

FILED

APR 14 2014

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *[Signature]* DEPUTY

NAME **LEVI BARTER**

PRISON NUMBER **G52020**

CURRENT ADDRESS OR PLACE OF CONFINEMENT

**K.V.S.P. 07-132**

**P.O. BOX 5103**

CITY, STATE, ZIP CODE

**DELAND, CA 93216**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

2254	<input checked="" type="checkbox"/>	1983	<input checked="" type="checkbox"/>
<b>FILING FEE PAID</b>			
Yes	<input checked="" type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>WRIT ACTION FILED</b>			
Yes	<input checked="" type="checkbox"/>	No	<input checked="" type="checkbox"/>
<b>COPIES SENT TO</b>			
Court	<input checked="" type="checkbox"/>	ProSe	<input checked="" type="checkbox"/>

**LEVI MICAH BARTER**  
(FULL NAME OF PETITIONER)

PETITIONER

v.

**JERRY BROWN, GOVERNOR ET. ALI**  
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED  
PERSON HAVING CUSTODY OF PETITIONER (E.G., DIRECTOR OF THE  
CALIFORNIA DEPARTMENT OF CORRECTIONS))

RESPONDENT

and

**KAMAILA HARRIS**  
The Attorney General of the State of  
California, Additional Respondent.

**14CV0 887 WQH DHB**

Civil No

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

**PETITION FOR WRIT OF HABEAS CORPUS**

UNDER 28 U.S.C. § 2254

BY A PERSON IN STATE CUSTODY

**"APPRENDI V. NEW JERSEY"**  
**530 US 466 (2000)**

- Name and location of the court that entered the judgment of conviction under attack:  
**LOS ANGELES SUPERIOR COURT IN LONG BEACH, CALIFORNIA**
- Date of judgment of conviction: **1/7/2009**
- Trial court case number of the judgment of conviction being challenged:  
**NA076724**
- Length of sentence:  
**7 (SEVEN) YEARS AT 85%.**

5. Sentence start date and projected release date:

ARRESTED ON 12/15/2007 STATE PRISON AT 3/6/2009

6. Offense(s) for which you were convicted or pleaded guilty (all counts):

TWO COUNTS OF ASSAULT W/ A DEADLY WEAPON WITH TWO G.B.I. ENHANCEMENTS  
2 COUNTS OF: "PC245(a)(4)" AND TWO COUNTS OF " (PC12022.7(a)) "

7. What was your plea? (CHECK ONE)

(a) Not guilty

(b) Guilty

(c) Nolo contendere

8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)

(a) Jury

(b) Judge only

9. Did you testify at the trial?

Yes  No

DIRECT APPEAL

10. Did you appeal from the judgment of conviction in the California Court of Appeal?

Yes  No

11. If you appealed in the California Court of Appeal, answer the following:

(a) Result:

(b) Date of result (if known):

(c) Case number and citation (if known):

(d) Names of Judges participating in case (if known):

(e) Grounds raised on direct appeal:

12. If you sought further direct review of the decision on appeal by the California Supreme Court (e.g., a Petition for Review), please answer the following:

(a) Result:

(b) Date of result (if known):

(c) Case number and citation (if known):

(d) Grounds raised:

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:

- (a) Result:
- (b) Date of result (if known):
- (c) Case number and citation (if known):
- (d) Grounds raised:

COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?

Yes  No

15. If your answer to #14 was "Yes," give the following information:

(a) California Superior Court Case Number (if known): **NA076724**

(b) Nature of proceeding: **HABEAS CORPUS ON RESENTENCING**

(c) Grounds raised:

**"APPRENDI V. NEW JERSEY" 147 VER 2D 435, 530 U.S. 466 (2000)**

(d) Did you receive an evidentiary hearing on your petition, application or motion?

Yes  No

(e) Result: **DENIED**

(f) Date of result (if known): **12/16/2013**

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?

Yes  No

17. If your answer to #16 was "Yes," give the following information:

- (a) California Court of Appeal Case Number (if known):
- (b) Nature of proceeding:
- (c) Names of Judges participating in case (if known)
  
- (d) Grounds raised:
  
  
- (e) Did you receive an evidentiary hearing on your petition, application or motion?  
 Yes  No
- (f) Result:
- (g) Date of result (if known):

18. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Supreme Court?

Yes  No

19. If your answer to #18 was "Yes," give the following information:

- (a) California Supreme Court Case Number (if known):
- (b) Nature of proceeding:
  
  
- (c) Grounds raised:
  
  
  
  
  
  
  
  
  
  
- (d) Did you receive an evidentiary hearing on your petition, application or motion?  
 Yes  No
- (e) Result:
- (f) Date of result (if known):

20. If you did *not* file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the California Supreme Court containing the grounds raised in this federal Petition, explain briefly why you did not:

THIS IS A FEDERAL QUESTION BASED ON "APPENDIX V. NEW JERSEY"  
AND ALL RELATED LAW CITED.

### COLLATERAL REVIEW IN FEDERAL COURT

21. Is this your first federal petition for writ of habeas corpus challenging this conviction?  
 Yes  No (If "YES" SKIP TO #22)
- (a) If no, in what federal court was the prior action filed?  
(i) What was the prior case number?  
(ii) Was the prior action (CHECK ONE):  
Denied on the merits?   
Dismissed for procedural reasons?   
(iii) Date of decision:
- (b) Were any of the issues in this current petition also raised in the prior federal petition?  
 Yes  No
- (c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?  
 Yes  No

---

#### CAUTION:

- **Exhaustion of State Court Remedies:** In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present *all* other grounds to the California Supreme Court before raising them in your federal Petition.
  - **Single Petition:** If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.
  - **Factual Specificity:** You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is — state who did exactly what to violate your federal constitutional rights at what time or place.
-

GROUNDS FOR RELIEF

22. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. (e.g. what happened during the state proceedings that you contend resulted in a violation of the constitution, law or treaties of the United States.) If necessary, you may attach pages stating additional grounds and/or facts supporting each ground.

(a) **GROUND ONE:** "APPRENNI V. NEW JERSEY" 530 U.S. 466 (2000)  
"APPRENNI" REQUIRES A JURY FINDING TO EXCEED THE STATUTORY MAXIMUM (MID-TERM) AND IMPOSE ENHANCEMENTS. ALL FACTS FOR ENHANCEMENTS MUST BE SUBMITTED TO A JURY AND PROVEN BEYOND A REASONABLE DOUBT. "APPRENNI" REQUIRES CONCURRENT SENTENCES.

Supporting FACTS: I WAS ILLEGALLY SENTENCED TO 7 YEARS AT 85% WITH TWO STRIKES. I WAS GIVEN A CONSECUTIVE SENTENCE OF "FOUR YEARS" FOR THE "PC 245(a)(1)" AND THEN ENHANCED "THREE YEARS" AND GIVEN "TWO STRIKES" FOR A "CONSECUTIVE" SENTENCE OF A TOTAL OF 7 YEARS AT 85%.  
~~THE~~ THE TWO GRST ENHANCEMENTS IMPOSED ARE UNDER "PC 12022.7(a)"

GROUND ONE: THE ILLEGAL ENHANCEMENTS IMPOSED OF "3 YEARS AND 2 STRIKES" ARE A DIRECT VIOLATION OF FEDERAL LAW "APPRENNI V. NEW JERSEY"  
~~THE JUDGE, RICHARD R. ROMERO, NOT A JURY.~~ I TOOK A "PLEA DEAL" AND ALL FACT FINDING WAS BY THE JUDGE, RICHARD R. ROMERO, NOT A JURY. UNDER "APPRENNI" MY SENTENCE IS ILLEGAL AND DRACONIAN VIOLATION OF U.S. SUPREME COURT LAW.  
UNDER THE LAW MY STRIKES ARE TO BE REMOVED AND THE "3 YEARS" DECLARED ILLEGAL.

Did you raise GROUND ONE in the California Supreme Court?

Yes  No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation:
- (3) Result (attach a copy of the court's opinion or order if available):

(b) **GROUND TWO:** "CUNNINGHAM V. CALIFORNIA" (2007) 549 U.S. 270, 288-289. IN CUNNINGHAM THE U.S. SUPREME COURT HELD THAT UNDER CALIFORNIA'S DETERMINATE SENTENCING LAW, ANY AGGRAVATING FACTOR OTHER THAN A PRIOR CONVICTION ADMITTED BY PETITIONER OR FOUND TRUE BY THE COURT, MUST BE PRESENTED TO A JURY AND FOUND TRUE BEYOND A REASONABLE DOUBT.

Supporting FACTS: I TOOK A "PLEA DEAL" THAT VIOLATED "APPRENDI V. NEW JERSEY" AND "PEOPLE V. FRENCH" AND "PEOPLE V. SANDOVAL" AS WELL AS CUNNINGHAM.

STATE AND FEDERAL LAW CLEARLY STATE THAT ALL "ENHANCEMENTS" AND ALL "AGGRAVATING FACTORS" MUST BE SUBMITTED TO A JURY AND FOUND TRUE BEYOND A REASONABLE DOUBT

GROUND TWO: ALL "ENHANCEMENTS" AND "AGGRAVATING FACTORS" IMPOSED ON ME ARE ILLEGAL UNDER "APPRENDI" AND "CUNNINGHAM V. CALIFORNIA" THEREFORE MY STRIKES IMPOSED ARE ILLEGAL AND MUST BE REMOVED A.S.A.P. AND THE "3 YEARS" IMPOSED DECLARED ILLEGAL, AND I AM TO BE RELEASED.

PLEASES ALSO SEE: "PEOPLE V. SANDOVAL" (2007) 141 CAL. AP. 4TH 825, 836

Did you raise GROUND TWO in the California Supreme Court?

Yes  No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation:
- (3) Result (attach a copy of the court's opinion or order if available):

(c) **GROUND THREE:** "PEOPLE V. FRENCH" (2008) 43 CAL. 4TH 36, 45 ~~AND SEVERAL~~  
THE CALIFORNIA SUPREME COURT HEAD THAT ANY FACT FINDING BY THE JUDGE PRECLUDES  
PETITIONER FROM RECEIVING THE UPPER FOUR YEAR SENTENCE UNDER P.C. 245(a)(1)  
ALSO SEE "PEOPLE V. SANDOVAL" (2007) 141 CAL. AP. 4TH 825, 836

Supporting FACTS:

I WAS GIVEN THE "MAXIMUM" 4 YEAR SENTENCE UNDER P.C. 245(a)(1) INSTEAD  
OF WHAT THE LAW REQUIRES WHICH IS THE "MID TERM" 3 YEARS.

GROUND THREE: "PEOPLE V. FRENCH" IS CLEAR THAT A JUDGE CANNOT IMPOSE THE  
MAXIMUM SENTENCE...MY WHOLE SENTENCE IS A VIOLATION OF THE LAW AND THE  
U.S. CONSTITUTION. INSTEAD OF RECEIVING THE THE 3 YEAR WITH HALF  
TIME SENTENCE, TOTAL I RECEIVED 7 YEARS AT 85% WITH TWO STRIKES.  
IN STEAD OF RECEIVING WHAT THE LAW REQUIRED. I RECEIVED A MALICIOUS,  
AND DRACONIAN SENTENCE AND HAVE SPENT NEEDLESS TIME BEHIND BARS.  
A SUPREME COURT JUDGE SHOULD KNOW ~~HE~~ TO FOLLOW THE LAW AND ISSUE  
A SENTENCE WHICH THE LAW REQUIRES. SAME WITH THE DISTRICT ATTORNEY.  
BUT I GUESS THERE'S MORE MONEY FOR THE STATE FLOODING THE PRISON  
SYSTEM WITH HARSH, UPPER TERM, ENHANCED SENTENCES, INSTEAD OF WHAT THE  
LAW REQUIRES.

THEN WHEN I PETITION "JUDGE ROMERO" WITH THE LAW, HE DENIES ME.

Did you raise GROUND THREE in the California Supreme Court?

Yes  No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation:
- (3) Result (attach a copy of the court's opinion or order if available):



(d) **GROUND FOUR:** "APPRENTI V. NEW JERSEY" "CUNNINGHAM V. CALIFORNIA"  
"PEOPLES V. FRENCH" AND "PEOPLES V. SANDOVAL"

Supporting FACTS: THE COURT HAS STATED I MUST COMPLETE A "MANDATORY THREE YEAR" PAROLE PERIOD UPON MY RELEASE. THIS IS A DRACONIAN AND UNJUST REQUIREMENT. I FEEL PAROLE SHOULD BE RESCINDED IN THE NAME OF JUSTICE. AS I HAVE SHOWN THE HONORABLE COURT UNDER THE CITED CASE LAWS ~~AND~~ AND MY ILLEGAL SENTENCE, I HAVE DONE OVER AND ABOVE THE AMOUNT OF TIME THE LAW REQUIRED.

GROUND FOUR: I HAVE ALREADY SERVED THE "3 YEARS" FOR PAROLE "IN CUSTODY" IN THE ILLEGAL "3 YEAR ENHANCEMENTS" IMPOSED ON ME. BASED ON THAT FACT I FEEL PAROLE SHOULD BE RESCINDED IN THE NAME OF JUSTICE.

Did you raise GROUND FOUR in the California Supreme Court?

Yes  No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation:
- (3) Result (attach a copy of the court's opinion or order if available):

23. Do you have any petition or appeal now pending in any court, either state or federal, pertaining to the judgment under attack?

Yes  No

24. If your answer to #23 is "Yes," give the following information:

- (a) Name of Court:
- (b) Case Number:
- (c) Date action filed:
- (d) Nature of proceeding:
  
- (e) Name(s) of judges (if known):
- (f) Grounds raised:

(g) Did you receive an evidentiary hearing on your petition, application or motion?

Yes  No

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- X (a) At preliminary hearing ..... DAVID R. COHN
- X (b) At arraignment and plea ..... 17592 IRVING BLVD.
- X (c) At trial ..... TUSTIN, CA 92780
- X (d) At sentencing .....
- N/A (e) On appeal .....
- ~~X~~ (f) In any post-conviction proceeding . RESTITUTION HEARING



N/A (g) On appeal from any adverse ruling in a post-conviction proceeding:

26. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes  No

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes  No

(a) If so, give name and location of court that imposed sentence to be served in the future:

(b) Give date and length of the future sentence:

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes  No

### 28. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 2254 habeas cases filed in this district, the parties may waive their right to proceed before a district judge and consent to magistrate judge jurisdiction. Upon consent of all the parties under 28 U.S.C. § 636(c) to such jurisdiction, the magistrate judge will conduct all proceedings including the entry of final judgment. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to consent to a magistrate judge as it will likely result in an earlier resolution of this matter. If you request that a district judge be designated to decide dispositive matters, a magistrate judge will nevertheless hear and decide all non-dispositive matters and will hear and issue a recommendation to the district judge as to all dispositive matters.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including the entry of final judgment, by indicating your consent below.

Choose only one of the following:

Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

29. Date you are mailing (or handing to a correctional officer) this Petition to this court:

4/7/14

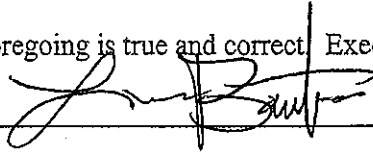
Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

4/7/14

(DATE)



SIGNATURE OF PETITIONER

EXHIBIT # 7

J2411H1  
KERN CJIS  
ORGANIZATION: SC

SUPERIOR COURT, METROPOLITAN DIVISION  
IN AND FOR THE COUNTY OF KERN

03/25/14  
09:30

CASE NO. HC013909 A      DATE: 03/18/14      TIME: 08:30 AM      DEPT.: RL

IN THE MATTER OF BARTER, LEVI MICAH

JUDGE:      JOHN W LUA, JUDGE

CLERK:      KORRI MARTIN

REPORTER:

BAILIFF:

NATURE OF PROCEEDINGS:

HABEAS CORPUS.

RULING

---

CHARGES: 1. PC 1474

---

CDC ID NUMBER: G-52020.

THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS:

THE COURT IS TRANSFERRING THIS MATTER TO LOS ANGELES  
COUNTY.

PLEASE FIND ATTACHED AND MADE A PART OF THE COURT'S FILE  
PETITIONER'S WRIT OF HABEAS CORPUS.

SEE RULING ATTACHED HERETO AND MADE A PART HEREOF.

COPY OF MINUTE ORDER SENT TO PETITIONER THIS DATE.

ENTERED ON CJIS BY KORRI MARTIN - SCBAK ON 03/25/2014.

---

**SUPERIOR COURT OF CALIFORNIA**  
**IN AND FOR THE COUNTY OF KERN**

In re: Levi Micah Barter )  
CDC#G-52020 ) KCSC# HC13909A  
)  
) ORDER TRANSFERRING  
) PETITION FOR WRIT  
) OF HABEAS CORPUS  
)  
)  
\_\_\_\_\_)

The court has read and considered the petition for writ of habeas corpus filed December 12, 2013 from Kern Valley State Prison in Delano, California. On February 19, 2014, the court extended ruling on the petition up to and including March 31, 2014 pursuant to California Rules of Court Rule 4.551(h).

Petitioner files this petition as a writ of mandate. Since the petition concerns his sentence, the court deems this matter as a petition for writ of habeas corpus. *Cerda v. Superior Court* (1974) 42 Cal.App.3d 491, 492. Petitioner stands convicted of two counts of assault with a deadly weapon (a knife) and two bodily harm enhancements P.C. § 245(a)(1), 12022.7 from Los Angeles County. He pled nolo contendere to two counts admitting the bodily harm enhancements on Daniel Vigil and Christopher Dupree on April 7, 2009. The terms of the plea were that he would receive two concurrent seven years sentences: four years for assault with a knife, and three years for the bodily harm enhancements.

Petitioner presents a rambling petition. It is petitioner's responsibility to file an intelligible petition. *People v. Duvall* (1995) 9 Cal.4<sup>th</sup> 464, 474.

The petitioner presents boiler plate language for his arguments as to why he should receive relief under a writ of mandate. He does not present facts that apply to the law. After examining the plea transcripts, the court can surmise that petitioner contends he received an excessive sentence. He contends that his release date should be November 27, 2013, not October 7, 2014. He also contends that he should receive relief under the Three Strikes Reform Act under Proposition 36 passed by the electorate on December 7, 2012, and codified under P.C. § 1170.12(c)(2)(c).

This act does not apply to petitioner since he is not serving a life sentence under the Three Strikes Law.

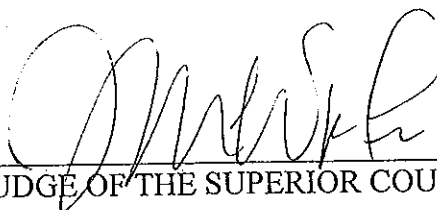
The question of the sentence remains. In *People v. French* (2008) 43 Cal.4<sup>th</sup> 36, 45, the California Supreme Court held that any fact-finding by the judge precludes petitioner from receiving the upper four year sentence under P.C. Section 245(a)(1). Also see *People v. Sandoval* (2007) 141 Cal.App.4<sup>th</sup> 825, 836, *Cunningham v. California* (2007) 549 U.S. 270, 288-289. In *Cunningham*, the U.S. Supreme Court held that under California's determinate sentencing law, any aggravating factor other than a prior conviction admitted by petitioner or found true by the court must be presented to a jury and found true beyond a reasonable doubt.

Petitioner does not provide the sentencing transcript. Further, Kern County is not the proper venue to adjudicate this petition since Los Angeles County is the county of sentencing. In *re Sena* (2001) 94 Cal.App.4<sup>th</sup> 836, 839. This court cannot provide the relief petitioner demands since his possible release date and his eligibility for parole flow from the sentence. *Sena* at 839; California Rules of Court Rule 4.552(a)(1).

Petitioner alternatively wishes the court to grant his motion to withdraw his nolo contendere plea. Again, Kern County is not the proper venue to adjudicate this matter. *Sena* at 839.

Based upon the foregoing, it is ordered that the petition for writ of habeas corpus be transferred to Los Angeles County Superior Court branch in Long Beach, California, for further adjudication. The court finds good cause to further extend the ruling up to and including April 30, 2014 pursuant to California Rules of Court Rule 4.551(h) to permit the transferee court to adequately evaluate petitioner's claims.

DATED: 3-18-14

  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

JOHN W. LUA

DECLARATION OF MAILING

The undersigned, of said Kern County, says: That I am a Judicial Courtroom Assistant of the Superior Court of the State of California, in and for the County of Kern; that I am a citizen of the United States, over 18 years of age, a resident of Kern County, and not a party to the within action, that I served the above Minute Order on counsel for respective parties in the within action by depositing true copies thereof, enclosed in sealed envelopes with postage thereon fully prepaid in the United States mail at Bakersfield, California, addressed as follows:

Clara Shortridge Foltz Criminal Justice Center 210 West Temple Street Los Angeles, Ca. 90012 (Entire File)	Levi Micah Barter CDC# G-52020 Kern Valley State Prison P.O. Box 5103 Delano, Ca. 93216
--	--

**TERRY McNALLY**  
Clerk of the Superior Court

DATE: March 26, 2014

By   
\_\_\_\_\_  
Korri Martin, Judicial Courtroom Assistant



MINUTE ORDER  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 03/10/14

-----  
CASE NO. NA076724

THE PEOPLE OF THE STATE OF CALIFORNIA

VS.

DEFENDANT 01: LEVI MICAH BARTER  
-----

NUNC PRO TUNC ORDER PREPARED. IT APPEARING TO THE COURT THAT THE MINUTE ORDER  
IN THE ABOVE ENTITLED ACTION DOES NOT PROPERLY REFLECT THE COURT'S ORDER. SAID  
MINUTE ORDER IS AMENDED NUNC PRO TUNC AS OF THAT DATE. ALL OTHER ORDERS ARE TO  
REMAIN IN FULL FORCE AND EFFECT. DETAILS LISTED AT END OF THIS MINUTE ORDER.

INFORMATION FILED ON 04/14/08.

COUNT 05: 245(A)(1) PC FEL  
COUNT 06: 245(A)(1) PC FEL

ON 12/16/13 AT 830 AM IN SOUTH DISTRICT DEPT S21

CASE CALLED FOR TRIAL SETTING/RESETTING

PARTIES: RICHARD R. ROMERO (JUDGE) DIANE MOORE (CLERK)  
NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

DEFENDANT'S PETITION FOR REDRESS OF GRIEVANCES IS DENIED.

COPY OF MINUTE ORDER IS MAILED TO DEFENDANT.

NEXT SCHEDULED EVENT:  
PROCEEDINGS TERMINATED

12-16-13

**Press Release to all Foreign Media**

There is a "42USC1983" Civil Rights class action lawsuit being filed against the State of California's Governor, Jerry Brown, for \$400,000,000 per day civil contempt fines. Jerry Brown is deliberately, maliciously, and premeditatedly disobeying United States Supreme Court orders to release 10,000 inmates by December 2013. The United States Supreme Court has ordered, Governor Jerry Brown, in a majority vote to release 10,000 inmates by December 2013 three times and Jerry Brown continues to blatantly disobey federal court orders, defiantly obfuscating and unyielding to U.S. Supreme Court orders.

California inmates along with Yagman and Yagman and Reichmann Law Firm (phone # (310)452-3200 723 Ocean From Walk, Venice CA 90291) are filing a class action "42USC1983"-1776 first amendment "petition for redress of grievance" filed in "cand.uscourts.gov" on behalf of all 10,000 patient prisoners who have been "denied" their U.S. Supreme Court "ordered" early parole release date in December 2013. California inmates are demanding \$10,000 per inmate, per day, actual damages, plus \$30,000 per day punitive damages, per inmate multiplied by 10,000 inmates: that's \$400,000,000 per day civil contempt fines against Governor Jerry Brown, California Department of Corrections and Rehabilitation, and the C.C.P.O.A. prison guards union for their calpers pension fund. For their malicious, draconian, premeditated conspiracy to deny 10,000 inmates their U.S. Supreme Court ordered early release date.

Jerry Brown is violating "Proposition 36" and "Apprendi vs. New Jersey" along with his malicious, premeditated, draconian "Plan of In-Action" to prevent the release of 10,000 inmates as ordered "three times" be the U.S. Supreme Court to do so. He is refusing to yield in any way and refusing to follow court orders issued by the U.S. Supreme Court. This is just another example of an elected official getting away with a felony. He must be suffering from "affluenza" and obviously believes he is above the law. Anyone of us in the "real world" would be sent to prison for that blatant violation of U.S. Supreme Court law. A conspiracy to commit a federal felony which is a mandatory 20 year life sentence for "the rest of us" not those suffering from "affluenza".

All of Jerry Brown's pawns in the C.C.P.O.A. are following his example. They know full well that their "leader", Jerry Brown, is getting away with a felony. As the head conspirator in a conspiracy to deny 10,000 inmates their court ordered release C.D.C>R. is deliberately obfuscating and refusing to even talk to inmates about their U.S. Supreme Court ordered release date and C.D.C.R. is taking the liberty to "change" release dates by taking away "credits" for time served issued by sentencing judges, even "low level" low risk inmates, who have first priority to be released under the U.S. Supreme Court orders to release 10,000 inmates, are being shipped to three new prisons, built in central California, alone, to house low level inmates called "CCF" prisons. That's only one part of the State of California which is building many more CCF prisons, to disobey court orders, instead of comply with the "orders" and release inmates all because Jerry Brown is "in the back pocket" of C.C.P.O.A. for guard job security in his conspiracy to overcrowd California prisons.

Jerry Brown, is over taxing billions of dollars from hard working Californian tax payers and voters only to commit a felony, to conspire in a conspiracy to deny 10,000 inmates their just due U.S. Supreme Court ordered release. The three judge panel that the inmates are petitioning shall grant the civil contempt fines. For instance, one judge, Judge Thelton E. Henderson, is still furious for the C.C.P.O.A. "\$100,000 a year cost guards" boiling alive a mentally ill, negro, prisoner in Pelican Bay Prison and wire brushing his skin off (Cand-USCourts-Gov Court case "Madrid vs Gomez") Judge Thelton E. Henderson shall grant this civil contempt fine and be happy to do so.

Jerry Brown has deliberately defied the judges and voters for too long, over 35 years since 1978, and has caused the continuing anguish and suffering of over 10,000 prisoners, their families and loved ones in a deliberate, draconian, malicious, premeditated "plan of In-Action" to prevent the release of over 10,000 inmates by December 2013 as ordered "3 times" by the U.S. Supreme Court to do so.

\$400,000,000 law suit against Jerry Brown, future presidential nominee for 2016

Facts:

1. Jerry Brown sued by California inmates for \$400,000,000 per day until court ordered release
2. Jerry Brown is refusing to follow or comply with U.S. Supreme Court orders
3. California Department of Corrections and Rehabilitations and C.C.P.O.A. employees are acting as co-conspirators in the conspiracy to deliberately overcrowd the prisons in California, along with the "out of state" facilities Californians pay \$10 billion dollars to warehouse California inmates.
4. C.D.C.R. and C.C.P.O.A. employees are actually taking the liberty to "change" court ordered release dates by taking away "vested credits" issued by sentencing judges. C.D.C.R. and C.C.P.O.A. employees do not have the authority to steal "vested credits" issued by sentencing judges. But, C.D.C.R. and C.C.P.O.A. employees are stealing thousands of inmates "vested credits" overriding and changing the sentencing judges court orders which is a blatant felony

Felonies include:

1. Conspiracy in violation to Rico
2. Conspiracy to commit perjury
3. Falsifying state documents
4. Conspiracy obstruction of justice
5. Conspiracy to deliberately obfuscate and deny E.P.R.D. release of 10,000 inmates in violation of U.S. Supreme Court orders
6. Deliberately stealing court ordered "vested credits"
7. Conspiracy to harass and intimidate federal witnesses among many others

This story of facts shall expose the corruption of California's prison system. Any questions write to:

Levi Barter

P.O. Box 624

Palm Springs, CA 92263

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the District Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS JURY)

### I. (a) PLAINTIFFS

Levi Micah Barter  
G-52020

(b) County of Residence of First Listed Plaintiff **Kern**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Levi Micha Barter  
PO Box 5103  
Delano CA 93216

**FILED**  
APR 14 2014  
CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY

**FILING FEES PAID**  
Yes Jerry Brown, et al.

**IFP MOTION FILED**  
Yes

**COMPLETION BY**  
Court **Prof** (If Known)

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)  
BY THE TRACT OF LAND INVOLVED.

**14CVO 887 WQH DHB**

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Tort Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

### V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

### VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**28:2254**

Brief description of cause:  
**Petition for Writ of Habeas Corpus**

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
04/14/2014

SIGNATURE OF ATTORNEY OF RECORD  
s/SKHoestenbach *SKHoestenbach*

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

CHRIST TEA PARTY 1773 MILITIA

COMMUNER 'PAPA' JOSEPH ALLREDDER

PAUL 82018 EC7-132

PO BOX 5103

DELAND, CA

93216-5103

CRD.OSCARTS.COM

STORREY FERBANK DISTRICT COURT

Judge [REDACTED] LAUREY BURRIS

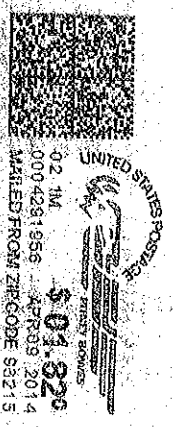
[REDACTED]  
880 FRONT STREET, Room # 429B

SAU DIEGO, CA

92101-8900

Kern Valley State Prison  
Facility C, Building 7

LEGAL MAIL



RECEIVED  
APR 14 2014  
BY  
CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY

LEGAL MAIL

*Handwritten initials/signature*

