No. _____

IN THE SUPREME COURT OF THE UNITED STATES

_____*_____

In re Christopher D. Schneider

_____*_____

CHRISTOPHER D. SCHNEIDER,

PETITIONER-Plaintiff

vs.

COMMISSIONER OF INTERNAL REVENUE

RESPONDENTS- Defendants

_____*_____

ON PETITION FOR A WRIT OF MANDAMUS AND/OR PROHIBITION to the NINTH CIRCUIT COURT OF APPEALS; IN RE: NINTH CIRCUIT COURT OF APPEALS CASE NO. 17-70768; TAX COURT CASE NO. 14514-14

PETITIONER'S VERIFIED MOTION FOR A WRIT OF MANDAMUS AND/OR PROHIBITION.

Petitioner/Plaintiff in pro per: Christopher D. Schneider
16291 Stone Jug Rd.
Sutter Creek CA 95685
Phone: none; Email: horsefun69@yahoo.com
(Both remain unavailable miles away)

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QUESTIONS PRESENTED

1. Does Mr. Schneider have a right to both the appearance and actuality of neutrality; and does mandamus lie when that *fundamental* right is going to be mooted out and is summarily denied by the appellate court that has *repeatedly* (and deliberately) harmed him?

2. Is it a structural error, in practical terms, to force a litigant to self-censor his First Amendment court speech (with sm. No. 10 envelopes and about 30-40 pages total (6x9 envelopes)—*including* all title pages and *non*-argument pages) due to the *very* rural limitations of his home's location, "rural route mailbox" and *inter alia* inability to even **get** "Stamps" "envelopes" or to do everyday common mailings at a post office (8.5 miles away) without the help of neighbors or friends (due to *continuing* daily proximate damages/punishment from his published editorial speech of March 21, 2014 and retaliatory loss of his driver's license/only photo ID).

3. Can **any** "public" courthouse lockout, censor, and deny personal access to anyone wanting to file critical paperwork, and use *all* of the "public courthouse" facilities in person—by arbitrary/invidious discrimination and then e.g. repeatedly *enforcing* substantive entry *approval* "unwritten rules" against the public (e.g. petitioner: Mr. Schneider): (1) based on his known protected speech challenging local rules, unequal and discriminatory double standards etc.; and/or (2) the fact that he/someone superficially **may** appear *to a court* to be of a lower economic class (e.g. Homeless/*forced* to sleep on the streets); or (3) do not possess/do not wish to be *forced* to show (e.g. a newspaper reporter) a valid Photo ID as demanded?

PARTIES TO THE PROCEEDINGS

Petitioner, Christopher D. Schneider, is the petitioner-appellant below.

Respondent, the Commissioner of Internal Revenue, is the respondent below.

The real parties in interest are the Ninth Circuit Court[1], its chief judge Alex Kozinski, in his official capacity, the U.S. Tax Court, its chief judge Michael B. Thornton, in his official capacity, the U.S. Marshal Service, and Does 1-50.

STATEMENT OF RELATED CASES/FILINGS

This case is directly related to *Schneider v. Bank of America* ("BAC") as to that case's pending S.Ct.[2] mandamus petition (Case No. 17-9240) with now many nearly identical facts and key issues, App. 7; see 9th Dkt. 22 Exh. B (n. 10 below); and is directly related to the pending BAC Ninth Circuit Appeal Nos. 16-16261; 18-15106 both in facts and resulting prejudice (See "Appellant's Verified motion for a change of venue to the Tenth Circuit Court" at 6-7 of December 27, 2018; Dkt. 11); a.k.a. "Change of venue"). Also, proximately related to earlier filed Justice Kennedy stay applications 17A612 (BAC) 13A1264 and (*Sutter Amador/DMV license*).

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[2] Due to envelope page/direct censorship limitations I am using short abbreviations for courts & documents when I can: e.g. "S.Ct."=U.S. Supreme Court; "TC"=Tax Court; "9th"=Ninth Circuit; Docket Nos. as "Dkt." ___; Record = R when *known*; "Decl." = *Schneider* Declaration; or acronyms e.g. ISO for In Support Of and the appendix is severely censored (*not* by choice). Formatting may be off (e.g. headings single spaced), with more footnotes then usual, *not* by choice but due to necessity of argue under forced envelope/page/stamp constraints (Decl. ISO at 2); arguments also censored.

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OPINIONS BELOW

On May 24, 2018 the Ninth Circuit Court issued an order (App. 1) that oddly references a tiny twelve page with exhibits—only *Tenth Circuit applicable—sub-*motion of petitioner's Change of Appellate Venue Motion and 9th Cir. apparently denying petitioner's *main motion* "it is denied" without even reading it, its exhibits, or Schneider's Declaration ISO (?) (not? included in 9th's Dkt. 11 listing)[3]. The Northern District Court of California has not issued any opinions; is a real party by being directly involved in the repeated denials of Schneider's entry to that public courthouse (San Francisco Tax Courthouse location). The Tax Court's last Order was dated March 1, 2017 dismissing petitioner's case "for failure to properly prosecute" (App. 3). There are numerous other 9th Cir. Orders with the last: July 30, 2018 ordering petitioner to file his opening within 30 days (App. 6).

[3] Unknown exactly what is/is not in 9th Dkt. 11, but all files-motions were served on courts; see also similar concerns in notes 7, 10, 11 below regarding 9th Dkts. 6-7, 22-23, 28.

JURISDICTION

The court's jurisdiction is invoked pursuant to 28 U.S.C.A. § 1651(a) to petition for a redress of the invidious and unequal class and personal discrimination of the lower courts[4] combined with the Ninth Circuit's deliberate conduct in censoring Schneider and refusing to allow petitioner to equally, timely, and personally exercise his First Amendment rights *inter alia* to file necessary paperwork in person in this case (*and* related case 16-16261); enter their public courthouses and use their "public" facilities including the "public" law library on August 11 and November 13, 2017 (S.Ct. 17A612 Dec. ISO at 2-3, Exh.R2 at 2-3; Tenth Circuit Change of Venue Motion at 8, n.3). Nearly identical events occurred with the San Francisco Tax Court/Northern District Court of California on March 7 and November 28, 2016 (Id. Exh. R2 at 3-7, 10-11 with deprivations again including a "public" law library and Schneider's **own** Tax Court trial). If the court considers this a petition for a writ of certiorari; the jurisdiction is invoked pursuant to 28 U.S.C.A. §2101(e) (or other as appropriate). The Ninth Circuit Court has/had

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[4] Mr. Schneider has been physically locked out/denied all entry into (1) the Ninth Circuit Court as argued here; (2) the Northern District of California Court and San Francisco Tax court as also argued in 17-70768 (Dkt. 6-7? But very inaccurately and vaguely described), and other docket nos., Supreme Court stay application 17A612; (3) the Tax Court's District of Columbia courthouse on December 1, 2017 (in 9th Dkt. 11 Venue Change Motion Decl. ISO; Decl. ISO 17A612 Exh. R1); and (4) on July 18, 2016 in the Eastern District Court of California Sacramento (S.Ct. 17-9240 n.3), Mr. Schneider specifically verified as a prior restraint that he will be (is) personally locked out pursuant to policy if he does not identify himself (also demanding a "photo ID") to be allowed to enter that public courthouse and thus remains *de facto* barred from that court also (see also 9th Cir. verified TC Dkt. No. 12, on June 19, 2015, Exh. A, pg. 15 "to even get into any public courthouse to file papers in person"; Verified TC Dkt. No. 20 at 2:17 to 3:19; TC Dkt. No. 35 Exh. A, Decl. ISO generally all pages but at 5 No. 16 "At all times...I have been without access to almost everything and every imaginable 'liberty' interest ... [including] necessary legal resources and nationwide relevant authorities needed for **all** of my case or to e.g. be able to look up case law cited by the court." (original emphasis). Key facts argued here, and **repeated**/unchallenged declarations filed in every single case in all courts.

jurisdiction under 28 U.S.C. §1291 from Schneider's timely notice of appeal (App. 9) from the Tax Court's March 1, 2017 final Order dismissing his TC case (App. 3).

STATUTORY PROVISIONS INVOLVED (forced censorship/very limited)[5]

First Amendment: Congress shall make no law ... abridging the freedom of speech, or of the press... and to petition the government for a redress of grievances."

Fifth Amendment: "[N]or [shall anyone] be deprived of life, liberty, or property, without due process of law ..."

28 U.S.C. § 452: "All courts of the United States shall be deemed always open for the purposes of filing proper papers...and making motions and orders."

STATEMENT OF THE CASE/ISSUES (Limited-see also Decl. ISO)

This petition goes to the immediate and substantial *fundamental structural* fairness in every lower court, and how *equality* under the rule of law actually exists in at least[6] four *public* courthouses; with *particular* emphasis on the Ninth Circuit Court. June 23, 2014 Schneider filed a Tax Court ("TC") case (TC 1). Schneider filed

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[5] I have not listed nor argued (but *wanted to*: not waived) *many* statutory provisions that are relevant to the issues/facts here due to the extremely limited page count/mailbox/envelope/stamps I actually have issues. Some are: Appellate Rules 45 and 47; Rules Enabling Act; Judicial Oath; All Writs Act; Civil Rules 1, 83; 28 U.S.C. § 2071 et. seq.; Local rules/texts on *pro se* filing, court's hours etc.; Tax Court Rule No. 1, 26 U.S.C. 7482(b)(1) (within text of rule, but not intended to be). I have also had to censor the filing of an RJN of key facts, more extensive declarations ISO, etc. *unlike prior* vs. C.I.R. refused S.Ct. filing of June 19, 2015 (TC Dkt. 12 Exh. A, B re: inter alia TC trial Date of June 22, 2015) and September 18, 2017 (9th Dkts. 6-9?): both shipped w/neighbor help in Lrg. Box.

[6] I believe the *deliberate/invidious* class-based discrimination by the U.S. *public* Courts as to (i) "poor" looking people or "pro se" (ii) *anyone* without a photo ID, or wishing to not show one, in order to be "allowed" to "enter" **a** public courthouse is silently rampant. Petitioner has done nothing illegal **at all**; *yet* almost *five* years later continues to be punished by court and government action in defending his rights in *all* areas of his daily life; e.g. First Amendment speech and "status" *Robinson v. California*, 370 U.S. 660, 666 (1962) of believing that the U.S. Constitution, and binding case law, *should* stand for something more meaningful then penalties and daily disabilities foisted upon petitioner "unaccompanied by any activity whatsoever" *Lambert v. California*, 355 U.S. 225, 229 (1957) or worse, for his speech. How can the/any government expect any citizen loyalty or respect, when it repeatedly refuses those very same items at *very* critical times to its simplest citizens?

two TC *verified* stay applications (and *verified* declarations/filings) TC Dkt. 12 (June 19, 2015) with copy of Supreme Court Stay No. 1 refused/censored/rejected by S.Ct. clerk, and Dkt. 20 (November 30, 2015 with Schneider's BAC deposition highlights re: forced sleeping on street, why etc.) along with numerous pretrial memoranda e.g. Dkt. 9 of June 10, 2015 highlighting "lack of access to fundamental legal resources" n. 2; how Schneider "has improperly been precluded from access to the courts and necessary legal resources and from fundamental adversarial fairness at the heart of our judicial system." Id. at 4; Dkt. 35 (February 05, 2016) e.g. "and reiterates the continuing structural error ...[and how] he is unable to even 'look up' needed authorities cited by the CIR..." n.1 with Declaration ISO (Exh. A) showing summary facts between October 29, 2015 to December 3, 2015 of his daily life. Similarly, on multiple occasions the TC set trial dates: with the last two of March 7, and November 28, 2016 where Schneider was refused all entry into the NDCA courthouse and Tax court to attend *his own tax court trial* (Decl. Exhs. R1 & R2 also in Decl. ISO 17A612, should be in 9th Dkt. 11). The security sign *showing* a "Foreign National" **non**-U.S. Citizen *without* a "photo ID"—would be *allowed* to "enter" courthouse—but Schneider, **a U.S. Citizen** is refused entry (Dkt. 11 Decl. R2 at 3!). "The TC dismissed case on March 1, 2017, sent via certified mail, which Schneider cannot pick-up *until* March 9, 2017 and *only* with neighbor help to *get to* post office (App.3). March 9, 2017 Schneider serves his Notice of Appeal (App. 9); entered March 14, 2017, and returned notice to Schneider's actually confirming entry receipt received on March 23, 2017. Ten days later—on April 3, 2017—Schneider sends the 9th his direct and simple letter requesting USPS service

(App.10) never hearing back from the Court. April 12, 2017 opposing counsel in BAC's EDCA case files declaration with a copy of Schneider's April 3, 2017 letter attached that was scanned into Schneider's 9th BAC case 16-16261 as Dkt. 5 (App.11), Schneider gets this later. July 10, 2017 Schneider files a motion and declaration seeking basic information from 9th on his scheduling Order etc. (Dkt. 5) declaring under penalty of perjury in part i.e. No. 2 "I have never received anything from the [9th] ..." and No. 3(G). August 11, 2017 Schneider is refused entry into the Ninth Circuit Courthouse when he intended to *inter alia* file documents in both his cases. On September 18, 2017 Schneider files a U.S. Supreme Court *stay application* to justice Kennedy re: events complained of here as to Ninth circuit Court (9th Dkts. 6-9?)[7] with service on the 9th (Questions pg. as App.13). This S.Ct. filing was *sua sponte* censored/rejected on October 11, 2017 under Rule 1 because he did not file (1) an IFP Declaration and (2) an IFP Form 4 statement. Schneider receives this S.Ct. returned box on October 14, 2017 and October 19, 2017 re-files the *stay application* along with a verified "Motion to have stay application served on September 18, 2017 filed forthwith" with exhibits showing that no "fee" is ever due on a stay application per *S.Ct. letter* attached: This motion is *also* then censored/refused again by S.Ct. Clerk for a long *nunc pro tunc new* list of refused reason on October 24, 2017 with Schneider's $300 money order returned. *Solely* due to issues with S.Ct. censorship Schneider never actually *gets* this filed in the S.Ct.

[7] These docket entries make little sense to me vs. what docket shows was actually filed. Yet, were served in full on the Ninth Circuit (9th Dkt. 11 Exhs. 6-7). Because of the repeated refused entry to courthouse I still do not know what is or is not actually filed on these key documents that like 9th Dkt. 11 are now very relevant records and had I know on e.g. August 11, 2017 I could of then acted.

Then next thing Schneider receives from the 9th is its order of November 22, 2017 (9th Dkt. 10) *now* deciding to treat Dkt. No. 5 "as a motion to reinstate."[8] November 13, 2017 Schneider is—again—denied all access to the Ninth Circuit's public courthouse to do anything including filing paperwork in his BAC and CIR cases, for no reason what-so-ever (App.12; Dkt. 11 at 2 incorporating-including 17A612 Decl. ISO at 2-3, Exh, R1 and R2). December 1, 2017 Schneider, **solely** with the help of his neighbors, physically travels by bus (as he remains *blacklisted* to Fly or take Amtrak (which he *would of* done): both require a "photo ID") to Washington D.C. and (1) is then refused entry into the TC'S courthouse there *also*, (S.Ct. 17-9240) and spends another 4 nights forced sleeping on the streets in front of the S.Ct. On December 27, 2017 Schneider inter alia files his change of appellate venue motion with exhibits (63 pages) to the Tenth Circuit Court along with Declaration ISO and all exhibits R1, R2 from 17A612 Decl. ISO.[9]

All year—2018—: On May 11 the C.I.R. filed a letter notice with 9th clerk regarding its opposition to change of venue Dkt. 12. May 24 the 9th issued an Order citing Schneider's six page sub-motion and then "To the extent that the motion [9th Dkt. 11] seeks to transfer this appeal to the [10th Cir.], it is denied. See 26 U.S.C.

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[8] Had Schneider's vs. CIR (Ninth Circuit) S.Ct. stay applications of September 18, 2017 and re-file motion of October 16, 2017 not been censored, this Ninth Circuit order would not be here and that censorship has had a drastic and irreparable harm in this action and to Schneider's rights to redress.

[9] This information was also served on—and should be filed in/with my Change of Appellate Venue Motion at pg. 7—maybe the Ninth Circuit Docket No. 11 (?), but since I have never seen almost all of the actual docket documents as entered (and was twice refused entry to look at the docket) I do not know what has or has not *truly* been filed under various docket numbers to my prejudice. But the order of May 24, 2018 (App. 1) makes very little sense to me now, as does the reason why (or if) the actual docket entry No. 11 does **not** list the other 98% of what was served on the Ninth Circuit court as the critical documents that are now—predictably to the Ninth Circuit court—front and center of this *very* mandamus petition (and the similar one in BAC S. Ct. 17-9240; see also App. 7).

§7482(b)(1)." (App.1). June 19 Schneider served a verified stay motion in light of his pending S.Ct. mandamus petition in related *BAC* case as "The outcome of 17-9240 is proximately related to the very heart of this appeal and all of the key current facts...which are nearly, or exactly identical to the currently pending S.Ct. mandamus petition." (Dkt. 18 at 2) and citing to 28 U.S.C. § 452, with a copy of S.Ct. docketing letter (Dkt. 16), the 9th denied this on June 27 (Dkt. 18) and due to mail delays before receiving Dkt. 18, Schneider filed for a opening brief extension on June 28 and how "It makes no sense at all for me to file any opening brief when what (or how) any ruling [by S.Ct.] is a necessary predicate to me intelligently filing further papers." (Dkt. 19 @ 2 fn. omitted). Both motions were opposed by C.I.R. with Schneider never receiving any copies of these oppositions before the 9th ruled in Dkt. 21 on July 3. Once Schneider did receive the *actual* court and CIR paperwork he then *served* on July 5 verified objections, to *June 27* order, and a Decl. ISO served with his RJN DVD (Dkt. 22?). Dkt. 23, with App. 7 as Exh. B, shows only his *second* filed objections of July 7, 2018 to the then received 9th's Order dated July 3). [10] Upon receipt of Schneider's RJN Motion, the 9th clerk issued a notice of a "serious" rules deficiency demanding that Schneider file *another* separate motion "requesting permission" to file his RJN motion (Dkt. 22?). Schneider also filed an official reply to the CIR's opposition once he actually saw it (Dkt. 24). July 16, a 9th appellate commissioner denied Schneider's objections (Dkt. 25) and on that day

[10] Nowhere in the 9ths docket can I see my objections to Order of June 27 highlighting how even the simplest reconciliation between what is shown and what may actually be filed continues in every court to work to my severe prejudice (here on a last resort mandamus petition under constraints). When with my prior *life* of fundamental mobility NONE of this would *even* exist, and any errors, e.g. to my prejudice, I would vigorously defend vs. now I am *only* able to see delayed information, or worse, none at all: *having to argue blindly*. Due process dictates more and I object.

Schneider sent a letter to 9th asking for his filed RJN motion in searchable PDF on DVD back "if the court is still holding my make shift 6x9 envelope (See Schneider Declaration of July 4, 2018 (App. 15)"[11] (Dkt. 26). July 24, 2018 9th is believed to have filed Schneider's RJN without opinion/*any* explanation of facts etc. July 30 Schneider gets envelope with nothing but a copy of docket with Dkt. 27 highlighted. He files comments and objections on July 31 (Dkt. ?). Was the 'serious' rules violation a mistake; how did it happen exactly; Is it going to be later held against Schneider in a sandbagged fashion? The 9th files July 30 order (App.6; Dtk. ?).

REASONS FOR GRANTING THE PETITION

I. Schneider has no means to avoid Ninth Circuit's Draconian *forced* mootness than thru immediate Supreme Court mandamus

The 9th Order to file his opening brief by the end of August (App.6), by an appellate commissioner over my specific objections (Dkt.?), is forcing Schneider into a Draconian—no due process at least, and possibly without jurisdiction—situation that will moot out the very heart of this mandamus: Schneider's right to a neutral and detached tribunal: both in appearance and actuality. *In re Oliver*, 333 U.S. 257 (1948), "What may not be done directly may not be done indirectly least the [First Amendment right to petition] become a mockery." *Abington School Dist. v. Schemp*, 374 U.S. at 230; *Laird v. Tatum*, 409 US 824, 838 (1972) "Every litigant is entitled to have his case heard by a judge mindful of his oath." This Mandamus stemming in large part from the insane irreparable discrimination/censorship issues by the *court itself* in refusing to admit Schneider (and others like him, e.g. appearing poor/*forced*

[11] My SASE's from multiple recently filed 9th documents ("to file" stamp copy included) a month plus later have never been returned to me. This lack of fundamental and timely information is **very** prejudicial given the cited issues (see also main Dkt. 11 (incorporated past issues w/9th Id. at 21-23).

to sleep on the streets) and *continuing* damages over the deliberate/malicious refusal to file and notify Schneider—in spite of his April 3, 2017 letter—of key Court orders, deadlines etc. and other unexplained events that are a 9th deliberate course of action of unequal specific treatment (see below, both now *and* in the past).

What use is Schneider's "clear and indispensable" right to; (1) have 28 U.S.C. § 452 command of "All courts of the United States shall be deemed always open for the purposes of filing proper papers...and making motions and orders." become a mockery of *injustice*; (2) Appellate Rule 45(a)(2) "must be open during business hours" *and* (b)(1) "must record all papers filed with the court" *and* (b)(3) "must immediately serve a notice of entry ...with a copy of any opinion;" and (3) have a mandamus petition to the S.Ct. considered—as the **only** option to "justice" under the facts known to the courts themselves about *repeatedly* refusing Schneider entry, discrimination, "unwritten" rules, protocols, apparent neutrality etc.—when the very courts who have directly created this situation can *sua sponte* (under the guise of ?), and *unilaterally* do an "end run" around the *entire meaningful review system* by demanding that Schneider file his "opening brief" (in *both* cases) **before** the S.Ct. mandamus petitions can *even* be heard or considered? And at the *same* time forcing Schneider to *immediately* file two stay applications to a S.Ct. justice simultaneously in *both* case; leaving aside all the other motions, objections, declaration etc. that Schneider has *had* to file since he was barred from the public courthouses. *Will v. Calvert Fire Insurance Co.*, 437 US 655, 677 (1978) "Mandamus would lie to correct a [fundamental structural error] and to preserve a proper federal court determination of a federal issue."

II. What the Ninth Circuit has repeatedly and deliberately/maliciously done justifies mandamus and a fully neutral and detached tribunal in another appellate court district.

Like the reprehensible and unjust flaws in *Southeastern Promotions* Mr. Schneider *is the one* forced into now having that "burden of obtaining [the initial] judicial review [of the court's own deliberate harms to his rights and now even] at the later stages of the litigation" 420 U.S. at 562 Schneider is being forced before the only court left: the U.S. Supreme Court. Analogously, what is happening here right now with the 9th and Mr. Schneider's fundamental right to a neutral tribunal in actuality and appearance (and First, Fifth Amendment rights) is like: **(1)** Miss Hamilton in *Hamilton v. Alabama,* 376 U.S. 650 (1964) being *forced* on appeal before the *same* judge/court that maliciously/deliberately refused the simple equality, respect, and *human* consideration of addressing her as "Miss Hamilton" vs. "Mary" when she was on the stand and demanded such respect from the "fair" Alabama Court—which then thru her in jail for contempt; (See partial exchange quoted by justice Douglas in *Bell v. Maryland,* 378 US 226, 248 n.4 (1964); **(2)** the *censored* (and then arrested) civil rights preacher in *Cox v. Louisiana,* 379 U.S. 536 (1965) then being *forced* on appeal before that *very* officer as "judge" in an action directly and reprehensibly involving his actions, words, and beliefs shown by comment to preacher of "take them back from whence they came." Id. at 540. Which **word-for-word** eerily mirrors—fifty years later both the words *and* utter contempt/malice for another human being—what Schneider as the parting comment behind his back as he turned to leave the Ninth Circuit court, was told by the *Ninth Circuit Court's representative* on November 13, 2017 "Go back to where you came

from" App. 12; S.Ct. 17A612 Decl. ISO stay at 2); **(3)** the "public" library users in *Brown v. Louisiana*, 383 U.S. 131, 141 (1965) looking to simply use the facilities on equal terms in all respects to whites being *forced* on appeal before the same officer that *arrested them* under the complete pretext of a system of deliberate systemic discrimination and *de facto* "separate-but-equal" doctrine of *Plessy v. Ferguson*, 163 U.S. 537 (1896); **(4)** the citizens in *Johnson v. Virginia* 373 U.S. 61 (1963) who were *forced* into segregated courtrooms being then *forced* on appeal before the *very judge* who harmed them/violated his judicial oath and the Constitution in the first place; and in the off quoted cases **(5)** the Michigan citizens in *In re Murchison*, 349 U.S. 133 (1955); *In re Oliver*, 333 U.S. 257 (1948) who challenged being *forced* before a judge as a "one man grand jury" with contempt powers, then being *forced* on appeal before *that same judge* yet again; **(6)** the citizen in *Nixon v. Henderson*, 273 U.S. 536 (1926) being *forced* before the very *same judges* of elections on appeal who *also* were the one who denied him the *fundamental* right to vote in a primary election.

The plain and clear import of *each* case—in this small sample—reinforces the current central idea of *both* of Schneider's mandamus petitions: That he is *fundamentally* entitled to "A fair trial in a fair tribunal is a basic requirement of due process"; *In re Oliver*; *Tumey v. Ohio*, 273 U.S. 510 (1927). What has *already* transpired in this case and S.Ct. No. 17-9240 facts, and accompanying papers, violates due process and fundamental fairness: in essence forcing Schneider to argue to the S.Ct. the exact equivalent of every motion that a Death Row Inmate (including two stay applications to individual justices as soon as he can write them *after* this mandamus petition is served) would be filing **but now here in *two cases***

simultaneously that were initially "timed" like this by the 9th when they *never* would have been and importantly when Schneider has committed no crime. Rather is *simply* seeks to exercise his First, and Fifth Amendment fundamental rights, to have a neutral, detached, and non secret, tribunal in a *non* involved appellate court.

Analogously, the *structural* constitutional issues that animate why a "change of venue" motion would be a *mandatory* right in a *misdemeanor* criminal trial by "a panel of impartial, 'indifferent' jurors"; *Groppi v. Wisconsin*, 400 U.S. 505, 509 (1971); also illustrates the *structural* errors in *this* instance, but with much *more* force as the 9ths actions and inactions have now made that court *the* key interested litigant, while at exactly the same time: (1) *sua sponte* allowing them to *also* be the First Amendment censor, judge, jury, and executioner; "Among those basic fair trial rights that 'can never be treated as harmless' is a defendant's 'right to an impartial adjudicator, be it judge or jury'." *Gomez v. U.S.*, 490 U.S. 858, 876 (1989); *In re Murchison*; *in re Oliver*; (2) then—I would argue improperly under the circumstances—ruling that under 26 U.S.C. §7482(b)(1)'s authority the change of venue "is denied"; App. 1; allowing *three* court's deliberate actions and Draconian injustices to go *unaccounted* for; while (3) improperly **mooting out** the very arguments on the violations of Schneider's *fundamental* rights by forcing Schneider to file an opening brief with the 9th *before the S.Ct. can even rule*: justifying S.Ct. mandamus as the only option.

The key *structural* bias issue are the same: whether it is an appellate court, a jury trial, or a "judicial misconduct/disability" complaint under Disability Rule 26

"Transfer to Another Judicial Council" for an *impartial* and *detached* decision when the extraordinary facts of a given case justify such a transfer in both the interests of justice and the public appearance of justice: *What is good enough for any judge's due process rights should equally apply to everyone else: including Mr. Schneider.* "Nothing in the Constitution compels the organs of government to be blind to what everyone else perceives" *Abington School Dist. v. Schemp*, 374 U.S. 203, 295 (1963). "This court has a special obligation to administer justice impartially and to set an example of impartiality for other courts to emulate. When the court appears to favor the government over the ordinary litigant, it seriously compromises its ability to discharge that important duty." *U.S. v. Williams*, 504 U.S. 36, 59 (1992) Stevens dissenting (applicable to the 9th). This is a civil case by one man vs. the government & Internal Revenue Service, but the impartiality issues are the same.

A. Events involving Schneider's April 3, 2017 letter were deliberate, and took his vested property rights to timely notice in both of his cases

On April 3, 2017, two weeks after filing his notice of appeal, Schneider filed the letter (App.10) that is at bottom a *direct* petition to the government for a redress under the First Amendment on a routine *ministerial* function of the court. This short simple letter really requested one **critical** thing; "I therefore request that I be timely mailed any and all Court correspondence" and began with an *unambiguous* heading: "RE: Courts (sic) service of all documents" and statement "I do not know if anything has been generated in either of these cases in the prior 45+ days as I do not have any access to any email." Nothing about this letter is confusing, and the subject of the *very* first sentence is "Schneider v. CIR ... case number unknown" a

fact which not only specifically states that he does not know the CIR case number, but also that **if** anything has been generated, **then** he has **never** seen it; *period.* It is beyond belief that the court can go out of its way to specifically highlight *all* "Prior Cases" unequally applied only in a filed by *pro se* case, but cannot do a five second name search to locate its CIR case number that Schneider had never seen–until a week later–when the *CIR* served him their appearance form—a *ministerial* form that *was* entered properly and approved by the 9th that same day (Docket. Nos. 2-3). In fact: the letter of April 3, 2017 apparently has deliberately never been scanned into the CIR file *at all* to this day, yet *amazingly* the court can *add* a phone number ("650-836-2215") that has *never* appeared on *any* Schneider CIR motion and has been inactive for many years (BAC EDCA R. 49 pg. 2 #4). This information must have come from *another* old court file/pro se dossier. Further, in Schneider's first motion to file ECF on September 23, 2013, he also similarly stated "However, he lives in a rural home and does not have either telephone or internet access in his home in order to receive or send any electronic filings he must drive to town" (Ninth Cir. Case No. 13-16387, Dkt. No. 4 at 1); so all facts have been long known to 9th.

Schneider to this day has yet to ever even see, or be served with, the ORDER of DISMISSAL from June 27, 2017 (9th Dkt. 4)—even in spite of a years worth of extensive court filings over this, the April 3, 2017 letter, *and* on July 10, 2017 Dkt. 5 motion's statement "Appellant requests...(3) that he be served with all documents via USPS hard copy..." renewed request with *another* declaration (Id. at 2-3). Nor is this some kind of "harmless error" and is unbelievable: What use is a party *timely* and immediately notifying the court of *basic ministerial* routine address or service

issues when the court is just going to ignore them to the detriment of the appellant? *Jones v. Flowers*, 547 U.S. 220 (2006) is squarely applicable here, "that someone [court] who actually wanted to alert [Mr. Schneider] that [his property rights were being taken *sua sponte* by the court] would do more when [specifically and timely notified by Schneider's letter of April 3, 2018], and that there was more that reasonably could be done [simply sending notice with a 50 cent stamp, so that Schneider would actually be informed of the court's orders and conduct]." Id. 547 U.S. at 238 instead the court then *deliberately* ignored the facts; so as to *precipitate* a default in this case, and no timely notice in 16-16261. *Muallane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) idea of "But when notice is a person's due, process which is a mere gesture is not due process." Which "actually informs the absentee" is highly relevant combined with "at a meaningful time" as expressed in *Fuentes v. Shevin*, 407 U.S. 67, 81 (1972) "to ensure abstract fair play to the individual ...to minimize substantially unfair or mistaken deprivations of property."

It was **appellant's** *vested* property right to have his CIR case argued on a timeline that *he knew, planned on* at that time, and *should* of began (even with a slight delay; *had* he actually had the court's ministerial duty: basic notice) *at the latest* in June or July (when he wrote his letter, trying to preserve his rights!). So instead of Schneider knowing and *thus* choosing the briefing schedule, as *it should have been* as required by Rule; *Ballard v. C.I.R.*, 544 U.S. 40, 42 (2005) the *court's* actions of no notice in *two cases* **(and they knew it)**, have now substituted *its* own timing, where it has been and *continues* to be detrimental not only in dual tracking forced in *two* major cases on extaordianry events and S.Ct. filings but ***created***

conflicts with his BAC case, conflicts that have remained a *complete constant* ever since the |9th's actions like some kind of 18th century dunking stool. All without Schneider doing anything wrong.

In fact, tacitly highlighted by the 9th's actions/orders this last year +, Schneider: **(1)** writing an immediate letter (April 3, 2017) can be ignored by the court *to his detriment*; **(2)** Filing a *timely* motion (July 10, 2017) (and expecting a *timely* response, which he *never* got) can be ignored *to his detriment*; **(3)** then in August 2017[12] Schneider physically going to the "public courthouse" and being *forced* to sleep on the streets *again*, getting *very* sick for *weeks* afterwards, and getting *totally* stranded in Sacramento without **any** means of getting home at all except for insane generosity of friends/neighbors (Dkt. 11 Decl. R2 at 2-3, 5-10) can be *also* ignored by the court to his detriment; (4) then in September and October 2017 Schneider files with the S.Ct. as his only option: which likewise was functionally censored to his detriment; (5) *forcing* him back before the very court who then after all this decides to issue an Order (*only* in this case, BAC case 9th *then* still refused to serve him with that case's scheduling Order *too*, see App. 11, S.Ct. 17-9240) that treats all of Schneider's unnecessary pain, blatant and unprecedented violation of his civil rights etc. as **nothing at all**—"harmless"—to be silently ignored; and (6) after notice to the 9th of all *these* facts: in November 2017 the 9th ups the ante by then refusing to let Schneider in *again* with the parting comment of "go back to where you came from" (App. 12) all very coincidentally just

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[12] In June-July-August 2017 Schneider *had* a working copier (*very* critical), a little more neighbor mobility and there **never** would have been dual track sandbagging in conjunction with the BAC 9th case Orders, filing deadlines etc. (in BAC now ordered to file his opening brief by August 28, 2018).

after he is/was challenging—as unconstitutional—the court's August 2017 actions (9th Dkts. 6-9?). All due respect to any court on anything written here: this is beyond all belief from the U.S. Government, towards any citizen. The 9ths actions/inactions, at minimum,[13] are a *continuing* violation of substantive and procedural due process, Schneider's First Amendment rights (see also Dkt. 28? Schneider's July 31, 2018 comments/objections re: 9th RJN refusal to file), as well as his fundamental rights to a neutral judiciary (appellate court) both in appearance and actuality; *In re Oliver.*

II. Schneider's irreparable *court speech* has/is being censored and restricted by the *continuing* events from March 30, 2014 until today.

A courthouse is quintessentially a "public forum" that "by long tradition or by government fiat have been devoted to assembly and debate." *Perry Education Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 45 (1983). A courthouse is property "open for use by the public as a place for expressive activity." Id. at 46. As to Schneider's First Amendment speech, it is established that; **(1)** legal action is protected "First Amendment" speech; *N.A.A.C.P. v. Button*, 371 U.S. 415 (1963); **(2)** "The right to be heard must necessarily embody the right to file motions and pleadings to present claims and raise relevant issues." *Holt v. Virginia*, 381 U.S. 131, 136 (1965); **(3)** "without a doubt" includes "the right of *the individual* to

[13] That the 9th has granted some extensions does not make up for what was lost by their deliberate actions, inactions etc. in the first place! Analogously, it is like getting **raped** by a police officer, and *then* because that same police officer did not write you a $50 speeding ticket: You should be Happy—"harmless error"—that the later self-serving actions eliminate the illegality of the former. See recent case, audio, and video of how a U.S. Citizen ***Sandra Bland*** tragically **committed suicide** and died in the Texas *justice* system over a "failure to signal" **and her very appropriate citizen Speech.** All because she *sadly* learned, like Schneider has, that what they believed and had been taught that the Constitution stands for with its "protections" against tyranny and oppression: is a lie. The SANDRA BLAND case, like so many others that actually *got out to the public*, does not need any government "interpretation" to the people of the WORLD; the insanity of it is immediately apparent.

contract, to engage in *any* of the common occupations of life, *to acquire useful knowledge*...[and] to enjoy those privileges long established at common law as essential to the orderly pursuit of happiness of free men" *Meyers v. Nebraska*, 262 U.S. 390, 399 (1923) (emphasis mine) and "must be respected" Id. at 401; **(4)** free speech "lies at the foundation of free government and by free men." *Schneider v. State*, 308 U.S. 147, 161 (1939); **(5)** our "Constitution protects the right to receive information and ideas...is fundamental to our free society" *Stanley v. Georgia*, 394 U.S. 557, 564 (1969); **(6)** "the constitutional rights of free speech, free press, and free assembly...[is central] to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government." *De Jonge v. Oregon*, 299 US 353, 365 (1937); **(7)** "A denial of [fundamental] constitutionally protected rights demands judicial protection; our oath and our office require no less of us." *Reynolds v. Sims*, 377 US 533, 566 (1964); **(8)** speech "does not loose its constitutional protection merely because it is effective criticism [of "government officials" over civil rights abuses that fill volumes of Supreme Court reports];" *New York Times v. Sullivan*, 376 U.S. 254, 273 (1964); **(9)** speech cannot be punished–abridged directly or *indirectly* where "In practical operation, therefore, this procedural device must necessarily produce a result which the State could not command directly. It can only result in a deterrence of speech which the Constitution makes free." *Speiser v. Randall*, 357 U.S. 513, 526 (1958) as repeated-paraphrased in *many* opinions; and **(10)** speech cannot be abridged by a *de facto* prior restraint and censorship where "if judicial review is made unduly

onerous, by reason of delay or otherwise, [such facts-delay] in practice may be final." *Southeastern Promotions, Ltd. v. Conrad,* 420 U.S. 546, 561 (1975) where First Amendment prior-restraints [e.g. refusing Schneider entry into a public courthouse and *other* Ninth Circuit actions/inactions] "fall on speech with a brutality and a finality all their own. Even if they are ultimately lifted they cause irreparable loss." *Nebraska Press Association v. Stuart,* 427 U.S. 539, 609 (1976) at 559 "A prior restraint, by contrast, and by definition, has an immediate and irreversible sanction. If it can be said that a threat of criminal or civil sanctions after publication 'chills' speech, prior restraint 'freezes' it at least for the time."

The *continuing* (1) severe irreparable impacts on Schneider's speech *Elrod v. Burns,* 427 U.S. 347, 362 (1976) "The loss of First Amendment freedoms, for even minimum periods of time, unquestionably constitutes irreparable injury" Id. at 373; (2) censorship and forced page and size limitations due to rural mailbox (can't even mail a box), inability to even get stamps for this and prior filings etc. (see Schneider Decl. ISO June 27 Order Objections (App. 15 at 1-5; Not even on 9th Circuit Docket, yet mailed in *same* 6x9 envelope as Dkt. No. 22); 9th Dkt. 11 Decl. at 1 ISO—App. 14; Dkt. 5 at 2; and many references in TC and S.Ct. records both filed or censored). I object when I would have **already** ran out of stamps[14] (App.15 at 1; TC Dkt. 22

[14] App. 15 July 5, 2018 Decl. ISO objections at 1, Schneider stated 'exactly' what stamps he had, and in spite of this, the 9th demand he use all these stamps and more or risk great loss forcing even more neighbor help. Where if my neighbors did not help me? Obviously, not "harmless" instead: I would then be thrown out of court in the most unjust manner; *Johnson v. Avery,* 383 U.S. 483 (1969); and could very well starve (i.e. see n.15 above; 9th Dkt. 11 No.3 pg. 5-6; TC Dkt. 12 pg. 2 12:18), leaving aside all of the other facts of my isolated location. I again object to the "Heads you loose, Tails you loose" forced punishment of me by every court for the fact that my neighbors have help me at random to survive. It is like throwing a person into a pond chained up, if they happen to survive, like Houdini—harmless error—if they die (**like everyone else would**) then Gee: likely mootness.

(see n.10, 11 above;) from the *next* events of 9th's orders etc. and (3) as No. 2 above shows I do not know if the appellate "record" is *even* complete: so I include it here for reference as App. 15-21 the Declaration from July 4, 2018 (9th Dkt. 22 ??).

A perfect example of the difference between having "normal" everyday access to the U.S. mail system with a car, living in a city, or *even being a prisoner* (access which the 9th, C.I.R., and other real parties *all* have) and the severe forced limitations of Schneider over the last year + to only small envelopes of a few ounces (and page counts as small as 20 pages—*as here*) is strikingly illustrated in the related BAC Ninth Circuit case No. 16-16261 Docket No.?? (BAC opposition) filed on December 18, 2018 containing a *3-page* opposition along with a *150 page* Exhibit A that was shipped FedEx in a 9.5 x 15.5 envelope (appears to be many pages of S.Ct. stay application 17A612). It is impossible for Schneider to file anything like this now without the help of neighbors or fundamental personal transportation to town under the constraints that I have had since March 30, 2014 that are severely limiting me in the filing of this very mandamus petition (leaving aside the issue of me getting stamps). Similarly, when I have received a "returned" S.Ct. filing in the past they have likewise; (1) contained much more than 20-30 sheets of paper (often *many* hundreds of sheets); and (2) been shipped in a *large* Priority Mail *box* or 9.5 x 12.5 envelope (9th Dkt. 27 RJN Video Nos. 1-3 showing the *actual* S.Ct. postmarked May 7, 2018 envelope being *impossible* to fit in *every* rural mailbox for miles).

VI. Unequally barring any citizen from a public courthouse for no constitutionally valid reason, or to silence their speech, is against a long line of fundamental Supreme Court holdings dealing with "public" facilities.

Opinions long ago abrogated the Machiavellian "separate-but-equal" doctrine or *Dalits* caste system and similar schemes in any and all public schools: but the same has been held to apply to *inter alia*; (1) public libraries; *Brown,* 383 U.S. @ 141 (1965) "We are here dealing with an aspect of a basic constitutional right—the right under the First and Fourteenth Amendments ... to petition the government for a redress of grievances;" (2) public courtrooms *Johnson,* 373 US 61 (1963) "[Invidious Discrimination] in a court of justice is a manifest violation of the [appellate court's] duty to deny no one equal protection of its laws"; (3) public's equal and fundamental right to vote with equal representation *Reynolds v. Sims*, 377 US 533 (1964); and in literally *every* other area of every citizen's daily public life.

These rights should *not* be subject to some kind of ad hoc "balancing" test under *Mathews v. Eldridge*, 424 U.S. 319 (1976) on a "case-by-case" basis. All involve a "strict scrutiny" like Schneider's First Amendment and other *fundamental* rights that are immediately and irreparably implicated by the 9ths deliberate actions, unwritten rules, policies, and now forced ruling attempting to moot out any meaningful review of his change of appellate venue motion, that the court may have *not even read* (see facts above; App. 1). If "Congress [can not] require a federal court to take action in violation of the Constitution" *United States v. American Friends Service Committee*, 419 US 7, 16 (1974) then surely no court can "take [such] action" as *continues* to occur here?

Many of these *public* access case holdings deal either directly with citizen's "fundamental" rights or are so closely associated with those as to be subject to the

same First Amendment "independent examination" and exacting review of the "whole" record; *Bose Corp. v. Consumer Union of United States, Inc.*, 466 U.S. 485, 499 (1984) such review involving the court's own actions is more important here when the actions were either ministerial (April 3, 2017 letter) or involved no judicial "discretion" at all (invidious discrimination/exclusion of Schneider for no reason etc.) "Even though the government purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end *can be more narrowly achieved.* The breadth of legislative abridgment must be viewed in the light of less drastic means for achieving the same basic purpose." *Shelton v. Tucker*, 364 US 479, 488 (1960) (emphasis mine). Here *exactly* like in *Brown*, 383 at 143 "A [court]... may of course, regulate the use of its libraries or other public facilities. But it must do so in a reasonable and nondiscriminatory manner, equally applicable to all and administered with equality to all. It may not do so as to some and not as to all ... And it may not invoke [published/unpublished] regulations as to use [or entry] as a pretext for pursuing those engaged in lawful, constitutionally protected exercise of their fundamental rights."

Particularly, "where the parties will presumably object loudly, perhaps through legal action..." *Haig v. Agee*, 453 US 280, 315 (1981) as the **only** effective means to vindicate their rights[15] and unlike "The rich [who] can buy advertisements

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[15] Schneider has also briefly by mail petitioned the Executive and legislative branches (Senate Judiciary committee) over the repeated events, but such "petitions" are not a realistically effective remedy for the "average" American without the options of wealth, extensive news media coverage or pressure for public rights. Nor, without fundamental mobility, access to banking, to buy "postage stamps" or pursue a common calling anymore (9th Dkt. 11 Exh. 1 (13A1264 Renewed Decl. ISO;)— many requiring a "photo ID" when living in a very rural area— can Schneider organize First

in newspapers, purchase radio, or television time, and rent billboard space. Those less affluent [or those driven to poverty] are restricted to the use of handbills, or petitions..." *Walker v. Birmingham*, 388 U.S. 307, 336 (1967) and "The rich man can require the court to listen to arguments of counsel before deciding on the merits, but a poor man cannot." *Douglas v. California*, 386 U.S. 355, 357 (1963); *Harper v. Virginia Board of Elections*, 383 U.S. 663, (1966) "Wealth, like race, creed, or color is **not** germane to one's ability to [enter a public courthouse or library]..."Id. at 668.

If Mr. Schneider can be summarily/repeatedly (at least 4 times) be denied all access to a large public court law library of resources for personal education to *protect* his First Amendment rights/petition the government for a redress: then what use is the *uneducated* fundamental "right" to; (1) earn a living or *learn* any trade; *Slaughter-house cases*, 83 US 36 (1872); (2) *unrestricted* interstate travel; *Crandall v. Nevada*, 73 US 35 (1868); (3) Citizenship and the right to reside abroad without penalty; *Schneider v. Rusk*; 377 US 163 (1964); (3) personal privacy/medical Info etc. *Roe v. Wade*, 410 US 113 (1973); (4) Due Process; *Mathews v. Eldridge*, 424 US 319 (1976); (5) Marriage; *Boddie v. Connecticut*, 401 US 371 (1971) and; (6) right to vote; *Reynolds v. Sims*, 377 US 533, 561 (1964) which "involves one of the basic civil rights of man ("human rights")" as a "fundamental matter... preservative of other basic civil and political rights...[that] must be carefully and meticulously scrutinized." Id.@ 562 that without question "demands judicial protection" Id. @ 566.

It is sadly ironic that Schneider's personal right to educate himself in a public

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Amendment protests as he has *already* done in the past, when he ran for State senate, to *effectively* bring wide attention to these very important and far reaching public issues.

library is not protected, yet as an effective state Senate candidate or Lockwood Fire Board member and treasurer *for years* he must have educational competency in the law for his past *actual* judicial type administrative "closed session" hearing/fiscal responsibilities. The "right to Vote" is secondary to personally/continually educate oneself. *Reynolds v. Sims* truthfully stated that all "Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right." Id. at 560 quoting *Wesberry v. Sanders*, 376 U.S. 1 (1964) stressing how the "invidious discrimination [rights violated] ...are individual and personal." Id. at 561.

Yet, if any citizen is ignorant of the law and cannot educate themselves in a library on the details of their *actual* civil rights, vs. what propaganda may be/is being pushed on them by a candidate for office, governmental agent, or media outlet etc. Then, the right to vote is almost meaningless without a foundational education.

No direct "holding" on a "fundamental" right to access a "public courthouse law library" or to "file any court paperwork *in person*" as speech *N.A.A.C.P. v. Button*, 371 U.S. 415 (1963); *N.A.A.C.P. v. Alabama*, 357 U.S. 449 (1958) should be required, but it seems that it is *in this case*: justifying a writ of mandamus. Since Schneider is denied "access to the law" and multiple courts' public libraries then it is structurally impossible for Schneider to highlight "questions of law [that] become the focus of appellate review" *Salve Regina College v. Russell*, 499 US 225, 232 (1991) and the same disability is true to federal case and statutory laws: both immediately and extraordinarily implicated in this action. Nor should *any* citizen

ever need to "get arrested" after being told "You cannot enter the building" "Even the library" Schneider asked; "Yes, everything is closed" was the reply. All long before he **ever** was questioned *at all* about his "photo ID" in the 9th on November 13, 2017: a regular business day where the courthouse *was open* to **other** members of the "public" (App.12); or on August 11, 2017 submit to a demand to produce an *approved* "photo ID,"[16] (17A612 Decl. Exh. R2 at 2-3) in order to personally, effectively, and equally use the public courthouse's, restroom, drinking fountain, restaurant, clerk's office, copier, court docket computers etc. etc.

V. What has been deliberately done to Mr. Schneider is a "structural" error that is irreparable, not "correctable" at some later time, and for over four years has already proven to implicate the integrity of the entire judicial process justifying discretionary mandamus.

Justice is every citizen's *fundamental right* in the organization of our society "In the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness ... that they should have like access to the courts ... for the protection of their persons and property, the prevention and redress of wrongs." *Barbier v. Connolly*, 113 U.S. 27, 31 (1885) and no less fundamentally so then their right to travel, vote, or speak. The truth of facts of Mr. Schneider's repeated denials of any and all entry into *all* of the Courts as declared by Schneider in 17A612, e.g. 9th Dkt. 11, are *completely* known to, and *easily* verified by them, via their own security video, audio (if it exists), internal emails, computer files/ESI, protocols etc. and *prior* instances of similar and/or identical class and personal discrimination against others as a matter of unwritten rules,

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[16] Particularly, as here, where "in the absence of any basis for suspecting [Schneider] of misconduct ... such a stop ["requiring him to identify himself"] violated the Fourth Amendment because officers lacked any reasonable suspicion [of criminal conduct]" *Brown v. Texas*, 443 U.S. 47, 52 (1979).

policy, and protocols. But the substantive deprivations of Schneider's rights cannot be calculated by *any* "after the fact" without a trial over any disputed facts or even under any simple "harmless" error analysis, as "The nature of the violation allow[] a presumption [of] ... prejudice" and "any inquiry into harmless error would ... requir[e] unguided speculation." *Bank of Nova Scotia v. U.S.* 487 U.S. 250, 257 (1988); *Gomez v. U.S.*, 490 U.S. at 876 (1989) cited above. What has transpired is a "structural error" that has *already* infected the entirety of all of Schneider's cases, it was a "structural error" when the TC locked Schneider out; and it was a *far* worse "structural error" when the 9th circuit repeatedly did so.

How can any courts with such *direct* interest in what has transpired *already* (*see* 9th Dkt. 11 incorporated in full for *all* events concerning April 3 letter) put any value on the denial of "justice" from the series of *continuing* multi-court and two *case* events daily impacting the inability of Mr. Schneider to not only research fundamental legal knowledge, but also now not have his case become "moot" by the very court that Schneider is challenging. "Even a sensible and efficient use of the supervisory power, however, is invalid if it conflicts with constitutional or statutory provisions. A contrary result 'would confer on the judiciary discretionary power to disregard the considered limitations of the law it is charged with enforcing.' *United States v. Payer*, 447 US 727, 737 (1980); "Were it to find that the rules have been practically nullified by a district judge or by a concert of action on the part of several district judges, it would not hesitate to restrain them." *L.A. Brush Mfg. Corp. v. James,* 272 U.S. 701, 707 (1927).

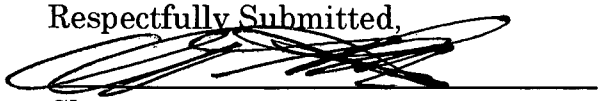
CONCLUSION

For the reasons outlined here, in supporting papers, and in the court records: Petitioner, Christopher D. Schneider, respectfully petitions for a writ of mandamus and/or prohibition and/or other relief directed to (1) the Ninth Circuit Court of California and its chief judge, Alex Kozinski, e.g. from the court's actions, inactions, protocols, unwritten rules, as outlined above and in supporting papers and also related to the opinion entered on May 24, 2018; (2) the U.S. Tax Court and its chief judge, Michael Thornton, e.g. from that court's actions, inactions, protocols/unwritten rules as shown above/in supporting papers; and/or (3) any other appropriate relief as Schneider remains without fundamental access to the very legal resources he needs to intelligently *even* formulate "other relief requests" that should be done: e.g. allowing refilling of Schneider's earlier S.Ct. clerk censored stay applications of June 2015, September 18, 2018, and October 16, 2017 verified motion to file—so the S.Ct. can actually see and consider the petition for a redress—or issuing a stay of the Ninth Circuit's briefing schedule or granting certiorari.

Verification: I Christopher D. Schneider declare under penalty of perjury that the forging facts are true and correct and that all attached appendix, exhibits and/or declarations are true/correct copies of documents to best of my ability.

Dated: August 18, 2018 in Sutter Creek California

Respectfully Submitted,



Christopher D. Schneider: Petitioner
16291 Stone Jug Rd.
Sutter Creek CA 95685
Phone: none; Email: horsefun69@yahoo.com (Both unavailable miles away)