

ORIGINAL

No. _____

25-5308

FILED

JUL 09 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

MICHAEL J. GADDY

— PETITIONER

(Your Name)

C. PFEIFFER; CONNATH
C. PFEIFFER; S. SWAIN; V. SANTOS,

vs.

— 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

MICHAEL J. GADDY

(Your Name)

P.O. BOX 5101

(Address)

DELANO, CA 93216

(City, State, Zip Code)

(Phone Number)

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QUESTION(S) PRESENTED

1. WHETHER THE NINTH CIRCUIT ERRED IN APPLYING CLAIM PRECLUSION
TO BAR PETITIONER'S FIRST AMENDMENT FREEDOM OF EXPRESSION CLAIM
WHEN THE ALLEGED CONSTITUTIONAL VIOLATION DID NOT EXIST AND COULD
NOT HAVE BEEN RAISED AT THE TIME OF EARLIER LAWSUIT?

2. WHETHER THE DENIAL OF A PAROLE CONSULTATION HEARING, WHICH
DEPRIVED PETITIONER OF THE OPPORTUNITY TO BE HEARD AND RESPOND TO
EVIDENCE CONCERNING PAROLE SUITABILITY, VIOLATED HIS RIGHTS UNDER
THE FIRST AND FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION?

3. WHETHER THE NINTH CIRCUIT'S RULING DIRECTLY CONFLICTS WITH
ITS OWN PRECEDENTS THOSE OF THE SUPREME COURT REGARDING EXCEPTIONS
TO CLAIM PRECLUSION, INCLUDING THOSE FOUND IN THE RESTATEMENT (SECOND)
OF JUDGMENT § 26(1)(c)?

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 CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
QUESTION(S) PRESENTED.....	8
CONCLUSION.....	9

INDEX TO APPENDICES

APPENDIX A	10
APPENDIX B	11
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Heck v. Humphrey 512 U.S.477 (1994)	8
Harris v. City of Orange 782 f.3d 1126 (9th cir.2015)..	6
Heimeshoff v. Hartford Life & Accident Ins.Co.,571 U.S. 99 (2013)..	8
Jones v. City of Alton 757 f.2d 878 (7th cir.1985).....	7
Media Rights Technologies, Inc. v. Microsoft Corp.992 f.3d 1014 (9th cir.2011).....	6
Migra v. Warren City School District 465 U.S. 75 (1984)....	7
V.V.V and Sons Edible Oils Ltd. v. Meenakshi Overseas, LLC. 946 f,3d 542 (9th cir. 2019).....	6
Skinner v. Switzer 562 U.S. 521 (2011).....	8
STATUTES AND RULES	
The Restatement (Second) Judgment 26(1)(c).....	6,9

OTHER

1st Amendment Constitution

14th Amendment Constitution

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 _____ 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 12-23-24.

☐ 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: 4-16-25, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

U

UNITED STATES CONSTITUTION FIRST AMENDMENT (FREEDOM OF SPEECH)

UNITED STATES CONSTITUTION FOURTEENTH AMENDMENT (DUE PROCESS CLAUSE)

RESTATEMENT (SECOND) OF JUDGMENT 26(1)(c)

STATEMENT OF THE CASE

Petitioner Michael J. Gaddy is serving a sentence that includes a term of life with the possibility of parole under Los Angeles County case no. BA075584. Under California law, a parole consultation hearing is a procedural safeguard that allows life term prisoners to be informed of their progress toward suitability and to respond to official evaluations of their rehabilitation.

In his first lawsuit, petitioner challenged the miscalculation of his Minimum Eligible Release Date (MERD). The First Amendment Freedom of Speech claim he now asserts had not yet accrued at that time. After that case concluded, CDCR officials unilaterally deemed case no. BA075584 "obsolete" and denied Petitioner a parole consultation hearing. This action deprived Petitioner of his Due Process right to understand and challenge the reasoning behind parole ineligibility and his First Amendment right to hear and respond to the discussion surrounding his suitability for parole.

Petitioner filed a new 1983 suit raising a First Amendment Free Expression claim. The district court dismissed the suit under claim preclusion, and the Ninth Circuit affirmed, holding that the new claim was barred because it could have been brought earlier. This is error. The new claim was not ripe during the earlier action and only accrued after CDCR officials formally cancelled the parole hearing based on their own new policy.

REASONS FOR GRANTING THE PETITION

1.The Decision Conflict With Establish Ninth Circuit Precedent
Regarding Claim Preclusion Exceptions;The Panels Application Of
Claim Preclusion Contradicts Multiple Ninth circuit Precedents:

In Media Rights Technologies, Inc. v. Microsoft Corp., 922 f.3d 1014
(9th cir.2011),The court held that claim preclusion did not bar
claims that accrued after the prior action was filed.

In V.V.V and Sons Edible Oils Ltd. v. Meenakshi Overseas, LLC.
946 f.3d 542 (9th cir.2019),the court found that when a procedural
limitation or lack of subject matter jurisdiction barred a plaintiff
from raising a claim in an earlier case,claim preclusion did not apply.

Petitioner's First Amendment claim arose after the earlier case
concluded and could not have been litigated previously.

2.The Panel Ignored Controlling Legal Doctrine In The Restatement
(Second)of Judgments.Under 26(1)(c) of the Restatement,claim
preclusion does not apply where:"The Plaintiff was unable to rely
on a certain theory of the case or to seek a certain remedy or form
of relief in the first action because of limitations on the subject
matter jurisdiction of the court..."

This exception was adopted in Harris v. City of Orange, 782 f.3d
1126 (9th cir.2015),where Plaintiff's were not barred from bringing
new claim because relief was unavailable in a prior associational
suit.Similarly,Petitioner's First Amendment Claim was not available
in the prior litigation because the denial of the parole consultation

1 hearing had not occurred yet.

2 3.The Constitutional Question Are Exceptionally Important
3 and Recurring.

4 The issue presented whether parole-eligible prisoners can
5 be deprived of expressive and procedural rights without an
6 opportunity to be heard-affects hundreds of similarly situated
7 inmates in California and other jurisdictions with life-term
8 parole frameworks.

9 Petitioer makes comparsion to similar cases where the U.S.
10 Supeme Court has granted review in key precedents involving:

11 1.Misapplication of Res Judicata or issue preclusion in 1983
12 actions.

13 2.Continuing constitutional violations involvingincarceration
14 of parole.

15 3.Prisoner civil rights under the Eighth and Fourteenth Amend-
16 ments.

17 1.Comparison to precedents on claim and issue preclusion in
18 1983 actions.

19 Migra v. Warren City school District,465 U.S. 75 (1984)
20 reinforces limits on preclusion in Federal 1983 actions when
21 the earlier case involved different legal claims or when the forum
22 didn't allow for full federal review.Petitioner argues the prior
23 action addressed district legal theories,supporting his claim
24 that preclusion should not apply.

25 Jones v. City of Alton,757 f.2d 878 (7th cir.1985)Holding
26 preclusion does not apply where new and continuing violations
27 are alleged that ongoing deprivation of eligible parole hearing
28

1 for Ba075584 constitutes a new constitutional injury not addressed
2 in prior litigation.

3 2.Continue violation Doctrine in Incarceration-related 1983
4 claims.

5 ~~HECK~~ v. Humphrey, 512 U.S. 477 (1994) Holding a 1983 claim for
6 damages that would imply the invalidity of a conviction or
7 sentence is not cognizable unless the conviction has been
8 overturned. Petitioner avoids this pitfall by not challenging the
9 validity of his conviction or sentence, but rather the misapplication
10 of the parole process, which courts have treated differently.
11

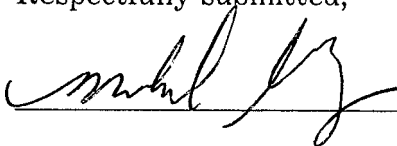
12 3.Cases where SCOTUS granted cert in similar procedural contexts.
13 Skinner v. Switzer, 562 U.S. 521 (2011) Issue: Whether a prisoner
14 can use 1983 to assert due process ~~claims for access to DNA~~
15 ~~Testing~~. Cert. was granted lower courts were split on whether such
16 a claim was cognizable under 1983 or must proceed via habeas
17 parallel to petitioner. There is a similar circuit split over
18 whether a continuing violation claim that arises post-judgment
19 is barred by preclusion.

20 Heimeshoff v. Hartford Life & Accident Ins. Co., 571 U.S. 99
21 (2013). Timeliness and Procedural doctrines in civil rights-type
22 contexts. Cert, was granted: The Court clarified when procedural
23 bars (e.g., Statute of limitations) apply. Parallel to Petitioner's
24 case centers on the procedural doctrine of claim preclusion,
25 and whether new harms "reset the clock "for 1983 claims.
26
27
28

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



A handwritten signature in cursive script, appearing to read "M. H. J.", is written over a horizontal line.

Date: 7-9-25