

25-6938
No. _____

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IN THE
SUPREME COURT OF THE UNITED STATES

FILED
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SUPREME COURT, U.S.

ANTHONY TYRONE CAMPBELL SR. — PETITIONER
(Your Name)

vs.

P. DICKEY — 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

ANTHONY TYRONE CAMPBELL SR. (K56852)
(Your Name)

P.O. Box 4000
(Address)

Vacaville, Ca. 95606
(City, State, Zip Code)

Not Applicable
(Phone Number)

QUESTION(S) PRESENTED

1. Did the United States Court of Appeals for the Ninth Circuit consequently overlook Federal Law pertaining to 28 U.S.C. § 636(c)(1), where, petitioner did not consent to a magistrate judge?
2. Did the United States District Court for Eastern District of California violate Federal Law under 28 U.S.C. § 636(c)(1) when it adopted a Finding and Recommendations generated by a magistrate judge without petitioner's consent?
3. Did the United States Court of Appeals for the Ninth Circuit adversely overlook the decision of another Chief District Judge, namely, the Honorable Lawrence J. O'Neill? (See: Campbell v. Dickey, 2018 WL 4057266)
4. Did the United States Court of Appeals for the Ninth Circuit consequently generate an excessive filing fee upon petitioner in the amount of \$605.00, after generating its initial filing fee of \$505.00? (See: Exhibit A)

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

1. Wilhelm v. Rotman, 680 F. 3d 1113, 1116 (9th Cir. 2012)
2. Serrano v. Francis, 345 F. 3d 1071, 1082 (9th Cir. 2003)

TABLE OF CONTENTS

OPINIONS BELOW 1

JURISDICTION.....

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

REASONS FOR GRANTING THE WRIT

CONCLUSION.....

INDEX TO APPENDICES

- APPENDIX A UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
Case: 24-1420, AFFIRMED September 24, 2025
- APPENDIX B UNITED STATES DISTRICT COURT FOR EASTERN DISTRICT CALIFORNIA
Case: 1:14-cv-00918-JLT-RAM, JUDGEMENT February 26, 2024
- APPENDIX C UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
Case: 24-1420, PETITION FOR REHEARING DENIED November 20, 2025
- APPENDIX D UNITED STATES DISTRICT COURT FOR EASTERN DISTRICT CALIFORNIA
Case: 1:14-cv-00918-JLT-RAM, ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS by a MAGISTRATE JUDGE, February 24, 2024
- APPENDIX E UNITED STATES DISTRICT COURT FOR EASTERN DISTRICT CALIFORNIA
Case: 1:14-cv-00918-JLT-RAM, FINDINGS and RECOMMENDATIONS by a
MAGISTRATE JUDGE, January 31, 2024
- APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Campbell v. Dickey, 2018 WL 4057266	5
Wilhelm v. Rotman, 680 F. 3d 1113, 1116 (9th Cir. 2012)	5
Serrano v. Francis, 345 F. 3d 1071, 1082 (9th Cir. 2003)	5

STATUTES AND RULES

Federal Rules of Civil Procedure Rule 56(a)	5
28 U.S.C. § 636(c)(1)	5

OTHER

Fourteenth Amendment United States Constitution	3, 6
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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 2025 WL 2716952; 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 D to the petition and is

reported at 2024 WL 774909; 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 N/A to the petition and is

reported at N/A; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the N/A court appears at Appendix N/A to the petition and is

reported at N/A; 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 September 24, 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: November 20, 2025, and a copy of the order denying rehearing appears at Appendix C.

An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. A N/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 N/A.
A copy of that decision appears at Appendix N/A.

A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENT XIV:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the "EQUAL PROTECTION" of the laws.

STATEMENT OF THE CASE

This action proceeds on petitioner's Second Amended Complaint against respondent P. DICKEY for his act of racial animus and personal participation in racially profiling petitioner while working under color of state law.

Here, inclusive to an artful intent to incite gang violence upon petitioner, arising from a false allegation of Battery on a Peace Officer Causing Serious Injury, the respondent personally participated in a collusion with sergeant R. Abernathy in an attempt to enforce a gang associated housing assignment upon petitioner based solely on his racial identity.

On October 3, 2014, the respondent personally and directly racially profiled the petitioner when he abruptly stated: "Campbell so what are you a crip or a blood?" petitioner responded: "I'm neither a crip or a blood." The respondent then continued: "Well its gonna have to be one or the other, so which is it gonna be?" petitioner then replied in the affirmative: "Its not gonna be neither one!"

Thereafter, the respondent (in the alternative) punished petitioner by way of generating a Rules violation Report to obstruct petitioner's liberty interest at an upcoming Board of Parole Suitability Hearing, and in the interim the respondent stated: "Campbell's ethnicity is black, Smith's ethnicity is black so there's no reason to believe the two are incompatible."

Here, it is reasonably interpreted that, the respondent brightly expressed... because petitioner's protected class is black there's no reason to believe he could be incompatible with a gang member.

Moreover, the respondent's conduct of racial animus was highly motivated by a correctional officer's false allegation of "Battery on a Peace Officer", upon which petitioner was ultimately and unanimously found not guilty at jury trial.
See: Exhibit B

In closing, it is reasonably interpreted the respondent personally participated in a collusion to construct and impose a gang associated housing assignment upon petitioner after having formed a specific intent to use gang violence as a weapon to artfully cause significant injury to him.

REASONS FOR GRANTING THE PETITION

In light of *Campbell v. Dickey*, 2018 WL 4057266, notwithstanding petitioner's dispute against all initial defendant's, the United States Court of Appeals for the Ninth Circuit found that all claims had been properly dismissed except for petitioner's equal protection claim against respondent P. Dickey.

The Ninth Circuit Court of Appeals held that such dismissal was premature because "the allegation that Dickey assigned Campbell to a cell with a gang affiliated inmate based on Campbell's race, liberally construed, is sufficient to warrant ordering defendant to file an answer."

Here, in light of *Wilhelm v. Rotman*, 680 F. 3d 1113, 1116 (9th Cir. 2012); and *Serrano v. Francis*, 345 F. 3d 1071, 1082 (9th Cir. 2003), petitioner need only allege that, "the respondent acted at least in part based on petitioner's racial identity."

Whereas, the evidence here, brightly shows that the respondent acted at least in part based on petitioner's racial identity, and substantiates the respondent clearly fails to satisfy the requirement set forth under the Federal Rules of Civil Procedure Rule 56(a) upon which he relied to avoid responsibility for his actions.

Moreover, the Ninth Circuit Court of Appeals consequently overlooked Federal Law under 28 U.S.C. § 636(c)(1), in light that, petitioner did not consent to a Magistrate Judge.

Furthermore, the United States District Court for Eastern District of California consequently abused its power by adversely adopting a Magistrate Judge Findings and Recommendations without petitioner's consent, to which ultimately invoked a violation of petitioner's Fourteenth Amendment Rights to Due Process and Equal Protection guaranteed by the United States Constitution.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Antly T. Cybell Sr.

Date: February 18, 2026

APPENDIX A