No. 25-5879

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

MICHAEL ALLEN — PETITIONER
(Your Name)

vs.

S. MOORE, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MICHAEL ALLEN-H42389
(Your Name)

P.O.B.-901-A1-211 CSP-CENTINELA
(Address)

IMPERIAL, CALIF. 92251
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

(1) Lower Courts violated United States Constitution 14th Amendment Due Process Right To State Created Liberty Interest To newly enacted 2020 California Racial Justice Act Penal Code Section 1473(e) line 8-10 that states" The Petitioner Shall state if the petitioner request the appointment of counsel and the court Shall appoint counsel, if the petitioner cannot afford counsel."

Question: Do petitioner have a state created liberty interest to newly enacted California Racial Justice Act Penal Code Section 1473(e).

LIST OF PARTIES

[X] 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

NONE

ALLEN VS. S. MOORE, CASE NO. _____

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Once a state has granted a liberty interest Due Process protection are necessary to insure that the state created right [Cal. Penal Code § 1473(e) line 8-10] Right to counsel and the entitlement to relief is not arbitrarly abrogated. Vitek v.Jones, (1980) 445 U.S. 480,488, Hn. 4 (emphasis added ——— iii

Violation of state law amounts to deprivation of a state created liberty interest that reaches beyond that guaranteed by federal constitution. Cassells v. Villa, 2019 U.S. Dist. Lexis 55848 (9th Cir. 2019); citing Swartout v. Cooke, 562 U.S. 216, 220; Mills v. Rogers,457 U.S.291, 300(1982); Carter v. Kentucky, 450 U.S. 288 (1981). ——— iii

STATUTES AND RULES

The court shall entertain an application for writ of Habeas Corpus on behalf of a person in custody pursuant to judgment of state courts on ground that petitioner in custody in violation of the United states Constitution. 28 U.S.C.§2254(a). iii

Petitioner is in custody in violation of THe U.S. Constitution Due process 14th Amendment Right To State Created Liberty Interest To penal Code section 1473(e). iii

OTHER

Nostate shall deny to any person within its jurisdiction Due Process Right of the 14th Amendment state Created Liberty Interest. 14Th Amendment U,S. Constitution Due Process. iii

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

[X] 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,
[X] 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,
[X] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the ~~2ND APPELLATE COURT OF APPEAL~~ court appears at Appendix D to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

JURISDICTION

[X] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was August 15, 2025.

[ ] 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

UNITED STATES CONSTITUTION 14TH AMENDMENT DUE PROCESS RIGHT TO NEWLY ENACTED CALIFORNIA RACIAL JUSTICE ACT LAW THAT CREATES A STATE CREATED LIBERTY INTEREST UNDER CALIFORNIA STATUTE PENAL CODE SECTION 1473(e) LINE 8-10FOR APPOINTMENT OF COUNSEL A NEW 2020 STATE CREATED LIBERTY INTEREST IN CALIFIFORNIA THATS BEING SUMMARY DENIED TO THOUSANDS OF PEOPLE THAT ARE BLACK AND MEXICANS UNDER THE RACIAL JUSTICE ACT.

STATEMENT OF THE CASE

I.

IN 2020 CALIFORNIA ENACTED RACIAL JUSTICE ACT LAW PENAL CODE SECTION 1473(e) FOR ALL PEOPLE FILING UNDER RACIAL JUSTICE ACT BE PROVIDED A ATTORNEY

(a)

(1) In January 1, 2021 California Enacted a new law " Racial Justice Act of California penal code section 1473(e) line 8-12 stating"The petitioner shall state if the petitioner request counsel and The court shall appoint counsel if the petitioner can not afford counsel." Appendix # E, Penal Code section 1473(e).

(2) Petitioner requested appointment of counsel on Racial Justice Act Claim with a declaration of Indigency. Appendix # F, Court document but petitioner was never provided a attorney as requested.

(3) Within The newly enacted 2021 California Racial Justice Act law under penal code section 1473(e) line 8-10, petitioner had a United States 14th Amendment Due Process Right to state Created Liberty Interest in California penal code section 1473(e) line 8-10 stating " The petitioner shall state if the petitioner request counsel and the court shall appoint counsel if the petitioner can not afford counsel. Shall is mandatory language creating liberty interest.

(4) At all times petitioner was not appointed a attorney for professional representation to amend legal document and assist in gathering evidence for the Racial Justice Act as mandatory language state in California penal code section 1473(e) that mandates the appoinment of counsel.

(5) Petitioner met all criteria for appointment of counsel that only requires under The Newly Enacted Racial Justice Act that petitioner request counsel and the court shall appoint counsel if petitioner can not afford counsel.

(6) Petitioner even alleged facts that would establish violation of The California Racial Justice Act under California Statute penal code section 745(a)(1-4) and counsel still was not appointed before prima facie ruling as follows:

II.

ALLEGED FACTS IN SUPPORT OF CALIFORNIA RACIAL JUSTICE ACT

(b)

(7) On 9-29-2021, petitioner filed a Racial Justice Act on newly enacted law and evidence provided by Los Angeles District Attorney " That almost 93% of people sent to prison from Los Angeles County are Black People and people of Color. Black People are 9% of Los Angeles andLos Angeles population but constitute 38% of Los Angeles Prison Population. The Los Angeles District Attorney stated we can no longer deny that our system of hyper criminalization and Incarceration is anything other than Racist. See Appendix # G, excerpts of D.A.'s data and admission.

(8) Petitioner alleged facts that petitioner was ill prior to and during the crime Involuntary Intoxicate under prednisone prescribe by doctors that had devastating side effects on petitioner which supports petitioner was given a more severe sentence of LWOP than imposed on other similar situated. Appendix # M and Appendix # N, expert expert medical reports meeting criterial of California Racial Justice Act Penal Code section 745(3)(4) which a attorney should have been appointed.

(9) Petitioners allged facts that 81% of people of color are convicted of robbery in California while only 14% white. Appendix # O, California statistics.

(10) Petitioner alleged " The State of California overwhelming have the majority of people serving Life Without the Possibility of Parole are black and Latino's making up at least 68% of the 5,200 people serving death by incarceration and blacks are 68% with LWOP if under the age 25. Appendix # K, statistics and Appendix # L. statistics. This meet criteria under Racial Justice Act that a attorney should have been provided.

(11) Petitioner alleged facts of Racial Coded Language That The los Angeles District Attorney refer to petitioners jury members as REDNECKS. Appendix # P. Reporters Transcripts page 3998-3999. This is a racist term meetin g criteria under new Racial Justice Act that a attorney should have been provided.

RELIEF

Petitioner should have been appointed a attorney under new Racial Justice Act.

II. LIBERTY INTEREST:

(12) Petitioner exhausted all remedies and the federal courts stated this issue is second and seccessive petition when it a new judgment on 9-29-2021 under the Newly enacted 2020 Racial Justice Act Law that created a new state created liberty interest to California statute penal Code section 1473(e) line 8-10.

(13) Petitioner had a state created liberty interest to California Penal Code Section 1473(e) line 8-10 stating that" The petitioner state if the petitioner request appointment of counsel and the court shall appoint counsel if petitioner can not afford counsel.

III. PREJUDICE:

(14) Petitioner was prejudice on the denial of United States Constitutional 14th amendment Due process Right to State Created Liberty Interest to California statute penal code section 1473(e) appointment of counsel to have counsel (1) amend petition, obtain more statistics, data for the burden of proof is on the petitioner to prove Racial Justice Act Claims and the summary denials is a violation of state created liberty interest and entitlement to reliefs to reduce sentence or dismissal of case.

(15) Petitioner suffer prejudice when writ of Habeas Corpus was classified as second and successive petition when it was a new judgment on 9-29-2021 under the newly enacted 2020 Racial Justice Act in the state of California.

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REASONS FOR GRANTING THE PETITION

I. THE UNITED STATES SUPREME COURT SHOULD GRANT THE PETITION FOR THIS ISSUE CONCERNS CALIFORNIA RACIAL JUSTICE ACT PENAL CODE SECTION 1473(e) RACIAL DISCRIMINATION IN FAILING TO APPOINT COUNSEL THAT NOT ONLY EFFECTS PETITIONER BUT THOUSANDS OF OTHER BLACKS AND MEXICANS IN PRISON IN THE STATE OF CALIFORNIA THAT THE NEW LAW UNDER THE CALIFORNIA RACIAL JUSTICE ACT REQUIRES APPOINTMENT OF COUNSEL IF PEOPLE REQUEST COUNSEL AND THE COURT SHALL APPOINT COUNSEL IF PETITIONER CAN NOT AFFORD COUNSEL THATS NOW SUPPORTED BY THE UNITED STATES CONSTITUTION DUE PROCESS RIGHTS TO STATE CREATED LIBERTY INTEREST TO CALIFORNIA STATUTE PENAL CEDE SECTION 1473(e) LINE 8-10..

II. UNITED STATES SUPREME COURT IS THE LAW OF THE LAND AND NO STATE SHALL DENY TO ANY PERSON WITHIN ITS JURISDICTION 14TH AMENDMENT DUE PROCESS RIGHT TO STATE CREATED LIBERTY INTEREST TO CALIFORNIA NEWLY ENACTED 2020 RACIAL JUSTICE ACT PENAL CODE SECTION 1473(e) LINE 8-10 RIGHT TO APPOINTMENT OF COUNSEL WHEN REQUEST FOR COUNSEL AND THE COURT SHALL APPOINT COUNSEL IF CAN NOT AFFORD COUNSEL. THIS IS DESIGN TO MAKE SURE PEOPLE HAVE VALID RACIAL JUSTICE ISSUE AND PROTECT RIGHTS.

III. THE UNITED STATES SUPREME COURT RULE THAT PEOPLE HAVE A UNITED STATES CONSTITUTION 14TH AMENDMENT DUE PROCESS RIGHT STATE CREATED LIBERTY INTEREST TO CALIFORNIA STATUTE PENAL CODE SECTION 1473(e) LINE 8-10 APPOINTING OF COUNSEL. AN ENTITLEMENT TO RELIEF.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: 9/29/2025