

No. 18-6507

IN THE  
SUPREME COURT OF THE UNITED STATES

In re. ALICE BROWN — PETITIONER  
(Your Name)

vs.

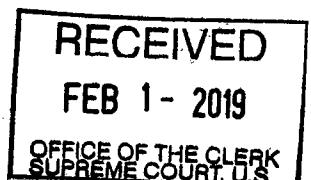
COUNTY OF DEL NORTE, et al — RESPONDENT(S)

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 REHEARING

ALICE BROWN  
(Your Name)



PO Box 60  
(Address)

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

(707) 218-6181  
(Phone Number)

## 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

✓ ALL RESPONDENTS

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

1 PETITION FOR REHEARING  
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4 PURSUANT TO SUPREME COURT RULE 44, PETITIONER  
5 RESPECTFULLY PETITIONS THIS COURT FOR REHEARING OF ITS  
6 JANUARY 7, 2019 ORDER DENYING THE PETITION FOR A WRIT OF  
7 CERTIORARI IN THIS CASE.

8 NOTHING THAT RESEMBLES JUSTICE EVER ENTERS OR  
9 LEAVES ANY COURTROOM IN THIS COUNTRY.

10 FROM 1865 TO 1965 THE LEGAL SYSTEM WAS STACKED  
11 AGAINST BLACK CITIZENS, WITH EX- CONFEDERATE SOLDIERS  
12 WORKING AS POLICE AND JUDGES, MAKING IT DIFFICULT FOR  
13 AFRICAN AMERICANS TO WIN COURT CASES AND ENSURING  
14 THEY BECAME VICTIM TO THE BLACK CODES.

15 THREE YEARS AGO US ATTORNEY GENERAL LORETTA LYNCH  
16 AND THE DEPARTMENT OF JUSTICE HAD TO FILE A CIVIL  
17 RIGHTS LAWSUIT AGAINST THE CITY OF FERGUSON, MISSOURI  
18 DUE TO FERGUSON'S CITY COUNCIL DECISION NOT TO REFORM  
19 IT'S CRIMINAL JUSTICE SYSTEM TO REMEDY RACIST PRACTICES  
20 IN THE COURTS AND RACIST POLICING OF THE ST LOUIS  
21 SUBURB. THE CIVIL RIGHTS LAWSUIT WAS FILED TO FORCE  
22 REFORMS IN FERGUSON, MISSOURI WHERE THE RESIDENTS  
23 HAVE SUFFERED THE DEPRIVATION OF THEIR CONSTITUTIONAL  
24 RIGHTS FOR DECADES. (SEE EXHIBIT A)

25 CORRUPT RACIST JUDGES EXIST TODAY AS THEY DID IN THE  
26 PAST. IN ORDER TO RECEIVE TRUE JUSTICE IN AMERICA:  
27 ANY JUSTICE, JUDGE, OR MAGISTRATE JUDGE OF THE UNITED STATES  
28 SHALL DISQUALIFY HIMSELF IN ANY PROCEEDING IN WHICH HIS  
IMPARTIALITY MIGHT REASONABLY BE QUESTIONED.

## 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 & 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 ALGHOL/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 IN ACTIONS. 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 \$10,000,400.00.

1 REASONS FOR GRANTING THE PETITION

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3 1) IN LIGHT OF THE RECENT UNITED STATES COURT OF  
4 APPEALS FOR THE NINTH CIRCUIT COURT DECISION, ROBERT  
5 MARTIN, et al v. CITY OF BOISE, NO. 15-35845, FILED  
6 SEPTEMBER 4, 2018, THE SUPREME COURT OF THE UNITED STATES  
7 IS IN THE POSITION TO DECIDE AND GRANT THIS PETITION FOR  
8 REHEARING AND THE UNDERLYING PETITION FOR WRIT OF  
9 CERTIORARI. ON SEPTEMBER 4, 2018, THE NINTH CIRCUIT HELD  
10 THAT, "THE EIGHTH AMENDMENT'S PROHIBITION ON CRUEL AND  
11 UNUSUAL PUNISHMENT BARS A CITY FROM PROSECUTING PEOPLE  
12 CRIMINALLY FOR SLEEPING OUTSIDE ON PUBLIC PROPERTY WHEN THOSE  
13 PEOPLE HAVE NO HOME OR OTHER SHELTER TO GO TO." THE COURT  
14 REASONED THAT SITTING, SLEEPING, AND LYING DOWN ARE  
15 "UNIVERSAL AND UNAVOIDABLE CONSEQUENCES OF BEING HUMAN."

16 2) PETITIONER'S UNDERLYING COMPLAINT REVOLVES AROUND THE  
17 RESPONDENTS' ACTIONS WHICH INCLUDED VIOLATING HER FOURTH,  
18 EIGHTH, AND FOURTEENTH AMENDMENT RIGHTS. HOWEVER, RESPONDENTS  
19 USED FALSE STATEMENTS TO CAUSE A BENT OF MIND IN THE  
20 DISTRICT COURT MAGISTRATE JUDGE WHO GRANTED ALL MOTIONS  
21 FOR SUMMARY JUDGMENT, CLAIMING THAT PETITIONER HAD NO  
22 CONSTITUTIONAL RIGHTS DUE TO "ILLEGAL CAMPING" AND  
23 THEREFORE PETITIONER HAS NO RIGHT TO ASSERT ANY CONSTITUTIONAL  
24 RIGHT AGAINST AN UNREASONABLE SEARCH OF HER VEHICLE.

25 THESE NEW COURT RULINGS CONSTITUTE "OTHER SUBSTANTIAL  
26 GROUNDS NOT PREVIOUSLY PRESENTED" IN PETITIONER'S PETITION  
27 FOR WRIT OF CERTIORARI AND THEREBY ALLOWS THE SUPREME COURT  
28 TO GRANT THIS PETITION FOR REHEARING ON THE NEW DEVELOPMENTS.

TITLE OF DOCUMENT: PETITION FOR REHEARING CASE NO: 17-9567

## REASONS FOR GRANTING THE PETITION

### 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."

## **CONCLUSION**

The petition for REHEARING should be granted.

Respectfully submitted,

Alice Brown

Date: JANUARY 25, 2019

**Additional material  
from this filing is  
available in the  
Clerk's Office.**