

No. 25-7137

FILED
DEC 30 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Timothy Peoples Jr. — PETITIONER
(Your Name)

vs.

Raul Machuca Jr., et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. District Court Northern District of California
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Timothy Peoples Jr.
(Your Name)

1 Main St.
(Address)

San Quentin CA 94974
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

Whether a magistrate judge has discretion to reconsider or overturn a district judges prior final order when applying state law accrual statute for prisoner's federal civil rights complaint, and whether imminent danger must be pleaded at every stage of litigation after a district judge has granted imminent danger in forma pauperis status is the true intent of Congress.

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:

The Petitioner is Timothy Peoples Jr., a former prisoner of Salinas Valley State Prison located in Salinas California. The respondents are Raul Machuca Jr., Rodolfo Carrasco, and Jose Cermeno correctional officers at Salinas Valley State Prison

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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Andrews v. Cervantes, 493 F.3d 1047 (2007)
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Booth v. Churner (2001) 532 U.S. 731 [121 S.Ct. 1819; 149
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Caster v. First bank of anchorage, 278 F.2d 376, 379 (9th
Cir 1960)
Chandler v. Presiding judge, Callaway County, 838 F.2d 977
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Cosby v. Autozone, Inc, 2016 U.S. Dist. Lexis 55051 at *8
Gabelli v. SEC, 568 U.S. 442 (2013)
Heard v. Strange, 127 F.4th 630 (6yh Cir. 2025)
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STATUTES AND RULES

42 USC § 1983
42 USC § 1988
28 USC § 1915(a)(g)
28 USC § 1254 (1)
40 Ca. Jur. Judges § 59
FRCP 12(c)
FRCP 56

OTHER

Cal. Civ. code § 5

1 Waymand v. Southard, 23 U.S. 1 1825)

2 Wilson v. Garcia, 471 U.S. 261 (1985)

3 Whitaker v. Saleem, 2013 U.S. Dist. Lexis 72086

4 Curtin v. Koskey, 231 Cal. App.3d 873

5 Paul Blacco's Good Car Company Auto Group v. superior Court of

6 Alameda County, 270 Cal. rptr.3d 164 (1st Dist. 2020)

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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 U.S. App. Lexis 25373; 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 C to the petition and is

reported at 2021 U.S. Dist. Lexis 52275; 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

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For cases from **federal courts**:

The opinion of the United States court of appeals 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.

The opinion of the United States district court appears at Appendix D to the petition and is

- reported at 2022 U.S. Dist. Lexis 255613; 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

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is unpublished.

The opinion of the United States district court appears at Appendix E to the petition and is

reported at 2025 U.S. Dist. Lexis 131579; 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

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- is unpublished.

The opinion of the United States district court appears at Appendix ^F_____ to the petition and is

- reported at 2024 U.S. Dist. Lexis 209338; 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 September 30, 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: October 30, 2025, 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).

The case raises a question of interpretation of the Freedom of Speech

Clause of the First Amendment, Cruel and Unusual punishment of the Eighth Amendment to the United States Constitution, Abuse of discretion by magistrate judge in overruling and overturning district judge previous orders

inconsistent with statutes, and Ninth Circuit revoking of imminent danger
 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).

1 IFP status. the district court had jurisdiction under the general federal
2 question jurisdiction conferred by 28 USC § 1331.

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

~~This case involves Amendment 1 to the United States Constitution, which provides:~~

~~Part 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.~~

This case involves Amendments 8 to the United States Constitution, which provides:

Part 1. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section 5. The Congress shall have power to enforce by appropriate legislation, the provisions of this article.

The Amendment is enforced by Title 42, section § 1983, United States Code:

Every person who suffer under color of any statute, ordinance, regulation, custom, or usage, of any State Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at laws, suit in equity, or other proper proceeding for redress, except that in any action brought against judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

1 The Amendment is enforced by Title 42, Section 1988, United States Code:

2 ~~The jurisdiction in civil and criminal matters conferred on the district~~
3 ~~and circuit courts [district courts] by the provisions of this Title "CIVIL~~
4 ~~RIGHTS," and of Title "CRIMES," for the protection of all persons in the~~
5 ~~United States in their civil rights, and for their vindication, shall be~~
6 ~~exercised and enforced in conformity with the laws of the United States, so~~
7 ~~far as such laws are suitable to carry the same into effect; but in all cases~~
8 ~~where they are not adapted to the object, or are deficient in the provisions~~
9 ~~necessary to furnish suitable remedies and punish offenses against law, the~~
10 ~~common law, as modified and changed by the constitution and statutes of the~~
11 ~~State wherein the court having jurisdiction of such civil or criminal cause~~
12 ~~is held, so far as the same is not inconsistent with the Constitution and laws~~
13 ~~of the United states, shall be extended to and govern the said courts in the~~
14 ~~trial and disposition of the cause, and, if it is of a criminal nature, in the~~
15 ~~infliction of punishment on the party found guilty.~~

16 The Amendment is enforced by Title 28, Section, 1915, United States Code:

17 Subject to subsection (b), any court of the United states may authorize the
18 commencement, prosecution or defense of any suit, action or proceeding, civil
19 or criminal, or appeal therein, without prepayment of fees or security therefor,
20 by person who submits an affidavit that includes a statement of all assets
21 such prisoner [person] possesses that person is unable to pay such fees or
22 give security therefor. Such affidavit shall state the nature of the action,
23 defense or appeal and affiant's belief that the person is entitled to redress.
24

25 (g) In no event shall a prisoner bring a civil action or appeal a judgment in
26 a civil action or proceeding under this section if the prisoner has, on 3 or
27 more prior occasions, while incarcerated or detained in any facility, brought
28 an action or appeal in a court of the United states that was dismissed on the
grounds that it is frivolous, malicious, or fails to state a claim upon which

1 relief may be granted, unless the prisoner is under imminent danger of
2 serious physical injury.

3 The Amendment is enforced by Federal Rules of Civil Procedure 12 (c):

4 After the pleadings are closed-but early enough not to delay trial-a
5 party may move for judgment on the pleadings.

6 The Amendment is enforced by Federal Rules of Civil Procedure (d):

7 If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings
8 are presented to and not excluded by the court, the motion must be treated as
9 one for summary judgment under Rule 56. All parties must be given a reasonable
10 opportunity to present all the material that is pertinent to the motion.
11

12 The Amendment is enforced by Federal Rules of Civil Procedure 56(a):

13 A party may move for summary judgment, identifying each claim or defense-or the
14 part of each claim or defense-on which summary judgment is sought. The court
15 shall grant summary judgment if the movant shows that there is no genuine
16 dispute as to any material fact and the movant is entitled to judgment as a
17 matter of law. The court should state on the record the reasons for granting or
18 denying the motion.
19

20 The Amendment is enforced by Cal. Civ. Code 5:

21 The provisions of this code, so far as they are substantially the same as
22 existing statutes or the common law, must be construed as continuation thereof,
23 and not a new enactment.

24 The Amendment is enforced by 40, Ca. Jur. Judges § 59:

25 As a general rule, one trial judge cannot overrule or overturn an order of
26 another trial judge. This rule is designed to ensure the orderly administration
27 of justice. It discourages forum shopping, conserve judicial resources,
28 prevents one judge from interfering with a case ongoing before another judge,
and prevents a second judge from ignoring or arbitrarily rejecting the order
of a previous judge.

STATEMENT OF THE CASE

The petitioner's complaint allege that he was retaliated against for exercising his freedom of speech and assaulted by correctional officers in acts of cruel and unusual punishment without justification while temporarily housed in the administrative segregation unit at Salinas valley State Prison. He filed a grievance that was discarded and all other grievances then after were rejected or discarded to thwart the appeals exhaustion procedures in hopes of running out the statute of limitations to sue. He then proceeded under futile circumstances of an unavailable administrative remedy. The district court dismissed petitioner's initial complaint without prejudice for failure to exhaust all available administrative remedies. The ninth Circuit affirmed that the Prison Litigation Reform Act must be satisfied before a federal civil rights complaint could be filed and prosecuted. The PLRA burden was satisfied despite interference by respondents intending to thwart the appeals process by discarding grievances again in attempt to run out the statute of limitations. District Judge Yvonne Gonzalez Rogers ruled in favor of petitioner that according to state statutes the complaint was not barred from civil prosecution denying correctional officers Raul Machuca Jr., Rodolfo Carrasco, and jose Cermeno motion for judgment on the pleadings and motion for summary judgment. In disagreement with the orders of District Judge Yvonne Gonzalez Rogers, Magistrate Judge Robert M. Illman assigned to the case due to Covid-19 backlogs of district judges overruled and overturned the previous orders granting respondents motion for judgment on the pleadings vacating denial of summary judgment without explanation of common law or statutes of laws. Respondents Machuca, Carrasco, and Cermeno presented no intervening change in contolling law that would have overturned the orders, nor did Magistrate Judge hold that district judges orders were completely erroneous and subject to reconsideration. The Ninth Circuit revoked petitioner's imminent danger in forma

1 pauperis status at the request of the respondents and denied any filing of a
2 petition for rehearing en banc unless petitioner pay the \$605.00 filing fee
3 in full although the respondents presented no memorandum of law or statutes
4 requiring the pleading of imminent danger at every stage of civil litigation.

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REASONS FOR GRANTING THE PETITION

A. Conflicts with Decisions of Other courts

The holding of the courts below that Section § 1988 when adopted for a federal cause of action does not apply to time limitations in the State of California is directly contrary to the holding of three federal circuits. *Heard v. Strange*, 127 F.4th 630 (6th Cir. 2025); *Chandler v. Presiding Judge, Callaway County*, 838 F.2d 977 (8th Cir. 1988); *Battle v. Ledford*, 912 F.3d 708 (4th Cir. 2019) governing public citizens and incarcerated persons civil rights complaints. Hitherto, when congress has not established a time limitation for a federal cause of action, the settled practice has been to adopt a local time limitations as federal law if it is not inconsistent with federal law or policy to do so. In 42 USC § 1988 Congress has implicitly endorsed this approach with respect to claims enforceable under the Reconstruction Civil Rights Acts. *Wilson v. Garcia*, 471 U.S. 261 (1985).

B. Importance of the Question Presented

The case presents a fundamental question of the interpretation of this Court's decision in *Wayman v. Southard*, 23 U.S. 1 (1825). The question presented is of great public importance because it affects the operations of the judicial system in all of 51 states, the District of Columbia, and prisons and county jails bound by the Prison Litigation Reform Act *Booth v. Churner*(2001) 532 U.S. 731 [121 S.Ct. 1819; 149 L.ED.2d 958]. Hence, the U.S. Constitution gave Congress the right to delegate to the federal courts the power of altering the modes of proceedings in suits, including the power to issue execution of their judgments. In view of the large amount of litigation over exhaustion of administrative remedies over

1 prisoner suits, guidance on the question is of great importance to prisoners
2 ~~and public citizens because it affects their ability to receive a fair~~
3 judgment by a district judge that will be upheld in any future instances
4 that a successor judge takes over the case. In addition, the Constitution
5 concludes its enumeration of granted powers, with a clause authorizing Congress
6 to make no laws which shall be necessary and proper for carrying into execution
7 the following powers, and all powers vested by this constitution in the
8 government of the United States, or in any department or officer thereof. The
9 judicial department is invested with jurisdiction in certain specified cases,
10 in all which it has power to render judgment. That a power to make laws for
11 carrying into execution all the judgments which the judicial department has
12 power to pronounce, is expressly conferred by this clause, seems to be one
13 of those plain propositions which reasoning cannot render plainer. The terms
14 of the clause, neither requires nor admit of elucidation. The court, therefore,
15 will only say, that no doubt whatever is entertained on the power of Congress
16 over the subject. The only inquiry is, how far has this power been exercised?
17 *Wayman v. Southard*, 231 U.S.1 (1825).

18 The issue's of importance is enhanced by the fact that the lower courts in
19 this case have seriously misinterpreted the borrowing of state laws of accrual
20 of cause of action *Gabelli v. SEC*, 568 U.S. 442 (2013). In common parlance a
21 right accrues when it comes into existence. Thus the standard rule is that a
22 claim accrues when the plaintiff has a complete and present cause of action. An
23 action accrues when the the plaintiff has a right to commence it. "Accrue" is
24 defined as to come into existence as an enforceable claim or right. In
25 borrowing of state law it does not suspend the orders of a previous judge
26 simply because of reassignment of the case. *Cosby v. Autozone, Inc.*, 2016 U.S.
27 Dist. Lexis 55051 at *8. In general, "judges who sit [on the same case] should
28 not attempt to overrule the decisions of each other. *Castner v. First bank*

1 of Anchorage, 278 F.2d 376, 379 (9th Cir 1960). "[J]udges must, in light of
2 the over arching 'principles' of comity and uniformity make every effort to
3 preserve the orderly functioning of the judicial process when considering an
4 order of a prior judge in the same case." Baldwin v. United states, 823 F. Supp.
5 2d 1087, 1099 (2011) While a second judge has discretion to review the decision
6 of a predecessor in the same case, the law of the case doctrine can limit that
7 discretion. A district judge is assumed by the public and incarcerated to have
8 greater discretion than a magistrate judge to issue a final order not subject to
9 being reconsidered and overturned by a subordinate trier of fact. Indeed, "the
10 prior decision should be followed unless (1) the decision is clearly erroneous
11 and its enforcement would work a manifest injustice, (2) intervening controlling
12 authority makes reconsideration appropriate, or (3) substantially different
13 evidence was adduced at a subsequent trial. The upholding of a magistrate judge
14 overruling and overturning a district judges prior orders weaponizes discretion
15 to be applied in forum shopping which Congress and this court intended to
16 prevent. As a general rule one trial judge cannot overrule or overturn an order
17 of another trial judge. This rule is designed to ensure the orderly
18 administration of justice. It discourages forum shopping, conserves judicial
19 resources, prevents one judge from intervening with a case ongoing before
20 another judge, and prevents a second judge from ignoring or arbitrarily
21 rejecting the order of a previous judge. Paul Blanco's Good Car Company Auto
22 Group v. superior Court of Alameda county, 270 Cal. Rptr.3d 164 (1st Dist. 2020)
23 A magistrate judge when adopting state law would be bound to the statutes of
24 otherwise it will cause a great conflict in the interpreted powers between
25 court jurisdictions and which judges authority is prevailing. The holding of
26 Curtin v. Koskey, 231 Cal. App.3d 873 does not intend to disadvange a party
27 nor a prior trier of fact of his or her ruling (The Superior Courts jurisdiction
28 to reconsider its ruling is generally to be exercised by the judge who made the

1 the original order. There is now a divested question of law whether a
2 magistrate can deny recusal regardless of showing prejudice and bias forthright
3 with such power as to deny a district judge the right to reconsider his or
4 her own ruling or provide guidance to that order when they have not been
5 made unavailable. In re Marriage of Oliverez, 238 Cal. app.4th 1242 (A trial
6 courts discretion to reconsider another judge's prior ruling is necessarily
7 narrow and usually only appropriate when the prior judge is unavailable.)

8 Subsequently, 28 USC § 1915(a)(g) was not enacted into legislation for the
9 purpose of shielding of usutpation of a district judge's final order. This
10 court did not reason that imminent danger must be pleaded at every stage of
11 civil litigation once in forma pauperis status have been granted under the
12 three-strikes penalty. The holding of the Ninth Circuit in Andrews v. Cervantes,
13 493 F.3d 1047 (2007) hold that "imminent danger" exception to the three-strikes
14 rule of the Prison litigation Reform Act applies if the complaint makes a
15 plausible allegation that the prisoner faced imminent danger of serious physical
16 injury at the time of filing. The Ninth Circuit decision to revoke IFP
17 imminent danger status is contrary to this court decision of Jones v. Bock,
18 549 U.S. 199, 127 S.Ct. 919, 924; 166 L.Ed.2d 708 (2007) holding "As the
19 Supreme Court has recently observed, in course of interpreting PLRA provision,
20 "statutory references to an action have not typically been read to mean that
21 every claim included in the action must meet the pertinent requirement before
22 the action may proceed." The district court did not place the Ninth Circuit
23 Court of Appeal on notice that the appeal was taken in bad faith Whitaker v.
24 Saleem, 2013 U.S. Dist. Lexis 72086 (Ninth Circuit referring case back to
25 district court to determine whether the appeal is frivolous or taken in bad faith
26 in revoking in forma pauperis status.)

27 This court should resolve the intent of Congress extending power to federal
28 district judges and the public and incarcerated to be secure in their reliance

of their rulings, judgments, and orders not being overruled or overturned by subordinate magistrate judges.

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Timothy Peoples Jr.

Date: 12-29-25