

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2017

CHRISTINA ACKER — PETITIONER
(Your Name)

VS.

UNITED STATES ET AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS - 9TH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

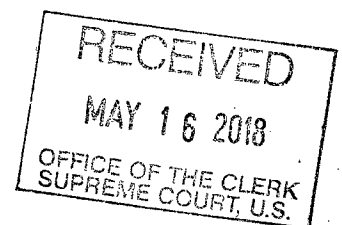
PETITION FOR WRIT OF CERTIORARI

CHRISTINA ACKER #78733
(Your Name)

P.O. BOX 3300
(Address)

GOOD YEAR, ARIZ. 85338
(City, State, Zip Code)

N/A
(Phone Number)



QUESTION(S) PRESENTED

#1- SHOULD THE ASSISTANT ATTORNEYS GENERAL OF ARIZONA ... I.E. MICHAEL GOTTFRIED AND KELLY MORRISSEY BE ALLOWED TO USE CHANGE OF VENUE FROM STATE TO FEDERAL COURT IN ORDER TO GET A SPECIFIC UNITED STATES DISTRICT COURT JUDGE ... I.E. ROSLYN SILVER, TO DISMISS THE CASE?

#2- SHOULD A FEDERAL JUDGE BE ALLOWED TO RE-DEFINE ESTABLISHED CONSTITUTIONAL PROCEDURES IN REGARDS TO HABEAS CORPUS, VENUE, COMITY, AND LOCAL RULES OF THE U.S. DISTRICT COURT?

#3- SHOULD PETITIONER HAVE THE RIGHT TO A NEUTRAL TRIER OF FACT IN FEDERAL AND STATE COURTS?

#4- SHOULD THE UNITED STATES SUPREME COURT EXERCISE ITS SUPERVISORY POWERS AND PRESERVE THE RESPECT FOR ALL AMERICAN COURTS, STATE AND FEDERAL, WHICH IS BEING ABUSED BY JUDGES SILVER AND THOMAS.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

#1- PETITIONER APPELLANT - CHRISTINA ACKER
RESPONDENTS APPELLES

#2- UNITED STATES

#3- JUDGE ROSLYN SILVER

#4- JUDGE THOMAS

ADDITIONAL PARTIES TO THE PETITION FOR WRIT OF
CERTIORARI BUT NOT PARTIES TO THE ACTION
PROPER.

#5- AAG MICHAEL GOTTFRIED

#6- AAG KELLY MORRISSEY.

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#1- ACKER V. HOLLER ET AL CIV-16-03255 (PHX)(ROS)(JZB)	8, 10, 14
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#48- STATE V. FARLEY 383 P.2d. 127	11
#49- STEPHENS V. STEPHENS 152 P 164	11
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IS WHY PETITIONER WANTS SILVER TO RECLUSE
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APPENDIX-M - 1/9/18 MOTION FOR RECONSIDERATION OF
ORDER DATED 12/12/17.

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 2/27/18.

☒ No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 2/27/18, and a copy of the order denying rehearing appears at Appendix A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on N/A (date) in Application No. A N/A

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

#1- U.S. CONSTITUTION, ART 1, §10, CL 3... FEDERAL COMPACT LAWS ".... NO STATE SHALL WITHOUT CONSENT OF CONGRESS ENTER INTO ANY AGREEMENTS OR COMPACT WITH ANOTHER STATE";

#2- 4 USC §112(a) COMPACTS BETWEEN STATES FOR COOPERATION IN PREVENTION OF CRIME; CONSENT OF CONGRESS.

#3- 62 AM. JUR. 2D. - PROCESS §185 (OTHER PARTICULAR LONG ARM STATUTES).

#4- 62B AM. JUR. 2D. - PROCESS §178 (ACTS WHICH MAY BRING NON-RESIDENTS WITH LONG ARM STATUTES)

STATE LAW / STATUTES / AGREEMENTS

#5- COV §53-1-216 (VIRGINIA INTERSTATE CORRECTIONS COMPACT STATUTE).

#6- MAC §8-604 ET SEQ. (MARYLAND INTERSTATE CORRECTIONS COMPACT STATUTE)

#7- ARB §31-471, 472, 491, 492 (ARIZONA INTERSTATE CORRECTIONS COMPACT STATUTES).

ADDITIONAL JURISDICTION FOR MARYLAND AND VIRGINIA
EMPLOYEES CAN BE HAD UNDER

- #1- 62B AM JUR. JD. - PROCESS §179
(UNIFORM INTERSTATE INTERNATIONAL PROCEDURE ACT)
- #2- 62B AM. JUR. JD. - PROCESS §178
(ACTS WHICH MAY BRING NON-RESIDENTS WITHIN LONG
ARM STATUTE.)
- #3- COV §8.01-339, COV §315, COV §8.01-321.1, COV
§8-01-338 (VIRGINIA LONG ARM STATUTE)

STATEMENT OF THE CASE

#1- PETITIONER FIRST SUBMITTED A CASE IN THE FEDERAL COURT IN 2/92 AND WAS ASSIGNED JUDGE PAUL ROSENBLATT. IN 4/94 JUDGE ROSENBLATT LEFT THE COURT, AND ALL OF PETITIONER'S CASES WERE ASSIGNED TO JUDGE ROSLYN SILVER.

#2- WITHIN MONTHS JUDGE SILVER DISMISSED ALL OF PETITIONER'S 8 CASES.

#3- THE 9TH CIRCUIT REVERSED 2 OF THE 8 CASES, AND PETITIONER CONSOLIDATED THEM UNDER ONE CASE... I.E. ARMER V. MARWELL ET AL (CASE # CIV94-1416-PHX (ROSYMS))

#4- NOTE: PETITIONER HAS 26 REVERSALS IN THE STATE APPELLATE COURTS.

#5- WITHIN 6 MONTHS OF THE REVERSALS, THE ADVERSARY FILED A MOTION FOR SUMMARY JUDGMENT WHICH SILVER DENIED.

#6- IN 12/2001 CHARLES RYAN TRANSFERRED PETITIONER TO MARYLAND WITH NO DOCUMENTS. PETITIONER HAD 9 CIVIL CASES AND 2 CRIMINAL APPEALS GOING.

#7- ON MORE THAN 6 OCCASIONS (CURRENT CASE INCLUSIVE) PETITIONER ASKED SILVER TO RESOLVE HERSELF, AND SILVER REFUSED.

#8- ADOC POLICY CLEARLY STATES THAT ALL PROPERTY, ESPECIALLY LEGAL DOCUMENTS GOES WITH THE INMATE.

#9- RYAN WITH SILVER'S HELP WANTED TO STOP ALL OF SILVER'S CASES AND CRIMINALS APPEALS.

#10- SHORTLY AFTER THE TRANSFER, THE ADVERSARY FILED A MOTION FOR SUMMARY JUDGMENT ON THE ARMER V. MARWELL ET AL CASE, AND SILVER GRANTED SUMMARY JUDGMENT WHICH WAS IDENTICAL TO THE PREVIOUS MOTION FOR SUMMARY JUDGMENT.

#11- NOTE: THE ADVERSARY ALSO FILED A MOTION FOR SUMMARY JUDGMENT ON A STATE CASE WHICH HAD BEEN SET FOR TRIAL.

#12- SILVER COMPLETELY IGNORED THAT PETITIONER HAD NO DOCUMENTS, WHICH WERE NOW 7 ACTUAL INJURIES IN THE CURRENT ARMER V. FRIED ET AL

#13- ON 5/8/03 SILVER DISMISSED THE MARWELL CASE AFTER 2 1/2 YEARS OF STALLING.

#14- IN ALL SILVER DISMISSED 20 CASES IN FEDERAL COURT (SEE APPENDIX F)

#15- ON 9/3/06 MAG MORRISSEY FILED A CHANGE

OF VENUE FROM STATE TO FEDERAL COURT, AND PETITIONER FILED THE OPPOSITION ON 10/11/16, BECAUSE SHE KNEW SILVER WOULD GET THE CASE AND DISMISS IT.

#16- F.R.C.V. P - LR 3.7 SAYS RANDOM ASSIGNMENT OF JUDGES IN CIVIL CASES. APPENDIX F IS A PERFECT EXAMPLE OF SELECTIVE ASSIGNMENT OF SILVER.

#17- 28 USC §1441 (b)(2) STATES THAT ANY PARTY WHO IS A CITIZEN OF THE STATE IN WHICH THE CASE HAS BEEN FILED AND SERVED AS DEFENDANT'S IN THE CASE MAY NOT BE REMOVED. (SEE APPENDIX C)

#18- JUDGE THOMAS CLAIMS THAT PETITIONER DID NOT STATE A PROPER REASON FOR RECLUSAL. ALL HE HAS TO DO IS LOOK AT THE RECORD.

#19- ON 8/31/17 PETITIONER REQUESTED AN INVESTIGATION OF THE RECORD BY SPECIAL COUNSEL FROM THE 9TH CIRCUIT COURT AS PETITIONER HAD FILED A PETITION FOR RELEASE ... i.e. HABEAS CORPUS ... i.e. ACKER V. FRIGO ET AL (CASE # CV-15-01443-(PMA)(RDS)(JTB) ON 7/27/15, AND SILVER WANTED THE CASE CHANGED TO 42 USC §1983. A COPY WAS SENT TO THOMAS WHO JUST IGNORED IT.

#20- PURSUANT TO FEDERAL LAW IN REGARDS TO HABEAS CORPUS PETITIONS, STATE JUDICIAL REMEDIES MUST BE EXHAUSTED FIRST UNDER COMITY

#21- HABEAS CORPUS EXHAUSTION RULES ARE NOT LIMITED TO CHALLENGES TO CRIMINAL CONVICTIONS AND SENTENCES. ANYTHING THAT AFFECTS THE LENGTH OF PETITIONER'S SENTENCE MUST USE HABEAS CORPUS. FOR EX: PRISON DISCIPLINARY, PAROLE, BLOCKAGE OF LEGAL ACCESS, RETALIATORY TRANSFERS, CONDITIONS OF CONFINEMENT.

#22- ON 8/10/15 AME GOTTFRIED ON THE FRIGO CASE SUPRA FILED A MOTION FOR SCREENING IN WHICH HE TOLD SILVER THAT THE FRIGO CASE WAS A 42 USC §1983, AND SILVER WENT ALONG WITH IT.

#23- GOTTFRIED DID NOT MOVE TO CHANGE VENUE ON THE FRIGO CASE, SO SILVER HAD NO JURISDICTION OF THE FRIGO CASE. GOTTFRIED KNEW THAT SILVER WOULD BACK HIS ILLEGAL ACTIONS WITH HER OWN.

#24- HERE YOU HAVE A FEDERAL JUDGE AND AN ATTY, AND ADD TO THIS A CHIEF JUDGE, ALL TRYING TO MAKE THEIR ILLEGAL ACTIONS LOOK LEGAL.

#25- ALL 3 PARTIES SUPRA HAVE ENGAGED IN CONDUCT PREJUDICIAL TO THE EFFECTIVE AND EXPEDITIOUS

ADMINISTRATION OF THE BUSINESS OF THE COURT.

#26- IN THE ACKER V. HOLMER ET AL CASE, THE ADVERSARY GAVE NO REASON FOR CHANGE OF VENUE.

#27- AN ACTION CANNOT BE REMOVED FROM STATE COURT IF HE/SHE IS A CITIZEN OF THE STATE IN WHICH THE ACTION IS BROUGHT. THERE WAS NO CHANGE OF CHARGES OF ACTION OR NAMED DEFENDANTS.

#28- THE WRIT OF HABEAS CORPUS WAS BASED ON CONDITIONS OF CONFINEMENT AND AFFECTED PETITIONER'S CRIMINAL CASES IN ARIZONA AND COLORADO.

#29- PETITIONER ALSO FILLED A STAY AND ABSTINENCE IN BOTH FEDERAL AND STATE COURTS ON 7/27/15.

#30- THE WRIT OF HABEAS CORPUS FOR RELEASE WAS BASED ON CONDITIONS OF CONFINEMENT... i.e. PRISON DISCIPLINARY, TRANSFER, PAROLE, DENIAL OF DOCUMENTS, ETC.

#31- THE WRIT OF HABEAS CORPUS DID NOT INCLUDE THE TWO (2) CRIMINAL CONVICTIONS, BUT ALL THE ALLEGATIONS AFFECTED THE LENGTH OF PETITIONER'S SENTENCE.

#32- ON 8/10/15 ARY. GOTTFRIED REQUESTED A SCREENING. IN SAID MOTION HE STATED THAT THE PETITION WAS A 42 USC §1983 AND NOT A HABEAS CORPUS. GOTTFRIED FURTHER STATED THAT PETITIONER'S WAS IN VIOLATION OF F.R. CIV. P. - RULE 8(a)(2).

#33- NOTE! THERE ARE LITERALLY THOUSANDS OF CASES IN REGARDS TO NEEDING FADORABLE TERMINATION PRIOR TO ASKING FOR DAMAGES IN CIVIL CASES. SEE MURRAY AMMAH V. CLOSE, 540 US 752, AND GRIFFIN V. SELKSY, 326 F. SUPP 2d. 429.

#34- IN REGARDS TO PAROLE WHICH AFFECTS LENGTH OF SENTENCE SEE WILSON V. LOCKHART, 949 F.2d. 1051, AND WE FDU V. M² CULLBUGH, 393 F.3d. 439.

#35- IN REGARDS TO DENIAL OF DOCUMENTS, SEE FULLAN V. COMMISSIONER OF CORRECTIONS OF STATE OF NEW YORK, 891 F.2d. 1007.

#36- THE HABEAS CORPUS PETITION MUST BE PRESENTED TO THE STATE COURTS FIRST, SEE FLOREZ V. HANKS, 941 F. SUPP. 765 n. 1, i.e. COUNTY.

#37- ON 8/12/15 JUDGE SILVER ORDERS PETITIONER TO CHANGE THE HABEAS CORPUS TO A 42 USC §1983.

#37- SILVER WANTED TO GET THE HABEAS CORPUS WRIT INTO FEDERAL COURT SO SHE COULD DISMISS IT, SO SILVER ORDERED PETITIONER TO DO WHAT GOTTFRIED WANTED, WHICH WAS ILLEGAL.

#38- ON 9/24/15 PETITIONER REQUESTED RECONSIDERATION

ERATION OF THE 8/27/15 ORDER, AND SILVER REFUSED TO OBEY WELL ESTABLISHED CONSTITUTIONAL LAW.

#39- ON 12/12/17 (SEE APPENDIX C) SILVER DISMISSED THE CASE AFTER SILVER TRIED TO JUD THE APPEAL FILED ON 11/23/15 HAS FAILED.

#40- ON 4/7/16 PETITIONER FILED A NOTICE OF INTENT ON A STATE TORT... i.e. FERRELL V. HOLMER ET AL.

#41- THE DISCRETIONARY FUNCTION OF A FEDERAL EMPLOYEE ... i.e. JUDGE, DOES NOT APPLY TO A FEDERAL STATUTE, REGULATION, LOCAL RULE OR POLICY, WHICH SPECIFICALLY STATES A CAUSE OF ACTION FOR AN EMPLOYEE TO FOLLOW, BECAUSE AN EMPLOYEE HAS NO RIGHTFULL ~~ACTION~~ OPTION, BUT TO FOLLOW THE DIRECTIVE.

#42- FEDERAL EMPLOYEES DO NOT HAVE THE RIGHT TO VIOLATE THE CONSTITUTION.

#43- IN AN ATTEMPT TO DOWN PLAY JUDGE SILVER'S BIAS, JUDGE THOMAS REFERENCES MULTIPLE JUDGES, NAME ONE JUDGE, OTHER THAN SILVER WHO HAS DISMISSED ANY OF PETITIONER'S FEDERAL CASES.

#44- PETITIONER CHALLENGES JUDGE SILVER'S MIS-QUOTEING NUMEROUS ESTABLISHED CASE LAW STATING THAT YOU MUST GET A FAVORABLE TERMINATION ON THE APPEALS CORPUS FIRST AND THEN YOU CAN FILE A 42 USC § 1983.

#45- JUST READING SILVER'S MIS-QUOTE GIVES PLENTY OF EVIDENCE IN REGARDS TO SILVER'S BIAS.

#46- ON 9/23/16 AMY MORRISSEY FILED FOR CHANGE OF VENUE, AND ON 10/14/16 PETITIONER OPPOSED THE CHANGE OF VENUE.

#47- ON 12/29/16 DENIES PETITIONER'S MOTION TO WITHDRAW THE HOLMER CASE, AND THEN SILVER DISMISSES THE CASE 3 DAYS LATER.

#48- AT NO TIME WERE THE MERITS OF THE CASE DISCUSSED, IT WAS ALL PROCEDURAL. THE ISSUE WAS PETITIONER'S RIGHT TO PRACTICE HER RELIGION... i.e. JEWISH.

#49- PETITIONER QUOTES CONSTITUTIONAL LAW, AS CONSTITUTIONAL LAW IS ACTIONABLE IN STATE COURTS PURSUANT TO ARS § 12-821 AND ARS § 31-201-01(L).

#50- AMY MORRISSEY ONLY QUOTES A PORTION OF 28 USC § 1446(a), PROPERLY JOINED AND SERVED. AT THE TIME ONLY 3 PARTIES WERE EXACTED PROCESS... i.e. RYAN, DOSSETT AND BRENDACH. THE REMAINING 16 RESPONDENTS WERE SERVED 10 DAYS LATER, AND SILVER REFUSED TO JOIN THEM TO THE FEDERAL CASE.

#51- MORRISSEY WANTED TO GET JUDGE SILVER AS MORRISSEY KNEW THAT SILVER WOULD DISMISS PETITIONER'S CASE.

#52- JUDGE THOMAS IN HIS ORDER (SEE APPENDIX H), HE NOTED THAT PETITIONER FAILED TO CORRECT (HIS VERSION) OF THE HABEAS CORPUS ORDERED TO A 42 USC §1983. OBVIOUSLY THOMAS IS TRYING TO PROTECT SILVER'S ILLEGAL ACTIONS.

#53- JUDGE THOMAS CLAIMS THAT PETITIONER'S ALLEGATIONS ARE SPECULATIVE AND NOT SUPPORTED BY THE RECORD. THOUSANDS OF CASE LAW SUPPORT THE RECORD.

#54- IN EVERY CASE OF PETITIONER'S SILVER ORDERED AN AMENDED COMPLAINT. IN NOT ONE OF PETITIONER'S STATE CASES WAS PETITIONER ORDERED TO AMEND THE COMPLAINT. JUDGE ROSENBLATH DID NOT ORDER ANY OF THE CASES (8 CASES) AMENDED.

#55- WHAT WAS TO BE GAINED BY WRONGLY MAKING A HABEAS CORPUS A 42 USC §1983? HABEAS CORPUS IS NOT SUBJECT TO THE 3 STRIKES RULE DICTATED BY THE PLAA.

#56- SILVER JUST IGNORES THE CONTENT OF CASE LAW. SILVER WANTS TO DISMISS THE CASE AND SHE QUOTES THE CORRECT CASE IN-CORRECTLY. FOR EX. PETISER JACK

#57- THE GOAL IN ALL OF SILVER'S RULINGS, IN ALL OF PETITIONER'S FEDERAL CASES IS TO JUSTIFY THE DISMISSAL OF THE CASE, BY MAKING IT IMPOSSIBLE FOR PETITIONER TO REPLY. AND NOW THE ALIBI IS USING CHANGE OF VENUE TO STOP ALL STATE CIVIL AND CRIMINAL CASES.

REASONS FOR GRANTING THE PETITION

#1- VENUE IS VERY HARD TO CHANGE. PETITIONER CAN CHOOSE WHERE THE PARTIES RESIDE, AND WHERE THE ILLEGALITIES TOOK PLACE. THE DEFENDANTS MUST MEET A HEAVY BURDEN TO OVERCOME THE PETITIONER'S CHOICE OF VENUE, ESPECIALLY WHEN THE PRISONER SUES IN THE DISTRICT HE IS IN. SEE CLARKSON V. LUGHELIN, 783 F.SUPP 789 AND TW RE RICH CORP., 870 F.2d 570. BOTH COTTERIED IN THE FRIED CASE AND MORRISSEY IN THE HOLWER CASE OFFERED NO EXPLANATION FOR THE TRANSFER OF VENUE. COURTS MAY REVIEW CLAIMS THAT A COURT ACTION VIOLATES THE CONSTITUTION OR A FEDERAL STATUTE. SEE U.S. V. McALLISTER, 969 F.SUPP 1200 (SEE APPENDIX M), OR THAT IT VIOLATES THE COURT'S OWN REGULATIONS. SEE CALDWELL V. MILLER, 790 F.2d 589. WHERE THE RIGHTS OF THE INDIVIDUAL ARE AFFECTED, IT IS ENCLUMBENT ON COURTS TO FOLLOW THEIR OWN RULES. SEE MORTON V. RUIZ, 415 US 199.

THE APA (ADMINISTRATIVE PROCEDURES ACT) REQUIRES COURTS TO STATE A RATIONAL REASON FOR THEIR DECISION AND FAILURE TO DO SO RENDERS REGULATIONS ARBITRARY AND CAPRICIOUS.

IN BIVENS V. SIX UNKNOWN NARCOTICS AGENTS OF FEDERAL BUREAU OF NARCOTICS, 403 US 388 AND HARTMAN V. MOORE, 547 US 250, THE FEDERAL COURT ... I.E. U.S. SUPREME COURT, HELD THAT FEDERAL COURTS MAY AWARD DAMAGES FOR VIOLATION OF THE CONSTITUTION AS PART OF THEIR FEDERAL QUESTION JURISDICTION (SEE APPENDIX # M)

IN THE INSTANT CASE, THE ACTUAL INJURY, THE DENIAL OF A STATUTORY RIGHT CAN CONFER STANDING. SEE NUFFY V. RIVELAND, 98 F.3d 447. PETITIONER'S RIGHT TO ACCESS THE COURTS IN BOTH FEDERAL AND STATE COURTS ARE BEING DENIED.

SEE LEWIS V. CASEY, 518 US 343 (SEE APPENDIX 14)

SILVER AND THOMAS HAVE TOTALLY IGNORED STATE STATUTES, CASE LAW, AND LOCAL FEDERAL RULES. CHANGE OF VENUE MUST SHOW CAUSE FOR CHANGE OF VENUE. SEE GAC PROPERTIES INC. OF ARIZONA V. FARLEY, 14 ARIZ. APP. 156. WHERE VENUE IS BASED ON PREJUDICE OF TRIAL JUDGE; A THIRD JUDGE CAN BE

APPOINTED. SEE NAGES V. HASKINS, 5 ARIZ. 300

SILVER HAS NOT SHOWN A REASON FOR CHANGE OF VENUE, AND AFTER AFFIDAVIT OF BIAS IS FILED, SILVER MUST STEP DOWN. SEE HARDYK V. FARLEY, 382 P.2d. 688. SILVER ARGUES THAT SUPRA DOES NOT AFFECT HER. COMMON LAW RULE - FILE AN AFFIDAVIT OF BIAS AND PREJUDICE WERE EXPRESSED IN COMMON LAW LONG BEFORE THERE WERE STATUTES. SEE CONKLING V. CROSBY 239 P 506.

VENUE IS NOT JURISDICTIONAL, BUT PRIVILEGE AND CAN BE WAIVED. PETITIONER DID NOT WAIVE CHANGE OF VENUE, SHE CHANGED IT.

ANY COURT THAT OPERATES TO LESSEN OR ELIMINATE A RIGHT TO A FAIR TRIAL IS OF NO LEGAL FORCE. THE JUDGE(S) HAVE NO RIGHT TO A PARTICULAR JUDGE. SEE BAWERTSCHER V. BAWERTSCHER, 460 P.2d. 37.

AS STATED PREVIOUSLY, ONCE PETITIONER ASKS FOR PECUNIARY DAMAGES FROM THE JUDGE THAT ELIMINATES THE JUDGE. SEE CONKLING V. CROSBY, 239 P 506. TO DISQUALIFY A TRIAL JUDGE IS A SUBSTANTIVE RIGHT. SEE STATE V. FARLEY, 383 P.2d. 127. THE TRIAL JUDGE HAS NO DISCRETION TO RULE ON AFFIDAVIT OF BIAS, BUT THAT IS EXACTLY WHAT SILVER DID AND THOMAS BACKED HER. SEE GEE LONG V. STATE, 265 P 622. IT IS THE AFFIDAVIT THAT DISQUALIFIES NOT WHETHER THE JUDGE IS BIAS OR NOT. SEE STEPHENS V. STEPHENS, 152 P 164 (SEE APPENDIX F). WHEN CHANGE OF JUDGE IS GRANTED, THE PETITIONER MUST HAVE THE OPPORTUNITY TO OBJECT. THIS WAS DENIED PETITIONER. SEE EVANS V. LUNDGREN, 465 P.2d. 380.

SILVER'S PARTIALITY (SEE APPENDIX F) IS OBVIOUS. SEE STATE STATUTE §12-409 (B) (5) STATES THAT GROUNDS FOR DISMISSAL OF JUDGE IS THAT THE PARTY... i.e. PETITIONER FILING THE AFFIDAVIT OF BIAS BELIEVES THE BIAS AND PREJUDICE.

ANYTHING THAT UNDERMINES A FAIR TRIAL IS OF NO LEGAL FORCE. SEE MARSIN V. DALL, 279 P.2d. 731. ONE OF THE UNDERLYING CASES... i.e. ACKER V. HOLMER, IS A STATE TORT... i.e. A TORT IS A MATTER OF STATE LAW, AND YOU MUST BRING TORT CASES IN STATE COURT. BARRING STATE TORTS FROM STATE COURTS, WHILE ALLOWING SIMILAR STATE COURT CLAIMS IS A VIOLATION OF THE SUPREMACY CLAUSE OF THE CONSTITUTION. SEE HAYWOOD V. DRAHLL, 129 S.Ct. 2108.

#2- JUDGE SILVER HAS RE-DEFINED WELL ESTABLISHED CONSTITUTIONAL STATE LAW, THEIR OWN

LOCAL RULES ... i.e. F.R.Civ.P. - LR 3.7(a) & (b), IN REGARDS TO VENUE, COMITY, AND LOCAL RULES OF THE U.S. DISTRICT COURT. AS STATED SUPRA, SILVER HAS TOTALLY IGNORED THE ARIZONA STATE COURTS STATUTES, AND RULES THAT PERTAIN TO CHANGE OF VENUE. SILVER MUST GIVE A REASON FOR THE CHANGE OF VENUE, BUT NO REASON HAS BEEN GIVEN TO DATE.

HABEAS CORPUS MUST BE EXHAUSTED IN STATE COURTS FIRST. THE ONLY WAY THAT GOTTFRIED COULD AVOID A LARGE HABEAS CORPUS PETITION IS TO RE-DEFINE THE HABEAS CORPUS AS A 42 USC §1983. EVERYBODY KNOWS THAT ANYTHING THAT AFFECTS LENGTH OF SENTENCE IS ONLY HABEAS CORPUS. SEE WILLIAMS V. WISCONSIN, 336 F.3d. 576, WILSON V. LOCKHART, 949 F.2d. 1051, AND WALLACE V. PENN BOARD OF PROBATION AND PAROLE. SO TO MAKE THE APPEAL-ANCE LOOK GOOD GOTTFRIED TELLS SILVER THAT IT IS A 42 USC §1983, NOT HABEAS CORPUS, AND SILVER BACKS HIS LIES. PETITIONER WROTE A STAY AND ABEYANCE DETAILING ALL U.S. SUPREME COURT RULINGS CHALLENGING CONDITIONS OF CONFINEMENT. SEE MCCRAY V. METZ, 517 F.SUPP. 787, BRANERBURY V. BEAMAN, 632 F.2d. 130, AND HARRINGTON V. ARGENEAU, 367 F.SUPP. 1272.

PETITIONER WROTE A STAY AND ABEYANCE DETAILING DISCIPLINARY IN PRISONS WHICH IS COVERED BY HABEAS CORPUS ONLY BECAUSE IT AFFECTS LENGTH OF SENTENCE. SEE BUTL V. FISHER, 385 F.SUPP. 20183, ISAAC V. FRANZEN, 531 F.SUPP 1086 AND LEWIS V. ESTELLE, 585 F.2d. 1297.

PAROLE DEFINATELY AFFECTS THE LENGTH OF SENTENCE. SEE ARNDT V. ILLINOIS PRISON REVIEW BOARD 762 F. SUPP. 249.

HABEAS CORPUS MUST BE EXHAUSTED COMPLETELY PRIOR TO FILING IN FEDERAL DISTRICT COURT. COMITY WAS IGNORED BY SILVER. SILVER AND GOTTFRIED WANTED TO GET THE HABEAS CORPUS INTO FEDERAL COURT SO THEY COULD DISMISS IT, BEFORE ANY STATE JUDGE RULED OTHERWISE. THE PURPOSE OF HABEAS CORPUS EXHAUSTION IS TO GIVE STATE COURTS THE 1ST SHOT AT CORRECTION. SEE BELL V. WAINWRIGHT, 531 F.2d. 1339 AND JACKSON V. DENNO, 84 S.Ct. 1774, AND LODAFORA V. GARCEAU, 538 US 202.

DENIAL OF TRANSCRIPT ALSO COMES UNDER HABEAS CORPUS. SEE FALLAN V. COMMISSIONER OF CORRECTIONS OF STATE OF NEW YORK, 891 F.2d 1007 AND FULLWOOD V. STONE, 394 F.2d 939.

IN DECEMBER 2001 PETITIONER WAS TRANSFERRED TO MARYLAND AS AN ICC INMATE (SEE ARS § 37-491) WITH NO DOCUMENTS AT ALL IN VIOLATION OF ADOC POLICY. PETITIONER IMMEDIATELY CONTACTED JUDGE SILVER AS PETITIONER COULD NOT RESPOND TO THE HEVERSHAW'S MOTION FOR SUMMARY JUDGMENT WITHOUT DOCUMENTS. IRONICALLY THE ACKER V. MARVELL ET AL CASE WAS A CONSOLIDATION OF 2 REVERSALS ON SILVER FROM THE 9th CIRCUIT. DIRECTOR NYAN WANTED TO STOP PETITIONER'S LITIGATION AGAINST ADOC ILLEGALITIES AND STOP PETITIONER'S TWO CRIMINAL APPEALS. THIS ISSUE WAS ON THE INSTANT FRIED CASE FOR RELEASE. SEE PIRKH V. HAGAN, 573 F.2d 956 AND TYSON V. TILGHMAN, 764 F.Supp251. JUDGE THOMAS STATED IN HIS ORDER (SEE APPENDIX E & H) THAT PETITIONER DID NOT CONNECT TO 42 USC § 1983.

SILVER MIS-QUOTE VARIOUS CASES IN REGARDS TO HABEAS CORPUS AS THE ONLY REMEDY THAT DEALT WITH PETITIONER'S SENTENCE REDUCTION. SILVER BOOTES THE CASE LAW HECK V. HUMPHREY, 114 S.Ct. 2864 AND PRELIER V. RODRIGUEZ, 93 S.Ct. 1827. IN FACT SILVER RULES IN THOSE CASES. SEE ALSO MUHAMMAD V. CLOSE, 540 US 952 WHICH STATES VERBATIM "... IF THE PRISONER DID LOSE GOOD TIME AS A RESULT OF THE DISCIPLINARY GUILTY FINDING, THE "FAVORABLE TERMINATION" RULE DOES APPLY, SO THE PRISONER CANNOT BRING A SECTION 1983 SUIT TO CHALLENGE THE GUILTY FINDING UNTIL AFTER THE DISCIPLINARY CONVICTION IS OVERTURNED, EITHER IN A STATE ADMINISTRATIVE PROCEEDING IN STATE COURT OR BY FEDERAL HABEAS CORPUS AFTER STATE REMEDIES ARE EXHAUSTED."

LASTLY SILVER CLAIMS THAT LOCAL RULE 3.7(a) F.R.Cv.P. IS NOT OPERATIVE. SILVER STATES THAT 3.7(b) IS THE CORRECT RULE IN REGARDS TO ASSIGNMENT OF JUDGES IN CIVIL CASES SAYS SILVER, THIS LOCAL RULE CONTRADICTS ITSELF AND NEEDS TO BE REWRITTEN. LOCAL RULE 3.7(a) F.R.Cv.P. STATES VERBATIM "... UNLESS OTHERWISE ORDERED BY THE COURT, THE CLERK SHALL ASSIGN EACH ~~STATE~~ CIVIL CASE TO A DISTRICT JUDGE OR A MAGISTRATE JUDGE

BY AUTOMATED RANDOM SELECTION."

OBVIOUSLY THERE IS NO RANDOM SELECTION OF JUDGES (SEE APPENDIX F). SILVER RESPONDS AND STATES THAT L.R. 3.7(b) F.R. CIV. P STATES THAT ONCE A DISTRICT JUDGE HAS HAD ONE ASSIGNMENT TO HER OF A SPECIFIC PETITIONER, THEN ALL SUBSEQUENT CIVIL CASES ARE TO BE ASSIGNED TO THE SAME JUDGE. THAT IS NOT RANDOM BY ANYONE'S DEFINITION. AS PETITIONER READS THE L.R. 3.7(b) THE DISTRICT JUDGE IS ASSIGNED AND IN THE EVENT THAT THAT JUDGE IS UNAVAILABLE, THE CASE MAY TEMPORARILY BE ASSIGNED TO A 3RD JUDGE BECAUSE OF EXIGENCY OF A CASE, AND THEN RETURNED TO THE CLERK OF THE COURT TO BE ASSIGNED TO A DISTRICT JUDGE BY AUTOMATED RANDOM SELECTION ONCE EXIGENCY IS ELIMINATED. IT IS OBVIOUS THAT SILVER WAS GOING TO DISMISS THE FRIED AND MORRISSEY CASES. JATYS. GOTT-FRIED AND MORRISSEY KNEW ONCE THEY GOT THE FAULK. OBVIOUSLY SILVER, THOMAS, GOTTFRIED, MORRISSEY HAVE NO RESPECT FOR THE STATE COURTS, AND AS FOR COURT, IT IS JUST ONE ILLEGALITY AFTER ANOTHER.

#3- PETITIONER HAS A 1ST AND 14TH AMENDMENT RIGHT TO ACCESS THE COURTS. THIS INVOLVES A NEUTRAL TRIER OF FACT. FEDERAL OFFICIALS DO NOT POSSESS DISCRETION TO VIOLATE CONSTITUTIONAL RIGHTS OR FEDERAL STATUTES. SEE MURSE V. U.S., 266 F3d 996, POOLEK V. U.S., 787 F.2d. 868, AND MEDINA V. U.S., 259 F3d 220.

GOVERNMENT IS NOT LIABLE FOR GOVERNMENT EMPLOYEES' PERFORMANCE (OR NONE PERFORMANCE) OF A DISCRETIONARY FUNCTION OR DUTY. (SEE 28 USC § 2680(a))

THE EXCEPTION APPLIES TO ACTS THAT ARE DISCRETIONARY IN NATURE, ACTS THAT INVOLVE AN ELEMENT OF JUDGMENT OR CHOICE. SEE U.S. v. GARNER, 499 US 315. IT DOES NOT APPLY IF A FEDERAL STATUTE, REGULATION OR POLICY SPECIFICALLY PRESCRIBES A COURSE OF ACTION FOR AN EMPLOYEE TO FOLLOW BECAUSE THE EMPLOYEE HAS NO RIGHTFUL OPTION BUT TO ADHERE TO THE DIRECTIVE. SEE IN ACCORD BERKOWITZ V. U.S., 486 US 531. COURTS HAVE ALSO

HELD THAT CONSTITUTIONAL VIOLATIONS ARE NOT PROTECTED BY THE EXCEPTION, SINCE NO ONE HAS DISCRETION TO VIOLATE THE CONSTITUTION. SEE CASTRO V. U.S., 360 F.3d 381, EVEN IF THE CHALLENGED CONDUCT DOES NOT INVOLVE AN ELEMENT OF JUDGMENT.

IN THE 2 UNDERLYING CASES THE FOLLOWING LAWS WERE VIOLATED ... i.e. 28 USC §2254, NO COTITY, CHANGE OF VENUE WITH NO EXPLANATION TO AVOID HABEAS CORPUS, TOTALLY IGNORING THE FAVORABLE TERMINATION RULE AS STATED IN PRETHER V. RODRIGUEZ, 411 US 475. AS STATED IN EDWARDS V. BALISODK, 520 US 641, THE HECK V. HUMPHREY, APPLIES (52 US 487) TO DISCIPLINARY.

SILVER COMPOUNDED THE ABOVE BY FURTHER STATING THAT IN THE ABOVE 3 CASES STATED, THE COURT RULINGS WERE JUST THE OPPOSITE OF WHAT IS ACTUALLY IN THE CASE ITSELF (SEE APPENDIX M). SILVER IN ORDER TO ACCOMMODATE AMIS GOTTFRIED AND MORRISSEY, SILVER LIED AND JUDGE THOMAS BACKED HER, STATING THAT PETITIONER DID NOT CORRECT (SEE APPENDIX E & H). THE PROBLEM HERE IS THAT JUDGE THOMAS DID NOT CORRECT. WHEN

A STATE PRISONER CHALLENGES THE VERY FACT OR DURATION OF HIS PHYSICAL IMPRISONMENT AND WANTS IMMEDIATE RELEASE, HIS SOLE REMEDY IS A WRIT OF HABEAS CORPUS. SEE PRETHER V. RODRIGUEZ, 411 US 475.

#4- THE ONLY COURT THAT CAN CORRECT THE VIOLATIONS STATED IN THE INSTANT CASE IS THE UNITED STATES SUPREME COURT. AS CIRCUMSTANCES STAND AT THIS POINT, JUDGE SILVER, JUDGE THOMAS AND THE ARIZONA ATTORNEY GENERAL'S OFFICE CAN AND ARE STOPPING PETITIONER'S ACCESS TO THE COURTS COMPLETELY, STATE AND FEDERAL.

PETITIONER HAS ALREADY GIVEN NOTICE TO THE ARIZONA ATTORNEY'S GENERAL'S OFFICE OF PETITIONER'S INTENT TO FILE THE ACKER V. HERMAN ET AL CASE, WHICH IS A DUPLICATE OF THE ACKER V. HOLDER ET AL CASE, WHICH IS ONE OF THE TWO (2) UNDERLYING CASES OF THE INSTANT PETITION. NOT ONE ISSUE IN THE HOLDER CASE SYRRA HAVE BEEN ADDRESSED.

THE ACKER V. PRIGO ET AL CASE WAS FILED IN STATE COURTS AS A HABEAS CORPUS ASKING FOR RELEASE FROM THE ARIZONA CRIMINAL CASES, AND INVALIDATION OF THE PENNING CORDA AND CRIMINAL CASE. SILVER AT GOTTFRIED'S REQUEST IN HIS SCREENING MOTION

ORDERED PETITIONER TO VIOLATE COMITY; AND 28 USC § 2254, AND PETITIONER REFUSED.

THE LOCAL RULE... i.e. 3.7(a) + (b) ARE INCONGRU-
ENT. ACCORDING TO SILVER, ALL OF PETITIONER'S CASES
MUST GO TO HER. AS EVIDENCED IN APPENDIX "F", PET-
ITIONER WAS ORDERED TO FILE AN AMENDED COMPLA-
INT. SILVER JUST DISMISSES THE CASES. L.R. 3.7(b)
SAYS RANDOM SELECTION OF JUDGES. EVEN 3.7(b) SAYS
TEMPORARY ASSIGNED TO 3RD JUDGE, AND THEN RANDOM
ASSIGNMENT OF JUDGES. ALL OF THE CASES IN APPENDIX
"F" WERE ORDERED TO FILE AN AMENDED COMPLAINT.
SILVER SAYS PETITIONER FILES FRIVOLOUS CASES, AND
EACH CASE WAS ORDERED TO AMEND. SILVER WANTED TO
MAKE IT LOOK GOOD FOR THE 9TH CIRCUIT COURT.
NOTE: PETITIONER HAS 2 REVERSALS FROM THE 9TH CIR-
CUIT ON SILVER AND 26 REVERSALS FROM THE ARIZONA
APPELLATE COURT.

UNDER APA (ADMINISTRATIVE PROCEDURES ACT),
COURTS MAY REVIEW CLAIMS THAT AN AGENCY OR COURT
VIOLATES THE CONSTITUTION OR FEDERAL STATUTES. SEE
U.S. v. McALLISTER, 969 F.Supp. 1200, WHERE THE
RIGHTS OF THE INDIVIDUAL ARE AFFECTED, IT IS ENOUGH -
BENT UPON AGENCIES TO FOLLOW THEIR OWN PROCED-
URE. SEE CHADWELL v. MILLER, 790 F.2d. 589 AND
MORTON v. RUTZ, 465 US 199. COURTS MAY REVIEW
CLAIMS THAT A REGULATION VIOLATES THE STATUTE THAT
THE REGULATION TO SUPPOSE TO IMPLEMENT. SEE
DAVIS v. CHRISTAGE, 109 F.3d. 566, OR THAT IT IS
ARBITRARY AND CAPRICIOUS. APA REQUIRES AGENCIES
AND COURTS TO STATE A RATIONALE FOR THEIR
DECISIONS.

NOTE: THERE IS A 3RD CASE THAT HAS BEEN MOVED
FROM STATE TO FEDERAL COURT. SILVER IS JUDGE AND
GOTTFRIED IS AN OVERBURY. THERE IS NO EXPLANATION.
HOWEVER, SILVER HAS ORDERED AMY GOTTFRIED TO
RESPOND TO ONE(1) OF SIX(6) CLAIMS. SILVER DOES
NOT [THE 9TH CIRCUIT AND THE U.S. SUPREME COURT TO KNOW,
THE VENUE IN THE ACER v. RYAN ET AL CASE (CASE #
CV-17-03149 (PHX) (ROS) (JZB) HAS BEEN MOVED FROM
STATE TO FEDERAL COURTS. ON 4/23/18 PETITIONER
FILED A MOTION FOR SUMMARY JUDGMENT ON SUPRA
CASE ON ALL SIX(6) CLAIMS. SILVER WANTS TO KEEP

WANT

KNOWLEDGE OF THE RYAN CASE AND HOW IT IS
BEING HANDLED FROM THE UPPER COURTS AT THIS TIME.
THERE IS NO DOUBT OF THE CONSPIRACY BETWEEN
~~CECIL~~ SILVER, THOMAS, AND THE ARIZONA ARMY GENERAL'S
OFFICE TO DENY ACCESS TO THE COURTS BY MANIPULATION
OF LOCAL RULES, FEDERAL STATUTES, STATE STATUTES AND
RULES; HABEAS CORPUS AND COMITY AND VENUE RULES.

RELIEF REQUESTED

PETITIONER ALSO REQUESTS RELIEF AS STATED IN
THE COMPLAINT AS SUBMITTED TO THE U.S. DISTRICT
COURT.

CONCLUSION

The petition for a writ of certiorari should be granted. *ALSO THE INTEGRITY OF BOTH STATE & FEDERAL COURTS SHOULD BE RESTORED, AS DESCRIBED IN THE INSTANT PETITION*

Respectfully submitted,

Christina Becker

Date: *5/8/18*