Kucynda (cited again).  
Malley v. Briggs and Cannon. Page -14-
- 6). Cole v. MSPB Appendix -E-

### STATUTES AND RULES

- 1). Montana Code Annotated, 46-9-503, Subsection (2); Page -7;-8-  
As it is explained on page 7 and onto 8 and also enclosed,  
third to last page of the Notice of Appeal to the Civil Action  
Complaint that is Appendix-C:-

### OTHER

- 1). Court Transcript Records (Discussed on page-7- In Notice of Appeal Page-7-  
In Appendix-C- and Transcript in Appendix-F-).
- 2). Prosecutorial Vindictiveness (In Notice of Appeal).
- 3). Having one Docket No. only for both bail jumping charges when there Page-7-  
indeed should have been two. The only Docket No. that was filed Page-9-  
is enclosed, second to last page of the Notice of Appeal, Appendix-C:-  
(Continued on following page)

"Still in Appendix-C"

- 4). The definition of what bail jumping is from out of the Ballentine's Page-13-  
Law Dictionary, 3<sup>rd</sup> Edition.
- 5). The definition to Search Warrant in the Baron's Law Dictionary. Page-13/-14-
- 6). Being held to less stringent standards than formal pleadings drafted Page-14-  
by Lawyers.

Also cited incidents with Robert Martinez, pages, 5 and 6, and Mark Benton,  
on page, -18-. (With also in Appendix-C-).

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 D to the petition and is

☒ reported at United States Court of Appeals for the; 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 United States District Court for the; 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 October 16, 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: The final one, 4-30-24, and a copy of the order denying rehearing appears at Appendix D.

[ ] 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

Constitutional Rights Violated: Fourth Amendment Violation; Fifth Amendment Violation; Eighth Amendment Violation; and Fourteenth Amendment Violation, on page, 3-of-11 and also on page, 5-of-11. (All in the Amended Complaint for Violation of Civil Rights that is in Appendix-A-). Also throughout additional pages to Amended Complaint for Violation of Civil Rights. Also with Deliberate Indifference and Malicious Prosecution which are specifically on pages, 2, 4, and 5, with Deliberate Indifference and Malicious Prosecution on page, 6. Also, Bad Faith, Malicious Purpose and Wanton and Willful Disregard on page, 9. The last page, which is page, -10-, is, Compensation and Punitive Damages. One additional page, that is marked, 1-of-1, which is the Order to Dismiss Without Prejudice, Cause No. DC 20-1171, Proving that there was ever only one Docket No. filed for both bail jumping charges.

In Notice of Appeal to the Order of Civil Action Complaint:

- 1). Bad Faith with Malicious Purpose in a manner "Exhibiting Wanton and Willful Disregard" to Human Rights, Safety and Property. On page, -12-.
- 2). Equal Protection Rights of the Law. On page, -16-.
- 3). The definition of, "Malicious Prosecution". On page, -17-.
- 4). Equal Protection Clause. On page, -18-.

## STATEMENT OF THE CASE

Starting with Appendix-A: On April 24, 2023, I filed a final Amended Complaint for Violation of Civil Rights against, Prosecuting District Attorney, Ingrid Rosenquist and Probation and Parole Officer, Mickey Eckhart, to the United States Federal District Court.

In Appendix-B: On August 29, 2023, Federal Court Judge Susan P. Waters put in an Order to Dismiss the Civil Action Complaint.

In Appendix-C: On September 29, 2023, I filed an Appeal back to the United States Federal District Court which the Federal Court then forwarded the Notice of Appeal to the Ninth Circuit Court of Appeals.

In Appendix-D: On October 10, 2023, the Ninth Circuit Court of Appeals sent me a Certificate of Appealability which I filled out and sent back, in the amount of time, a Motion for Extension of Time. However, on October 16, 2023, the Ninth Circuit Court of Appeals put in an Order to Dismiss the Appeal by stating it was one day late in being filed back to the Federal Court. Therefore, I did a Motion for Reconsideration within 21 days time limit that I was given to do so and the Ninth Circuit Court of Appeals did not grant that Motion. Therefore, I filed another Motion again, which was a Motion for Reconsideration to Reopen Appeal which the Ninth Circuit Court of Appeals did not grant that Motion either at all.

Being that I disagree with the Ninth Circuit Court of Appeals, I am now sending all of this Packet to your Supreme Court.

## REASONS FOR GRANTING THE PETITION

- 1). Being that the Federal Court did not notify me of a time limit to respond back to the Order of Dismissal by Federal Judge Susan P. Waters. As being that I am Pro'se and so therefore, not an Attorney, I am not someone who is to know something like that automatically with what all time limits are. (See enclosed Case Law in Cole v. MSPB, in Appendix - E, stating, "Whether an Appellant was notified of a time limit or otherwise aware of it").
- 2). In Cole v. MSPB, it also states, "The Length of Delay." As a day late, even if when really being one day late, it is not being Prejudicial toward the Respondents, as already stated in this Petition. Also, which was stated already too in this Petition, being that there was a Holiday, that was Labor Day, in the month of September, that day should definitely not have been included as a day to count when responding back to any Court when there is a time limit to do so. If the Federal Court would have seen it as having any fault with it at all, ~~then the~~ then the Federal Court would not have even forwarded the Notice of Appeal to the Ninth Circuit Court of Appeals like the Federal Court did do.
- 3). Being that the last and final decision was April 30, 2024, from the Ninth Circuit Court of Appeals, this Petition for Writ of Certiorari was filed before the 90 days time limit that it was required to be filed by, from and by, your Supreme Court.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

\_\_\_\_\_

Date: July 24, 2024