

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE ALICE BROWN — PETITIONER
(Your Name)

vs.

COUNTY OF DEL NORTE, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ALICE BROWN
(Your Name)

Po Box 60
(Address)

CRESCENT CITY, CA 95531
(City, State, Zip Code)

(707) 218-6181
(Phone Number)

RECEIVED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

THE UNITED STATES SUPREME COURT DECIDED IN *BERGER V. UNITED STATES* 255 U.S. 22 (1921) THAT IT IS THE DUTY OF THE JUDGE TO RETIRE FROM THE CASE WHEN THE AFFIANT BELIEVES THAT THE JUDGE HAS A PERSONAL BIAS OR PREJUDICE AGAINST HIM AND FROM THE FACTS ESTABLISH A "BENT OF MIND" OR MENTAL ATTITUDE AGAINST THE AFFIANT WHICH MAY PREVENT OR IMPEDE IMPARTIALITY OF JUDGEMENT. P. 255 U.S. 30. UNDER TITLE 28 UNITED STATES CODE SECTION 455(a) "ANY JUSTICE, JUDGE, OR MAGISTRATE JUDGE OF THE UNITED STATES SHALL DISQUALIFY HIMSELF IN ANY PROCEEDING IN WHICH HIS IMPARTIALITY MIGHT REASONABLY BE QUESTIONED." PETITIONER REQUESTS A PETITION FOR AN EXTRAORDINARY WRIT BE FILED FOR CONSIDERATION TO ADDRESS THE ISSUE OF DISQUALIFICATION OF MAGISTRATE JUDGE, EQUAL JUSTICE UNDER LAW, AND THE FRAUDULENT CONCEALMENT DOCTRINE.

PETITIONER FURTHER REQUESTS THIS PETITION BE FILED AND DOCKETED TO ACCOMPANY PETITIONER'S PREVIOUS PETITION FOR WRIT OF CERTIORARI (NO. 17-9567), DOCKETED ON JUNE 26, 2018, THAT IS CURRENTLY PENDING IN THIS COURT BECAUSE PETITIONER CLAIMS THAT BOTH PETITIONS STEM FROM THE SAME ISSUES, SUCH AS BENT OF MIND OF MAGISTRATE JUDGE, UNCONSTITUTIONAL DISCRIMINATION, DERELICTION OF DUTY, AND FRAUDULENT CONCEALMENT.

THE QUESTIONS PRESENTED RAISE PRESSING ISSUES OF NATIONAL IMPORTANCE:

1. WHETHER THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ERRED IN DISMISSING THE INTERLOCUTORY APPEAL FOR LACK OF JURISDICTION THEREBY VIOLATING THE DUE PROCESS CLAUSE AND THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.
2. WHETHER THE UNITED STATES DISTRICT COURT'S MAGISTRATE JUDGE, ROBERT M. ILLMAN, ERRED IN DENYING PLAINTIFF'S / PETITIONER'S MOTION FOR DISQUALIFICATION OF MAGISTRATE JUDGE WHEN THE MAGISTRATE JUDGE DENIED SAID MOTION WITHOUT EXPLANATION AND FAILED TO DISCLOSE THE FINDINGS OF FACT AND CONCLUSIONS OF LAW... WHICH IS NECESSARY TO ASCERTAIN THE GROUNDS OF THE JUDGMENT.

QUESTION(S) PRESENTED

3. WHETHER THE DENIAL OF MOTION WITHOUT EXPLANATION AND THE FAILURE TO DISCLOSE FINDINGS OF FACT AND CONCLUSIONS OF LAW CONSTITUTE "FRAUDULENT CONCEALMENT" BY MAGISTRATE JUDGE ROBERT M. ILLMAN.
4. WHETHER THE UNITED STATES DISTRICT COURT'S MAGISTRATE JUDGE ROBERT M. ILLMAN ERRED WHEN HE DENIED THE MOTION FOR DISQUALIFICATION OF MAGISTRATE JUDGE BASED ON HIS OWN BENT OF MIND, BIASES, PREJUDICES, PARTIALITY AND NOT THE PARTICULAR CLAIMS AT ISSUE.
5. WHETHER THE UNITED STATES DISTRICT COURT PRACTICED UNCONSTITUTIONAL DISCRIMINATION AGAINST THE DISADVANTAGED, POOR AND BLACK, PLAINTIFF / PETITIONER WHEN IT DENIED MOTION FOR DISQUALIFICATION OF MAGISTRATE JUDGE AND VACATED THE HEARING DATE THEREBY VIOLATING THE DUE PROCESS CLAUSE AND THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.
6. WHETHER THE PLAINTIFF / PETITIONER HAD A RIGHT TO BE HEARD AND A RIGHT TO A HEARING TO PRESENT EVIDENCE TO SUPPORT THE MOTION FOR DISQUALIFICATION OF MAGISTRATE JUDGE AND THE NEED FOR THE DISQUALIFICATION, INSTEAD OF THE MOTION BEING DECIDED ON THE PAPERS.
7. WHETHER THE UNITED STATES DISTRICT COURT ERRED WHEN IT NEGLECTED TO, FAILED TO, OR REFUSED TO ANALIZE OR ASSESS THE PARTICULAR CLAIMS AT ISSUE IN PLAINTIFF's / PETITIONER's MOTION FOR DISQUALIFICATION OF MAGISTRATE JUDGE.
8. WHETHER THE NEGLECT, FAILURE, OR REFUSAL OF THE UNITED STATES DISTRICT COURT TO ANALIZE THE PARTICULAR CLAIMS AT ISSUE IN PLAINTIFF's / PETITIONER's MOTION FOR DISQUALIFICATION OF MAGISTRATE JUDGE CONSTITUTE DERELICTION OF DUTY BY MAGISTRATE JUDGE ROBERT M. ILLMAN.
9. WHETHER THE NEGLECT, FAILURE, OR REFUSAL OF THE UNITED STATES DISTRICT COURT TO DISCLOSE THE FINDINGS OF FACT AND CONCLUSIONS OF LAW, AS REQUIRED BY FEDERAL RULE OF CIVIL PROCEDURE RULE 52(a)(1), IN IT'S ORDER DENYING MOTION CONSTITUTE DERELICTION OF DUTY.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

ALICE BROWN, PETITIONER

VS.

1. COUNTY OF DEL NORTE
2. NATIONAL PARK RANGER JOEL LEACHMAN
3. NATIONAL PARK RANGER DAVID KELTNER
4. NATIONAL PARK RANGER ROBERT TOLER
5. NATIONAL PARK RANGER GREGORY MORSE
6. DEPUTY SHERIFF ROBERT CLARKSON
7. DEPUTY SHERIFF NEAL OILAR
8. DEPUTY SHERIFF ADAM DANIELS
9. DEPUTY SHERIFF GRANT HENDERSON
10. SHERIFF ERIK APPERSON
11. SHERIFF DEAN WILSON, RETIRED

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix B to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was MAY 23, 2018.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.
 An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.
 A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.
 An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A_____.
The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. TITLE 28 UNITED STATES CODE SECTION 455(a) READS:

"DISQUALIFICATION OF JUSTICE, JUDGE, OR MAGISTRATE JUDGE
(a) ANY JUSTICE, JUDGE, OR MAGISTRATE JUDGE OF THE
UNITED STATES SHALL DISQUALIFY HIMSELF IN ANY PROCEEDING
IN WHICH HIS IMPARTIALITY MIGHT REASONABLY BE QUESTIONED."

2. THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES READS:

Amendment XIV (1868)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

3. THE CODE OF CONDUCT FOR UNITED STATES JUDGES CANON 3(C)(1)(a) READS:

"CANON 3: A JUDGE SHOULD PERFORM THE DUTIES OF THE OFFICE FAIRLY, IMPARTIALLY AND DILIGENTLY.
(C) DISQUALIFICATION. (1) A JUDGE SHALL DISQUALIFY HIMSELF OR HERSELF IN A PROCEEDING IN WHICH THE JUDGE'S IMPARTIALITY MIGHT REASONABLY BE QUESTIONED, INCLUDING BUT NOT LIMITED TO INSTANCES IN WHICH: (a) THE JUDGE HAS A PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY, OR PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY FACTS CONCERNING THE PROCEEDING;"

4. THE CODE OF CONDUCT FOR UNITED STATES JUDGES CANON 2(A) READS:

"CANON 2: A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.
(A) RESPECT FOR LAW. A JUDGE SHOULD RESPECT AND COMPLY WITH THE LAW AND SHOULD ACT AT ALL TIMES IN A MANNER THAT PROMOTES PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF THE JUDICIARY."

STATEMENT OF THE CASE

PLAINTIFF/ PETITIONER PETITIONS THE COURT FOR AN EXTRAORDINARY WRIT SINCE ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT. PLAINTIFF/ PETITIONER FILED AN INTERLOCUTORY APPEAL WITH THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ON APRIL 12, 2018 ONLY TO HAVE THE APPEAL DISMISSED FOR LACK OF JURISDICTION ON MAY 23, 2018. THE INTERLOCUTORY APPEAL WAS IN REGARDS TO PLAINTIFF'S MOTION FOR DISQUALIFICATION OF MAGISTRATE JUDGE THAT WAS DENIED IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA EUREKA DIVISION ON APRIL 11, 2018.

PLAINTIFF/ PETITIONER MOTIONED THE US DISTRICT COURT FOR DISQUALIFICATION OF MAGISTRATE JUDGE DUE TO HER BELIEF THAT THE MAGISTRATE JUDGE COULD NOT BE UNBIASED, IMPARTIAL, FAIR, HONEST, AND JUST. HER BELIEF STEMMED FROM INCIDENTS THAT OCCUR ON DECEMBER 5, 2017 DURING THE INITIAL CASE MANAGEMENT CONFERENCE. PLAINTIFF/ PETITIONER OBSERVED MAGISTRATE JUDGE ROBERT M. ILLMAN ACTING IN A MANNER THAT SHOWED BIAS AND PARTIALITY THAT CONSTITUTED SERIOUS IMPROPRIETIES. JUDGE ILLMAN STARTED THE PROCEEDINGS BY SCOLDING PLAINTIFF FOR SEVERAL MINUTES FOR DRAWING A LINE THROUGH SENTENCES AND WRITING ("LIE!", "LIE!", AND "THIS IS A LIE & FRAUD UPON THE COURT!!!") ON A DOCUMENT ENTITLED "JOINT CASE MANAGEMENT STATEMENT" THAT SHE DIDN'T EVEN FILE. THE ATTORNEY FOR COUNTY DEFENDANTS, JOHN VRIEZE, FILED THE DOCUMENT ON NOVEMBER 22, 2017 WITHOUT MAKING CORRECTIONS ALONG WITH THE SAME PAGE UNMARKED. THE MARKED PAGE "3" IS ATTACHED HEREIN AS "APPENDIX D." PLAINTIFF INTERRUPTED THE UNJUSTIFIED SCOLDING BY JUDGE ILLMAN BY EXPLAINING THAT SHE DID NOT WANT TO SIGN THE DOCUMENT UNLESS THE LIES WERE REMOVED AND THEN THE SCOLDING STOPPED. AFTER ALL, IT WAS ATTORNEY JOHN VRIEZE WHO REFUSED TO OR FAILED TO MAKE THE REQUESTED CORRECTIONS IN THE JOINT DOCUMENT THAT HE PREPARED AND FILED WITHOUT NOTIFYING PLAINTIFF THAT HE WOULD NOT MAKE CORRECTIONS. PLAINTIFF/ PETITIONER BELIEVES THAT THIS WAS AN INTENTIONAL ACT BY JOHN VRIEZE

STATEMENT OF THE CASE

AS A STRATEGY TO PAINT A UNTRUE PICTURE OF PLAINTIFF BEING DIFFICULT, ORNERY, AND UPPITY.

AT THE END OF THE INITIAL CASE MANAGEMENT CONFERENCE MAGISTRATE JUDGE ROBERT M. ILLMAN ISSUED AN INAPPROPRIATE SUA SPONTE ORDER MANDATING PLAINTIFF TO BE DEPOSED ON DECEMBER 18, 2017 OR DECEMBER 19, 2017. THERE WAS NO WRITTEN OR ORAL MOTION FOR THE ORDER AND NO NEED FOR THE ORDER. IN DOING SO, JUDGE ILLMAN VIOLATED LOCAL RULE 37-1 (a) AND ALIGNED HIMSELF WITH MY DEFENDANTS' ATTORNEY, JOHN VRIEZE, AND EXEMPTED VRIEZE FROM ADHERING TO THE LOCAL RULES REGARDING DISCOVERY... INCLUDING LOCAL RULE 37-1(a). JUDGE ILLMAN'S MOTIVE FOR THE SUA SPONTE ORDER WAS TO OBLIGE THE DEFENDANTS' ATTORNEY JOHN VRIEZE DUE TO A FALSE STATEMENT MADE BY VRIEZE WHEN HE SAID, "ALICE BROWN IS REFUSING TO BE DEPOSED!" THIS STATEMENT WAS A LIE AND PLAINTIFF INFORMED JUDGE ILLMAN THAT SHE DID NOT REFUSE TO BE DEPOSED AND SHE WAS WAITING FOR THE APPROPRIATE TIME, AFTER THE INITIAL CASE MANAGEMENT CONFERENCE. JUDGE ILLMAN REFUSED TO BELIEVE PLAINTIFF AND ISSUED THE ORDER DESPITE PLAINTIFF'S OBJECTION. HE NEVER EVEN QUESTIONED THE LIES FROM VRIEZE.

LOCAL RULE 37-1 (a) READS IN PART, "PROCEDURES FOR RESOLVING DISPUTES (a) CONFERENCE BETWEEN COUNSEL REQUIRED. THE COURT WILL NOT ENTERTAIN A REQUEST OR A MOTION TO RESOLVE A DISCLOSURE OR DISCOVERY DISPUTE UNLESS, PURSUANT TO FED. R. CIV. P. 37, COUNSEL HAVE PREVIOUSLY CONFERRED FOR THE PURPOSE OF ATTEMPTING TO RESOLVE ALL DISPUTED ISSUES."

MAGISTRATE JUDGE ROBERT M. ILLMAN ENGAGED IN UNFAIR SCHEDULING ORDERS AND REQUIREMENTS WHEN HE FAILED TO OR REFUSED TO PREPARE AND ISSUE A "CASE MANAGEMENT ORDER" AND/OR A "SCHEDULING ORDER" AT OR AFTER THE INITIAL CASE MANAGEMENT CONFERENCE. THE ONLY ORDER FROM THAT HEARING WAS THE SUA SPONTE ORDER WHICH BENEFITED ONLY THE DEFENDANTS GIVING THEM AN ADVANTAGE OVER PLAINTIFF.

STATEMENT OF THE CASE

PLAINTIFF/PETITIONER'S COMPLAINT ARISES FROM AN INCIDENT THAT OCCURRED ON HER 50TH BIRTHDAY, DECEMBER 21, 2014. ON THAT DAY PLAINTIFF/PETITIONER WAS ASLEEP IN THE BACK OF HER VAN IN A PARKING LOT THAT SHE BELIEVED TO BE A REST AREA IN HIUCHI CALIFORNIA. SHE WAS HOMELESS AND A NEW ARRIVAL TO CALIFORNIA RELOCATING FROM NEVADA. DEFENDANT/RESPONDENT NATIONAL PARK RANGER JOEL LEACHMAN MADE CONTACT WITH PLAINTIFF/PETITIONER BY KNOCKING ON HER VAN'S BACK WINDOW, AWAKENING HER. LEACHMAN DEMANDED THAT SHE OPEN THE DOOR SO THAT HE CAN "SEE" IN HER VAN TO "SEE" WHAT SHE WAS DOING AND "SEE" WHAT WAS IN HER VAN. SHE ASKED FOR "PROBABLE-CAUSE" TO "SEE" IN HER VAN. HE RESPONDED SAYING PARKING AND SLEEPING ON THE LOT WAS PROHIBITED. LEACHMAN THREATENED TO SMASH THE VAN WINDOW IF SHE DIDN'T OPEN THE DOOR SO THAT HE COULD "SEE" IN THE VAN. WHEN SHE DIDN'T CONSENT OR COMPLY WITH THE UNREASONABLE SEARCH, LEACHMAN STORMED OFF TO HIS POLICE VEHICLE WHERE HE PROCEEDED TO TELL HIS SUPERIOR, (ON PHONE) DEFENDANT/RESPONDENT NATIONAL PARK RANGER GREGORY MORSE, THAT HE IS GOING TO FORCE ENTRY INTO VAN. HE ALSO CALLED DEFENDANT/RESPONDENT ROBERT TOLER AND TOLD HIM THAT PLAINTIFF/PETITIONER IS ALREADY GOING TO JAIL FOR PC 148.

PLAINTIFF/PETITIONER WAS GRABBED FROM BEHIND BY LEACHMAN AND THROWN TO THE GROUND. SHE WAS HANDCUFFED, THOROUGHLY SEARCHED, AND ARRESTED FOR PC 148. DURING THE SEARCH LEACHMAN TOUCHED HER GROIN AND PULLED HER PANTS WAISTBAND OUT EXPOSING HER BUTTOCKS. LEACHMAN PRYED THE VAN KEYS OUT OF PLAINTIFF'S/PETITIONER'S HAND AS SHE LAID ON THE GROUND HANDCUFFED AND PROCEEDED TO THOROUGHLY SEARCH HER VAN, CUTTING OPEN MOVING BOXES, AND DUMPING OUT BACKPACKS, BAGS. WHEN HE FOUND NO WEAPONS, NO METHAMPHETAMINE, NO ALCOHOL/OPEN CONTAINERS HE IMPOUNDED THE VAN AND DROVE PLAINTIFF/PETITIONER TO THE COUNTY JAIL. THE ONLY CHARGE ON THE ARREST REPORT WAS PC 148, ALTHOUGH LEACHMAN INITIALLY ALLEGED ILLEGAL CAMPING. ILLEGAL CAMPING WAS ADDED TO PC 148 BY THE DISTRICT ATTORNEY.

STATEMENT OF THE CASE

PLAINTIFF / PETITIONER FILED THE CIVIL RIGHTS COMPLAINT AGAINST THE DEFENDANTS / RESPONDENTS FOR VIOLATING HER FOURTH, EIGHTH, AND FOURTEENTH AMENDMENT RIGHTS, USING EXCESSIVE AND UNNECESSARY FORCE WHEN SHE WAS SUBJECTED TO UNREASONABLE SEARCH AND SEIZURE OF HER PERSON, VEHICLE, AND PROPERTY. DEFENDANTS / RESPONDENTS ARE BEING SUED FOR THEIR ACTIONS AND INACTIONS. THERE WERE THOSE WHO ACTIVELY ENGAGED IN THE DEPRIVATION OF PLAINTIFF'S / PETITIONER'S CONSTITUTIONAL RIGHTS AND THOSE WHO STOOD AROUND IN A CIRCLE AND WATCHED AND LAUGHED, ALL FOR THEIR ENJOYMENT. THE DEMAND FOR RELIEF IS FOR MONEY DAMAGES FOR ACTUAL AND PUNITIVE DAMAGES IN THE AMOUNT OF \$10,000.00.

REASONS FOR GRANTING THE PETITION

JUSTICE TOO LONG DELAYED IS JUSTICE DENIED!

THIS COUNTRY IS NOTORIOUS FOR DENYING JUSTICE AS WELL AS LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS TO BLACK PEOPLE, MY PEOPLE. WE HAVE BEEN ENSLAVED, EXPERIMENTED ON, TORTURED, AND LYNCHED ALL FOR THE BENEFIT AND ENJOYMENT OF WHITE PEOPLE... WITHOUT COMPENSATION. OUR LIVES ARE CUT SHORT BY TRIGGER HAPPY COPS AND OVERZEALOUS RACIST JUDGES QUICK TO DELIVER THE DEATH PENALTY TO US.

MY EXPERIENCE WITH THE DEFENDANTS/RESPONDENTS ATTACKING ME, THROWING ME TO THE GROUND, SEARCHING ME/ MY GROIN, SEIZING ME, SEARCHING MY VEHICLE, SEARCHING MY PROPERTY, SEIZING MY VEHICLE, HANDCUFFING ME/SHACKLING ME, HAULING ME OFF TO JAIL, IMPOUNDING MY VEHICLE, PROSECUTING ME FOR BEING BLACK AND HOMELESS WAS A DEHUMANIZING EXPERIENCE, ALL DONE FOR THE FINANCIAL GAIN OF THE COUNTY OF DEL NORTE AND THE ENJOYMENT OF ALL THE DEFENDANTS!

WE THE PEOPLE WHO HAVE HAD THESE HORRIFYING ENCOUNTERS WITH NATIONAL PARK RANGERS AND LOCAL DEPUTY SHERIFFS NO LONGER FEEL SAFE OR HAVE PEACE OF MIND AS WE VENTURE INTO NATIONAL PARKS AND ONTO FEDERAL LAND THAT OUR FORMER PRESIDENT THEODORE ROOSEVELT HAD SET APART FOR THE ENJOYMENT OF THE AMERICAN PEOPLE BY DESIGNATING THIS LAND AS "NATIONAL PARKS" FOR THE PURPOSE OF PRESERVATION FOR THE PAST, PRESENT, AND FUTURE GENERATIONS.

NATIONAL PARK RANGERS AND LOCAL DEPUTY SHERIFFS ARE ENGAGED IN THE PRACTICE OF TAKING AMERICAN CITIZENS' DIGNITY, FREEDOM, PEACEFUL ENJOYMENT OF LIFE AND IF LEFT UNCHECKED THEY WILL ULTIMATELY FEEL THE NEED TO TAKE OUR LIVES! BULLIES!

OTHER AMERICAN CITIZENS WHO HAVE SUFFERED AT THE HANDS OF THE NATIONAL PARK RANGERS AND LOCAL DEPUTY SHERIFFS TOLD THEIR STORIES TO THE LOCAL NEWSPAPER, DEL NORTE TRIPPLICATE, JUST LAST MONTH. THEIR NAMES ARE WILLIAM PAUL, THROWN DOWN TO THE GROUND AND ARRESTED BY NATIONAL PARK RANGERS ON JANUARY 22, 2016 AND FILED A SECTION 1983 LAWSUIT ON DECEMBER 19, 2017; THE McNAMARAS.

REASONS FOR GRANTING THE PETITION

DISQUALIFICATION IS REQUIRED BECAUSE MAGISTRATE JUDGE ROBERT M. ILLMAN'S IMPARTIALITY MIGHT REASONABLY BE QUESTIONED

SECTION 455(a) REQUIRES A JUDGE TO DISQUALIFY HIMSELF IN ANY PROCEEDING IN WHICH HIS IMPARTIALITY MIGHT REASONABLY BE QUESTIONED. TITLE 28 U.S.C. SECTION 455(a) READS: DISQUALIFICATION OF JUSTICE, JUDGE, OR MAGISTRATE JUDGE "(a) ANY JUSTICE, JUDGE, OR MAGISTRATE JUDGE OF THE UNITED STATES SHALL DISQUALIFY HIMSELF IN ANY PROCEEDING IN WHICH HIS IMPARTIALITY MIGHT REASONABLY BE QUESTIONED."

"THE GOAL OF SECTION 455(a) IS TO AVOID EVEN THE APPEARANCE OF PARTIALITY," *LILJEBERG V. HEALTH SERVICES ACQUISITION CORP.*, 486 U.S. 847, 860 (1988), AND THIS "WHAT MATTERS IS NOT THE REALITY OF BIAS OR PREJUDICE BUT ITS APPEARANCE," *LITERK V. UNITED STATES*, 510 U.S. 540, 548 (1994). IN OTHER WORDS, SO LONG AS A JUDGE'S IMPARTIALITY MIGHT REASONABLY BE QUESTIONED, RECUSAL IS REQUIRED "EVEN THOUGH NO ACTUAL PARTIALITY EXISTS... BECAUSE THE JUDGE ACTUALLY HAS NO INTEREST IN THE CASE OR BECAUSE THE JUDGE IS PURE IN HEART AND INCORRUPTIBLE." ¹¹ *LILJEBERG*, 486 U.S. AT 860.

THE STANDARD FOR ASSESSING WHETHER SECTION 455(a) REQUIRES DISQUALIFICATION IS THUS "AN OBJECTIVE ONE" THAT "INVOLVES ASCERTAINING WHETHER A REASONABLE PERSON WITH KNOWLEDGE OF ALL THE FACTS WOULD CONCLUDE THAT THE

REASONS FOR GRANTING THE PETITION

1 JUDGE'S IMPARTIALITY MIGHT REASONABLY BE QUESTIONED."¹¹ PRESTON
2 v. UNITED STATES, 923 F.2d 731, 734 (9th Cir. 1991). AND BECAUSE
3 OF ITS "FACT-DRIVEN"¹² NATURE, ANALYSIS "MUST BE GUIDED, NOT
4 BY COMPARISON TO SIMILAR SITUATIONS ADDRESSED BY PRIOR
5 JURISPRUDENCE, BUT RATHER BY AN INDEPENDENT EXAMINATION OF
6 THE UNIQUE FACTS AND CIRCUMSTANCES OF THE PARTICULAR CLAIM
7 AT ISSUE."¹³ UNITED STATES v. HOLLOWAY, 519 F.3d 909, 913
8 (9th Cir. 2008). IN PERFORMING THIS ANALYSIS, THE COURT
9 "MUST READ IN MIND THAT... OUTSIDE OBSERVERS ARE LESS
10 INCLINED TO CREDIT JUDGES' IMPARTIALITY AND MENTAL
11 DISCIPLINE THAN THE JUDICIARY ITSELF WILL BE," AND IN
12 "A CLOSE CASE, THE BALANCE TIPS IN FAVOR OF RECUSAL."¹⁴ *Id.* at
13 912, 914.

14 CANON 3 REQUIRES A JUDGE TO PERFORM THE DUTIES
15 OF THE OFFICE FAIRLY, IMPARTIALLY AND DILIGENTLY.

16 CANON 3(c)(1)(a) OF THE CODE OF CONDUCT FOR
17 UNITED STATES JUDGES READS: (c) DISQUALIFICATION.
18 "(1) A JUDGE SHALL DISQUALIFY HIMSELF OR HERSELF
19 IN A PROCEEDING IN WHICH THE JUDGE'S IMPARTIALITY
20 MIGHT REASONABLY BE QUESTIONED, INCLUDING BUT NOT
21 LIMITED TO INSTANCES IN WHICH:¹⁵ "(a) THE JUDGE
22 HAS A PERSONAL BIAS OR PREJUDICE CONCERNING A
23 PARTY, OR PERSONAL KNOWLEDGE OF DISPUTED EVIDENTIARY
24 FACTS CONCERNING THE PROCEEDING;". IN OTHER WORDS,
25 ONCE FACTS HAVE BEEN SET FORTH THAT CREATE A REASONABLE
26 INFERENCE OF A "BENT OF MIND" THAT WILL PREVENT THE
27 JUDGE FROM DEALING FAIRLY WITH THE PARTY SEEKING

REASONS FOR GRANTING THE PETITION

RECLUSAL, IT IS INCUMBENT UPON THE TRIAL JUDGE TO RECLUSE HIMSELF.

THE UNITED STATES SUPREME COURT DECIDED IN *BERGER V. UNITED STATES* 255 U.S. 22 (1921) THAT IT IS THE DUTY OF THE JUDGE TO RETIRE FROM THE CASE WHEN THE AFFIANT BELIEVES THAT THE JUDGE HAS A PERSONAL BIAS OR PREJUDICE AGAINST HIM AND FROM THE FACTS ESTABLISH A "BENT OF MIND" OR MENTAL ATTITUDE AGAINST THE AFFIANT WHICH MAY PREVENT OR IMPEDE IMPARTIALITY OF JUDGMENT. P. 255 U.S. 30.

CANON 2 OF THE CODE OF CONDUCT FOR UNITED STATES JUDGES REQUIRES A JUDGE TO AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES. CANON 2 (A) READS: RESPECT FOR LAW. "A JUDGE SHOULD RESPECT AND COMPLY WITH THE LAW AND SHOULD ACT AT ALL TIMES IN A MANNER THAT PROMOTES PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF THE JUDICIARY."

THE TEST FOR APPEARANCE OF IMPROPRIETY IS WHETHER THE CONDUCT WOULD CREATE IN REASONABLE MINDS A PERCEPTION THAT THE JUDGE'S ABILITY TO CARRY OUT JUDICIAL RESPONSIBILITIES WITH INTEGRITY, IMPARTIALITY AND COMPETENCE IS IMPAIRED. ACTUAL IMPROPRIETIES UNDER THIS STANDARD INCLUDE VIOLATIONS OF LAW, COURT RULES, OR OTHER SPECIFIC PROVISIONS OF THE CODE OF CONDUCT FOR UNITED STATES JUDGES.

RULE 52 (a)(1) OF THE FEDERAL RULES OF CIVIL PROCEDURE READS: "FINDINGS AND CONCLUSIONS BY THE COURT; JUDGMENT ON PARTIAL FINDINGS. (a) FINDINGS AND CONCLUSIONS. (1) IN GENERAL. IN AN ACTION TRIED ON THE FACTS WITHOUT A JURY OR WITH AN ADVISORY JURY, THE COURT MUST FIND

REASONS FOR GRANTING THE PETITION

1
2 THE FACTS SPECIALLY AND STATE ITS CONCLUSIONS OF LAW
3 SEPARATELY. THE FINDINGS AND CONCLUSIONS MAY BE STATED
4 ON THE RECORD AFTER THE CLOSE OF THE EVIDENCE OR MAY
5 APPEAR IN AN OPINION OR A MEMORANDUM OF DECISION FILED
6 BY THE COURT. JUDGMENT MUST BE ENTERED UNDER RULE 58.
7 THE ORDER DENYING MOTION TO DISQUALIFY MAGISTRATE JUDGE
8 DATED APRIL 11, 2018 CONTAINED NO FINDINGS OF FACTS AND NO
9 CONCLUSIONS OF LAW AND NO EXPLANATION FOR THE DENIAL
10 WHICH IS NECESSARY TO ASCERTAIN THE GROUNDS OF THE
11 JUDGMENT. THE LACK OF THE FINDINGS OF FACT AND CONCLUSIONS
12 OF LAW IS THE EVIDENCE THAT DEMONSTRATES THAT THE
13 MAGISTRATE JUDGE FAILED TO ANALIZE OR ASSESS THE
14 PARTICULAR CLAIMS AT ISSUE. THE JUDGE JUST SIMPLY
15 STATED IN HIS ORDER, "PLAINTIFF'S MOTION IS HEREBY
16 DENIED." FIVE LITTLE WORDS THAT DISPOSED OF PLAINTIFF'S
17 MOTION. THE FAILURE TO ANALIZE THE PARTICULAR CLAIMS AT
18 ISSUE IS A SERIOUS IMPROPRIETY BECAUSE IT AMOUNTS TO
19 DERELICTION OF DUTY BY MAGISTRATE JUDGE ROBERT M. ILLMAN.

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Alice Brown

Date: 9/10/18