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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

PETER CASEY CRUZ,

Petitioner,

v.

THE SUPERIOR COURT OF  
RIVERSIDE COUNTY,

Respondent;

THE PEOPLE,

Real Party in Interest.

E063224

(Super.Ct.No. RIC463349)

OPINION

ORIGINAL PROCEEDINGS; petition for writ of prohibition/mandate. Petition is granted.

Peter Casey Cruz, in pro. per.

No appearance for Respondent.

Michael A. Hestrin, District Attorney, and Natalie M. Pitre, Deputy District Attorney, for Real Party in Interest.

Although a proceeding under the Sexually Violent Predators Act (Welf. & Inst. Code, §§ 6600 et seq.) is in the nature of a civil proceeding (*People v. McDonald* (2013) 214 Cal.App.4th 1367), where a substantial liberty interest is implicated, the technical label is not controlling. It is inappropriate to place financial obstacles in the path of one seeking to defend such an interest. (See *Smith v. Bennett* (1961) 365 U.S. 708.)

Although the superior court has not filed a response, the People agree that no filing fee can be charged to petitioner. The People have also informed this court that the explanation for the rejection of petitioner's paperwork has been deleted from the court's minutes; it is therefore unclear whether the superior court has rethought its position. The petition for writ of prohibition/mandate is therefore granted.

#### DISPOSITION

We issue this order to clarify the rights and obligations of the parties.

Let a peremptory writ of prohibition/mandate issue, directing the Superior Court of Riverside County to accept for filing, without fee, motions and applications presented by petitioner in respect to the proceedings under the Sexually Violent Predators Act.

Petitioner is directed to prepare and have the peremptory writ of prohibition/mandate issued, copies served, and the original filed with the clerk of this court, together with proof of service on all parties.

This order shall be final forthwith.

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RAMIREZ

P. J.

We concur:

HOLLENHORST

J.

KING

J.