

No: \_\_\_\_\_

**In The  
Supreme Court of the United States**

United States of America

James Lee Williams  
Petitioner

v.

The United States

Respondent

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**Petition for Writ of Certiorari  
on  
United States Court of Appeal  
For the Federal Circuit**

James Lee Williams  
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Pro Se Petitioner

02 October 2018

## QUESTIONS PRESENTED

1. The Statute of Limitations protects against frivolous lawsuits. However, the Statute of Limitations was not established to conceal wrongdoings by federal agencies. This petition for a Writ of Certiorari is requested because the Statute of Limitations is being used to conceal past wrongdoings by the Bureau of Reclamation and Bureau of Land Management. This review is requested because justice in this case will not be served in lower courts against federal agencies.

The claim in this case dates back to the mid 1920s when racial segregation and discrimination was socially acceptable and the Constitutional Rights of African Americans were violated with impunity until the 1964 Civil Rights Act. On the surface, it sounds like this case is outdated and the violations in the claims are things that happened over (90) years. A defense attorney would make it sound like the claim happened years ago or decades ago. The violations started decades ago, and they continue today because the Bureau of Reclamation is supporting a decision by Metropolitan Water District of Southern California that delayed a decision to support the land on the Yuma Island infinitely.

**Question:** African Americans as a protected group, Constitutional Rights were violated during the administration of the Yuma Reclamation Project, and it is being concealed by the Statute of Limitations. The U.S. Attorney and the Attorney Generals of Arizona and California are using the Statute of Limitations and Sovereign Immunity to deny justice for Constitutional Rights violations. How do we insure that valid claims of Constitutional Rights violations that contain elements of fraud are not dismissed as frivolous claims?

2. This petition for Writ of Certiorari case number 18-1689 is related to two other cases in the United States District

Court in Phoenix, Arizona: Cases # CV-17-3390-PHX-DJH and CV-18-02000-PHX-ESW. The elements in these cases are the same, and all three cases are related to the 1964 Supreme Court Decree and the fraudulent taking of water rights and land by the Bureau of Land Management and the Bureau of Reclamation that violated the Constitutional Rights of the Petitioner.

**Question:** In case CV-17-3390-DJH, the States of Arizona, California, Metropolitan Water District of Southern California, and the Bureau of Reclamation are Defendants. Arizona and California are invoking the 11<sup>th</sup> Amendment's Sovereign Immunity Protection and the U.S. Attorney representing the Bureau of Reclamation is using the Statute of Limitations as justification to dismiss this case for time barred. The case in the District Court in Arizona is for the fraudulent taking of water rights within the Yuma Reclamation Project that is being administered by the Bureau of Reclamation.

The 11<sup>th</sup> Amendment Sovereign Immunity Protection is being used by the States of Arizona and California to conceal Constitutional Rights violations. They violated the 14<sup>th</sup> Amendment's Due Process and Equal Protection laws. In the Phoenix case, the 14<sup>th</sup> Amendment is being challenged by the 11<sup>th</sup> Amendment Sovereign Immunity protection. When the U.S. Constitution is violated, when does the 14<sup>th</sup> Amendment trump the 11<sup>th</sup> Amendment Sovereign Immunity Protection Clause?

3. The 1964 Supreme Court Decree, Arizona v. California was first opened and amended in the 2000 Supplemental Decree and the 2006 Supreme Court Decree. The 2000 Supplemental Decree authorized additional water for the Mohave and the Colorado River reservations, which was based on paragraph II (D) (5) in the 1964 Decree. The 2006 Supreme Court Decree authorized an increase of water for the Quechan Indian tribe that was initially based on paragraph II (D) (5) of the 1964 Decree in a claim filed by

the Bureau of Reclamation. However, the Quechan tribe filed a claim in 1978 for more water that was based on the 1893 Agreement that ceded non-farmable land to the Bureau of Reclamation for free construction work of the water delivery canals to support farmers on the Quechan reservation.

**Question:** Paragraph II (D) (5) stated that water will be reduced by 6.4 acre feet of water per acre once it is determined how many acres the railroad used as a right-of-way. Based on this statement, why did the Supreme Court authorize more water for the Mohave and the Colorado River Indian reservations and not a reduction of water? The Quechan Indian tribe claim was based on land in the 1893 Agreement. The land in the 1893 Agreement was non-farmable that doesn't qualify for reclamation water as mandated by the 1902 Reclamation Act, why were the Quechan tribe authorized more water by the Supreme Court?

4. In the 1964 Supreme Court Decree paragraph VI, the Supreme Court requested a complete list of water rights from the Lower Basin States of Arizona, California, and Nevada. In addition, the Court requested that the Bureau of Reclamation submit their master list of water rights for these states for reconciliation that was due in 1968.

**Question:** In 1968, the Bureau of Reclamation reported 15,000 acres for the Yuma Reclamation Project in California, and Metropolitan Water District of California reported 25,000 acres for the Yuma Project in California. In fact, the Bureau of Reclamation currently has a water delivery contract with Metro Water District for the 25,000 acres in California established in 1931. Why didn't the Bureau of Reclamation reconcile these figures before reporting the 15,000 to the Special Master in 1968?

5. In 1978, the Secretary of the Interior made a decision to return unused land ceded in the 1893 Agreement between

the Bureau of Reclamation and the Quechan Indian tribe. The Quechan Indian tribe was paid \$15 million by the Court of Federal Claims for taking the land to compensate the tribe under the Compensation Clause of the 5<sup>th</sup> Amendment in 1983. By accepting the money, the Quechan tribe agreed to drop all further claims for reclamation water. In 1986, the Bureau of Reclamation and the Quechan tribe was barred by the Court from requesting more water, reference the 2000 Bill of Complaint in *Arizona v. California*.

**Question:** In 1893, the Quechan tribe exchanged non-farmable land for free construction of canals to delivery water to the farms on the reservation. The 1902 Reclamation Act mandated that only farmable land will be supported with water from the Colorado River. Why was the land returned to the tribe by the Bureau of Reclamation after (85) years and why pay the Quechan tribe \$15 million compensation when the Quechan tribe ceded the land for free construction work in the 1893 Agreement?

6. In 1980, the Bureau of Land Management resurveyed the land on the Yuma Island and the Quechan Indian reservation was enlarged by 952 acres of farmable land. The Quechan tribe became owners of land on the Yuma Island located in Arizona today called "Ranch 5". The Bureau of Reclamation and the Quechan tribe claimed the land in the 1893 Agreement was farmable land omitted for reclamation water. This is false information claimed by the Bureau of Reclamation and the Quechan tribe because the land in the 1893 Agreement was surveyed by the U.S. Geological Survey to determine how much land on the Quechan Reservation was farmable land. The Reclamation Service offered water support to the Quechan tribe's. However, it first had to be determined how much of the 40,000 acres on the reservation were farmable land. After the survey, it was determined that only 15,000 acres on the reservation was farmable.

**Question:** Why did the Bureau of Land Management resurvey the land on the Yuma Island in 1980 that resulted

in the enlargement of the reservation by 952 acres? In addition, how did the Quechan tribe obtain land in Arizona without violating the 1884 treaty that was signed by President Chester A. Arthur in 1884 without Congressional authorization?

7. In 1989, the Supreme Court assigned Special Master Mr. Frank J. McGarr to litigate a motion filed by the Bureau of Reclamation, Metropolitan Water District, and Arizona to open the 1964 Decree in Arizona v. California and finalize a pending decision by the Supreme Court to increase water for the Mohave, Colorado River, and the Quechan reservations.

**Question:** The Bureau of Reclamation, Metropolitan Water District, and Arizona made false claims in 1989 that the land in the 1893 Agreement was farmable land. Why didn't Special Master Frank J. McGarr verify the location of the land in the 1893 Agreement between the Bureau of Reclamation and the Quechan Indian tribe?

8. In 1999, the Supreme Court remanded the Quechan Indian tribe claim for more water to Special Master McGarr and directed him to resubmit his recommendations and based them on the merits in the claim. In 2005, Mr. McGarr submitted his recommendation to the Supreme Court that consisted of an agreement between the Bureau of Reclamation, Metropolitan Water District and Arizona. California agreed to increase water to the Quechan Indian tribe by 20,000 acre feet, enough water to support 2,998.50 acres and Arizona agreed to increase the Quechan tribe by 6,350 acre feet or enough water to support 952 acres for a total of 26,350 acre feet of reclamation water. All of the land in the 2005 Special Master Recommendations is located on the Yuma Island. The 952 acres was added in 1980 after the Bureau of Land Management resurveyed the land on the Yuma Island.

**Question:** In 1931, a water delivery contract was established between the Bureau of Reclamation and

Metropolitan Water District for 25,000 acres. If California and Arizona didn't receive an increase in their annual water allotment, where did the additional 26,350 acres feet of water come from to support the increase authorized by the Supreme Court for the Quechan Indian tribe in the 2006 Decree?

9. In 2002, Arizona Department of Land Management submitted a request to the Bureau of Reclamation to enforce the 1931 Boulder Canyon Agreement to support 2,800 acres located in California that was reassigned to the Yuma Project in California and authorized a priority-2 in the 1931 Boulder Canyon Agreement.

In the 2005 Agreement between Metropolitan Water District and the Quechan tribe, California agreed to an increase enough water to support 2998.50 acres. The land in California's 2005 Agreement and the land in Arizona request in 2002 is the same land being leased by the Petitioner and other lease holders on the Yuma Island. The land on the Yuma Island was authorized a priority-2 in the 1931 Boulder Canyon Agreement and Metropolitan Water District was authorized a priority-4.

**Question:** Reclamation water was authorized for land on the Yuma Island in 1931, why is the Bureau of Reclamation condoning a conflict of interest by California and Metro Water District by allowing a junior party for reclamation water to delay making a decision to assign a priority-2 to land on the Yuma Island that was assigned a priority-2 in 1931?

**List of Parties**

**1. United States**

- Bureau of Reclamation
- Bureau of Land Management

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### Petition for Writ of Certiorari

This petition is submitted for James Lee Williams who has a property interest in the land he is currently leasing from the State of Arizona located in Imperial County, California. The land was reserved by the Bureau of Reclamation for the North Gila Division of the Yuma Reclamation Project and later reassigned to the Reservation Division in California in 1931 because the Colorado River was used as the border between Arizona and California, so in 1920 when the river changed course, it left approximately 10,000 acres of Arizona's land in California. I respectfully request the Supreme Court review the decision made by the Appellate Court that Affirmed the Dismissal of Case # 18-1689 by Judge Mary Coster Williams who considered the case as a non-precedential case. In the trial court, the Plaintiff filed a Cause of Action against the Bureau of Reclamation and the Bureau of Land Management for violating the 5<sup>th</sup> Amendment Taking and Compensation Clause of the U. S. Constitution.

In 1983 and 1985, the Bureau of Reclamation exchanged the land for other land in Arizona to build a desalination plant for public use. The Bureau of Reclamation failed to provide Due Process or Equal Protection of the Law to the Petitioner when they transferred the land to Arizona. The Petitioner was deprived of the right to acquire the land and water entitlements when the Bureau of Reclamation confiscated the land depriving the Petitioner of his Constitutional Rights to Homestead. The case was dismissed in the Trial Court for time barred and Affirmed by the Appellate Court without consideration of the fraud claim in this case by the Bureau of Reclamation and the Bureau of Land Management.

## Introduction

The Yuma Island was settled by African American World War I veterans and their families in the mid-1920s. They became squatters on public land owned by the United States that was reserved for the Yuma Reclamation Project. At the time, racial segregation was prevalent throughout the United States. African American were restricted to living in segregated communities like the one in Imperial County, California called "The Yuma Island". This made it easier to discriminate against the whole group. The community was denied the right to acquire the land by the Bureau of Reclamation. However, the 1862 Homestead Act established Squatter's Rights to protect early American settlers who settled on public land and started farming it.

In addition, the 1928 Boulder Canyon Act, section (9), established military preferences for military veterans. However, black veterans did not enjoy the benefits of these priority rights due to discriminatory policies being administered by the Bureau of Reclamation. The African American community became squatters on public land owned by the United States due to discriminatory public policies that deprived them of the liberties protected by the 5<sup>th</sup> Amendment. Representatives from the community wrote President Franklin D. Roosevelt asking for help in applying for Homestead. They were contacted by the Secretary of the Interior, Mr. Harold Ickes who told them to stay on the land and he will assist them in acquiring deeds for the land. Mr. Ickes made no further contact with the black community.

This case dates back to the 1931 Boulder Canyon Agreement when California distributed 4.4 million acre feet of reclamation water among (7) water district in Southern California as mandated by the 1928 Boulder Canyon Act. In 1931, 10,000 acres on the Yuma Island was authorized reclamation water support from California's annual allotment by the Secretary of the Interior. The 1902

Reclamation Act and the 1928 Boulder Canyon Act mandated that the Bureau of Reclamation first construct the water delivery canals before allowing settlers to apply for homestead.

The Secretary of the Interior authorized all 10,000 be supported by California annual water allotment before Arizona and California agreed to redraw the border in 1957. After the border agreement between the two states and the Congress authorized the changed in 1963, California had to support land in both states with reclamation water. After the border change, approximately 5,000 acres remained in California and approximately 4,000 acres in Arizona.

The African American community on the Yuma Island was marginalized and completely ignored until the early 1960s when the Supreme Court settled a water dispute between Arizona and California that resulted in the 1964 Supreme Court Decree. The Supreme Court mandated that the States of Arizona and California provide a complete list of their water entitlements. The Bureau of Reclamation was required to submit a master list for these states. The lists were due in 1968.

The claims of fraud in this case is for taking the land on the Yuma Island and using it for public use by transferring the land to Arizona in a land swap to build a water desalination plant to treat water to support the 1944 Treaty between Mexico and the United States. The Agreement between Mexico and the United States authorized (1.5) million acre feet of water from the Colorado River to pass through to Mexico each year. The water had to be treated at the new plant in Yuma to meet the agreed water quality standards. The land was put in an Arizona Trust Fund for schools. Land on the Yuma Island transferred to an Arizona School fund was to prevent the black community from ever obtaining custody of the land because school land cannot be sold in accordance with the 1902 Reclamation Act.

In 1989, Special Master Frank J. McGarr was assigned to litigate and submit to the Court his recommendations on increasing reclamation water for the Mohave, Colorado River, and the Quechan Indian reservations. The Mohave and Colorado River reservations claims for more reclamation water were based on paragraph II (D) (5) of the 1964 Decree and the Quechan tribe claim for more water was based on land ceded in the 1893 Agreement between the Reclamation Service and the Quechan tribe. Both of these claims were based on fraudulent information supported by the Bureau of Reclamation.

In 2000, the Supreme Court authorized more water for the Mohave and the Colorado River reservations. These claims were authorized by the Court after recommendations from the Special Master in the 2000 Supplemental Decree. The Quechan Indian tribe was authorized more water in the 2006 Supreme Court Decree. However, both of these claims for more water were base on fraudulent information submitted to the Special Master by the Bureau of Reclamation, Metropolitan Water District, and Arizona. The water received by these tribes was the same water authorized by the Secretary of the Interior in 1931 for the land on the Yuma Island that was never delivered because the Bureau of Reclamation never constructed the canals to deliver the water as required by the 1902 Reclamation Act and the 1928 Boulder Canyon Act.

The Appellate Court affirmed and dismissed the case for time barred and Subject Matter Jurisdiction. The Statute of Limitations in this case is being used to conceal past wrongdoings by the Bureau of Reclamation that started in 1931 and continues today. In 2005, Special Master McGarr submitted his recommendations to the Court that consisted of an agreement between Arizona, Metropolitan Water District of California, and the Bureau of Reclamation. Mr. McGarr recommended more water for the Quechan Indian tribe, but the agreement included a side agreement between the Bureau of Reclamation and Metro Water District about

the assigning a priority-2 for land on the Yuma Island. The agreement delayed making a decision about water support to the land on the Yuma Island because the water increase for the Quechan tribe, the Mohave Tribe, and the Colorado River tribe is the same water being considered but delayed for the Yuma Island.

The agreement first stated that Metro Water will decide in March of 2005 about the priority assignment for the Yuma Island. It also stated that Metro Water has the authority to extend their decision about assigning priority-2 for water support to the Yuma Island. Metro Water has extended their decision numerous time and the Bureau of Reclamation as the Water Master for the Yuma Reclamation Project has condoned their actions and the conflict of interest by Metro Water District. Metro Water District is a junior party for reclamation water who has stalled for years to deny water to residents on the Yuma Island for there own financial gain.

Metro Water was assigned a priority-4 in the 1931 Boulder Canyon Agreement, and the land on the Yuma Island was authorized a priority-2 in the Agreement. The agreement between Metro Water District and the Bureau of Reclamation expires in 2035. Therefore, a decision for assignment of a priority-2 for land on the Yuma Island will not happen until 2035 or never because the water was transferred to the (3) Indians reservations by the Supreme Court. The Bureau of Reclamation is complicit in an environment of corruption within the Yuma Reclamation Project.

### **Fraud & Concealment**

This case is about federal agencies administering discriminatory public policies that excluded an African American community and violated the 5<sup>th</sup> Amendment Taking and Compensation Clause of the Constitution. The

Petitioner invoked the 1862 Homestead Act that authorized Squatter's Rights for early American settlers that established a property interest for the land and the water rights. The Bureau of Reclamation and the Bureau of Land Management violated the Due Process Clause and the Equal Protection Clause under the incorporated rights of the "Bill of Rights".

The Petitioner is seeking punitive damages in the amount of \$25 millions for economic losses for the past (62) years since 1956. He lived in a segregated community on the Yuma Island that was restricted from entering public facilities because of segregated laws at the time. Under Separate but Equal Laws blessed by the Supreme Court in 1896, the Bureau of Reclamation didn't provide a facility for African Americans to apply for Homestead.

The Court of Appeals Affirmed the Dismissal Order of the trial court for time barred and Subject Matter Jurisdiction without considering the facts submitted in this case of fraud by the Bureau of Reclamation. The 1964 Supreme Court Decree contains information in paragraph II (D) (5) that the Bureau of Reclamation used to establish a fraudulent Cause of Action for the Mohave and the Colorado River reservation to obtain additional reclamation water. A decision for more water was delayed until after the 1979 Supplemental Decree was published.

While the decision was being delayed, the Bureau of Reclamation agreed to return land to the Quechan tribe that was ceded in the 1893 Agreement in 1978. Once the land was returned, the Bureau of Reclamation joined the Quechan tribe in the Cause of Action for more reclamation water, claiming the land was omitted for reclamation water. In 1983, the Court of Federal Claims paid the Quechan tribe \$15 million for taking land under the 5<sup>th</sup> Amendment Compensation Clause. The Quechan tribe agreed to drop all further claims for reclamation water, but they reneged on the agreement.

In 2006 Supreme Court Decree, the Decree was amended authorizing more water for (3) Indian reservations by fraudulently taking water authorized for the land on the Yuma Island in the 1931 Boulder Canyon Agreement. In addition, in the 2005 Agreement between Metropolitan Water District, Arizona, and the Bureau of Reclamation, the Bureau of Reclamation allowed Metro Water District to delay making a decision to support land on the Yuma Island with water because the water can't support two areas and never will. The elements of fraud submitted by the Bureau of Reclamation to Special Master Frank J. McGarr are as follow:

1. In the 1964 Supreme Court Decree, paragraph II (D) (5) states that water should be reduced for the Mohave and Colorado River reservations once it is determined how many acres was used by the railroad. In 1989, the Supreme Court appointed Special Master Frank J. McGarr to litigate a motion from the Bureau of Reclamation, Metropolitan Water District of California, and the State of Arizona to open the 1964 Decree to make a decision on paragraph II (D) (5) for the Mohave and the Colorado River reservations. In addition, a motion was filed for more water for the Quechan Indian tribe. The land in the claim was 952 acres the Bureau of Land Management added to the Quechan reservation when they resurveyed the land on the Yuma Island in 1980.
2. In paragraph VI of the 1964 Supreme Court Decree, the Court requested a list of water rights from the States of Arizona and California. In addition, the Court requested a list from the Bureau of Reclamation for these states. The lists were due in 1968. The Bureau of Reclamation reported 15,000 acres for the Yuma Project in California and California submitted 25,000 acres for the Yuma Project in California. The Bureau of Reclamation

didn't report the 10,000 acres on the Yuma Island. As the Water Master for the Yuma Reclamation Project, they never reconciled these figures and didn't assign a water certificate for the land on the Yuma Island for the 1979 Supplemental Decree, but Metro Water District reported all 25,000 acres for the Yuma Project in California in 1968 and continues to report 25,000 acres today under water certificate PPR-28.

3. In 1893, the Quechan Indian tribe negotiated a deal with the Reclamation Service that ceded 25,000 non-farmable acres on the reservation that was located in the sand dunes of Imperial County, California west of Yuma, Arizona. The Reclamation Service needed the land as a right-of-way for the All American canal. Therefore, the Quechan Indian tribe negotiated a deal to exchange the land for free construction of water delivery canals to eliminate the expense required by the Bureau of Reclamation. In 1978, the Bureau of Reclamation and the Secretary of the Interior decided to return land ceded in the 1893 Agreement that was not used for the All American Canal to the Quechan tribe. The Secretary's decision gave the Quechan tribe justification to submit a Cause of Action for more water. The Quechan tribe claimed that the land was omitted for reclamation water, which was not true because it was omitted because it was not farmable land. The Bureau of Reclamation joined the Quechan tribe in their claim for more water knowing the information was false.
4. The fourth element of fraud was in 1980 when the Bureau of Land Management resurveyed the land on the Yuma Island and enlarged the Quechan Indian reservation by 952 acres. This land is on the Yuma Island today called "Ranch 5" that is now part of the Quechan Indian reservation. Again, the Bureau of reclamation and the Bureau of Land Management created justification to file a claim for more water for

the Quechan tribe. In the first element of fraud, Arizona, Metro Water District, and the Bureau of Reclamation claim that the land returned in the 1893 Agreement to the Quechan tribe was farmable land. They were referring to the 952 acres on the Yuma Island as land in the 1893 Agreement, which is a false claim and intentionally misleading.

In 2005, Special Master Frank J. McGarr litigated an agreement between Arizona, Metropolitan Water District, and the Bureau of Reclamation that was submitted to the Supreme Court and resulted in the fraudulent taking of the water entitlements authorized for the African American community by the Secretary of the Interior and all (7) water district in California in the 1931 Boulder Canyon Agreement. California and Metropolitan Water District agreed to increase reclamation water to the Quechan Indian tribe by 20,000 acre feet and Arizona agreed to increase water for the 952 acres or 6,350 acre feet each year for a total of 26,350 acre feet for the Quechan tribe.

This petition is filed in accordance with the FRCP 9(b) and "The Facts of Scienter". The claims of fraud and the Discovery Rule were invoked in the Appellate Court; Case # 18-1689. However, the Discovery Rule was not considered due to time barred and Subject Matter Jurisdiction. After the trial court, the plaintiff filed a "Complaint of Judicial Misconduct docket # CL-18-90159 for the appearance of improprieties because the facts of fraud were not considered. Judge Mary Coster Williams was assigned the Judge in the Trial Court and the Appellate Court of Appeals where she affirmed her first decision and stated the Court was not convinced by the claim.

### **Opinion**

The Trial Court Dismissed the case 17-679C of James Lee Williams v. The United States for claims sounding of Tort

for Conspiracy to commit fraud and Subject Matter Jurisdiction on January 31, 2018.

The decision in case Trial Court case 1:17-CV-00679-MCW was appealed and the decision in the Federal Court of Appeals case 18-1689 was affirmed on July 07, 2018.

### **Constitution and Statutory Provisions Involved**

The 5<sup>th</sup> Amendment Taking and Compensation Clause provide that private property should not be taken for public use without just compensation. In addition, incorporated in the Bill of Rights, the 5<sup>th</sup> Amendment provides the fundamental rights of Due Process and Equal Protection of the Law.

### **Supreme Court Jurisdiction**

The Constitutional Rights violations in this petition happened during litigations of the 1964 Supreme Court Decree in Arizona v. California that covered a period of (42) years from 1964 to 2006 that resulted in the fraudulent taking of land and water entitlements on the Yuma Island. Therefore, under Supreme Court Rule 17, the original jurisdiction of the 1964 Supreme Court Decree is invoked in accordance with Article III, 28 USC, and Statute 1251. This petition was timely filed.

### **Statement of the Case**

The land on the Yuma Island was reserved by the Reclamation Service and certified for the Yuma Reclamation Project as the 3<sup>rd</sup> Division of the Yuma Project, which consisted of 16,000 acres of farmable land. However, in 1920, the Colorado River course was changed when the Reclamation Service made artificial cuts in the river channel

to relieve flooding in the Bard Unit of the Reservation Division that was opened to white settlers only. The river change divided the 3<sup>rd</sup> Division of the Yuma Project leaving 10,000 acres on the left side of the Colorado River in California because the river was used as the border between the two states at the time.

The 10,000 in California became part of the Yuma Project in California and the remaining 6,000 acres became part of the new Gila Reclamation Project, but all 16,000 acres remained part of the Bureau of Reclamation's inventory. However, the 10,000 acres were authorized by the Secretary of the Interior to be supported with reclamation water from California's annual water allotment. The Bureau of Reclamation was responsible for not providing water support to the Petitioner and the black community residing on land in the Desert Southwest.

### **Proceedings in the Lower Courts**

This Cause of Action was filed in the Court of Federal Claims and the Dismissal Order was filed January 31, 2018 by Judge Mary Coster Williams. After the Trial Court, a Complaint of Judicial Misconduct or Disability CL-18-90159 was filed because the element of the Dismissal Order had the appearance of improprieties. The element of the initial claim was for financial damages of \$25 million, but the Dismissal Order stated that the amount requested was for \$400 million for (8) other families leasing land on the Yuma Island. This was asked to be considered. The Court could have been explained that it was against the Court's Procedures.

The Dismissal Order wasAppealed to the Appellate Court of Appeals for the Federal Circuit, but Affirmed on 07 July 2018 by Judge Mary Coster Williams. This decision still has the appearance of improprieties.

**Reason for Granting the Writ of Certiorari**

This case is about "Racism" and a social system of injustice that was pervasive during the administration of the Yuma Reclamation Project that excluded an African American community from a federal water project. The community called "The Yuma Island" located in Yuma County, Arizona was established by World War I veterans with military preferences, but was still denied the right to acquire the land. These men and their families whose sons served in World War II and the Vietnam War, but no one residing on the Yuma Island were allowed to Homestead and acquire free land as the white citizens in the Bard Unit of the Yuma Project in California. The Petitioner and the citizens that resided on the island 5<sup>th</sup> Amendment Constitutional Rights were violated.

### Conclusion

This case is an example of how federal agencies provided false information to numerous Special Masters assigned to litigate procedures in the water dispute between Arizona and California that resulted in the fraudulent taking of the land and water entitlements from 1964 to 2006 by the Bureau of Reclamation and the Bureau of Land Management. In addition, this petition identifies the potential vulnerabilities of the Supreme Court when the Bureau of Reclamation and the Bureau of Land Management are the wrongdoers and the Court's decision is based on the expertise of these agencies. This petition is dated 08 September 2018.

Respectfully Submitted

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