

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 APPENDIX VOLUME 1 OF 1

Petitioner/Plaintiff in pro per: Christopher D. Schneider
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Sutter Creek CA 95685

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(Both remain unavailable miles away)

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FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAY 24 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CHRISTOPHER D. SCHNEIDER,

Petitioner-Appellant,

v.

COMMISSIONER OF INTERNAL
REVENUE,

Respondent-Appellee.

No. 17-70768

Tax Ct. No. 14514-14

ORDER

Before: W. FLETCHER and CALLAHAN, Circuit Judges.

On January 2, 2018, this court received appellant's "Motion to File One Copy of Venue Motion with the Court; to Violate Rules in the Interests of Justice; and Be Sent All Documents by Mail."

To the extent that the motion (Docket Entry No. 11) seeks to transfer this appeal to the United States Court of Appeals for the Tenth Circuit, it is denied. *See* 26 U.S.C. § 7482(b)(1). To the extent that the motion seeks service by mail, appellant is informed that on November 22, 2017, this court ordered that "all future filings from this court and appellee should be mailed to appellant." This court shall continue to serve appellant by mail at his address of record.

The opening brief is due July 9, 2018; the answering brief is due August 8, 2018; and the optional reply brief is due within 21 days after service of the

AC/MOATT

answering brief.

Because appellant is not represented by counsel, appellant does not need to submit excerpts of record for this appeal. *See* 9th Cir. R. 30-1.2.

UNITED STATES TAX COURT
WASHINGTON, DC 20217

CHRISTOPHER DAVID SCHNEIDER,) SD
)
Petitioner(s),)
)
v.) Docket No. 14514-14.
)
COMMISSIONER OF INTERNAL REVENUE,)
)
Respondent)

**ORDER OF DISMISSAL AND DECISION FOR FAILURE PROPERLY TO
PROSECUTE**

Pending before the Court is respondent's Motion to Dismiss for Failure Properly to Prosecute, filed November 28, 2016.

This case has been calendared for trial on four separate occasions in San Francisco, California and each time petitioner has failed to appear. The case was first called for trial on June 22, 2015, before Judge Morrison. Petitioner failed to appear and this case was continued generally. Since then the docket reflects numerous attempts to accommodate petitioner and move this case to trial.

On December 14, 2015, this case was called for trial. Again petitioner failed to appear but did contact the Court via telephone. On December 15, 2015 and December 18, 2015, the Court held telephonic conferences with counsel for respondent and petitioner. The Court informed petitioner that he needed to appear at trial on March 7, 2016, in San Francisco, California and that the parties needed to stipulate the facts. In an Order dated February 24, 2016, the Court also offered to intervene and discuss with the parties how this case could be submitted based upon the facts agreed to by the parties.

This case was called for trial on March 7, 2016. Again petitioner failed to appear. Respondent appeared and filed with the Court a Motion to Dismiss for Failure Properly to Prosecute and the Court took respondent's motion under advisement.

SERVED Mar 01 2017

By Order dated April 21, 2016, the Court calendared this case for trial in San Francisco, California on November 28, 2016. The Court noted in its Order that petitioner has consistently suggested transportation issues and that it may be possible for the case to be submitted fully stipulated, but if this is not possible, petitioner will have to be physically present at the November 28, 2016, San Francisco, California Trial Session. The Court denied respondent's Motion for Failure Properly to Prosecute, filed March 7, 2016 in order to give petitioner another opportunity to fully stipulate the facts with respondent and directed the parties on or before June 20, 2016, to file with the Court a Stipulation of Facts. The Court also directed the parties on or before July 1, 2017, to file with the Court a joint written report informing the Court if it was feasible to submit the case fully stipulated.

On June 27, 2016, petitioner lodged with the Court a Stipulation of Facts and Documents which was not agreed to by respondent. Nevertheless, upon review of these documents, the Court finds them to be irrelevant to the disposition of the merits of the case.

On June 28, 2016, petitioner filed a letter stating that he does not see how a fully stipulated closure of this case could be accomplished. On July 1, 2016, respondent filed a status report stating that respondent had not spoken with petitioner and had not received a response to a letter respondent sent to petitioner seeking to discuss the possibility of a stipulation of facts.

On October 14, 2016, the Court sent out a notice reminding the parties of trial on November 28, 2016.

This case was called for trial in San Francisco, California on November 28, 2016. There was no appearance by or on behalf of petitioner. Counsel for respondent appeared and filed with the Court a Motion to Dismiss for Failure Properly to Prosecute. By Order dated November 28, 2016, the Court directed petitioner on or before December 28, 2016, to show cause in writing why respondent's Motion to Dismiss for Failure Properly to Prosecute should not be granted and a decision entered in this case. On January 3, 2017, petitioner filed a Response to the Court's Order to Show Cause in which he reiterates his position that his alleged inability to travel should exempt him from this Court's procedures.

Rule 123(b), Tax Court Rules of Practice and Procedure, provides as follows:

(b) **Dismissal:** For failure of a petitioner properly to prosecute or to comply with these Rules or any order of the Court or for other cause which the Court deems sufficient, the Court may dismiss a case at any time and enter a decision against the petitioner.

This case presents such a circumstance.

Petitioner has repeatedly failed to cooperate in stipulating facts as required by Rule 91(a)(1), Tax Court Rules of Practice and Procedure, and has consistently failed to make arrangements to appear at trial.

Petitioner has been given every opportunity to present his case and the Court is left with no alternative but to dismiss his case and enter decision for respondent.

Given due consideration to the foregoing and due to petitioner's inability and unwillingness to be at trial and to effectively engage in any stipulation process, it is hereby

ORDERED that the Court's Order to Show Cause, dated November 28, 2016, is deemed absolute. It is further

ORDERED that respondent's Motion to Dismiss for Failure Properly to Prosecute, filed November 28, 2016 is granted and this case is dismissed for failure properly to prosecute. It is further

ORDERED and DECIDED that there is a deficiency in income tax in the amount of \$2,125 and additions to tax under I.R.C. §§ 6651(a)(1) and 6651(a)(2) in the respective amounts of \$478.13 and \$361.25 due from petitioner for the taxable year 2010.

(Signed) Joseph Robert Goeke
Judge

ENTERED: **MAR 01 2017**

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JUL 30 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CHRISTOPHER D. SCHNEIDER,

No. 17-70768

Petitioner-Appellant,

Tax Ct. No. 14514-14

v.

ORDER

COMMISSIONER OF INTERNAL
REVENUE,

Respondent-Appellee.

Before: Peter L. Shaw, Appellate Commissioner.

The appellant's objection (Docket Entry No. 28) to the July 16, 2018 order and any future related responses are referred to the panel assigned to consider the merits of this case for whatever consideration the panel deems appropriate.

The appellant's opening brief is due within 30 days after the date of this order; the appellee's answering brief is due within 30 days after service of the opening brief; and the appellant's optional reply brief is due within 21 days after service of the answering brief. Any motion for a further extension of time to file the opening brief is strongly disfavored.

tah/7.23.18/Pro Mo

1 CHRISTOPHER D SCHNEIDER
In Propria Persona
2 16291 Stone Jug Rd.
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3 Phone: -None-
Email: Horsefun69@yahoo.com
4
5

6 UNITED STATES TAX COURT
7

8 CHRISTOPHER DAVID SCHNEIDER¹) Tax Court Case No. 14514-14
9)
Petitioner,) NOTICE OF APPEAL
10)
vs.)
11) Honorable Joseph Robert Goeke
Commissioner of Internal Revenue,) Judge
12)
13 Respondents.)
14)

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15 PETITIONER'S NOTICE OF APPEAL
16

17 Petitioner Christopher D. Schneider hereby give NOTICE TO ALL PARTIES that
18 pursuant to Federal Rules of Appellate Practice Rule 3 and corresponding Tax Court Rule he
19 appeals to the United States Court of Appeals for the Ninth Circuit all earlier orders, judgments,
20 ruling, errors etc. including from the Tax Court's ORDER of March 1, 2017 (believed to be
21 Docket No. 61) and entered/served on March 1, 2017.

22 Dated: March 9, 2017

Respectfully submitted,

23 
24 Christopher D. Schneider, petitioner in pro per

25 ¹ From the "name" of petitioner and all other facts, matters of law, and events occurring (and/or
26 not occurring) during this case petitioner does not waive anything in law or fact and reiterates
27 again the structural nature of the prejudice and disabilities discriminatorily imposed upon him in
28 violation of his fundamental Constitutional rights under—inter alia—the First Amendment and
the Fifth Amendment; *Sunal v. Large*, 332 U.S. 174 (1947); *Yick Wo v. Hopkins*, 30 L.Ed. 220
(1886); *Hann v. Plumer*, 380 U.S. 460 (1965); *Bounds v. Smith*, 430 U.S. 817 (1977).

Christopher D. Schneider
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Christopher D. Schneider

April 3, 2017

Ninth Circuit Court Clerk
PO BOX 193939
San Francisco, CA 94119-3939

Re: Courts service of all documents

Dear Ninth Circuit Clerk,

Less than a month ago I filed an Appeal of a Tax Court decision (Schneider v. CIR; ninth circuit case number unknown), and about nine months ago an appeal in a civil case (16-16261).

I do not know if anything has been generated in either of these cases over the prior 45+ days as I have not had any access to any email (I had my Driver's License/Picture ID¹ seized). I can only view such emails at a public library located a 20 minute drive away from my home in a very rural and isolated location without public transportation, and do not know when I may again be able to access email. I therefore request that I be timely mailed any and all Court correspondence, this has already been long discussed in multiple prior court filings. But, out of an abundance of caution I am reiterating the facts.

Sincerely,



Christopher D. Schneider

¹ For over three years now my *continuing* "pains and disabilities" inflicted upon me in all 50 states **ex parte** (Verified Blacklisting via National Driver's Registry on June 27 2016, and again refused a license via California DMV on December 6, 2016) **all** in direct retaliation for my First Amendment editorial speech criticizing the California Department of Motor Vehicles who then "Immediately" suspended my only form of Photo ID and Driver's License.