

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; S. SWAIN VS.
C. PFEIFFER; S. SWAIN; V. SANTOS,
— 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
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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:

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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 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 is unpublished.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 is unpublished.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

UUNITED 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 Petition makes comparsion to similar cases where the U.S.
10 Supreme 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 involving incarceration
14 of parole.

15 3.Prisoner civil rights under the Eighth and Fourteenth Amendments.

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

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

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

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 3. Cases where SCOTUS granted court in similar procedural contexts.

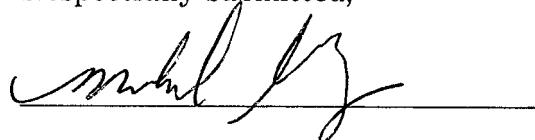
12 Skinner v. Switzer, 562 U.S. 521 (2011) Issue: Whether a prisoner
13 can use 1983 to assert due process ~~claims for access to DNA~~
14 testing. Cert. was granted lower courts were split on whether such
15 a claim was cognizable under 1983 or must proceed via habeas
16 parallel to petitioner. There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

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

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 7-9-28