

No: 18A -

IN THE
Supreme Court of the United States

Farzana Sheikh, M.D. and Rehan Sheikh

Applicant,

v.

San Joaquin General Hospital (a division of the County of San Joaquin)

Respondent

302 (c) (21) - Local Rules of Eastern District of California

(Secondary) Respondent

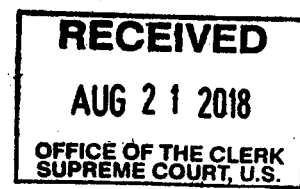
Ninth Circuit Case No: 17 – 16586

Application to the Chief Justice Hon. John G. Roberts

***1) For an Extension of time within which to file a Petition for a Writ of
Certiorari to the United States Court of Appeals for the Ninth Circuit***

1. Pursuant to Supreme Court Rule 13(5), Applicant(s) Sheikh's hereby move
for an extension of time of 30 days, to and including Sep 30, 2018 for filing
a petition for a writ of certiorari to review the Mandate of the United States
Courts of Appeals for the Ninth Circuit issued on May 31, 2018 (Exhibit 1,
CA9_doc#9). The Jurisdiction of this Court is based on 28 U.S.C. §
1254(1).

a. The extension is requested as San Joaquin County (SJC) also



continued this matter in their own county court eventually destroying applicants home. The applicants needs time additional time to research and to prepare the Petition under such exceptional circumstances.

2. Since previous decade San Joaquin County and state prosecutors have improperly deprived applicant(s) of their Physicians and driving licenses respectively, their home, car (e.g.) without any Notice of Accusations and without any trial or hearing before or after the deprivation. In the Physicians licensing matters, the California declared in writing that it does not even has the Burden to prove its accusations that was affirmed by a Magistrate Judge of Eastern District of California whose Jurisdiction was declined, then added that (state) can do so even without taking evidence (doc #55 July 14, 2010¹) . A few state officials, including Senior Assistant Attorney General, Executive Director, licensing chief, members of the Medical Board took early Retirement or tendered their Resignations to Governor Jerry Brown. The Hon. Frank Damrell Jr. was the Senior Judge assigned on the matter who also departed from the Eastern District of California.
3. This instant case is believed to be another malicious action filed by San Joaquin County in their local county court that has been timely removed to

¹ Farzana Sheikh MD v Medical Board of California – 2:10 cv-213

the federal court on many occasions since 2014.

4. A recent Removal was on Aug 8, 2018 (Not this specific Case) (Exhibit 4 – Recent Notice of Removal and Application for a three Judge Panel. The County attorneys informed that they destroyed applicant’s home (without hearing) as county attorneys asked their own county court to file a Petition for abandonment on their behalf. The County also sent a demand for additional \$40,000 + for destroying home. A few days after personally submitted those documents in the Court², applicants received mail from court returning the papers without making any determination by any Judge. Applicants hereby move this Court for an extension of time to file Cert³.

5. Applicants have never been heard by any Article III Judge either in the E.D. of Cal. or at the 9th Circuit; not even a cursory hearing. The applicants are deprived of Access to Justice in Eastern District of California by;

a. **Interference** of San Joaquin County and by State of California; The San Joaquin County attorney Mark Myles, Richard Flores and Governor Jerry Brown even wrote several letters over the years in lieu of Motions, addressing clerks, Judges and Chief Judge Hon. Lawrence Joseph O’Neill that County addressed as Chief Justice;

² Applicants efilng privileges have been terminated by E.D. of Cal. without hearing after personal letters form Governor Jerry Brown and by San Joaquin County Attorneys.

³ Application submitted in little time and is not thoroughly reviewed for errors.

That particular matters involving improper personal letters was filed (on Aug 8) in the District Court that was presided by Hon. Troy Nunely requesting to make a determination for a three Judge panel 28 U.S. Code § 2284 that would include Hon. Sidney Thomas. (Exhibit 4) The Court has refused to make a determination and simply returned documents via mail.

b. Pro county bias

c. 302 (c) (21) – A Local Rule that dictates that applicants cannot be heard by an Article III. Previously Governor Jerry Brown wrote a personal letters (dated June 18, 2010) and filed brief in 9th Circuit (doc#27 dated Apr 18, 2011) addressing the Local Rules and the Article III Judge (**Exhibit 3**) but no determination was made by Court. 9th Circuit granted Article III standing to a monkey (Exhibit 4)

6. This particular case was timely removed to the Eastern District of California pursuant to, including but not limited to, 18 U.S.C. § 241, § 242 and 28 U.S.C. § 1443. The Case was assigned to Senior Judge Hon. Gerald Burrell. Although applicants specifically exercised their Right to decline Jurisdiction of the Magistrate Judge, nonetheless, Judge Burrell assigned to Magistrate Judge who is a former state prosecutor who held no hearing and submitted recommendations. Judge Burrell did not hold even a

cursory Jurisdictional hearing and issued an arbitrary order to Remand case without stating any law or facts, w/o de novo review, w/o declining Jurisdiction, or without making any determination at all virtually giving a free pass to County that eventually destroyed evidence and home. The order included Local rule 302 (c) 21. (Exhibit 2 – (This case) Notice of Removal, Petition filed with 9th Circuit) . In the 9th Circuit Petition applicants pleaded;

The district Court via hon. Gerald Burrell abused his discretion or exhibited pattern of Abdication of judicial duty; denied Right to hearing and improperly denied Right to Trial.

7. The case is removed as;

a. The United States Court have original Jurisdiction

b. that this matter involves Artful Pleading (including factor but not limited to factors, to improperly deprive federal ERISA benefits, to improperly deprive applicants of their property that county took years ago via police action). The County seems to artfully claim this as an ordinary property⁴ dispute.

⁴ Even if somehow county can frame their malicious action as a taking clause; applicants may still have standing in the federal court. Further This Court has granted a Certiorari to *Rose Mary Knicks v Township of Scott*- The Brief of the United States stated (P17),

This Court should therefore Make clear that local takings claimants may vindicate their Fifth Amendment rights in a federal forum. The Court could do so in either of two ways. First, it could clarify that, regardless of Williamson County's understanding of Section 1983, an owner who asserts a right to compensation under the Fifth Amendment may bring a state

c. Applicants also believe this case relates to and/or inextricably intertwined with the previous litigation in the federal courts (Farzana Sheikh MD v Medical Board) federal court. Applicants will demonstrate its relevance even at any cursory evidentiary hearing.

8. Local Rules 302 (c) (21)

These local rules of the Court state that applicant cannot be heard by an Article III Judge and are challenged for the reasons as stated. The district Court and the 9th Circuit have not made any determination. Given the circumstances, the applicants request this Court to give a chance to the district court to present if there justification⁵ for Local Rules or opposition, or issue default Judgment or alternatively assign to another circuit.

inverse-condemnation action in federal district court under the grant of federal -question jurisdiction in 28 U.S.C. 1331.

(P21) This Court confirmed that understanding in City of Monterey v. Del Monte Dunes at Monterey, Ltd. , 526 U.S. 687 (1999). There, the Court recognized that a California landowner alleging a regulatory taking by a city “was entitled to proceed in federal court under [Section] 1983” notwithstanding Williamson County because (at the time) “California did not provide a compensatory remedy for temporary regulatory takings.”

(P34) For similar reasons, a lawful taking would not give rise to a violation of 18 U.S.C. 242, a criminal statute that uses language paralleling Section 1983 to make it a misdemeanor to “willfully” subject a person to a deprivation of constitutional rights.

⁵ (On unconscious Rules this court recently ruled) National Institute of Family and Life advocates v. Becerra (2018)


California has the Burden to Prove that [unlicensed Notice] is neither unduly justified nor burdensome

For the foregoing reasons, the applicants request an extension of time including Sep 30, 2018 be granted within which applicants may file a petition for writ of certiorari.

Respectfully Submitted,



Rehan Sheikh



Farzana Sheikh

August 17, 2018