

ILICH VARGAS  
1212341370  
9500 N. ETIWANDA AVE.  
RANCHO CUCAMONGA CA 91739

IN PRO-SE

IN THE SUPREME COURT OF THE UNITED STATES

CASE NO.: 18-6263

### PETITION FOR REHEARING

PETITIONER ILICH VARGAS RESPECTFULLY PRAYS FOR REHEARING AND REVERSAL OF THE ORDER ENTERED JANUARY 7, 2019 DENYING PETITION FOR WRIT OF CERTIORARY TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ON THE FOLLOWING GROUNDS:

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

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

### I

WHETHER AUTHENTIC JUSTICE IS TRULY AND MEANINGFULLY ACCESSIBLE TO "ALL" PERSONS IN THIS COUNTRY. INCLUDING FOR THE POOR AND DEFENSELESS PERSONS THAT CANNOT AFFORD TO PAY FOR AN ATTORNEY NOR COURT FEES IN CASES, SUCH AS THIS, WHERE IT PLAINLY APPEARS THAT ABUSE OF JUDICIAL POWER AND DISCRETION HAS CAUSED SYSTEMIC PERVERSIONS AND CORRUPTION OF PLAIN ADEQUATE AND SPEEDY LEGAL PROCESS AND PROCEDURES IN THE ORDINARY COURSE OF LAW 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,"<sup>23</sup> 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) DOWNBROSKI V. PFISTER 386 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 SWORN 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 INFLICT INJURIES ON THE UNDESERVING.

15  
16 AT THE CORE OF THE PETITIONER'S PETITION FOR WRIT OF  
17 CERTIORARY 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 JUDICABLE 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.)

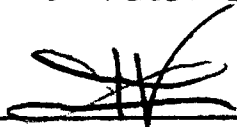
25  
26 FROM THE ONSET OF PETITIONER'S TWO ACTIONS HOWEVER,  
27 THE LOWER UNITED STATES COURT FOR THE CENTRAL DISTRICT  
28 OF CALIFORNIA, EASTERN DIVISION, PREVENTED AND DEPRIVED

1 THE PETITIONER FROM 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 MISCONSTRUCTING AND  
6 MISREPRESENTING THE FACTUAL PLEADING, 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 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 THE IMMEDIATE AND PERHAPS THE MOST SERIOUS PROBLEM  
25 IN THIS INSTANT MATTER IS THAT PETITIONER IS BEING 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 RESPECTFULLY SUBMITTED,

17 DATED: 1/28/2019

18 

ILUCH 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  
24 DATED: 1/28/2019

25 RESPECTFULLY SUBMITTED,

26 

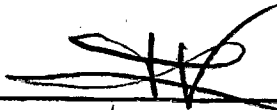
27 ILUCH VARGAS (PRO-SE PETITIONER)

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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