

18-8381
No. _____

IN THE SUPREME COURT OF THE UNITED STATES

_____*

CHRISTOPHER D. SCHNEIDER,

Petitioner,

v.

FILED
FEB 19 2019

COMMISSIONER OF INTERNAL REVENUE
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Respondents.

_____*

10

On Petition For A Writ Of Certiorari To The United States
Court Of Appeals For The Ninth Circuit

VERIFIED PETITION FOR WRIT OF CERTIORARI

Petitioner/Plaintiff in pro per: Christopher D. Schneider
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(Both remain unavailable miles away)

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QUESTIONS PRESENTED

1. Did the Ninth Circuit Court and Tax Court choose to ignore the fact that *both* court lacked jurisdiction of Christopher David Schneider?
2. Is it an unconstitutional First Amendment prior restraint and “censorship” in actual terms, for petitioner’s involuntary Hobson’s choices—as demanded in the court clerk’s January 31, 2019 letter—(App-5), based on the facts in the record, of; (1) filing an impossible 7 pages (double sided) total for *all* pages as delineated by the court’s rules needed for a **one paragraph** writ of certiorari petition so as to attempt the mailing of “ten required copies” [or his *involuntary* IFP filing (R-letter of January 21, 2019; 17-9240 and 18-5850 motion on objections to IFP) using \$10.00 in stamps he has, and no more funds (January 21, 2019 letter); or (2) involuntarily asking-begging for help from others due to the collateral pains and disabilities; or (3) getting **arrested** so that he will fit the exemption for an “incarcerated” person?
3. Before dismissing petitioner’s case under Local Rule 42-1, should the Ninth Circuit court have considered petitioner’s extensive other court filings on the merits, *fully argued* in that court—by both parties, as an “opening” brief when it was impossible for him to mail anything to the court without postage stamps?
4. Is it a structural error, in practical terms, to force a litigant to self-censor his First Amendment *court* speech (e.g: small No. 10 envelopes of about 20 pages maximum—*including* all title pages and *non-argument* pages) due to the *very* rural limitations of his home’s location, “rural route mailbox” and *inter alia* inability to even **get** “Stamps” “envelopes” or to do everyday common mailings at a post office (8

miles away) without the help of neighbors or friends all due to the *continuing* daily proximate damages/punishment from the retaliatory loss of his driver's license and only photo ID for his published editorial speech of March 21, 2014?

5. Is it a "structural error" for *inter alia* the Ninth Circuit and Tax Court to tacitly and/or thru unwritten rules, protocols, and/or deliberate indifference to engage in unequal, invidious, class and personal *censorship* and discrimination by: (1) refusing to allow *any* citizen into *any* public courthouse to use *all* public facilities and *inter alia* file paperwork in his own cases on an equal basis when in two instances, on two different days, in two different months, two different courthouses had signs stating that a "FOREIGN NATIONAL" *would be* allowed into those "public" courthouses while *he as a U.S. Citizen*, due to his speech/ID/perceived wealth status, was invidiously denied **all** personal access; and (2) repeated denials of *all* access to their San Francisco "public" Ninth Circuit courthouse on (and around) August 11, 2017 at about 11:30AM and November 13, 2017 at about 12PM. Are these constitutional violations subject *years* later to a post ad hoc "harmless error" or *Mathews v. Eldridge* 424 U.S. 319 (1976) type of "case-by-case due process, 'balancing' test" analysis vs. an immediate appeal/mandamus and bright line test?

6. Can **any** "public" courthouse lockout, censor, and deny personal access to anyone wanting to file critical paperwork, and use *all* of the "public courthouse" facilities in person—by arbitrary/invidious discrimination, based on wealth status or appearance and/or speech, and then e.g. repeatedly *enforce* substantive entry *approval* "unwritten rules" against the public.

PARTIES TO THE PROCEEDINGS

Petitioner, Christopher D. Schneider, was the petitioner-appellant below.

Respondent, the Commissioner of Internal Revenue, was respondent below.

STATEMENT OF RELATED CASES/FILINGS

This case is directly related to *Schneider v. Bank of America* (“BAC”) as to that case’s pending S.Ct. writ of certiorari petition (Case No. 18-7701).

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OPINIONS BELOW

December 3, 2018 the Ninth Circuit Court dismissed (App-1) this case. The Tax Court's Order dated March 1, 2017 dismissed petitioner's case. (App-2). The S.Ct. Clerk's letter of January 31, 2019 is shown as Appendix-5.

JURISDICTION

The court's jurisdiction is invoked pursuant to 28 U.S.C.A. § 1651(a); the Ninth Circuit court had *disputed* jurisdiction under 28 U.S.C. § 1291 from the Tax Court's *disputed* jurisdiction (R-32, 9, see R-1-3, 27, 31).

STATUTORY PROVISIONS INVOLVED (forced S.Ct. censorship)

First Amendment: Congress shall make *no law* ... abridging the freedom of speech, or of the press... *and* to petition the government for a redress of grievances."

Fifth Amendment: "[N]or [shall anyone *regardless* of wealth] be deprived of life, liberty, or property, without due process of law ..."

U.S. Supreme Court Rule No. 1 "The Clerk...[may] reject any submitted filing that does not comply with these Rules."

U.S. Supreme Court Rule No. 39.2 "If leave to proceed [IFP and] is an inmate confined...[may then file just an] original..."

**ENTIRE FORCED/CENSORED STATEMENT OF THE CASE/ISSUES
AND PETITION FOR CERTIORARI-REDRESS**

This goes to the immediate and substantial fundamental structural First and Fifth Amendment fairness of a forced U.S. Supreme Court's Rule No. 1 censorship/prior restraint and Hobson's choice of petitioner; (1) filing 7 page limit including all necessary papers demanded by the "Rules" with "10 copies" using \$10.00 in *all* of the stamps I have as demanded in the letter of January 31, 2019 (App-5); or (2) asking-begging for money and help from neighbors and friends in order to do *anything* else; or (3) getting **arrested** so that I may—without neighbor help—"comply" with rule 39.2's demand of a "confined" "inmate." I object to this "choice" under the facts known to every court as an unconstitutional *de facto* prior restraint/censorship 17A612 Decl.; S.Ct. R.39.3 "While making due allowance for any case presented under this rule". *Harper v. Virginia Board of Elections*, 383 U.S. 663, (1966) "Wealth, like race, creed, or color is not germane to one's ability to

[meaningfully file for a writ of certiorari]...”; “What may not be done directly may not be done indirectly least the [First Amendment and Fifth Amendment] become a mockery.” *Abington School Dist. v. Schemp*, 374 U.S. 203, 230 (1963); “Nothing in the Constitution compels the organs of government to be blind to what everyone else perceives” Id. at 295: i.e. that I live in the middle of nowhere (R-17-70768 Dkt. 27-28) with the five year + continuing ex parte retaliation for my published editorial speech “pains and disabilities” and “blacklisting” in the National Driver Registry are insane; “What is fair in one circumstance may be an act of tyranny in others”. *Snyder v. Massachusetts*, 291 U.S. 97, 116-117 (1934).

CONCLUSION

I request that my case be returned to lower courts to vacate any judgment for lack of jurisdiction, or in the alternative, that my unconstitutional issues and structural errors argued here and in prior briefs be addressed on the merits; and any other justice as I remain without needed fundamental rights, access to the law, and to argue intelligently under the pains/disabilities imposed on March 30, 2014.

Verification: I Christopher D. Schneider declare under penalty of perjury that the forging facts are true and correct and that all attached appendix, exhibits and/or declarations are true/correct copies of documents to best of my ability.

Dated: February 7, 2019 in Sutter Creek California

Respectfully Submitted,

Christopher D. Schneider: Petitioner
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