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In the
Supreme Court of the United States

PARAS JHOKKE,

Petitioner,

v.

CITY OF LOS ANGELES,
OFFICER MORBY (41622) AND PAGARIGAN (41128),

Respondents,

On Petition for a Writ of Certiorari

to the California Court of Appeal,

Second District

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

1. Whether States, Cities or its Police Officers knowingly or unknowingly Commit Hate Crime Acts motivated by Gender Bias while Enforcing Domestic Violence laws, Protocols, Procedures, Guidelines etc.
2. Whether Allegations that Local Public Entity or its Police Officers violated the U.S. Constitution are subject to the Claim requirements of State Tort Claim Act.
3. Whether Courts abuse discretion when it does not allow Allegations (that allege Public Entity, or its Police officers violated U.S Constitution) to proceed under 42 U.S.C § 1983.

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PETITION FOR WRIT OF CERTIORARI

Petitioner, Paras Jhokke respectfully Petition for a Writ of Certiorari to US Supreme Court after a Denial of Petition for Review by the California Supreme Court. Petitioner requests to review the Judgment of California Court of Appeal, Second District affirming Trial's Court Decision based on following reasons.

OPINIONS BELOW

The Denial of Petition for Review by CA Supreme Court is attached and reprinted in Appendix A., (App. A, *infra*, a1). The Remittitur and Unpublished Opinion of the California Court of

exception to, the principles of Anglo-American criminal jurisprudence." *Dennis v. United States*, 341 U.S. 494, 500 (1951).

3. Allegations that the public entity or its employees violated the U.S. Constitution are not subject to the immunities and claim requirements in the Government Tort Claim Act. 42 U.S.C § 1983.

4. Interference by force or threat of force with a person's state or federal statutory or constitutional rights because of his or her gender or because the victim is perceived to have one or more of those characteristics. 18 U.S. Code § 249

STATEMENT

Initially, Petitioner Paras Jhokke and Cassandra Villegas were good friends for more than a year. On or around Dec. 23, 2014; Petitioner and Cassandra Villegas with her boyfriend "Keith James Wooten" moved into a Two-bedroom Apartment located in Northridge, CA 91325. Cassandra Villegas and her boyfriend were not on the lease. However, they agreed to pay the rent to the petitioner. After some time, Villegas's relationship with Keith James Wooten started to get bad. Villegas and her boyfriend got into fights and broke up several times. Therefore, Keith James Wooten started to stay out of the Apartment. At that time, Petitioner was pursuing higher education at Cal State University Northridge whereas Villegas and her Boyfriend had dropped out of the College. Villegas was working at nearby grocery store. On or around April 12, 2015; Plaintiff notified Villegas to move out of the apartment because it was not going well with her. Keith James Wooten had broken up his relationship with Villegas and he had moved out of the Apartment. However,

Incident, Petitioner called the security in the apartment and instructed Villegas to move out. However, Villegas called the Police and Police arrived at the scene. After Police arrived, Morby & Pagarigan interviewed Villegas and her Boyfriend. Then, Petitioner was arrested pursuant to *Citizen's Arrest*. Then, Petitioner was Incarcerated in the Jail for a Night. Petitioner paid the bail and released himself. Later, City Attorney rejected the Case against the Petitioner due to *Insufficient Evidence*. (App. E, *infra*, e1-e3). Then, Petitioner filed complaint against Villegas [Private Person], Morby#41622, Pagarigan#41128 [Police Officers] and Los Angeles Police Department [Local Public Entity] in the Superior Court of State of California, Chatsworth Court-house, CA. Petitioner alleged: (1) False arrest without warrant and; (2) Assault coupled with Battery against Villegas. Petitioner also alleged: (1) Peace Officer Misconduct/Abuse; (2) Tort of Fraud, Malice or Oppression; (3) Hate Crime motivated by gender bias PC § 422.55 against Morby and Pagarigan and; (4) CA Gov. Code § 815.2 (a), Gov. Code § 815.3 (a) (b) (c) (d) Against City of Los Angeles Police Department. On March 29, 2016 Court *overruled* Villegas's Demurrer and Denied Special Motion to Strike Petitioner's Complaint. (App. F, *infra*, f1-f3). Court Ordered Villegas to file an Answer within 20 days. Then, Villegas filed an Answer with a Declaration. Villegas declared under the penalty of perjury that *she didn't request or authorize citizen's arrest of Petitioner Paras Jhokke at the time of Incident..... or at any time.* (App. G, *infra*, g1). Petitioner was able to obtain the Police Report during the discovery process

or even pain, and it need not leave any mark.' (People v. Mansfield (1988) 200 Cal.App.3d 82, 88 [245 Cal.Rptr. 800].

disproves the officer's reasonable belief was lawful. (App. C, *infra*, c1-c4).

City of Los Angeles et. al *produced the missing pages i.e. third and fourth* page in the demurrer to petitioner's complaint, Case #PC058004. City of Los Angeles's et. al Request for Judicial Notice show that Cassandra Villegas signed the Private Person Arrest Statement Form. (App. I, *infra*, i5).

Trial Court *assumed without discovery* that Cassandra Villegas did sign the Private Person Arrest Statement Form. Trial Court also ignored the fact that incomplete police report was issued to Villegas in prior Case # BC593986. (App. H, *infra*, h1-h2). Even though, Complaint alleged that Villegas declared under the penalty of perjury that she did not request or authorize citizen's arrest of Petitioner at the time of Incident. Still, Trial Court improperly took Judicial Notice of a *Document* whose truthfulness or proper interpretation was disputed by the person who is shown to have signed/filled the document. (App. C, *infra*, c1). See also Fed. R. Evid. 201(b). Assuming Villegas filed declaration to save herself from the prosecution however discovery was still warranted for *fact-findings and procedural purposes*. Trial Court did not allow discovery and denied Petitioner's Motion for Reconsideration. Petitioner appealed the dismissal in the CA Court of Appeal, second district; Court of Appeal affirmed Trial Court's Judgment in Full and denied Petition for Rehearing. Petitioner also filed Petition for Review in the CA Supreme Court however it was also denied. Petition for Review was denied on or around Jan 30, 2019 and remittitur was issued on or around Feb 1, 2019.

aggressor. Therefore, they made a good faith effort to inform Villegas of her right to make the Citizen's Arrest. However, Villegas stated in her declaration that neither she requested citizen's arrest, nor she authorized the Private Person Arrest. Therefore, according to the Police Report, Procedural history and Facts, it is proven without doubt that arrest was without basis, warrant and probable cause. Hence, Arrest was False or Wrongful.

2. Morby and Pagarigan used force to wilfully interfere with, injure, intimidate, or oppress, or threaten petitioner's legally protected right or privilege. Civil Rights Allegation.

Arrest Document show that Petitioner was arrested pursuant to *Citizen's arrest*. However, Villegas declared under the penalty of perjury that *she didn't request or authorize citizen's arrest of Petitioner Paras Jhokke at the at any time*. Also, City Attorney rejected the Case against the Petitioner due to *Insufficient Evidence*. Therefore, no basis is found for the Arrest. However, Morby and Pagarigan still incarcerated petitioner at the time of Incident. Therefore, there was wilful use of force to deprive petitioner of life and liberty. The act may have been conducted either to invoke fear against women or to enforce domestic violence laws, protocols, procedures or guidelines from the Police Department or to intimidate, threaten or oppress petitioner. Discovery process could have been utilized for the fact-findings however none of the state-court remanded action for discovery.

apartment. We then detained the suspect without incident. Morby and Pagarigan arrested Petitioner based on the Statements from Villegas and her Boyfriend. Morby and Pagarigan recorded Petitioner's Statements after the Arrest. See Police Report. Morby and Pagarigan confirmed that Appellant 'pushed' Villegas. It also is clear from the Police report that Morby and Pagarigan were adjudging the situation. However, if arrest was pursuant to citizen's arrest then *Hamburg v. Wal-Mart Stores* (2004) 116 Cal.App.4th 497, 511-2: "*Peace officers who take custody of a person arrested by a private person are not required to correctly adjudge whether the citizen who made the arrest was justified in doing so.*

Police report *confirms* that Morby and Pagarigan assumed Statements of Villegas and her Boyfriend to be true and to be included in the Police Report for prosecution. Specifically, That Paras Jhokke showed Aggression⁴ and Sexual Attraction towards the Victim⁵. Aggression and Attraction towards female is a Male Characteristic⁶ which was perceived by Morby and Pagarigan. Arrest was motivated by Gender Bias because Morby

⁴ [Suspect has been trying to hit on her which has been creeping her out and Suspect pushed Victim twice]

⁵ [Suspect began telling lies about her personal life to cause problems- Identifying the Intentions of Suspect].

⁶ Studies show males with higher testosterone levels are 'aggressors' and 'openly display sexual attraction towards females.' A Study at University of California San Francisco concluded the following: "Fortified by testosterone, male mice in the laboratory display behaviours tending toward the aggressive. They will fight with each other, try to mount female mice and mark their territory with urine. Deprived of testosterone, however, castrated male mice no longer behave so aggressively"

5. Morby and Pagarigan intended to interfere with the person's legally protected right.

Neither arrest was pursuant to a probable cause/warrant nor Citizen's arrest. Therefore, there must have existed a wilful attempt or Intent to interfere with petitioner's legally protected right at the time of Incident. This could have been proven during the discovery process in Case#PC058004. However, Judges did not allow the case to proceed neither under State law nor under Federal Law. In the 1993 case of *In re Joshua H.*, it was held that in case of hate crimes, only proof of a specific intent to deprive an individual of a right secured by federal or state law is required. This does not mean that the prosecution must show that the defendant acted with knowledge of particular provisions of state or federal law, or that the defendant was even thinking in those terms. It is sufficient if the right is clearly defined and that the defendant intended to invade interests protected by constitutional or statutory authority. *In re Joshua H.*, 13 Cal. App. 4th 1734 (Cal. App. 6th)

6. Morby and Pagarigan violated Petitioner's Due Process Rights.

As stated earlier, neither arrest was pursuant to probable cause/warrant nor a citizen's arrest. Therefore, no basis for the arrest is found. However, petitioner was still incarcerated and deprived of life and liberty. Petitioner spent approximately 8 hours without seeing a Judge or Magistrate. Therefore, Petitioners due process rights were violated. Defense attorney might base his defense on Private Person Arrest Statement Form however that Document is disputed by person who is shown to have

Court discussed Part 2. Liability of Public Entities and Public Employees in its Opinion and Rulings. Specifically, Gov. Code § 815.2 (a), Gov. Code § 950 and Gov. Code § 815.3. Petitioner stated several times that Government Code §§815-818.9, 830-835.4, 844-895.8 pertains to Part 2. of Government Claims Act. These statutes establish that all public entity liability is statutory; these statutes set forth the primary sources of public entity liability (vicarious liability for employees' acts and omissions; mandatory duty liability; dangerous condition liability); and list the major statutory immunities protecting public entities. Complaint alleged "Four Causes of Action Against Morby & Pagari-gan (Public Employees of City of LA) and One Cause of Action (Liability) Against City of Los Angeles/LAPD. Both Courts failed to enforce Part 2. Of Government Claims Act. A public employee is entitled to immunities set forth in the Government Code and other codes, but Gov. Code Section 945.4 cannot be used to establish the immunity of police officers as it only establishes the immunity of Public Entities for Money Damages. Additionally, A public employee is *not* a Public entity. However, none of the state-court even bothered to discuss these statutes and provisions in its opinion and ruling.

Petitioner would like to remind the Justices of the Incident during the Nomination of Justice Brett M. Kavanaugh when democrats conspired to interfere with Justice Brett M. Kavanaugh' Due process rights. Democrats wanted to impede the nomination process based on the conclusory assertions from a former female friend however *Judiciary committee* concluded: conclusory assertions are not sufficient to establish probable Cause. Still, Democrats tried to enforce the testimony with conclusory assertions from another friend of the alleged victim. However, failed. Those allegations were baseless as no evidence