

1 ILICH VARGAS
2 1212341370
3 9500 N. ETTWANDA AVE
4 RANCHO CUCAMONGA CA 91739

5 IN PRO-SE

6 IN THE SUPREME COURT OF THE UNITED STATES
7 CASE NO: 18-6261

8 PETITION FOR REHEARING

9 PETITIONER ILICH VARGAS RESPECTFULLY PRAYS FOR REHEARING
10 AND REVERSAL OF THE ORDER ENTERED JANUARY 7, 2019
11 DENYING HIS PETITION FOR WRIT OF CERTIORARI TO THE UNITED
12 STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ON THE FOLLOWING
13 GROUNDS:

14 (1) INTERVENING CIRCUMSTANCES OF A SUBSTANTIAL OR
15 CONTROLLING EFFECTS EXIST IN THIS CASE; AND

16 (2) THERE ARE SUBSTANTIAL GROUNDS NOT PREVIOUSLY
17 PRESENTED THAT ARE OF PARAMOUNT PUBLIC INTEREST

19 I

20 WHETHER AUTHENTIC JUSTICE IS TRULY AND MEANINGFULLY
21 ACCESSIBLE TO "ALL" PERSONS IN THIS COUNTRY. INCLUDING
22 FOR THE POOR AND DEFENSELESS PERSONS THAT CANNOT AFFORD
23 TO PAY FOR AN ATTORNEY NOR COURT FEES IN CASES, SUCH AS
24 THIS, WHERE IT PLAINLY APPEARS THAT ABUSE OF JUDICIAL
25 POWER AND DISCRETION HAS CAUSED SYSTEMIC PERVERSIONS
26 AND CORRUPTION OF PLAIN ADEQUATE AND SPEEDY LEGAL
27 PROCESS AND PROCEDURES IN THE ORDINARY COURSE OF LAW
28 IN BOTH THE STATE AND THE FEDERAL COURTS?

1 IT HAS BEEN HELD AND REPEATEDLY PRONOUNCED THAT "THE
2 JUDICIARY'S ROLE AND FUNCTION IN OUR TRIPARTITE SYSTEM
3 OF GOVERNMENT IS TO INTERPRET CONSTITUTIONAL PROVISIONS,
4 APPLY CONSTITUTIONAL REQUIREMENTS TO THE FACTS AT HAND
5 AND SAFEGUARD AND PROTECT CONSTITUTIONAL RIGHTS." SEE
6 MALBURY V. MADISON 3 U.S. (1 CRANCH) 137, 177-180 (1803)
7 AND ALSO, EX- PARTE YOUNG 209 U.S. 123 (1909); POWELL V.
8 ALABAMA 287 U.S. 45, 52 (1932); GLASSER V. UNITED
9 STATES 315 U.S. 60, 71 (1942); BROWN V. ALLEN 344 U.S.
10 433 (1953); ELKIN E.T. V. UNITED STATES 364 U.S. 208 (1960);
11 MONROE V. PAPE 365 U.S. 167 (1961) FAY V. NOIA 372 U.S.
12 391 (1963); DOWBROWSKI V. PFISTER 380 U.S. 479 (1965). AND
13 SEE, CAPERTON V. A.T MASSEY COAL COAL. INC 555 U.S. 868 (2009)

14
15 IT IS ON THESE TRADITIONS ON WHICH PUBLIC WELFARE AND
16 THE FUNDAMENTAL SENSE OF SECURITY RESTS, IN A FUNCTIONING
17 GOVERNMENT IN WHICH THE PUBLIC INVESTS THEIR FAITH AND
18 TRUST. AND WHICH IS, FOR THE MOST PART, BASED IN THE BELIEF THAT
19 OUR TRUSTED JUDICIALS WILL ZEALOUSLY PRESERVE THE INTEGRITY
20 AND RELIABILITY OF OUR JUSTICE SYSTEM BY FAITHFULLY CARRYING
21 OUT THEIR DUTIES AND OATHS WITH ALL HONESTY FAIRNESS AND
22 EQUALITY TO THE PUBLIC. IT IS TO THESE WISE MEN AND WOMEN
23 OF THE JUDICIARY BRANCHES WHOM HAVE SWEORN AN OATH TO OUR
24 CONSTITUTION ON WHOM THE CITIZENS DEPEND ON FOR THE TRUE
25 VINDICATION, CORRECTION, PROTECTION AND PRESERVATION OF THE
26 SOUND AND JUST INTEGRITY AND RELIABILITY OF OUR JUSTICE
27 SYSTEM AS GUIDED BY THE RULE OF LAW AND THE FOUNDING
28 CONSTITUTIONAL PRINCIPLES OF THIS GREAT NATION.

1 IT IS THE GOOD FAITH AND TRUST OF THE PUBLIC THAT IS
2 TRANSGRESSED, HOWEVER, AND THE IMPORTANT ROLE OF THE
3 JUDICIARY THAT BECOMES MEANINGLESS WHEN THE DOORS TO
4 THE TEMPLE OF JUSTICE ARE SLAMMED SHUT TO THE ORDINARY
5 CITIZEN, AND WHEN THE COURTS ARBITRARILY AND UNFAIRLY
6 RESORT TO THE IMPLEMENTATION OF UNREASONABLE AND
7 DISHONEST METHODS AND GIMMICKS IN ORDER TO PREVENT
8 AND DEPRIVE AN ORDINARY PERSON FROM ACCESSING ACTUAL
9 AND AUTHENTIC JUSTICE AND FROM MEANINGFULLY INVOKING
10 THE EXERCISE OF PLAIN ADEQUATE AND SPEEDY REMEDIES AT
11 LAW IN THOSE INSTANCES WHERE LAWLESS AND UNRULY
12 STATE AND GOVERNMENT OFFICIALS RECKLESSLY VIOLATE A
13 PUBLIC PERSON'S CONSTITUTIONAL CIVIL RIGHTS. AND THEREBY
14 INFECT INJURIES ON THE UNDESERVING.

15
16 AT THE CORE OF PETITIONER'S PETITION FOR WRIT OF
17 CERTIORARI LIES THE IMPORTANT QUESTION OF : HOW THOROUGH,
18 EFFECTIVE, SUFFICIENT AND ORDERLY THE ADMINISTRATION AND
19 THE DISPENSATION OF JUSTICE IN THE UNITED STATES OF
20 AMERICA ACTUALLY AND TRULY IS ? AND WHETHER JUSTICE
21 IS ACTUALLY AND MEANINGFULLY ACCESSIBLE, IN THE PRACTICAL
22 SENSE IN THE COURTS OF THE UNITED STATES AND FOR THE
23 ORDINARY PUBLIC PERSON INCLUDING FOR THE POOR WHOM
24 CANNOT AFFORD TO PAY FOR AND HIRE AN ATTORNEY ?

25
26 THE ANSWERS TO THESE IMPORTANT QUESTIONS IN THE CONTEXT
27 OF THIS CASE WILL REFLECT THE INTEGRITY AND RELIABILITY
28 OF OUR SYSTEM OF LAWS WITHIN THE CRIMINAL AND CIVIL RIGHTS

1 BRANCHES. IN THIS CASE THE PETITIONER HAS PRESENTED
2 VISIBLE, COGNIZABLE AND JUDICIALE CLAIMS OF NUMEROUS
3 VIOLATIONS OF CHERISHED CONSTITUTIONAL CIVIL RIGHTS THAT
4 HAVE CAUSED AND RESULTED IN GREAT IMMEDIATE AND
5 IRREPARABLE DAMAGES AND INJURIES DURING THE TIME
6 THAT PETITIONER WAS BEING DETAINED IN A COUNTY JAIL WHILE
7 CONTESTING CRIMINAL CHARGES AND AWAITING FOR TRIAL, AND
8 AT HANDS OF STATE OF CALIFORNIA MUNICIPAL COUNTY
9 OFFICIALS. AND THAT IN THIS INSTANT MATTER THE CALIFORNIAN
10 STATE COURTS HAVE EXPRESSED AND /OR HAVE ALL
11 DEMONSTRATED AN OBJECTIVE INABILITY, UNWILLINGNESS AND
12 FUTILITY TO PROMPTLY AND CORRECTLY RECOGNIZE, ADDRESS,
13 VINDICATE AND PROTECT THROUGH THE PLAIN, ADEQUATE AND
14 SPEEDY REMEDIES AT LAW AVAILABLE THROUGH THE STATES
15 DESIGNATED PROCEDURES FOR ITS JUDICIAL ADMINISTRATION.
16 THUS, COMPELLING THE PETITIONER TO DULY TURN TO AND
17 PETITION FOR RELIEF TO THE FEDERAL COURTS BY WAY OF
18 TWO OF THE MOST IMPORTANT AND TRADITIONAL CONGRESSIONAL
19 AND LEGISLATIVE ENACTMENTS INTENDED FOR THE ADEQUATE AND
20 SPEEDY VINDICATION AND PROTECTION OF OUR CHERISHED
21 CONSTITUTIONAL CIVIL RIGHTS (i.e. 28 U.S.C. § 2241
22 IN CASE NO.: 18-6261 AND 42 U.S.C. § 1983 IN CASE
23 NO.: 18-6262 AND THAT ARE BOTH PRESENTLY BEFORE
24 THIS COURT.)

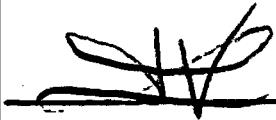
25
26 FROM THE ONSET OF PETITIONER'S TWO ACTIONS HOWEVER,
27 THE LOWER UNITED STATES COURT FOR THE CENTRAL DISTRICT
28 OF CALIFORNIA, EASTERN DIVISION, PREVENTED AND DEPRIVED

1 THE PETITIONER FROM ACCESSING JUSTICE AND A FAIR
2 RESOLUTION AND ADJUDICATION OF THE SUBJECT MATTERS OF
3 PETITIONERS CONSTITUTIONAL CLAIMS AND BY THE IMPLEMENTATION OF
4 WHAT APPEARS TO BE ARBITRARY AND UNFAIR PATTERNS,
5 PRACTICES AND METHODS OF DELIBERATELY MISCONSTRUING AND
6 MISREPRESENTING THE FACTUAL PLEADINGS (AND SUPPORTING) DOCUMENTS;
7 USING IMPERMISSIBLE HIGHTENED PLEADING STANDARDS,
8 ENTERING FINDINGS OF FACTS THAT ARE BASED ON PERSONAL
9 EXTRAJUDICIAL BELIEFS, IDEALS OR CONJECTURES THAT ARE NOT
10 SUPPORTED BY THE RECORDS AND BY APPLYING THE LAW AND
11 CONTROLLING AUTHORITIES IN AN OBJECTIVELY UNREASONABLE
12 MANNER TO THE ACTUAL EXTRAORDINARY CIRCUMSTANCES AND
13 THE FACTS OF THE CASE. AND THEREBY MANUFACTURING AN
14 INCORRECT AND DECEITFUL BASIS THAT THE PETITIONER
15 HAS FAILED TO STATE VALID COGNIZABLE AND JUDICIALE CLAIMS
16 OF VIOLATIONS OF FEDERAL CONSTITUTIONAL CIVIL RIGHTS. AND THAT
17 THE LOWER COURTS THEN RELIED ON IN ORDER TO DEPRIVE THE
18 PETITIONER FROM MEANINGFULLY ACCESSING JUSTICE. EVEN
19 THOUGH A FAIR AND COMPLETE READING AND REVIEW OF THE
20 PLEADING WOULD REASONABLY DEMONSTRATE THAT THE
21 PETITIONER HAS, IN FACT, SUFFICIENTLY STATED CLEAR, VALID
22 COGNIZABLE AND JUDICIALE CONSTITUTIONAL CLAIMS THAT
23 WHEN PROVEN TRUE WOULD ENTITLE HIM TO RELIEF.

24
25 THE IMMEDIATE, AND PERHAPS THE MOST SERIOUS PROBLEM
26 IN THIS INSTANT MATTER IS THAT PETITIONER IS BEING FURTHER
27 DEPRIVED FROM A MEANINGFUL, THOROUGH, WELL-REASONED AND
28 FAIR REVIEW OF THE LOWER COURTS' DECISIONS AND FROM A

1 WELL-THOUGHTOUT AND RATIONAL OPINION THAT WOULD BE
2 WORTHY OF PUBLICATION AND OF THE PUBLIC'S SCRUTINY
3 IN ORDER TO PROMOTE A PEACEFUL MIND AND A FAITHFUL
4 SPIRIT TOWARDS OUR JUSTICE SYSTEM. UNFORTUNATELY
5 THE PETITIONER HAS ONLY ENCONTRERED A CUSTOM PRACTICE OF
6 SUMMARY DENIALS BY THE LOWER REVIEW COURTS THAT HAVE
7 ALSO FAILED TO PERMIT AND ENFORCE THE PETITIONER'S
8 FUNDAMENTAL DUE PROCESS RIGHT TO ADVERSARIAL EVIDENTIARY
9 HEARINGS FOR DETERMINATION OF THE ACTUAL FACTS; NOR HAVE
10 THEY ISSUED A WELL-REASONEED AND RATIONAL OPINION THAT
11 EXPLAINS A LEGITIMATE JUSTIFICATION FOR ALLOWING THE
12 DEPRIVATION AND VIOLATION OF CONSTITUTIONAL CIVIL RIGHTS
13 OF THE PETITIONER TO GO UNCORRECTED WITHIN A PROMPT AND
14 REASONABLE TIME AND /OR UNCORRECTED AT ALL
15 UNDER THE EXTRAORDINARY CIRCUMSTANCES OF THIS CASE.

16 RESPECTFULLY SUBMITTED,



17 DATED: 1/28/2019

18 Illich Vargas (pro-se petitioner)

19 CERTIFICATION

20 I CERTIFY THAT THE ABOVE PETITION FOR REHEARING IS PRESENTED
21 IN GOOD FAITH AND NOT FOR DELAY AND THAT THE PETITIONER
22 IS RESTRICTED TO THE GROUNDS ABOVE SPECIFIED.

23 DATED: 1/28/2019

24 RESPECTFULLY SUBMITTED,



25 Illich Vargas (pro-se petitioner)

1
2 COPY OF CERTIFICATION
3
4
5
6

7 I ELICH VARGAS AM THE PETITIONER OF THE ATTACHED
8 PETITION FOR REHEARING, AND I HEREBY CERTIFY THAT THE
9 PETITION IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY
10 AND THAT THE PETITIONER IS RESTRICTED TO THE GROUNDS
11 SPECIFIED IN THE PETITION FOR REHEARING.
12
13

14 RESPECTFULLY SUBMITTED,
15

16 DATED: 1/28/2019
17

18 
19 Elich Vargas
20 1212391370
21 9500 N. Etiwanda Ave
22 Rancho Cucamonga CA 91730
23
24

25 IN PRO-SE
26
27
28