

No. 18-458

In The Supreme Court of the United States

LILLIAN PELLEGRINI,
Petitioner,

v.

FRESNO COUNTY, ET AL.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE NINTH
CIRCUIT

PETITION FOR REHEARING

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JURISDICTION OF THE U.S. SUPREME COURT

Petitioner, by her attorney, respectfully submits a Petition for Rehearing under Rule 44.2. Based on the merits, both in fact and law, summary disposition by reversal and payment of the claim for full restitution and all damages permitted by law is required by law when no law supports violations of law to uphold the stealing and laundering of property from the sole rightful owner Lillian Pellegrini, through conversion, theft, and acts of fraud.

Jurisdiction of the U.S. Supreme Court is provided under 28 U.S.C. § 1257, "...where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States" and under 28 U.S.C. § 1254 by writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree.

Rehearing is required under Rule 44.2 based on circumstances of substantial and controlling effect that by denial of the writ of certiorari, this court will be upholding theft of a rightful owner's property through acts of fraud by officers of the courts, their agents, and banking and financial institutions without statutory authority to exercise jurisdiction over the rightful owner or her property in violation

of federal and state laws and protections under the U.S. Constitution and California Constitution.

STATE COURTS HAVE NO JURISDICTION

California state courts by law under Probate Code §13050 are specifically without authority to exercise any jurisdiction over a decedent's property titled in joint tenancy with right of survivorship or over a decedent's property held in a joint revocable trust created during the decedent's life. Probate Code §7050 gives no authority to a probate court over property owned by a living individual. Probate Code §§15800 and 15803 specifically exclude a California court's jurisdiction over the owner and Settlor/Trustee of any revocable trust or property held in the trust subject to revocation by the Settlor/Trustee or property subject to full withdrawal rights by the owner as Trustee/Beneficiary.

Orders issued without statutory authority to exercise jurisdiction are unenforceable and void; orders issued for the taking of property by eliminating any form of due process are subject to automatic reversal as in *Spector v. Superior Court*, 55 Cal.2d 939 (1961).

Opinions issued without any form of a hearing at any level in any court are not subject to merit or respect in any other tribunal. *Hovey v. Elliot*, 167 U.S. 409 (1897); *Windsor v. McVeigh*, 93 U.S. 274 (1896).

FEDERAL COURTS HAVE CONCURRENT JURISDICTION

Federal courts have jurisdiction under 28 U.S.C. § 1343 (a) (3) over causes of action under 42 U.S.C. § 1983 and 18 U.S.C. § 1961 et seq. when state court officers act outside their authority through their officers and agents in conjunction with officers of regulated banking and financial institutions through acts of fraud, facilitated by officers of the courts by eliminating any form of due process and by the intentional or grossly negligent falsification of facts, proven to be false by evidence in the records.

California courts and federal courts have concurrent jurisdiction under California Probate Code § 17000 supporting the U.S. Supreme Court's ruling in *Marshall v. Marshall*, 547 U.S. 293 (2006) regarding fraudulent transfer and intentional deprivation of a rightful owner's use and benefit of her property.

All assets at issue are and have always been the sole and separate property of Lillian Pellegrini and are rightfully owned solely by Lillian Pellegrini, and there is no evidence or law contrary to this fact.

BASIS FOR REVERSAL AND PAYMENT OF CLAIM

Reversal through summary disposition of the writ of certiorari is required with order for payment of the claim and has been upheld consistently by this court since *In re Ayers*, 123 U.S. 443, (1887), *United*

States v. Lee, 106 U.S. 196 (1882), and *Osborn v. Bank of the United States*, 22 U.S. 738 (1824) and is supported by 42 U.S.C. § 1983 and 18 U.S.C. § 1961 et seq. and state statutes, California Probate Code §§ 850 and 13605 when the plaintiff, Lillian Pellegrini, has been wrongfully dispossessed of property by the defendants, acting together without authority under state and federal laws, taking her property through acts of fraud, which they knew before or at the time of the taking was rightfully owned by Lillian Pellegrini, and laundering it for their own use and benefit.

There is no law, state or federal, that supports the taking of property from the rightful owner by fraudulent transfer, and there is no authority under the U.S. Constitution to take any property without due process by means of eliminating any participation or opportunity to be heard at any scheduled hearing in any court, state or federal, to facilitate and participate in the theft through acts of fraud. No hearing has ever occurred in any forum at any time.

ATROCITY BEYOND IRREPARABLE AND PERMANENT HARM

This matter goes beyond irreparable and permanent harm to the Petitioner Lillian Pellegrini. Denial of summary reversal and payment of the claim is an atrocity constituting an unconstitutional taking of property for which all defendants are without immunity and are fully liable. No law

supports the denial of this claim for property stolen through acts of fraud by the defendants. *Osborn v. Bank of the United States*, 22 U.S. 738 (1824); *Boyd v. United States*, 116 U.S. 616 (1886).

We seek summary judgment based on the writ of certiorari filed (No. 18-458). All records of evidence of title establishing Lillian Pellegrini's ownership rights and records of evidence indicating the fraudulent acts and theft have been submitted in Appellant Lillian Pellegrini's Excerpts of Records, Volumes 1-3, Case No. 17-15735 at the Ninth Circuit Court of Appeals. No additional materials are available to form any joint appendix. There is no dispute of her title or ownership rights. There is no dispute in the facts; there is no dispute that the facts and law require full restitution and all damages to be paid by order of this U.S. Supreme Court as we are prohibited from defending these rights in any state court or federal district court.

Wherefore, Petitioner Lillian Pellegrini prays that this petition for rehearing be granted.

Respectfully submitted,

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January 28, 2019

CERTIFICATE OF PETITIONER

As counsel for the petitioner, I hereby certify that this petition for rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.

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Counsel for Petitioner