

No. _____

Before the

"one supreme court" (Article III, §1, Constitution of the United States.)

(See Tecker v. Montgomery (1952) 54 US 498, 13 How 498.)

Marlon Blacher — the Petitioner

v.

"STATE OF CALIFORNIA" — RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI IN ACCORDANCE WITH TITLE 28,
UNITED STATES CODE, SECTION 1651

Marlon Blacher, hereinafter "Petitioner" (I pray that a writ of certiorari be issued to review a judgment/order/decree entered on the 15th day of August, 2018, by "IN THE SUPREME COURT OF CALIFORNIA" upholding a plainly void judgment entered by some all-capital-letters superior court that is not mentioned throughout the state's Constitution, nor any of the state's statutes expressing jurisdiction for the courts of the state, to deprive the Petitioner of life, liberty, safety, happiness, and privacy without due process of law and to allow the state's executive branch employees to impose pains/penalties/burdens not expressly articulated in said judgment.

Marlon Blacher
(Name)

% 2100 Peabody Road
(Location where mail reaches the Petitioner)

Vacaville, "the State of California" (Volume 9, Statutes at Large, page 420) near [55] 961-9998
(City, State)

none
(Phone number)

QUESTION(S) PRESENTED

1. Is it not true that "STATE OF CALIFORNIA" and all of its instruments are bound to the matters declared via Article VI, clause 2, Constitution of the United States?
2. Is it not true that a court of record must derive its jurisdiction from the Constitution/valid statutes expressing jurisdiction for the courts to satisfy settled due process requirements?
3. Is it not true that Art. III, § 2, cl. 1 of Constitution embraces both civil and criminal cases/causes/actions and where its requirements are not satisfied the court is without valid jurisdiction to hear such case/cause/action?
4. Is it not true that where one is not a resident of a court's forum state, does not own any property in said forum state, has no "minimum connections" with said forum state, does not voluntarily appear re the proceedings of said court, and the requirements expressly stipulated via statute are not satisfied, then such court is without valid personal jurisdiction to hear the case/cause/action?
5. Is it not true that a state is without valid democratic authority/power/jurisdiction to impose its capitation upon one who does not enjoy any representation in such state, is not a resident of such state, and does not consent to such capitation?
6. Is it not true that a court is without valid jurisdiction/power/authority to grant relief that the state's Constitution prohibits?
7. Is it not true that law/equity compel a court to render full disclosure regarding a judgment it pronounce and enter, to the one upon whom such judgment is imposed?

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [x] 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:

- "THE PEOPLE OF THE STATE OF CALIFORNIA" ;
- "ROBERT J. KOCHLY District Attorney" ;
- "HAROLD W. JEWETT Deputy District Attorney" ;
- "THERESA J. CANEPA JUDGE" ;
- "J. BARLETTANI CLERK" ;
- "M. ARGYROPOULOS (ATTY) REPORTER" ;
- "LINDA FULLERTON COUNSEL FOR DEFENDANT" ; ~~and~~
- "MARLON JESSIE BLACHER AKA: MARLON J. BEACHER, ET AL." ; and
- "SUPERIOR COURT OF CONTRA COSTA COUNTY" .

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APPENDIX B	A judgment/order/decrece entered, by some non-constitutionally mentioned suprema. court, regarding the Petitioner's aforementioned Application.
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APPENDIX D	The presentment the Petitioner brought to be heard before the ^{sentencing} constitutionally mentioned superior court, n.b. constitutionally mentioned superior court, n.b.
APPENDIX E	A judgment/order/decrece entered by some non-constitutionally mentioned superior court, regarding said presentment.
APPENDIX F	Petitioner's Affidavit of Specific Negative Averment and Bill of Peace served on all the parties to action no. 05-080631-5

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 _____ 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 _____ 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 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 "~~SUPERIOR COURT OF THE STATE OF CALIFORNIA~~" court appears at Appendix E 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 _____.

☐ 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 Aug. 15, 2018.
A copy of that decision appears at Appendix B.

☐ 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) 1651/2241.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

A. Constitution of the United States

- Article I § 10, cl. 1's impairing the obligation of contracts prohibition.
- Article VI, cl. 2's Supremacy law of the land provision.
- Article III's case or controversy/standing requirement.
- Amendment I's declaration of the right to petition.
- Amendment IV's prohibition against unreasonable seizure.
- Amendment V & XIV's prohibition against deprivations imposed without/to conflict with due process of law.
- Amendment IX.
- Amendment XIII.
- Article III's declaration and application of the judicial power.

B. United States Code

- Title 11, United States Code, sections 101, 722, and 727.
- Title 15, United States Code, sections 1692 et. seq. (Fair Debt Collection Practices Act.)
- Title 18, United States Code, sections 231, 241, 242, 245, 247, 249, 1091, 1092, 1093, and 1961, et. seq. and 1581. (Also § 4.)
- Title 28, United States Code, sections 1, 451, 452, 453, 454, 455, 459, 1251, 1257, 5092, and 1272.
- Title 42, United States Code, ^{sections 1981, 1982,} ~~section 1983~~ ^{and} 1988, and 1944.

C. Other Matters Included Re "the supreme law of the land" (Article VI, clause 2, Constitution of the United States.)

- The Declaration of Independence (Adopted in Congress July 4, 1776.)
- The Emancipation Proclamation (January 1, 1863).
- AMERICAN CONVENTION ON HUMAN RIGHTS (Entered into force on July 18, 1978.) "PACT OF SAN JOSE COSTA RICA", Article 6 (1).
- UNIVERSAL DECLARATION OF HUMAN RIGHTS (Adopted by UN General Assembly Resolution 217A (III) at 10 December 1948.), Article 4.
- The Convention on the Prevention and Punishment of the Crime of Genocide.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED (cont.)

- the Convention ~~against Torture~~ against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishments
- the International Convention on the Elimination of All Forms of Racial Discrimination.
- the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.
- the International Convention on the Suppression and Punishment of the Crime of Apartheid.
- the Standard Minimum Rules for the Treatment of Prisoners.
- the International Convention for the Protection of All Persons from Enforced Disappearance.
- the United Nations Charter, Article 1; Ch XVI, Articles 2 & 102.
- the International Convention Against the Taking of Hostages.

C. State Constitution

- Art. I §§: 1 [New section adopted November 5, 1974.]; 3 [Id.]; 7 [As amended November 6, 1974.]; 9 [New section adopted November 5, 1974.]; 13 [Id.]; 17 [Id.]; 26 [Former Section 28, as renumbered June 8, 1976.]; 28 [New section adopted June 8, 1982. Initiative measure.]; and 31 [New section adopted November 5, 1980. Initiative measure.].
- Art. II (New Article II adopted November 7, 1972.) § 1 [Former Section 26 of Article I, as renumbered June 8, 1976.].
- Art. III (New Article III adopted November 7, 1972.) §§: 1 [New section adopted November 7, 1972.]; 3 [New section adopted November 7, 1972.].
- Art. VI (New Article VI adopted November 8, 1966.) §§: 1 [As amended November 5, 2002.]; 2 [As amended November 5, 1974.]; 3 [Id.]; 4 [As amended June 2, 1998.]; 10 [As amended November 5, 2002.]; 11 [As amended June 2, 1998.].
- Art. XIII (New Article XIII adopted November 5, 1974.) §§: 3 (a) [As amended November 8, 1988.]; § 24.
- Art. XX § 3 [As amended November 4, 1952.].

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED (cont.)

D. State Statutes

- i) The Penal Code §§ : 1; 4; 7; 24; 137; 195; and 1193. (Also § 9.)
- ii) The Civil Code §§ : 43; 1427; 1439; 1441; 1450; 1458; 1494; 1498; 1549; and 1550.
- iii) The Code of Civil Procedure §§ : 2; 16; 17(b)(3); 19; 21; 22; 24; 25; 26; 38; 71; 410.10; 410.40; 1897; 1898; 1899; and 1917. (Also § 478.)
- iv) The Government Code §§ : 200; 202; 203; 240; and 241.
- v) The Uniform Commercial Code §§ : 1301; 1305; 1306; 1308; 1103; 3305; 3307; and 3601.

STATEMENT OF THE CASE

One living, sentient, free-will, free-born, neutral man known as Marlon: Blecher, hereinafter "Petitioner", here bring this cause to be heard before "one supreme court" (Article III, Section 1, Constitution of the United States.) pursuant to the matters expressed throughout the herewith presented NOTICE CONCERNING THE HEREWITH PRESENTED PETITION FOR A WRIT OF CERTIORARI (Incorporated by reference), hereinafter "Notice", for redress concerning the impermissible, unlawful, continuing obstruction of the Petitioner's life, liberty, safety, happiness, and privacy "STATE OF CALIFORNIA" perpetrate, via the collective persons staffing its offices; said "STATE OF CALIFORNIA" is a RICO person/corporation/entity/association/trust/whatever that masquerade as "the State of California" (An act approved September 9, 1850, Volume 9, Statutes at Large, page 452.) that is "declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original states in all respects whatever" (Id.) but is only impersonating such, perpetrating a continuing deceit upon the public. The Petitioner is at peace with the United States and has declared intent of peace with the aforementioned RICO "STATE OF CALIFORNIA" (see APPENDIX F.) but said "STATE OF CALIFORNIA" staffing persons engage silent/undeclared, fraudulently concealed, mixed war against the neutral Petitioner, with aid from "United States" (Title 28, United States Code, section 3002 (15).), to violation of neutrality law (See e.g. Title 22, United States Code, sections 441-457.) and the Kellogg-Briand Pact; such mixed war transpire by: the depriving the Petitioner of the Petitioner's life, liberty, safety, happiness, and privacy (the Petitioner's neutral property) to plain violation/conflict with the state's (See an act approved September 9, Id.) Constitution and holding the Petitioner, without the Petitioner's consent, in "CDCR" whereby the persons staffing said CDCR perpetrate, with impunity, ongoing conspiracy against the settled rights of the Petitioner and the persons staffing some non-constitutionally mentioned, all-capital-letter, court system continuously obstruct the Petitioner's access to valid courts, wherein the judicial power is vested, to aid and abet said conspiracy against the rights of the Petitioner.

On or about the 9th day of February, 2009, some all-capital-letter court of the aforementioned RICO "STATE OF CALIFORNIA", enter judgment according to the circumstances expressed throughout Notice whereby said judgment grant impermissible relief to the fictitious plaintiff of the fraud action no. 05-030631-5. (See Notice 2-3.) The aforementioned all-capital-letter court is completely without mention by the ^{Constitution of the State of California} ~~State of California~~ (Adopted by the people on May 7, 1879.) and it is settled that such Constitution prescribe what court and officers exercise judicial power, therefore such absence of requisite constitutional mention clearly evidences that said all-capital-letters court is without valid-lawful jurisdiction

STATEMENT OF THE CASE

to impose any judgment upon the Petitioner.

The above mentioned fraud action is brought against some fictitious, all-capital-letter, defendant that is distinct from the Petitioner but by means of some manner of fraud/fraudulent concealment the Petitioner is substituted, without the Petitioner's informed consent, for said fictitious defendant but the Petitioner issue the Petitioner's Affidavit of Specific Negative Averment & Bill of Peace (See APPENDIX F.) and serve such (via substituted service) upon the prosecuting attorney of said fraud action and the judge whom hear said fraud action (See id.), yet to the very date of this present petition neither party has issued any reply/response to said Affidavit of Specific Negative Averment and thus it is admitted by such parties that the Petitioner is not, in fact, said fictitious defendant but said judge unreasonably fail to reverse the plainly void judgment. Presently operating throughout "the State of California" (An act approved September 9, id.) is some non-constitutionally mentioned/prescribed all-capital-letters courts that consistently fail to render the remedy/relief which the common-positive-written law hold that is due to the Petitioner and although the Petitioner does not bring the Petitioner's causes to be heard before such all-capital-letters courts said courts take jurisdiction de facto anyway and the Petitioner is always deprived of access to the constitutionally mentioned/prescribed courts, where common-positive-written law is interpreted and applied to decide cases/causes/actions, in contrast to said all-capital-letters courts that apply some fraudulently concealed/secret law to decide cases/causes/actions and always decide in favor of the state's deprivations, irrespective of what is lawful and just; such circumstances work to establish the appearance the Petitioner has available recourse/remedy concerning the aforementioned unlawful deprivations but none is actually available because the processes/procedures are manipulated to always uphold the state's deprivations of the Petitioner's life, liberty, safety, happiness, and privacy.

Subsequent to the aforementioned imposing judgment upon the Petitioner various persons that staff "CDCR" extrajudicially impose slavery/involuntary servitude, viz various forms of forced labor, upon the Petitioner and without the Petitioner's consent, whereby said judgment do not expressly hold, nor reasonably infer, that slavery/involuntary servitude is included with it, as for example when a sentencing court pronounces that one "is sentenced to — years hard labor/work details." Amendment XIII's exception do not include any expressing extrajudicially imposed complicity, whereby said exception declare slavery/involuntary servitude can be imposed "as a punishment for crime" and the persons staffing "CDCR" are not charged with the jurisdiction to impose punishment for crime, it is the judges of the constitutionally mentioned courts of record that are charged with such jurisdiction, therefore the aforementioned CDCR imposed,

STATEMENT OF THE CASE

extrajudicially, slavery/involuntary servitude is plainly unlawful and warrants appropriate relief but the persons staffing the aforementioned nonconstitutionally mentioned courts act to prevent collusion with the aforementioned "CDCR" staffing persons and therefore unduly withhold the remedy/remedy/relief due to the Petitioner. Such circumstances move the Petitioner to present Application, to the pertinent sentencing court, for issuance of full disclosure regarding the aforementioned judgment imposed upon the Petitioner and the sentence stemming therefrom (See APPENDIX D.) and proving how utterly illegitimate said sentencing court is, it refuse to render such full disclosure. (See APPENDIX E.)

Such undue deprivations then move the Petitioner to present Application, to be heard before the constitutionally prescribed court of appeal, to order the pertinent superior court to issue the aforementioned full disclosure and issue any further relief that the presented circumstances warrant but some non-constitutionally mentioned, all-capital-letter, court unduly take jurisdiction de facto and support the aforementioned sentencing court's unreasonable decision to withhold the aforementioned full-disclosure. Next, the Petitioner bring a cause to be heard before the constitutionally mentioned Suprema court of the state but again some non-constitutionally mentioned, all-capital-letter, court unduly take jurisdiction de facto and support the aforementioned fraud/fiction lower courts' deprivations. (See APPENDIX A & B.)

The persons staffing the aforementioned RICO "STATE OF CALIFORNIA" use some non-constitutionally mentioned, all-capital-letter, court system that is without valid judicial power and wherein the common-positive-written law is opposed, to continuously deprive the Petitioner of the remedy/remedy/relief due to the Petitioner by means of such fraud courts with its fraud processes, all while perpetrating ongoing deceit upon the public (See The Civil Code (Cal.) § 1711.) that such courts are valid constitutional courts and that the Petitioner has legitimate means of recourse/remedy via such fraud courts; said RICO ^{state} ~~statute~~ staffing persons perpetrate said deprivation for their private financial gain including: the fraudulently concealed market bonds, connected to the aforementioned judgment that has the present effect of depriving the Petitioner of the Petitioner's inalienable rights; and which the judges that enter and uphold said judgment realize private financial gain from said market bonds; the federal funds directed to "CDCR".

STATEMENT OF THE CASE

for its prisoner population count, whereby the persons staffing said "CDCR" (the instrument by which the aforementioned RICO "STATE OF CALIFORNIA" execute its ongoing kidnapping of the Petitioner) get private gain and stability from such fund in exchange for perpetrating ongoing terrorism¹ against the Petitioner (See e.g. Marlon:Blacher v. S.:Johnson, USDC Eastern District of California 1:12-cv-21159-EPG; Marlon:Blacher v. N.Wilcox et.al., USDC central district of California 13-DD087 BRD (AGD); Marlon:Blacher v Billy:Diehaller et.al., USDC central district of California 2:14-cv-7985; Marlon:Blacher v. John:Villanar et.al., USDC central district of California 2:15-cv-3061; Marlon:Blacher v. Elvin:Valenzuela et.al., USDC central district of California 2:16-cv-561; Marlon:Blacher v. Jeff:Talley et.al., USDC central district of California; Marlon:Blacher v. Lucrezia:Buffalo et.al., USDC central district of California 2:16-cv-5616); and whatever other sources said RICO state staffing persons ~~perpetrate~~^{realize} financial gain from the aforementioned circumstances. The Petitioner is presently & completely without any legitimate means of recourse/remedy at the state level, to the aforementioned deprivation of the Petitioner's inalienable rights, without due process of law and as such will continue to suffer unlawful extrajudicially imposed slavery/involuntary servitude unless the appropriate writ issue here.

1) Terrorism: "A U.S. Army manual defines terrorism as 'the calculated use of violence or threat of violence to attain goals that are political, religious, or ideological in nature... through intimidation, coercion, or instilling fear.'" ("Hegemony or Survival" Noam Chomsky.)

REASONS FOR GRANTING THE PETITION

The special and unusual circumstances which warrant exercise by this court of its discretionary power to issue the common law writ of certiorari, as sought by this petition, are as follows:

- the Petitioner is presently held deprived of liberty, without the Petitioner's consent, by "STATE OF CALIFORNIA" because of a judgment issuing clearly without/exceeding all lawful jurisdiction and the persons staffing the courts of said state act to collusion to deny the Petitioner the remedy/remedy/relief due to the Petitioner and declining to issue the writ here will unduly encourage the continuance of acts without/exceeding lawful-valid jurisdiction; Impunitas continuum affectum tribuit delinquendi. Impunity provides a constant inclination to wrongdoing. 4 Coke 45.);
- the persons staffing the previously mentioned all-capital-letter courts consistently act to arbitrarily deprive the Petitioner of access to the state's constitutional courts (wherein the matters of common-positive-written law are applied, considered, and decided) and make only fiction/fraud courts (wherein the persons staffing such act to plain insurgency to the common-positive-written law) available and accessible to the Petitioner to perpetrate the fraud that actual and legitimate means of recourse/remedy is available to the Petitioner where none actually is (the record, of the multiple causes the Petitioner has brought to be heard before the state courts, illustrate how adversarially, by default, the persons staffing such courts are toward the Petitioner); and standing so unduly deprived of legitimate due process of law issuance of the appropriate writ here is warranted; and
- the acts/decisions of the state courts here work to plain conflict with the settled precedent of this present court and without issuance of a writ here such undue defiance will be encouraged, because of the procedural second or successive petition bar relief in the pertinent district/circuit court of appeals is not available to the Petitioner.

CONCLUSION

The petition for a writ of certiorari should be granted.

Without Prejudice,
~~Respectfully submitted, x~~

Morton: Blucher, VCC 1-308.

Date: the 23rd day of Sept. 2018