

IN THE
SUPREME COURT OF THE UNITED STATES

No. 17-6536

ROBERT BLACK JR - PETITIONER
VS

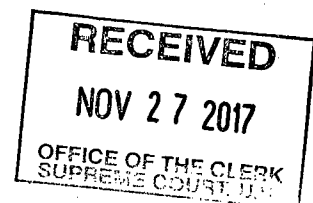
CALIF. APPELLATE PROJECT - RESPONDENT(S)

SUPPLEMENTAL

SUPREME COURT RULE 21

MOTION FOR COURT TO ANSWER
LEGAL QUESTION - WHETHER PRISON
MAILBOX RULE APPLY TO COURT CLERK
LIKE PRISON AUTHORITIES; WHEN COURT
RECORDS PROVE CLERK RECEIVED INDIGENT
PRISONERS "CIVIL NOTICE OF APPEAL" BUT
DID NOT FILE, THIS SUPPRESSION BY CLERK
DEPRIVED PETITIONER OF EQUAL PROTECTION.
(A) RESPONDENT WAIVED BRIEF IN OPPOSITION.

Robert Black Jr
F66577/5N14
1 MAIN ST
SAN QUENTIN, CA 94964
IN PRO PER.



IN THE
SUPREME COURT OF THE UNITED STATES

Robert BLACK JR

PETITIONER

VS

CALIF. APPELLATE PROJECT
RESPONDENT

No. 17-6536

Motion For Court ANSWER

LEGAL QUESTION: Whether Prison

MAILBOX RULE Apply To Court Clerk

Like Prison Authorities. Sup. Ct. R. 21

TO: THE CLERK OF THE COURT AND HONORABLE JUSTICES:

(A) PER SUPREME COURT RULE 21, PETITIONER SUBMITS THIS MOTION TO ASK HONORABLE COURT TO ADDRESS LEGAL QUESTION, BECAUSE RESPONDENT WAIVED BRIEF IN OPPOSITION DUE 11-29-17;

(1) THE PRISON MAILBOX RULE "CONSTRUCTIVE FILING" WHEN PRISONER DELIVER TO PRISON AUTHORITIES "CIVIL NOTICE OF APPEAL" FOR MAILING TO "CLERK" OF THE COURT; "SHOULD APPLY TO CLERK, WHEN THE RECORD ON APPEAL "PROVE" CLERK RECEIVED, "CIVIL NOTICE OF APPEAL" (APP. O) AND HAS FAILED TO DO "CLERK DUTY" OF FILING NOTICE OF APPEAL; THIS "SUPPRESSION, BY THE CLERK OF SUPERIOR COURT TO PREVENT "FILING OF CIVIL NOTICE OF APPEAL" "DEPRIVES" PETITIONER OF EQUAL PROTECTION, UNDER THE 14TH AMEND. (PETITION PAGE 8)

B. STATEMENT OF FACTS

(1) PETITIONER MAILED THROUGH PRISON LEGAL MAIL SYSTEM (APP. L PAGE 10 OF 16) AT DONOVAN STATE PRISON ON 4-30-13 CIVIL NOTICE OF APPEAL, (APP. K) ON RESPONDENT; WHICH RESPONDENT'S ATTORNEY, RECEIVED, (APP. M) AND ASKED TO DISMISS APPEAL. (APP. M)

(2) THE COURT RECORD ON THIS APPEAL, "PROVE CLERK RECEIVED

(App. O) Notice of Appeal on Defendant GRAYNOR AND DEFENDANT WHITE AND Respondent's Record of Appeal Shows Respondent's Notice of Appeal (App. K) AND Clerk's Record on Appeal shows Clerk RECEIVED "Petitioner's Notice of Designating Record on Appeal." (App. S)

(3) Petitioner WAS BEING TRANSFERRED TO LOW LEVEL SAN QUENTIN STATE PRISON AND IMMEDIATELY "SENT CLERK OF THE CHANGE OF ADDRESS AND TO INQUIRE WHY Notice of Appeal WAS NOT FILED, (App. N 12-27-13) 12-27-13; (Petition page 8)

(4) Petitioner still got NO RESPONSE FROM CLERK OF SUPERIOR COURT; THEN FILED WRIT OF MANDATE, TO COMPEL CLERK TO DO ITS DUTY; WHICH "SUPERIOR COURT JUDGE" DID NOT EVEN ASK CLERK IF CLERK "RECEIVED, CIVIL NOTICE OF APPEAL"; BUT! JUDGE DID A RECHARACTERIZATION (Petition (PET) page 9-10) OF WRIT BY TURNING IT INTO A MOTION TO DETERMINE WHETHER ANOTHER DISMISSED CASE WAS CORRECT; (App. B)

(C) Petitioner FILED Notice of Appeal, ON Judge CHALFANT; (Petp 10-11)

(1) THE COURT Appeal "STATED, IN ITS OPINION (App. A) Petitioner WAS NOT FAST ENOUGH TO PERFECT APPEAL, (App. Ap. 13) AND THEN MISSTATED FACTS, STATING COURT WAS NOT PERSUADED BY IMPLICIT CLAIM Petitioner WAS UNAWARE OF DEADLINES; AND FURTHER STATING Petitioner SHOULD HAVE MADE INQUIRIES. (App. Ap. 13)

(2) THE COURT OF APPEAL IGNORED, PRISON MAIL LOG OF THE CHANGE OF ADDRESS SENT AND INQUIRE ABOUT APPEAL, SENT ON TRANSFER TO SAN QUENTIN. (App. N. 12-27-13)

(3) COURT OF APPEAL "STATED Notice of Appeal CONSTRUCTIVELY" FILED; (App. Ap. 11) BUT! IGNORED FACT, CLERK RECEIVED THE

1 NOTICE OF APPEAL (APP. O, K, S); Yet! Put "NOT PERFECTING APPEAL"
2 ON PETITIONER;

3 PETITIONER FILED PETITION FOR REHEARING IN COURT OF APPEAL
4 (PET. P. 14) WHICH WAS DENIED; AS WELL AS PETITION FOR REVIEW
5 IN CALIF. SUPREME COURT AND IT WAS DENIED. (APP. D)

6 (D) THE STATE COURT'S COMPLETELY IGNORED AND FAILED
7 TO ANSWER LEGAL QUESTION - WHETHER "PRISON MAILBOX
8 RULE APPLY TO COURT CLERK" LIKE PRISON AUTHORITIES, WHEN
9 COURT RECORDS PROVE CLERK RECEIVED INDIGENT PRISONER'S
10 CIVIL NOTICE OF APPEAL - BUT! FAILED TO FILE IT AND THIS
11 SUPPRESSION BY CLERK, DEPRIVE PETITIONER OF EQUAL
12 PROTECTION UNDER THE 14TH AMEND.

13 (1) CLERK'S GET CAUGHT DOING WRONG (APP. F) WHEN YOU
14 HAVE MONEY TO INVESTIGATE THEIR WRONG DOINGS.

15 PETITIONER IS INDIGENT; BUT! THE FACTS PROVE CLERK
16 RECEIVED NOTICE OF APPEAL (APP. O, K, S) AND NEVER FILED
17 AND COURT OF APPEAL, IGNORED THIS FACT; WHICH THIS
18 HONORABLE COURT HAS NEVER ADDRESSED WHETHER
19 PRISON MAILBOX RULE APPLY TO COURT CLERK WHO IS
20 PREVENTING INDIGENT PRISONER'S CIVIL APPEAL FROM
21 BEING FILED, WHEN THIS SUPPRESSION DEPRIVES PRISONER
22 OF EQUAL PROTECTION UNDER THE 14TH AMEND.

23 WHEREFORE PETITIONER PRAY

24 THAT THIS MOTION UNDER RULE 21 WILL MOVE
25 HONORABLE COURT TO ADDRESS LEGAL QUESTION AS RESPOND-
26 ENT HAS PLENTY OF LAWYERS THAT COULD HAVE DONE A BRIEF
27 IN OPPOSITION TO "DISPUTE CLERK RECEIVED NOTICE OF APPEAL."

28 DATED: 11-15-17

15/ Robert Black
PETITIONER IN PRO PER

Legal Argument

(A) Respondent waived Brief in opposition, To Get Around The "Undisputed Fact" Clerk of The Court Received Indigent Prisoner's Civil Notice of Appeal; (App. O, K, S) And Lower Court Instead of Addressing Writ of Mandamus, To Compel Clerk To Do Clerk's Duty; Mendez v. Superior Court 137 Cal. App. 2d 465, Woods v. Superior Court 152 Cal. App. 2d 713 (Pet. p. 18); Judge Chalfant Recharacterized Writ of Mandamus, Violating Principle of Castro v. U.S. 540 U.S. 375, Further Pushing Legal Question Clerk Received Notice of Appeal, But, Has Not Filed.

(1) Fallen v. U.S. 378 U.S. 139 "Stated Notice of Appeal" Filed in Time When Delivered To Prison Authority. Houston v. Lack 487 U.S. 266 The Jailer is in effect The Clerk. (Pet. p. 7)

(2) Fallen nor Houston never addressed The Question Does Prison Mailbox Rule Apply To Court Clerk, Who Like Prison Authorities Prevent Prisoner Legal mail From Getting To Court To Be Filed, And This Suppression By Clerk To Prevent Notice of Appeal, Clerk Received (App. O, K, S) From Being Filed, Deprives Petitioner of Equal Protection under The 14th Amend. Dowd v. U.S. Ex. Rel Cook 340 U.S. 206, see also Cochran v. Kansas 316 U.S. 255

(3) This Honorable Court can Address Legal Question And Per 28 U.S.C. Sec. 2106 Remand Back To Superior Court To Have Clerk File Appeal Per Prison Mailbox Rule; which should apply To Clerk, When Clerk Nonresponsive. Huizer v. Carey 273 F.3d 1220, And Court of Appeal Ignored Mail sent 12-27-13;

(4)

DECLARATION OF SERVICE BY MAIL
BY PERSON IN STATE CUSTODY
(C.C.P. §§ 1013(A), 2015.5)

I, Robert Black JR, the undersigned, declare:

I am over the age of 18 years, and I'm a party to this matter. I am a resident of
SAN QUENTIN STATE PRISON, in the County of Marin, State of California. My
Prison address is:

Robert Black JR
CDCR#: F66577, CELL#: 5N14
SAN QUENTIN STATE PRISON
SAN QUENTIN, CA 94974

On, 11-15-17, I served the attached:

Motion Per Sup. Ct. Rule 21 For Court
TO Address Legal Question

on the parties, at the addresses listed below, by placing true and correct copies
thereof, enclosed in a sealed envelope (verified by prison staff) with postage fully
prepaid, in a deposit box provided by San Quentin State Prison, for mailing in the
United States Mail as per the regulations governing out-going Legal Mail.

Clerk of the Court

Charlston, Revich & Wollitz

Supreme Court of the United States

ATTN: Mr. T. Harris

Washington, DC 20543

1925 Century Park East
Suite 1250

Los Angeles, CA 90067

I declare under the penalty of perjury, under the laws of the State of California, that
all the foregoing is true and correct.

Executed on 11-15-17, at San Quentin, State California.

Robert Black Jr
Declarant

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Clerk of the Court Charlston, Revich & Wollitz
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Washington, DC 20543 1925 Century Park East
STE. 1250
Los Angeles, CA 90067

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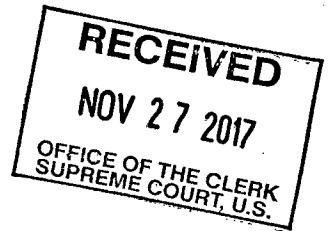
Robert Black Jr

F66577/SN14

1 MAIN ST

SAN QUENTIN, CA 94964

11-15-17



DEAR CLERK OF THE COURT:

Happy Thanks Giving

PLEASE SEND A FILED COPY
§ Motion Back for my File.

Respectfully

Robert