

1 ILICH VARGAS
2 12123 41370
3 9500 N. ETIWANDA AVE.
4 RANCHO CUCAMONGA CA 91739

5 IN PRO-SE

6 IN THE SUPREME COURT OF THE UNITED STATES
7 CASE NO.: 18-6263

8 PETITION FOR REHEARING

9 PETITIONER ILICH VARGAS RESPECTFULLY PRAYS FOR REHEARING
10 AND REVERSAL OF THE ORDER ENTERED JANUARY 7, 2019
11 DENYING 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 EFFECT 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 315 U.S. 60, 71 (1942) BROWN V. ALLEN 344 U.S.
9 433 (1953); ELKIN E.T. V. UNITED STATES 364 U.S. 208 (1960);
10 MONROW V. PAPE 365 U.S. 167 (1961) FAY V. NOIA 372 U.S.
11 391 (1963) DOWNBROWSKI V. PFISTER 380 U.S. 479 (1965). AND
12 SEE CAPERTON V. A.T. MASSEY COAL INC. 555 U.S. 868 (2009)

13
14 IT IS ON THESE TRADITIONS ON WHICH PUBLIC WELFARE AND
15 THE FUNDAMENTAL SENSE OF SECURITY RESTS; IN A FUNCTIONING
16 GOVERNMENT IN WHICH THE PUBLIC INVESTS THEIR FAITH AND
17 TRUST. AND WHICH IS, FOR THE MOST PART, BASED IN THE BELIEF THAT
18 OUR TRUSTED JUDICIALS WILL ZEALOUSLY PRESERVE THE INTEGRITY
19 AND RELIABILITY OF OUR JUSTICE SYSTEM BY FAITHFULLY CARRYING
20 OUT THEIR DUTIES AND OATHS WITH ALL HONESTY, FAIRNESS AND
21 EQUALITY TO THE PUBLIC. IT IS TO THESE WISE MEN AND WOMEN
22 OF THE JUDICIARY BRANCHES WHOM HAVE SWEORN AN OATH TO OUR
23 CONSTITUTION ON WHOM THE CITIZENS DEPEND ON FOR THE TRUE
24 VINDICATION, CORRECTION, PROTECTION AND PRESERVATION OF THE
25 SOUND AND JUST INTEGRITY AND RELIABILITY OF OUR JUSTICE
26 SYSTEM AS GUIDED BY THE RULE OF LAW AND THE FOUNDING
27 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 INFILCT INJURIES ON THE UNDESERVING.

15
16 AT THE CORE OF THE PETITIONER'S PETITION FOR WRIT OF
17 CERTIORARI LIES THE IMPORTANT QUESTIONS 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 ?

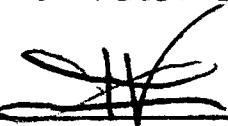
25
26 THE ANSWERS TO THESE IMPORTANT QUESTIONS IN THE CONTEXT
27 OF THIS CASE WILL REFLECT THE INTEGRITY AND RELIABILITY
28 OF OUR SYSTEM OF LAWS WITHIN THE CRIMINAL AND CIVIL RIGHTS

1 BRANCHES. IN THIS CASE THE PETITIONER HAS PRESENTED
2 VIABLE COGNIZABLE AND JUDICIALE CLAIMS OF NUMEROUS
3 VIOLATIONS OF CHERISHED CONSTITUTIONAL CIVIL RIGHTS
4 THAT 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 OF LAW 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.: 18-6263 AND THAT ARE BOTH PRESENTLY BEFORE THIS
24 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 ACCESSED JUSTICE AND A FAIR
 2 RESOLUTION AND A DEDUCATION OF THE SUBJECT MATTERS OF
 3 PETITIONERS' CONSTITUTIONAL CLAIMS AND BY THE IMPLEMENTATION OF
 4 WHAT APPEARS TO BE ARBITRARY AND UNFAIR PARTENS.
 5 PRACTICES AND METHODS OF DELIBERATELY MISCONSTRUING AND
 6 MISREPRESENTING THE FACTUAL PLEADING; AND SUPPORTING
 7 DOCUMENTS; USING IMPERMISABLE HIGHLIGHTED, BLEADING STANDARDS;
 8 ENTERING FINDINGS OF FACTS THAT ARE BASED ON PERSONAL
 9 ENTITLED AT THE RECORDS; AND BY APPLYING THE LAW AND
 10 EXTRADUDICIAL BELIEFS, IDEALS OR CONJECTURES THAT ARE NOT
 11 CONTROLLING AUTHORITIES IN AN OBJECTIVELY UNREASONABLE
 12 MANNER TO THE EXTRADIDINARILY CIRCUMSTANCES AND
 13 THE FACTS OF THE CASE. AND THEREBY MANUFACTURING AN
 14 INCORRECT AND DECERTFUL BASIS THAT THE PETITIONER
 15 HAS FAILED TO STATE VALID COGNIZABLE AND DEDUCABLE 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 ACCESSED JUSTICE. EVEN
 19 THROUGH A FAIR AND COMPLETE READING AND REVIEW OF THE
 20 PLEADING WOULD DEMONSTRATE THAT THE
 21 PETITIONER HAS IN FACT SUFFICIENTLY STATED CLEAR, VALID
 22 COGNIZABLE AND DEDUCABLE CONSTITUTIONAL CLAIMS THAT
 23 WHEN PROVEN TRUE WOULD ENTITLE HIM TO RELIEF.
 24 THE IMMEDIATE AND PERHAPS THE MOST SERIOUS PROBLEM
 25 IN THIS INSTANT MATTER IS THAT PETITIONER IS AING FURTHER
 26 DEPRIVED FROM A MEANINGFUL THOROUGH, WELL-REASONED AND
 27 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 ENCOUNTERED 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-REASONED 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
14 AND REASONABLE TIME, AND/OR UNCORRECTED AT ALL
15 UNDER THE EXTRAORDINARY CIRCUMSTANCES OF THIS CASE.
16
17 RESPECTFULLY SUBMITTED,

18 
19 DATED: 1/28/2019

20 ILICH VARGAS (PRO-SE PETITIONER)

21 CERTIFICATION

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

25
26 DATED: 1/28/2019

27 RESPECTFULLY SUBMITTED,

28 
ILICH VARGAS (PRO-SE PETITIONER)

1
2 COPY OF CERTIFICATION
3

4 I ILICH VARGAS AM THE PETITIONER OF THE ATTACHED
5 PETITION FOR REHEARING AND I HEREBY CERTIFY THAT
6 THE PETITION IS PRESENTED IN GOOD FAITH AND NOT FOR
7 DELAY AND THAT THE PETITIONER IS RESTRICTED TO THE
8 GROUNDS SPECIFIED IN THE PETITION FOR REHEARING.
9

10 RESPECTFULLY SUBMITTED,

11 DATED: 1/28/2019



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16 IN PRO-SE