

No. 24-6610

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

JAN 29 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Dai Nguyen

— PETITIONER

(Your Name)

vs.

1. Superior Court of Imperial County RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

California Supreme Court

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Dai Nguyen # T-01859

(Your Name)

P.O. BOX 5005

(Address)

Calipatria, CA 92233

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Should Absolute Immunity for Judicial Act apply to Judicial Decision that are Administrative, concerning Inmate request to House at a Jail lib near or closest to Courthouse?
2. Are in Chamber decisions, non adversarial Decision by Judges, constitute as Judicial Acts?

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:

1. Attorney General, California
2. California Court of Appeals, 4th District.
3. Imperial Superior Court of California
4. Defendant William Lehman

RELATED CASES

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OTHER

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 _____; 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☐ is unpublished.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☐ is unpublished.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 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☒ is unpublished.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 Court of appeals & district of California 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☒ is unpublished.

The opinion of the Imperial County Superior Court appears at Appendix C to the petition.

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 Dec 31, 2024.
A copy of that decision appears at Appendix A.

☐ 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

1. Absolute Judicial Immunity
2. 28 U.S.C. § 1291
3. U.S. Const. 6 amendment. - Right to be present
4. Due Process Clause of United State Const. 14 amend.

STATEMENT OF THE CASE

Petitioner, Hai Nguyen, filed a Complaint for Damages in Imperial Superior Court of California, under Civ. Code § 52.1, ECU003443, filed March 25, 2024. Defendants in the Complaint are Prison Guards at California State Prison and Superior Judge of Imperial County, William Lehman. The Complaint concerns denial of transfer to a facility in Sacramento County for Resentencing petitions, to avoid missed court dates and Medical Quarantines during transport. Defendant denial of transfer violated right to be present and Delays in between court date violated Due process, and right to Assistance of Counsel. (Appendix D)

Defendant William Lehman Demurred to the Complaint, claiming Absolute Judicial Immunity. Petitioner opposed the Demurrer, stating Absolute Judicial Immunity is not subject to Judicial decision that administrative, concerning "Facilities." *Anestas v. Davis*, 584 U.S. 28, *In re Guller*, 728 F.3d 1033, *Hohn v. United States*, 524 U.S. 236. 28 U.S.C. § 1291. Trial Judge, Christine Pate, sustained the Demurrer without leave, 7/24/24, stating

Defendant William Lehman in Denying Habeas Corpus, for failure to state a Prima Facie case, was a Judicial Act. Petitioner filed a motion for reconsideration, stating Defendant Lehman Decision was outside the litigable function, and in Chamber Dismissal of Habeas Corpus, was an administrative action not subject to Judicial Immunity. That Court Judge Christine Pate denied the motion for reconsideration, 9/23/24 and refused to dismiss the Defendant from the action.

Petitioner Tren filed a writ of mandate to California Court of Appeal, Fourth District, D084942, Oct 4, 2024. denied.

Petitioner Tren filed a petition for review to California Supreme Court, NOV 18, 24, denied Dec 31, 24.

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REASONS FOR GRANTING THE PETITION

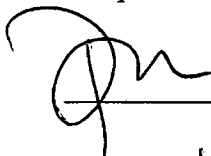
Trial court abused its discretion in sustaining the Demurrer by Defendant Judge Lehman. Trial court also found administrative, in chamber decision. Constituted a Judicial Act. Trial court has ruled against California precedent. *Gomez v. Superior Court*, 54 Cal.4th 293. In *Gomez*, California Supreme Court has ruled that summary denial of Habeas Corpus for failing to state a *prima facie* case, is an insubordinate judicial duty, administrative. Trial court also abused its discretion in deny injunctive relief, stating courts do not have the power to transfer inmates. Trial court ruling against precedent in *In re Von Staichen*, 56 Cal. app. 5th 53. The California Supreme Court decision in *In re Von Staichen* stated that conditions in California Prison concerning deprivation of rights was unconstitutional and the court has power to transfer inmates under Cal. Gov. code § 8658, due to COVID.

petitioner contends that absolute judicial immunity
should not apply to decisions based on jurisdiction.
That a 2 prong test for judicial immunity should also
consider if the decision was a judicial act. Defendant
Judge Lehman's decisions, was in chamber, non adversarial
based on ~~unsub~~ unsupported evidence, without traverse
filed by petitioner, and no evidentiary hearing was held.
His actions were administrative and not judicial
under 28 U.S.C. § 1291, Decision concerning Facilities.
are decisions outside the litigative function, and denial
of transfer by Defendant Lehman, that affects petitioners
current date, because of Quarantine for COVID is not subject
to judicial immunity for money damages in civil suit.
(Appendix E)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 1/27/25