

1 ILLICH VARGAS  
1212341370  
2 9500 N. ETIWANDA AVE  
3 RANCHO CUCAMONGA CA 91739

4 IN PRO-SE

5 IN THE SUPREME COURT OF THE UNITED STATES

6 CASE NO: 18-6261

7  
8 PETITION FOR REHEARING

9 PETITIONER ILLICH VARGAS RESPECTFULLY PRAYS FOR REHEARING  
10 AND REVERSAL OF THE ORDER ENTERED JANUARY 7, 2019  
11 DENYING HIS PETITION FOR WRIT OF CERTIORARY 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

18  
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 5 U.S. (1 CRANCH) 137, 177-180 (1803)  
7 AND ALSO, EX-PARTE YOUNG 209 U.S. 123 (1909); POWEL 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 MONROW V. PAPE 365 U.S. 167 (1961) FAY V. NOIA 372 U.S.  
12 391 (1963); DOWBROWSKI V. PEISTER 380 U.S. 179 (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 SWORN 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 INFLECT INJURIES ON THE UNDESERVING.

15  
16 AT THE CORE OF PETITIONER'S PETITION FOR WRIT OF  
17 CERTIORARY 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 VIABLE, COGNIZABLE AND JUDICABLE 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

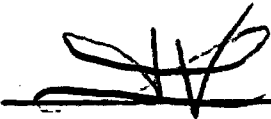
1 THE PETITIONER FROM ACCESSING JUSTICE AND A FAIR  
2 RESOLUTION AND ADJUDICATION OF THE SUBJECT MATTERS OF  
3 PETITIONERS CONSTITUTIONAL CLAIMS AND BY THE IMPLEMENTATION OF  
4 WHAT APPEARS TO BE ARBITRARY AND UNFAIR PATTERNS,  
5 PRACTICES AND METHODS OF DELIBERATELY MISCONSTRUING AND  
6 MISREPRESENTING THE FACTUAL PLEADINGS AND SUPPORTING  
7 DOCUMENTS; 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 JUDICIABLE 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 JUDICIABLE 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

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

RESPECTFULLY SUBMITTED,

DATED: 1/28/2019



ILUCH VARGAS (PRO-SE PETITIONER)

CERTIFICATION

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

DATED: 1/28/2019

RESPECTFULLY SUBMITTED,




ILUCH VARGAS (PRO-SE PETITIONER)

COPY OF CERTIFICATION

I ILICH VARGAS AM THE PETITIONER OF THE ATTACHED  
PETITION FOR REHEARING AND I HEREBY CERTIFY THAT THE  
PETITION IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY  
AND THAT THE PETITIONER IS RESTRICTED TO THE GROUNDS  
SPECIFIED IN THE PETITION FOR REHEARING.

RESPECTFULLY SUBMITTED,

DATED: 1/28/2019

  
\_\_\_\_\_  
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