

original
No. 26-5572

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES
OF AMERICA

Supreme Court, U.S.
FILED

APR 21 2026

OFFICE OF THE CLERK

MYCHAL ANDRA REED

— PETITIONER
(Your Name)

vs.

CALIFORNIA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF CALIFORNIA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MYCHAL REED (CDC No. AE9821) (In Pro Se)
(Your Name)

R.J. Donovan CF 480 ALTA ROAD
(Address)

San Diego, CA 92179
(City, State, Zip Code)

N/A
(Phone Number)

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SEP 15 2026

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MAY 18 2026

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QUESTION(S) PRESENTED

Does an appellant in a "COLLATERAL ATTACK" upon his conviction and sentence have a constitutional Right to present PRO SE briefs and motions to the Superior court he is litigating his criminal appeal in?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

~~1)- State of California~~

1) CALIFORNIA SUPREME COURT

RELATED CASES

N/A

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STATUTES AND RULES

RACIAL JUSTICE ACT - P.C. § 745(a)

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 _____ 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☐ is unpublished.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 _____ 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☐ is unpublished.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 ^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☒ is unpublished.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 _____ ^{N/A} 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☐ is unpublished.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 _____.

☐ 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 4/1/26.
A copy of that decision appears at Appendix 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 _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (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

14th Amendment - Due Process Clause

14th Amendment - Equal Protection Clause

RACIAL JUSTICE ACT (RJA) - Cal.P.C. Section 745(a)

STATEMENT OF THE CASE

The Superior court of California of East County of San Diego, on March 12th 2024, Ordered a a ORDER TO SHOW CAUSE (OSC) upon the respondents (California), to show cause why relief is not warranted ^{IN} pertaing to petitioner's claim they violated RJA P.C. Section 745(a) provisions, via bias.

Petitioner generated the RJA petition that the court found to merit relief.

The court then, (against petitioner's fervent objections), assign him court appeal counsel in his "COLLATERAL ATTACK" upon his conviction and sentence.

Thereafter, petitioner attempted to file pro se motions. However, the court rejected his said attempts to file pro se motions, by averring that he had no rights to file pro se brief or motions in his collateral attack, nor could he dismiss his court appoited counsel who was rendering IAC, and whom petitioner had a irreconciliatory client/attorney relationship, upon petitioner had a pending LEGAL MALPRACTICE law suit against said counsel.

California Supreme court also rejected petitioner's pro se rights and/or rights to present pro se motions and/or to dismiss his IAC court counsel. (Court also refuse to substitute said counsel.)

Petitioner believes respondents (California) are in error in not allowing him to present pro se motions and/or to dismiss said counsel due to the "CONFLICT OF INTEREST", inter alia, and are in violation of the 14th amendment.

REASONS FOR GRANTING THE PETITION

California legislators created, legislated and enacted the RACIAL JUSTICE ACT (RJA) pursuant to Cal. Penal Code Section 745 provisions to address California court's persistent discriminatory practices toward Minority defendants as far as CONVICTION and SENTENCE disparity that was found to be widespread throughout California's judicial system (courts).

HOWEVER, respondents (California), instead of adhering to the RJA provisions, they responded by purposely assigning petitioner/appellants ineffective assistance of counsel (IAC) court appointed counsel, (with no option for petitioner/appellant to be a pro se litigant nor able to present pro se briefs or motions), who in most all cases, literally "DUPE" petitioner/appellants, therefore, respondents (California) effectively circumvent RJA provisions under the guise of procedure, respondents knowing full and well that petitioner/appellants can not claim IAC in "COLLATERAL ATTACK" upon their criminal convictions. (COLEMAN v THOMPSON, 501 U.S. 722).

Moreover, to assure petitioner/appellant RJA appeal endeavors fail, respondents (California) refuse to allow petitioner/appellants to present pro se briefs and motions (See Exhibit A) during RJA-habeas corpus proceedings, although in most all cases, the petitioner/appellant is the actual person who generated the

the original RJA petition to the court which was found to warrant relief, which is the exact circumstance of this petitioner is now facing.

Petitioner, in an attempt to defeat respondents (California) said efforts to circumvent RJA provisions through his IAC court appointed counsel, he filed a LEGAL MALPRACTICE law suit against his court counsel so as to be able to adequately litigate his RJA provision violation case. (Petitioner's court counsel had "ZERO" contact or communication with petitioner in a years time, upon refusing all petitioner's request to file crucial motions.

One critical and very necessary motion, MOTION FOR DEFAULT JUDGEMENT, due to respondents (California) failure to file a return (response) to the court's March 12th 2024 ORDER TO SHOW CAUSE, in 2½ years since said Order, in total violation of habeas corpus Rule 4,551(e) 30 DAY deadline and in violation of the court (Superior court) 60 DAY deadline to file a return. As of this day, June 2026, respondents (California) have not filed a return.).

Most importantly, respondents (California) have not file a return in 2½ years since the original Order to Show cause was Ordered (3/12/24), when petitioner attempted to file a MOTION FOR DEFAULT JUDGEMENT against respondents, the court ruled he had "NO RIGHTS" to file pro se motions, therefore rendered his motion moot, although petitioner made known to the court that his court counsel refuse to file said crucial motion and that petitioner had a pending LEGAL MALPRACTICE law suit against his court counsel.

(California abused its discretion via "BIAS")

The forgoing actions (non-actions) by respondents courts, is in direct violation of the U.S. Constitution's 14th amendment's DUE PROCESS CLAUSE and EQUAL PROTECTION CLAUSE, upon seeming to violate the 8th amendment, due to respondents additionally rejecting all petitioner's pro se motions, (that his court counsel refuse to file), with the respondents (California) averring that petitioner/appellant has "NO RIGHTS" to file pro se motions (or briefs), therefore, again, effectively circumventing RJA provisions via "BIAS", of which, the said provisions were enacted to combat/defeat bias in respondents courts, which is out-of control.

Moreover, respondents courts also refuse to substitute petitioner's IAC counsel, although he made known to respondents the actual "CONFLICT OF INTEREST" due to the pending legal malpractice law suit against said counsel by petitioner/appellant.

The forgoing circumstance is a clear and apparent violation of the 14th amendment, which alleges: "FUNDAMENTAL FAIRNESS" at every judicial level.

For the aforementioned reasons, petitioner ask this court to resolve the circumstances herein this petition, in the interest of justice.

LINDA R.S. v. RICHARD D., 410 U.S. 614 - A PERSON DIRECTLY INJURED BY A LAW HAS A STANDING TO CHALLENGE IT.

Equal Protection Clause - NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES.

FAILURE TO FILE RETURN

(c) [§ 105]

IN RE SERRANO (1995) 10 C.4TH 447, 41 C.R.2d 695, 895 P.2d 936. the prosecution's failure to file a return. In this event, the prosecution forgoes the opportunity to participate in the court's determination of the merits of the petitioner's claim. Indeed, where the prosecution does not oppose the relief sought by a petitioner and declines to file a return, and the court has no refuting evidence in its own records, no disputed factual questions exist for determination. It is then proper for the court to accept as true undisputed factual allegations in the absence of a reference hearing and decide the merits of the case. (10 C.4TH at 455 456.)

(See IN RE DUVAL (2020) 44 C.A. 5TH 401, 408, 257 C.R.3d 557[prosecutor's failure to file return following ORDER TO SHOW CAUSE justified court's grant of petition for writ of habeas corpus without conducting evidentiary hearing.])

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "Mychal Reed", written over a horizontal line.

Mychal ~~W~~ Reed

Date: April 21st 2026