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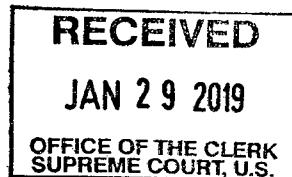
In The
Supreme Court of the United States

In re. Roda Hiramanek,
Petitioner,

**ON PETITION FOR A WRIT OF MANDAMUS, PROHIBITION
AND INJUNCTION TO THE**

Ninth Circuit Court of Appeals

Roda Hiramanek
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QUESTION(S) PRESENTED

The issue here goes *beyond* a miscarriage of justice. It's lower courts' blatant and outright *refusal* to administer justice, when law warrants otherwise; it's contrary to what this court in *Mitchum v. Foster*, 407 U.S. 225, 240, (1972) proclaimed, "throws open the doors of the United States courts to those whose rights under the Constitution are denied or impaired",

1. When the doors of the U.S. Courts are willfully, maliciously, and improperly closed to *non*-influential, self-represented persons, like the disabled petitioner thereby foreclosing (1) a *civil* forum of justice, and (2) denies petitioner her "day in court", simply because the fraudsters want to protect their own kind via abuse of power, does this court's refusal to intervene and foreclose a civil forum send a disturbing message that the "Las Vegas" kind massacre remains the only avenue for attention/justice?
2. How can a perpetrator/defendant, be also an adjudicator, and worse, be permitted on this court's watch, to corrupt the judicial process? The law profession is clearly incapable of policing its own kind

LIST OF PARTIES

California Superior Court, certain of its personnel and judges as to their *non*-judicial actionable acts, the California Judicial Council, et al.

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IN THE SUPREME COURT OF THE UNITED STATES PETITION FOR A WRIT OF MANDAMUS

Petitioner respectfully prays for a writ of certiorari as follows.

JURISDICTION

Article III of U.S. Constitution, 28 U. S. C. § 1254, §1651, Sup. Ct. Rule 20.
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. 1st Amendment “petition the government for a redress of grievances”¹
2. XIVth Amendment, deprive “any person of life, liberty, or property, without due process of law”
3. XIVth Amendment, deprive “equal protection of the laws”
4. ADA statute, civil rights statute, 28 USC §1981 et seq.,

RELIEF SOUGHT

1. A civil forum, independent of defendant(s) to adjudicate claim(s) on merits, against individuals/entities associated with judicial powers/institutions

FACTS / STATEMENT OF THE CASE

Pro se, 89 years, ADA disabled widowed petitioner, knocked federal court’s door on denial of ADA accommodations in her state court case(s) by public entity California State Court controlled by the California Judicial Council [“CJC”], and its employee’s discriminatory denial of a public restroom to disabled petitioner who was on a prescription drug that induces frequent urination.

After surviving the 28 USC §1915(e)(2) review, and later the Rule 12(b) dismissal, CJC, who oversees the California state courts and who exerts tremendous influence over federal judges in Northern California U.S. District Court & the 9th Circuit Court of Appeals, intervened, tampered with, the lower courts, to obstruct justice. Non exhaustive examples include:

1. Unhappy with the case surviving initial challenges, CJC, judge shopped, moved the case to its proxy, now ex-District Court Judge Ronald M. Whyte, who was last employed by the very defendant/state court, including the very same county, & whose wife works with defendant and co-defendants

2. CJC’s controls the case, via proxy Judge’s law staff, California licensed attorney, Roman Swoopes #274167

3. CJC obstructs petitioner at every step of the way, including discovery shut-out/prefiling, countless “fraud on the court”, examples below:

- a. CJC, via puppet Judge, prevents U.S. Dept. of Justice to intervene on ADA claim for ulterior reasons.

- b. See “Corruption Between California State Judiciary And The Federal Court Judge(s)? <http://judicialirregularities.blogspot.com/>

- c. See “9th Circuit Court of Appeals Condones “Jim Crow” Acts”,

¹ For e.g. “Shutting Out” petitioner from access to (1)-California state court, and now (2)-both of the federal courts (district and appellate), violates the 1st, XIVth Amendment to the Constitution, let alone ADA & civil rights statute. CJC, controlled federal judges obstructed claims on merits, denying 89 year old, widowed petitioner her day in court

<http://judicialirregularities.blogspot.com/>

d. See "California Judicial Council Authoring Federal Court Judge(s) Orders? Taxpayer Paid Federal Judges Outsourcing Their Job?"; <http://judicialcouncilauthorsjudgesorders.blogspot.com/>

e. See "Motion/Writ to Remedy "Fraud On The Court", Vacate TheAppealed Order With Remand, With Requested Referral" <https://drive.google.com/file/d/0BzWxdbCmusABU0RtbFpNRFR0Qmc/view>

f. See "California Judicial Council Corrupting Federal Court Judge(s)?", <http://judicialirregularities1.blogspot.com/2016/11/california-judicial-council-corrupting.html>

g. 9th Circuit frustrating attempts on complaint of judicial misconduct, see "Ninth Circuit Admits It Committed An Error Re. Complaint Of Judicial Misconduct", <http://ninthcircuitcommitserror.blogspot.com/2017/05/ninth-circuit-admits-it-committed-error.html>

h. See "Federal Judge's Retirement From Bench Erases His Judicial Crimes While On The Job? Taxpayer On The Hook To Still Pay The Judge's Salary For Life", <http://judgetsmoneyforlifeaftercrimes.blogspot.com/2017/04/federal-judges-retirement-from-bench.html>

i. See 9th Cir. Dkt. 43-1 Motion/Writ to Remand for "Fraud on the Court", et al.

j. See Dkt.# 39 & Dkt. #42, appellants' respective Opening Briefs

4. CJC authors orders, under proxy Judge's name. When confronted on court record, Judge does not disown the authoring charge; even admits to it

5. CJC's counsel does not deny the authoring & tampering charge

6. Obvious self-evident clues of authoring, e.g. language, syntax, style,..

7. Without a trial on merits CJC authors case summary dismissal

8. CJC authors Judge's orders refusing to certify dismissal for appeal

9. CJC shackles co-plaintiff with pre-filing restriction protecting CJC/its agents, but no pre-filing on non-CJC defendant, proving bad faith misuse

10. After public pressure, the proxy Judge is no longer on bench; CJC authored orders, on matters submitted many months prior, are filed late evening of day of Judge's departure, proving CJC authored charge

11. Three months after Judge's departure, in a random encounter with co-plaintiff & a third party witness, the CJC puppet Judge "spills the beans"; admits that CJC authored his orders. Witness provides sworn affidavit, see ¶3.i.

12. CJC profits, "Somali style piracy"; authors, its own Bill of Costs, on case where no service/justice provided. A case of double rape; No justice, and then pay CJC costs for no justice. Petitioner wasted many years of time and effort litigating, with case going nowhere and summarily dismissed

13. When appealed, CJC obstructs petitioner's efforts on appellate

record, for e.g. on reporter transcript corrections requests.

14. Despite no settled appellate record, in a blatant, fraudulent move, to avoid adjudicating on merits against its state court brethren, CJC has 9th Circuit staff attorney Delaney Andersen [#259715], dismiss petitioner's appeal App. A, despite petitioner's timely filed opening briefs on record, and despite no notice of the dismissal motion on 89 year, disabled petitioner, a non-registered e-filer.

Additionally above despite 9th Circuit's last order, Dkt. #20, that specifically permitted petitioner to file an oversized opening brief with "a motion that complies with the requirements of Ninth Circuit Rule 32-2(a)". See ²"Should District & Ninth Circuit Justices & Staff Attorneys Be Impeached For Corruption and Fraud On The Court?", <http://impeachjudiciary.blogspot.com/2018/08/should-district-ninth-circuit-justices.html>.

When complained, 9th Cir Chief Clerk Molly Dwyer expresses shock, dismay. Molly directs petitioner to file a motion to vacate dismissal, which too is denied by, you guessed it, the corrupt Delaney, Appendix B.

15. Delaney orders that 9th Cir will take no action on petition for rehearing Appendix C.

16. This court's clerk [Jeffrey Atkins] refuses to file a *timely* Petition for Certiorari, insisting petitioner file a Motion asking this Court to order clerk to file. Petitioner's motion to compel clerk to file a timely petition is misconstrued by this court as a motion to file "*out of time*", and denied on 1/7/2019 [No. 18M77]

17. To sum, no justice, no "day in court", no hearing on merits.

REASONS FOR GRANTING THE WRIT

1. Adequate Relief Cannot Be Obtained In Any Other Forum or From Any Other Court

Mandamus appropriate where petitioner "lack adequate alternative means to obtain the relief they seek", *Mallard v. U.S. Dist. Court for S. Dist. of Iowa*, 490 U.S. 296, 309, (1989).

Simply put, since the claim(s), implicate the state court(s), which claims *this court* holds are actionable, for e.g. ADA claim, see *Tennessee v. Lane* (2004) 541 U.S. 509, and which claims, the federal district court, and the 9th Circuit court personnel are covering up, and where attempts to obtain relief, on merits, have been exhausted and *proven to be unobtainable* in the lower courts, given the cover-up, conflict of interest, fraud on the court, corrupting of the judicial process, et al., there is no other forum, recourse, other than this court, to seek justice. Petitioner simply wants her day in court.

Both lower courts, the District Court, and the 9th Circuit Appellate court have *obstructed justice* by shutting petitioner out, despite petitioner, doing

² Given page size, affordability constraints, see http links for evidentiary backup.

everything necessary to obtain justice *on the merits*. Both courts summarily dismissed the claims, *for no good cause, simply to avoid addressing them on its merits*, for e.g. despite timely filed appellate opening briefs, dismissed appeal because they implicate their brethren. The 9th Circuit's staff attorney Delaney Andersen prodded the state court defendants to file a motion to dismiss, and then granted their motions, and dismissed the appeals [Nos. 17-15086-87].

Worse, improper and unauthorized costs were taxed on the petitioner, without due process, even when lower courts provided no service, i.e. did not adjudicate the issue on merits. Petitioner was victimized by summary dismissal, and re-victimized with taxed costs. That constitutes profiting *without* providing service. No other profession in the civil world refuses to provide service and then charges cost for doing nothing, let alone to a 89 year disabled. Ironically, given all other things equal, the costs portion of the 9th Circuit appeal no. 17-16436 is *not* summarily dismissed, because it works for the state court defendants.

When the inferior courts refuse to perform its required duty, the only remaining course of action is a writ. In fact, here the assigned individuals of the inferior courts *are the very individuals* committing the fraud on the court.

"The writs thus afford an expeditious and effective means of confining the inferior court to a lawful exercise of its prescribed jurisdiction, or of compelling it to exercise its authority when it is its duty to do so", *Ex parte Republic of Peru*, 318 U.S. 578, 583, (1943); same *Roche v. Evaporated Milk Assn.*, 319 U.S. 21, 26, (1943) ("Roche")

Writ, "where it was necessary to confine a lower court to the terms of an appellate tribunal's mandate, *U.S. v. U.S. Dist. Court*, 334 U.S. 258, (1948)", *Will v. United States*, 389 U.S. 90, 95-96, (1967) ("Will")

2. Exceptional Circumstances

(1)-Reason ¶1 above, abuse and usurpation of judicial power, constitutes as exceptional circumstance, *Roche*, supra 27. Instances of "clear abuse of discretion," *Bankers Life & Casualty Co. v. Holland*, 346 U.S. 379, 383, (1953), or conduct amounting to "usurpation of [the judicial] power," *De Beers Consolidated Mines, Ltd. v. United States*, 325 U.S. 212, 217, (1945), to be entitled to issuance of the writ", *Mallard v. U.S. Dist. Court for S. Dist. of Iowa*, 490 U.S. 296, 309, (1989) ("Mallard").

(2)-Lower courts' *refusal to perform its true adjudicator role & duty*, and instead, corrupt the judicial process, constitutes an exceptional circumstance. Here, the action(s) of lower courts nullified its purpose and reasons for its existence. See *La Buy v. Howes Leather Co.*, 352 U.S. 249, 256-258, (1957), ("La Buy") "refused to exercise its functions; cases were improperly referred to a master. The use of masters is 'to aid judges in the performance of specific judicial duties..and not to displace the court. The exceptional circumstances here warrant the use of the extraordinary remedy of mandamus...Litigants are

entitled to a trial by the court, in every suit, save where exceptional circumstances are shown"; Same, *McClellan v. Carland*, 217 U.S. 268, 279, (1989) ("McClellan"), where refusal by the district court to adjudicate issues properly presented to it

(3)-Petitioner's is 89 years old, with fatal ADA disabilities/ailments, and *extremely limited* life expectancy, and given her limited time left, with irreparable harm, constitutes an exceptional, emergency circumstance, especially when the lower courts have made it clear that they will not address the claim(s) on its merits.

(4)-Where "circumstance[s] 'inherently results in a complete miscarriage of justice' and 'present(s) exceptional circumstances", a writ must issue, *Davis v. United States*, 417 U.S. 333, 346, (1974).

(5)-Petitioner has *exhausted appeal remedy* and is "shut out" from that remedy by the corrupt 9th Circuit personnel, leaving with no other avenue for justice. "[E]xceptional circumstances amounting to a judicial 'usurpation of power' will justify the invocation of this extraordinary [writ] remedy", *Will*, 95.

"[W]here a [lower court] judge displayed a persistent disregard of the Rules of Civil Procedure promulgated by this Court, *La Buy v. Howes Leather Co.*, 352 U.S. 249, (1957)", *Will*, 96.

Fraudster's actions here constitute abdication of its constitutional judiciary duties. Writ appropriate where "the [lower] Court's actions constituted an unwarranted impairment of [judicial] branch in the performance of its constitutional duties", *Cheney v. U.S. Dist. Court for D.C.*, 542 U.S. 367, 371, (2004)

3. Writ Will Be In Aid of Court's Appellate Jurisdiction

(1)-9th Circuit has thwarted appeal simply to obstruct justice. The appeal was dismissed, without notice on petitioner, despite a timely filed opening brief. "In determining what is appropriate [to grant a writ] we look to those principles which should guide judicial discretion in the use of an extraordinary remedy...[Where] action or omission on its [lower court's] part has thwarted or tends to thwart appellate review of the ruling; and [the] function of mandamus in aid of appellate jurisdiction is to remove obstacles to appeal", *Roche*, supra, 26, and its progeny *Mallard*, supra, 308.

(2)-9th Circuit's unauthorized action/dismissal, which is unsupported by law, left petitioner without a recourse with lower courts. "[W]here a case is within the appellate jurisdiction of the higher court, a writ of mandamus may issue in aid of the appellate jurisdiction which might otherwise be defeated by the unauthorized action of the court below... In *Ex parte Bradstreet*, 7 Pet. 647, 8 L. ed. 815, the same rule was laid down by Chief Justice Marshall, speaking for the court, requiring a Federal court of inferior jurisdiction to reinstate a case, and to proceed to try and adjudicate the same", *McClellan*, supra, 268. "That

power protects the appellate jurisdiction which might be otherwise defeated and extends to support an ultimate power of review, though it not be immediately and directly involved", *United States v. U.S. Dist. Court for S. Dist. of N.Y.*, 334 U.S. 258, 263, (1948)

(3)-"The traditional use of the writ in aid of appellate jurisdiction both at common law and in the federal courts has been to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so. *Ex parte Republic of Peru*, supra, 63 S.Ct. 797", *Roche*, 26.

(4)-Having exhausted all remedies before the lower court, and the petition for certiorari, which this court's clerk refuses to file, despite its ministerial duty to file, without this writ, this court's appellate jurisdiction will be lost forever, with no other avenue of recourse in any other court.

CONCLUSION

Here the "supervisory control of the [lower] Courts by [this court] is necessary to proper judicial administration in the federal system. The All Writs Act confers on the Courts of Appeals the discretionary power to issue writs of mandamus in the exceptional circumstances existing here." *La Buy v. Howes Leather Co.*, 352 U.S. 249, 259-60.

Lower court has gone rogue/abusing powers. Writ is "an established remedy to oblige inferior courts and magistrates to do that justice which they are in duty, and by virtue of their office, bound to do... One of its peculiar and more common uses is to restrain inferior courts and to keep them within their lawful bounds", *Commonwealth of Virginia v. Rives*, 100 U.S. 313, 323-324, (1879)

If CJC controlled court will not enforce laws, like ADA statute, what good are these laws, and the existence of courts? Unless this court intervenes, its precedent in *Tennessee v. Lane* (2004) 541 U.S. 509 is "garbaged" by CJC.

Blockading a court forum to adjudicate disputes sends the wrong message, & encourages LV kind massacre as the only avenue for seeking attention/justice
Writ of mandamus, et al., should be granted. Respectfully submitted,

Date: 1/8/2019 R.Hiramanek Roda Hiramanek

INDEX TO APPENDICES

APPENDIX A Dkt. #35, June 19, 2018, "Order" denying motion to file oversize brief, denying request to declare consolidated appeals as complex, striking appellant's opening brief, and dismissing consolidated appeals

APPENDIX B Dkt. #40 July 16, 2018 "Order" denying appellants' motion to vacate June 19, 2018 order

APPENDIX C Dkt. #44, Sep. 7, 2018 "Order" Taking no action on appellants' petition for rehearing and rehearing en banc, and Motion for Remand