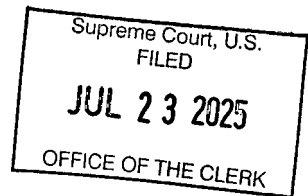


25-5551

No. _____

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

RONALD BUZZARD JR. — PETITIONER
(Your Name)

vs.

STATE OF WASHINGTON — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Ninth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ronald Buzzard Jr.
(Your Name)

#846650, TRU, A307
P.O. Box 888
(Address)

Monroe, WA, 98272
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Did the Ninth Circuit err and abuse their discretion in failing to grant a Certificate Of Appealability (COA) based on the fact that the Washington State Attorney General conceded the due process violation in their District Court response?

2. Did the Ninth Circuit err and abuse their discretion in failing to grant a Certificate Of Appealability (COA) based on the fact that this was an "issue of first impression" requiring judicial resolution?

3. Did the Ninth Circuit err and abuse their discretion in failing to grant a Certificate Of Appealability (COA) based on the fact that Buzzard did raise the argument that the End Of Sentence Review Committee (ESRC) illegally, and unconstitutionally changed his sex offender registration level without an administrative appeal process that resulted in ~~him~~ prejudice of his parole being denied multiple times, was raised at every level of the state courts, and was procedurally exhausted?

4. Did the Ninth Circuit err and abuse their discretion in failing to grant a Certificate Of Appealability (COA) based on the fact that this issue is "capable of repetition, yet evading review", and has already happened twice, so far, in 2021, and 2023-24?

5. Did the Ninth Circuit err and abuse their discretion in failing to grant a Certificate Of Appealability (COA) based on the fact that this is a "continuing constitutional violation" doctrine violation?

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:

RELATED CASES

Chevron Oil v. Huson, 404 U.S. 97 (1971) - Issue of first impression.

Christiansburg Garment Co. v. EEOC, 434 U.S. 412 (1978) - Issue of first impression.

Kingdomware Tech, Inc. v. U.S., 579 U.S. 162, 170 (2016) - Capable of repetition, yet
evading review

Farmer v. Brennan, 511 U.S. 825 (1994) - Continuing constitutional violation.

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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 1 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 2 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 3 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, Division One court appears at Appendix 4 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 _____.

☐ 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 _____.
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.S. Constitution Fifth Amendment

U.S. Constitution Fourteenth Amendment

BCW 72.09.345(b)

STATEMENT OF THE CASE

The ESRC (End of Sentence Review Committee), Theo Lewis, illegally, and unconstitutionally changed my sex offender risk and registration level from low risk level one, to high risk level three in November 2021, in violation of RCW 7A.09.345(6), and due process of the Fifth and Fourteenth Amendments, and without any administrative appeal process. Because RCW 7A.09.345(6) states he cannot change the risk or registration level based on Buzzard's community custody (parole) violation, Buzzard's risk and registration level is to be based on actuarial risk assessments like the Static-99R. See Appendix C. Buzzard raised his objection, and began the appeal in ~~Franklin~~ ^{Franklin} County Superior Court as a Writ of Mandamus in hopes to win and get immediately released. They denied it, and Buzzard timely appealed it as a "matter of right" to the Court of Appeals, Division Three, of the denial of a civil matter under RAP 2.2(a)(3). The Court of Appeals, despite it being an "issue of first impression", they denied it. Buzzard then appealed timely to Washington Supreme Court, who denied it. Despite it being a due process denial, and despite the fact that it is a "continuing constitutional violation", and "capable of repetition, yet evading review", every Court has denied it. Buzzard timely filed his Habeas Corpus in the U.S. District Court, Western District of Washington, and despite the fact that the Washington Attorney General conceded the due process violation, they argued and the District Court ruled that Buzzard had not properly exhausted his claim. See Appendix B. It took Buzzard years to get through the Mandamus, direct appeal, and Habeas to get to this point. The Ninth Circuit also abused their discretion and failed to issue a COA (Certificate of Appealability). See Appendix A. Just because Buzzard did not raise it as a PRP, instead of a Mandamus, both are civil, does not make it procedurally barred. Thus, the District Court abused its discretion in ruling as such, since he raised it to the highest state court. And the Ninth Circuit abused its discretion in failing to issue a COA. Appendix A. And there's more mitigating factors to keep Buzzard at level one, than aggravating factors to raise his level. Appendix D.

REASONS FOR GRANTING THE PETITION

This is an issue of first impression that is currently affecting over 1,000 other sex offenders in Washington state, and the state already conceded this was a due process violation in the U.S. District Court. No other prior cases have argued the fact that the ESRC violated RCW 72.09.345(6) in changing their sex offender risk and registration level without an administrative appeal, violating due process. Especially since all risk assessments have Buzzard as a low risk Appendix C. This violated the Fifth and Fourteenth Amendment due process clauses.

Issue of first impression requires judicial resolution, *Chevron Oil v. Huson*, 404 U.S. 97 (1971); *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412 (1978). This is a classic representation of "capable of repetition, yet evading review" issue, *Kingdomware Tech Inc. v. U.S.*, 579 U.S. 162, 170 (2016), since it's so far resulted in two parole release denials adding 6 years so far to his sentence due to the due process violation of illegally, and unconstitutionally changing his level in 2021, and 2024. And it's a "continuing constitutional violation", *Farmet v. Brennan*, 511 U.S. 875 (1994), as it has continued his unconstitutional incarceration because of the level change also denying his state created liberty interest in release under RCW 9A.5.420(3)(a).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ronald W. Buzzard Jr.
Ronald Buzzard Jr.

Date: 7/23/2025