

No. 18-1008

In the
Supreme Court of the United States

IN RE VERONICA HOLLOWELL
AND VIVIAN EPPS,

Petitioners.

On Petition for Extraordinary Writ of Mandamus
to the United States Circuit Court of Appeals
for the Ninth Circuit

PETITION FOR REHEARING

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MAY 10, 2019

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**REHEARING FOR THE PETITION AMEND WRIT
OF HABEAS CORPUS AND EMERGENCY
MOTION FOR RETURN OF CHILD WITH
WRIT OF ATTACHMENT TO SHERIFF**

The Petitioner, Veronica Hollowell is the biological unmarried mother to minor child S.L., age 11, brings this petition for a writ of habeas corpus for Reversal Sole Child Custody and Emergency Motion for return of Child from the State Court and Department of Child Safety (formerly CPS).

With leave of Court, petitioning an issue of my child custody case that were combined with the Federal Lawsuit under the Denied Writ of Mandamus. Petitioner is only now prioritizing on just one of the two filed cases that were denied.



THE RELIEF SOUGHT

In pursuant Rule 44-Rehearing to other substantial grounds not previously presented, Petitioner seeking an habeas corpus action for the return of my child with sole child custody

THE FACTS NECESSARY TO UNDERSTAND THE ISSUE

The White Ex-boyfriend came out of his 2-1/2 years seclusion child abandonment to want me to lie for him at his Second DUI trial, I refused, and he wanted to take my child for bait-leverage to get a lesser jail time and threaten to take my child to say, "I Will Never See Her Again". Without my knowledge, he falsely filed an AB petition against me that I have an undiagnosed mental disease and I want to kill my child and myself which two police escorted me to take the 12/10/2009 State Mental Psych Evaluation 8 hours and 15 minutes examination which I PASS, and he were informed by the Urgent Staff that I can keep my child for I and normal minded with No harm to others and No harm to myself. He postponed his DUIx2 trial and forced entry into my Apt-Home to kidnap my child.

Petitioner's child First Kidnapping were done by the Ex-boyfriend/Father with him bringing Domestic Violence (yet when CPS got involved afterwards from the request of child's father, CPS request state court to ordered me to take a class in Domestic Violence and not that of the culprit who brought Domestic Violence into my home by forced home-invasion in front of my toddler child which traumatized her to this day of P.T.S.D.....that CPS child's lawyer wrongly blames me in state court) on December 14, 2009 (*see* Pet.App.33a-37a, Police Report); violated the Parental Kidnapping Prevention Act Law. I court served the Ex-boyfriend and State Court ordered him

to return my child, which he did on January 5, 2010 (*see* Pet.App.33a-37a, Police Report, stating court ordered the return of child). The Ex-boyfriend discreetly called CPS child hotline voice message box

Child's Second Kidnapping done by Department of Child Safety (*see* Pet.App.40a-43a, Police Report, states Child Forced Taken), violated the Parental Kidnapping Prevention Act Law and violated Petitioner's constitutional rights of the 4th, 5th and 14th Amendment on January 21, 2010 of a warrantless forced (Phoenix, Arizona Police assistance) home-invasion (*see* Exhibit #1, Police Report, Child Forced Taken) into Kidnapping my child without No court papers on premise and CPS knew five-hours before Kidnapping my child that Petitioner had taken (*see* Pet.App.82a-97a, my 12/10/2009 State Psych Eval Test) and "PASS" the State Mental Test but filed a False 1/21/2010 Temporary Child Custody Report (*see* Pet.App.40a-43a, of CPS 1/21/2010, Temporary child custody petition) being based on mother's mental status so as to obtain State Court Judge's signature after child were already Forced Taken to have back-dated the Temporary Child Custody document to the date child were wrongly Taken on 1/21/2010 which Petitioner received in the mail two days after the wrongful Taken of my child S.L.



THE ISSUE PRESENTED

1. When a Constitutional Affront has taken place, this amend Habeas Corpus can be performed on the State Court and/or Department of Child Safety, "DCS",

(formerly CPS) for Department of Child Safety is also the State.

2. State Court denied and ignored to not allow Petitioner to argue her case so as to appease CPS court officials with CPS courtroom hegemony.

3. Petitioner did not get the chance in State Court to present her claimed supportive evidentiary December 10, 2009 "PASS" State Psych Eval to argue her child custody case.

4. State Court denied Petitioner's request to be mentally unfit adjudicated by a trial jury.

5. Petitioner were deprived of her Due Process Rights as stated to States Court in response, State Court stated, "You Just Like To Hear Yourself Talk", as CPS court folks pleasantly look-on.

6. The Ex-boyfriend/Father's home environment has been unstable and unreliable with 8 time moving around Arizona since having sole custody of my child, that's how Petitioner located his current resident apartment from the Police Blog online (*see* Pet.App. 108a, going back five years of instability nomadic living).

7. Petitioner and child's Grandmother, Vivian Hollowell (a.k.a. EPPS) has been residing at their upscale Apt-Home for 17 years, before and after the birth of my child's date of birth on August 9, 2007.

8. Petitioner were allowed to see her child by State Court once every two years (monitor person were surprised that my child did not forget me) intervals of 2010, 2013 and 2016 but had to pay the Interventionist woman to see my child and now the

State Court ceased the woman duty to bring my child to her office building (the Ex-boyfriend does not want my child to see me anymore for fear of speaking out now that she is age 11 and I have not seen my child since 2016).

9. State Court upon my request, did not adjudicated me and took jurisdiction (*see Pet.App.108a-109a, of State Court accepting CPS/Ex-boyfriend testimony for jurisdiction of child*) of my child over the bias-ruse one-sided Hearsay without evidentiary testimony of CPS folks and the white disgruntled Ex-boyfriend/Father.



THE REASON WHY WRIT OF HABEAS CORPUS SHOULD BE ISSUE

1. Habeas Corpus is appropriate when a child is being wrongfully detained from her unmarried mother.

2. Just like State Court Judge Michael Herrod said to Petitioner, “since the child has been 7 years with the Ex-boyfriend, the child’s Father, the child will stay with him”, but under Habeas Corpus proceeding is not a suit affecting the Mother-Child relationship. Section 157.371(b).

3. When a child is born to an Unmarried Mother, the Father has no legal rights to forced kidnapped the child.

4. If a Court acts without Jurisdiction, all its acts are Null and Void. Further, any decision it may render is not a decision in contemplation of law and cannot be executory. *See, Abbain v. Chua, 22 SCRA*

748, *Estoesta v. CA*, 179 SCRA 203, *Dava v. People*, 202 SCRA 62.

5. In order to change the tone of the Rule and of the mandamus proceedings generally, the rule is amended so that the judge is not treated as a Respondent. The caption and subdivision are amended by deleting the reference to the writ as being "directed to a judge or judged".

6. Certain arguments can be made only by writ. The Petitioner request to amend writ of Habeas Corpus of invoking her Constitutional Rights for writs of habeas corpus for the return of Petitioner's Child. The U.S. Constitution, which specifically forbids the government from suspending writ proceedings as a matter of Law, except in extraordinary times such as war.

7. The domicile of a child born out of wedlock is the Mother's and remains so, a domicile is where a person intends to remain and make a home. *See, Clark*, 124 Ariz. At 237, 603 P.2d at 508.

8. Mother's Due Process Rights The biological Mother assertively claim that her due process rights have been violated. *See, Stanley v. Illinois*, 405, U.S. 645, 651, 92 S.Ct., 1208-13, 31 L.Ed.2d 551 (1972).

9. As a matter of law, held that Habeas Corpus is the proper procedure may be used to contest custody of an instate child. *See, e.g., Juvenile Appeal A-26961*, 135 Ariz., 228, 230, 660 P.2d 479, 481 (App. 1982).

10. Writs of Habeas Corpus may be used to initiate a child custody proceeding in the Supreme Court for Unmarried people.

11. Habeas Corpus is a powerful tool to be used by an unmarried Mother whose child has been wrongfully kept from her.

12. A parent is entitled to due process whenever her custodial rights to a child are to be determined. Petitioner were denied in State Court to exercise her due process rights due to CPS extrinsic fraud and courtroom hegemony in State Court to have prevented child's Mother to be mentally unfit adjudicated by jury as were requested by Petitioner to State Court, fell on deaf-ear and were verbally denied by Family Court Judge Pamela Gates to appease CPS Agency's request to give my child to the Ex-boyfriend-/Father . . . this is the same judge who court ordered on January 5, 2010 for the Ex-boyfriend/Father to return child back to her Unwed lock Mother (for CPS was NOT in the picture then).

13. The writ can be used to challenge an existing custody order where a State Agency (CPS) has taken custody of a child into State Court, which the Supreme Court has jurisdiction when an unmarried parent seeking return of her child claiming constitutional rights have been violated of 4th, 5th and 14th Amendment with the Due Process Clause.

14. Whether Petitioner's due process rights were violated when a judge entered final child custody orders granting Ex-BOYFRIEND/Father sole child custody. Due Process deals with the Administrative of Justice and the 5th Amendment to the U.S. Constitution guarantee of Due Process Clause and the 14th Amendment applies Due Process to ALL States. *See, Cruz v. Garcia*, Hilderbrand Law, PC, Due Process in a child custody Hearing in AZ of age 12 child (9th

Cir. 2015) Petitioner's child is age 11 and will be age 12 come August 9, 2019.

15. Petitioner (the Mother), has STANDING to seek custody from a parent (Ex-boyfriend/Father). If a person lacks standing, a Court will not give that person the remedy seeks. Petitioner has a right or interest that the law recognizes and protects.



STATEMENT OF FACTS

Pursuit of 28 U.S.C. section 2242 last provision paragraph as to "reason" to the Supreme Court of Petitioner for not making application to the district court of the district in which the applicant is held . . . is because Petitioner was "Not Cognitive Aware" back then in district court that Habeas Corpus is not specially made for Prisoners, has now Discovered that Habeas Corpus can be applied to a Child Custody matter of recourse in law through which a person can report an unlawful taking away a Child.

The Petitioner was the residential custodial parent of being not married to the ex-boyfriend before the birth of her child and not married to the ex-boyfriend after the birth of her child beyond ten months and thereafter.

Petitioner and child were of strong bond from child's birth and child were attached to her mother. Child being forced detached from her Mother by ruse and false claims against the mother by CPS and the ex-boyfriend to lower courts has turn a happy child

spirit into a depressed spirit and it shows in the child's eyes'.

The sociopath Ex-boyfriend/Father chosen child abandonment before the birth of the child immediately when Petitioner terminated the relationship (upon discovery of his dark-past of being consistently in jail and being a high school drop-out) and out of the blue after 2 1/2 years, Petitioner gets a phone call from the Ex-boyfriend of him wanting her to lie for him of his upcoming DUIx2 Trial, she refused and he made claim of his threats to take her child of fabricated false allegation against the Petitioner and he used CPS to help get back the child (It's all in the Exhibit police report) and with CPS and Ex-boyfriend's deceptive testimony got State Court to give the Ex-boyfriend/Father sole custody of Petitioner's child.

The granddaughter S.L. has been through two separate forced home-invasion kidnapping done first by the Ex-boyfriend/father on December 14, 2009 and second forced kidnapping done by CPS employee Monique Thomas on January 21, 2010 (with police assistance without a warrant and without court documents on the premise).

I (Vivian Epps) attended "All" of Petitioner's court hearing, she received discrimination/biased Railroad Injustice of the 1930 era of a Black person. Petitioner's Rights were all walked over, she had No Voice and were not allowed in Juvenile and Family court to apply her constitutional rights due to counts appeasing Department of Child Safety (formerly CPS) conspiracy judicial courtroom hegemony.

Petitioner did try to assert the violation of her federal statutory rights of 14th Amendment of

Deprivation of Property (child) done by Juvenile and Family courts of their forced separation of. Mother and Child which represent a serious infringement upon the rights of both child and mother.

I (Vivian Epps) sum it up, Petitioner Had No Voice In Both Courts. Genuine Undisputed evidence were disregarded, ignored or placed into lodge and forgotten or sent back to us in the mail after case were Dismissed. Juvenile and Family Court judges Withheld (like CPS) exculpatory evidence of NOT verbally mentioning the court docket 12/10/2009 AZ State Urgent Psychiatric Mental Status Report "yet" verbally elaborated about the Mental Status Report of DCS (CPS) Agency worker's Monique Thomas 1/21/2010 Temporary Child Custody Report that both courts deemed the Petitioner's to be Mentally Unfit-Parent to have Child Custody. The false allegations detailed in CPS court petition, the Petitioner was Improperly denied further future visitation to her "only" child.

The Petitioner's Discover Rule court docket statement were "Revised" by the 2nd district court judge and the last three replacement 9th circuit judges so as to dismiss both cases to apply the State statute of Limitation rather than to acknowledge the Federal statute in lieu that Discover begins when realized or aware that your legal rights were violated.

**RELIEF SOUGHT FROM
JUDGMENT OF STATE COURT**

Pursuit within the provisions of 28 U.S.C. section 2254(b) Petitioner has exhausted remedies (pursuit of Habeas Corpus remedy does satisfy the requirement of exhaustion of State remedies. Pp. 334 U.S. 677-678) available in the State Court for Petitioner were Denied request to be mentally-unfit adjudicated by a Jury and did not get a chance to argue her case with clear and convincing evidence of factual basis of Petitioner's claim relies on Petitioner's December 10, 2009 State "Passing" Psych Eval 8 hours/15 minutes Test and my claims were not adjudicated. Furthermore, my claims were not adjudicated yet State Court took jurisdiction of my Child based on the one-sided ruse/false testimony of DCS (formerly CPS) and the Ex-boyfriend/Father. Also, Petitioner assert claims that she was deprived of her DUE PROCESS RIGHTS in State Court and the fact that circumstances exist such process ineffective to protect the rights of the applicant "Petitioner" because of Phoenix, Arizona Department of Child Safety (formerly CPS) successful courtroom hegemony of hearsays without any admissible evidence.



**HABEAS CORPUS RELIEF SOUGHT
FROM SUPREME COURT**

1. Reversal Sole Child Custody
2. Emergency Return of Child
3. Writ of Attachment for Sheriff

Respectfully submitted,

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MAY 10, 2019

RULE 44 CERTIFICATE

We, Vivian Epps and Veronica Hollowell, are Petitioners Pro Se to this petition. Pursuant to 28 U.S.C. § 1746, we declare under penalty of perjury that the following is true and correct:

1. This petition for rehearing is presented in good faith and not for delay.
2. The grounds of this petition are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

/s/ Veronica Hollowell

/s/ Vivian Epps

Executed on May 10, 2019