

18-7807
NO.

In the
Supreme Court of the United States

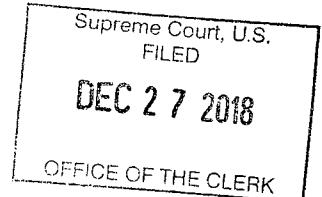
CHRISTOPHER YOUNG,

Petitioner,

v.

MICHAEL M. KRAUS, Owner of Tree Works Inc.,
COUNTY OF HAWAII; PATRICK T. KIHARA,
COUNTY OF HAWAII POLICE DEPARTMENT;
JOHN DOES1-10; JANE DOES 1-10; DOE
CORPORATIONS 1-10; DOE PARTNERSHIPS
1-10; and DOE GOVERNMENT ENTITIES 1-10,
Respondents,

ORIGINAL



**Verification Petitioner's Request Petition for
Writ of Certiorari Appeal and review of the case
to the United States Supreme Court from an
Appeal in the United States Court of Appeals for the
Ninth Circuit Pursuant to S.C.R. Rule 10(a).**

PETITION FOR WRIT OF CERTIORARI

CHRISTOPHER YOUNG
Indigent Pro Se seeking Counsel
P.O. Box 1545 Pahoa, Hawaii 96778
(808) 854-0066101
Pro Se for Petitioner

Joseph K. Kamelamela 2493
Laureen L. Martin 5927
Corporation Counsel, County of Hawai'i
Aupuni Street, Suite 325 Hilo, Hawai'i 96720
Attorneys for Defendants County of Hawaii,
County of Hawaii Police Department, Patrick T.
Kihara

Counsel of Record for Respondents
Ronald Shigekane 1945-0
Pauahi Tower, Suite 2500
1003 Bishop Street Honolulu, Hawai'i 96813
Attorney for Defendant Michael M. Kraus

i
QUESTION PRESENTED

I, Christopher Young (“Petitioner”) am an indigent, disabled, black man with a brain injury that is requesting this Writ of Certiorari, Appeal and Review of this case from an Order from the United States Court of Appeals for the Ninth Circuit (“Appeals Court”) No. 18-15813, entered October 18, 2018, **Pursuant to S.C.R. Rule 10(a).**

The Appeals Court found Petitioner’s fifth attempt at an Appeal from the U.S. District Court for Hawaii, Honolulu D.C. No. 1:18-cv-00383-LEK-KSC (“lower Court”) Frivolous, as the Appeals Court failed to prevent the evidence in the record, the lower Court from continuous violations to the Rules of the Court, the Federal and State Compact, Insurance Code, U.S and State of Hawaii Constitution, Statutory Proses, Public Interest, Discrimination, delays, and Petitioner’s Due-Proses.

The question presented is:

Whether the lower Court had Standings to hear and Dismiss a No-Fault claim issue, under abuse of HRCP Rule 4, with a Complaint, Demand for Jury Trial and Summons filed in the Circuit Court of the Third Circuit State of Hawaii (“State Court”), with all Respondents’ failure to obey the Summons Order under the State Court Seal to answer within twenty days of service, and Respondent Officer Patrick T. Kihara (“Kihara”) failure to arrest or give mandatory citation to Respondent Michael M. Kraus (“Kraus”) for causing Petitioner property damage and permanent brain injury (“Insurance Fraud”), and Kihara chasing the Ambulance away that Petitioner called to the scene for needed medical attention (“violated safety and welfare for the public”)? Did the Appeals Court have a duty to hear the Misconduct, to Act on it, and answer an indigent person with a brain injury request for Counsel (“Appeals Court 1993 Resolution No. 3”), Remand the Case back to State Court, Grant the Default Judgement and Restore the Trial by Jury to hear the abuse (“morals”) to the Public Interest for Punitive Damages?

LIST OF PARTIES

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

RULE 29.6 STATEMEMNT

None of the petitioners is a nongovernmental corporation. None of the petitioners has a parent corporation or shares held by a publicly traded company.

TABLE OF CONTENTS

| | Pages |
|---|--------------|
| QUESTION PRESENTED..... | i |
| PARTIES TO THE PROCEEDING..... | ii |
| RULE 29.6 STATEMENT..... | ii |
| TABLE OF CONTENTS..... | iii |
| TABLE OF AITHORITIES..... | v |
| OPINIONS BELOW..... | 1 |
| JURISDICTION..... | 1 |
| PERTINENT CONSTITUTIONAL PROVISIONS..... | 1 |
| STATUTORY PROVISION INVOLVED..... | 2 |
| STATEMENT OF THE CASE..... | 4 |
| REASON FOR GRANTING THE WRIT..... | 7 |
| THIS COURT SHOULD GRANT REVIEW OF COURT OF APPEALS' DECISION BECAUSE IT IS INCONSISTENT WITH THE U.S. AND STATE OF HAWAII CONSTITUTION, STATUTORY PROCESS, FEDERAL AND STATE OF HAWAII DRIVER LICEN COMPACT, THE INSURANCE CODE, THE PUBLIC INTEREST, AND THE OATH OF THE OFFICERS OF THE JUDICIARY TO UPHOLD ALL OF THE ABOVE..... | 7 |
| A. This Court Should Grant Certiorari To Resolve The Conflict In The Conduct Of The County Counsel Abuse Of Rule 4 Process And Personam Removal Of A No-Fault Issue From State Court to U.S. District Court For The District Of Hawaii..... | 7 |

TABLE OF CONTENTS – Continued

| | Page |
|--|----------|
| B. This Court Should Grant Certiorari To Resolve The Conflict Between The Ninth Circuit, U.S District Court’s Decision To Abandoned The U.S Constitution, Statutory Process, ABA ABA Canon Rules 1, 1.1, 1.2, 2, 2.1, 2.2 [1], 2.3 [A] [B] [C], 2.6 [A], 2.15 [A] [B] [C] [D], 3, DUTY..... | 7 |
| CONCLUSION..... | 9 |
| VERIFICATION..... | 9 |
| APPENDIX | |
| Order of United States Court of Appeals for the Ninth Circuit, October 18, 2018..... | App. 1 |
| Order of United States Court of Appeals for the Ninth Circuit, April 26, 2018..... | App. 2 |
| Order of United States Court of Appeals for the Ninth Circuit, April 21, 2017..... | App. 3 |
| Order of United States Court of Appeals for the Ninth Circuit, August 29, 2016..... | App. 5 |
| Order of United States Court of Appeals for the Ninth Circuit, August 29, 2016..... | App. 6 |
| Pictures of the violators..... | App. 7 |
| U.S. District Court District of Hawaii Court Order [Dkt. No. 167], June 8, 2018..... | App. 8 |
| Notice of Appeal for the Ninth Circuit Exhibit A, B, May 2, 2018..... | App. 11 |
| U.S. District Court District of Hawaii Court Order [Dkt. No. 72], August 24, 2016..... | App. 27 |

V

TABLE OF AUHTORITIES

Page

Petitioner is on this Appeal Indigent Pro Se seeking Counsel and is not aware of any case to support this Appeal.

Christopher Young respectfully petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit.

OPINION BELOW

The Court of Appeals' Order denied Christopher Young an answer on request for Counsel, Equal Protection, and Due-Process by concluding this appeal is frivolous (after five appeals on the same subject matter) and denying Petitioner's motion to proceed in forma pauperis 28 U.S.C. § 1915(a), pursuant to 28 U.S.C. § 1915(e)(2) was entered October 18, 2018 is found at Appendix, App. 1.

JURISDICTION

The final judgement of the United States Court of Appeals for the Ninth Circuit was entered October 18, 2018 affirming Petitioner's Appeal against the misconduct of the United States District Court for the District of Hawaii hiding and suppressing the Attorneys for the Respondents misconduct in removing a no-fault case, without obeying the Order of the Circuit Court of the Third Circuit State of Hawaii Summons under the Court Seal to answer within 20 days of service, altered Return and Acknowledgment of Service documents, before the service was filed in Circuit Court, before all County Defendants was served, the District Court and the Counsel for all Respondents failure to address Petitioner's Objection to the removal, for the sole purpose to have the no-fault case dismissed before the Jury could hear the case, "DISMISSED as FRIVOLOUS" gives this Court jurisdiction. This petition for writ of certiorari is filed within 90 days.

PERTINENT CONSTITUTIONAL PROVISIONS

Amend. VII The constitution of the United States also provides that in suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.

Article I Bill of Rights Section 5

Article XIV 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.

STATUTORY PROVISION INVOLVED

HCTR Rule 8. ANSWER AND APPEARANCE. (f) Appearance.

(3) MANDATORY COURT APPEARANCES. The court may require a defendant to appear in person at a hearing in any case; however, the court shall require a defendant to appear in person for the hearing if: (ii) the infraction(s) involve/involves an accident resulting in personal injury or property damage.

HRCP Rule 12 DEFENSES AND OBJECTIONS WHEN AND HOW PRESENTED BY PLEADING OR MOTION – MOTION FOR JUDGMENT ON THE PLEADINGS.

(a) When presented.

(1) A defendant shall serve an answer within 20 days after being served with the summons and complaint, except when service is made under Rule 4(c) and a different time is prescribed in an order of court under a statute or rule of court.

HRCP Rule 60. RELIEF FROM JUDGMENT OR ORDER.

(b) Mistakes; inadvertence; excusable neglect; newly discovered evidence; fraud, etc. On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons:

(3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(4) the judgment is void;

28 U.S.C. § 1332. Diversity of citizenship; amount in controversy; costs

(c) For the purposes of this section and section 1441 of this title—

(1) a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business, except that in any direct action against the insurer of a policy or contract of liability insurance, whether incorporated or unincorporated, to which action the insured is not joined as a party-defendant, such insurer shall be deemed a citizen of the State of which the insured is a citizen, as well as of any State by which the insurer has been incorporated and of the State where it has its principal place of business;

28 U.S.C. § 1441 Removal of civil actions

(b) REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.—(1) In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded. (2) A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

18 U.S.C. § 1033 Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

(a)(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and knowingly, with the intent to deceive, makes any false material statement or report or willfully and materially overvalues any land, property or security—

(d) Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined as provided in this title or imprisoned not more than 10 years, or both.

18 U.S.C. § 241 Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any state, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured— They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S.C. § 242 Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

STATEMENT OF THE CASE

On or about Thursday July 25, 2015, at approximately 11:40, a.m., Kraus as a commercial drive license and No-fault insurance operator motor vehicle for Tree Works, stopped at a stop sign at West Ohea Street, at an intersection of Kilauea Ave. quickly reversed his Work Truck going backward up a hill about 60 feet before impact and crash into Petitioner's vehicle ("minivan") coming down the hill, Petitioner went head first into the frame of windshield causing obvious pain in his head and bodily, damages and injury.

Kraus move his motor vehicle from scene before the police arrived to the accident and Petitioner's motor vehicle remain at the scene for the Police Officer's report, Petitioner called 911 for Police officer and waited, than again called 911 after Officers came looked and drove away, **Petitioner in pain called 911 for Emergency Ambulance**, the Ambulance and Kihara arrived at approximately 12:40 pm, at the accident.

The Paramedic asked "what happened"? Petitioner and John Hoffman, was in the accident, was in pain, then Kihara called the Paramedic away to speak with him, the Paramedic got back into the Ambulance and drove away.

Kihara came back to Petitioner and gave him the police report number then with his hand at his hip told Petitioner to go **18 U.S.C. § 241**, later upon review of the police report Kihara stated "**all parties refused medical attention**" **18 U.S.C. § 1033**.

Kihara acknowledge Kraus negligently failed to operate his vehicle as required by Hawaii Statute Law, Mandatory **HCTR Rule 8(f)(3)** an accident, injury or damage, infraction or criminal arrested or charged in behalf of the State of Hawaii, Kihara knew the law, where compliance by him with a statutory requirement will cause him to violate, his Oath and duties and denied services **18 U.S.C. § 242**, dealing with the public and Petitioner's Constitution rights *Article XIV 1.*

On or about July 21, 2015 Petitioner filed suit Christopher Young v. Michael M. Kraus et. al. in the Circuit Court of the Third Circuit State of Hawaii (“Circuit Court”), jurisdiction a sovereign State.

On or about September 16, 2015, **Petitioner prepared 4 (RETURN AND ACKNOWLEDGMENT OF SERVICE) documents type printed/not hand written** to put with 4 original Complaints, Court Summons, for service and retained Melvin Gacusana (“Gacusana”) a proses server to serve said complaint and prepaid him \$160.00 at \$40.00 per Respondent serviced.

On or around September 18, 2015 Gacusana went to the Corporation Counsel of the County of Hawaii to serve Respondents County of Hawaii (“County”), Respondents Police Department (“Department”) and Kihara, Attorney Christopher Schlueter refused the service for County and Kihara on that day.

Petitioner reviewed the service date of 9/18/2015 the record shows evidence of the co-conspiracy **18 U.S.C. § 241** of Molly A. Stebbins, Christopher Schlueter, Laureen L. Martin, Melody Parker (“County Counsel”), and Gacusana to (felony acts) to suppress, alter, change, or discard the County and Department documents by **hand print** without Petitioner or the Circuit Court’s consent.

On or about September 23, 2015 Gacusana served Kraus at his place of employment (Business/Corporation/Entity).

On or about October 6, 2015 Gacusana reserved County (“**altered hand written document**”) threw their Attorneys, they except serves for County, on or about **October 7, 2015 Gacusana filed the service with Circuit Court clerk.**

Gacusana, due to the refusal, set out to serve Kihara personally, Gacusana informed Petitioner that Kihara moved to the midnight rotation at the police department and service was nearly impossible.

On or about October 16, 2015 Petitioner used the U.S. Postal service to serve Kihara, mailed to County of Hawaii Police Department address 349 Kapiolani St. Hilo, HI. 96720. Petitioner received proof of service October 20, 2015.

On or about November 5, 2015 Gacusana did complete service to Kihara.

County Counsel removed a No-Fault issue **18 U.S.C. § 1033** with no crime adjudication to activate the Insurance Policy **HCTR Rule 8(f)(3)** on 9/28/2015 without answering State Court Summons or leave of the Circuit Court with signature or Court stamp, on fraudulently altered documents **HRCP Rule 60(b)(3)(4)**, made a PERSONAM removal **28 U.S.C. § 1441** before Gacusana filed the County service with the Circuit Court clerk, for the sole purpose to cause deliberate malicious misuse of police powers **18 U.S.C. § 242**, to dismiss the Jury Amend. VII, Insurance Policy, Public Interest, and this case without Equal Protection Article XIV 1 and all the rights that is or should be protected under the Constitution of the United States of America.

On or about December 7, 2015 Petitioner Requests Extension to Answer Defendants Removal & Motion to Dismiss Complaint at [Dkt. No. 15], on December 8, 2015 the District Court granted at [Dkt. No. 17].

On or about December 21, 2015 Petitioner filed Verification Certificate of Service at [Dkt. No. 19].

On or about December 31, 2015 Petitioner filed Verification Plaintiff Objection of Defendants' County of Hawaii, Police Department NOTICE OF REMOVAL at [Dkt. No. 20].

Judge Leslie E. Kobayashi and Kevin S.C. Chang **18 U.S.C. § 241** from the U.S. District Court for the District of Hawaii should have a **Statutory Obligation to not make the Process Unjust or One Sided and or Discriminate by their Oath**, proof in the record of this case will show it was delayed from 9/28/2015 to today and dismissed without the Jury ever hearing the conduct of the Respondents', with all Judges and Respondents' Counsel never addressing the objections Petitioner filed throughout the case on all the issues of violations, misconduct, and arbitrary abuse is the issues of this Appeal. Also see [Dkt. Nos. 106, 112, 114, 145, 151, 152, 156, 158, 161, 162]

REASON FOR GRANTING THE WRIT

The writ should be granted. Had the court of appeals followed the U.S. and state of Hawaii Constitution, the Statutory Process, they could have prevented years of violations to the public interest and all of the Judges involved in this case Oath to uphold said Constitution and Statutes.

A. The certiorari should be granted. The Attorneys for the County Respondents conduct altering the return of service documents along with Melvin Gacusana should have been addressed by the Judges in the District Court, as well as the removal of a none removable case that all of the above had knowledge of. The court of appeals should have stopped this outrageous abuse of court resources, time, and obstruction in Petitioner's first appeal.

B. This court should grant Certiorari to resolve the conflict between the Ninth Circuit, U.S District Court's decision to abandon the U.S Constitution, and Statutory Process.

ABA Canon Rules

Canon 1 A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY

RULE 1.1 Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

RULE 1.2 Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

CANON 2 A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

RULE 2.2 Impartiality and Fairness

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

RULE 2.3 Bias, Prejudice, and Harassment

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

(C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.

RULE 2.6 Ensuring the Right to Be Heard

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

RULE 2.15 Responding to Judicial and Lawyer Misconduct

(A) A judge having knowledge* that another judge has committed a violation of this Code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority.

(B) A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.

(C) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action.

(D) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct shall take appropriate action.

CANON 3 A JUDGE SHALL CONDUCT THE JUDGE'S PERSONAL AND EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE.

CONCLUSION

For the foregoing reasons, the writ should be granted and the decision of the Ninth Circuit Court of Appeals should be reversed or, in the alternative, grant Default Judgement in Petitioner's favor, restore the Jury to hear the Morals for punitive damages, and a full investigation of all Officials that are operating under their Oath for the violations to that Oath. See App. 7 the pictures of the original violators that caused the damage to this case, please notice the names are upside down to represent the abuse to their Oath, Statutory Process, and Public Interest is upside down.

VERIFICATION

I, Christopher Young, declare that the foregoing is true and correct, and the copies contained herein are true to the best of my knowledge, attests, and I declare under penalty of perjury.

Respectfully submitted

Dated: Pahoa, Hawai'i December 27, 2018



Christopher Young

Dated: Pahoa, Hawai'i January 28, 2018



Christopher Young