

18-8597

No. 17-55698 (9<sup>th</sup> cir.)

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

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SUPREME COURT, U.S.

Barbara E. Brown

(Your Name)

— PETITIONER

vs.

SCOTT BURTON, et al

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeals for the Ninth Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Barbara E. Brown

(Your Name)

P.O. Box 5408

(Address)

Sugarloaf, CA 92386

(City, State, Zip Code)

(951) 534-8277

(Phone Number)

### QUESTION(S) PRESENTED

Definition of Logic; The principle of Correct Reasoning.

1. Whether District Court Judge Cormac Carney obstructed justice under the definition of Title 18 U.S.C.-1503 when he refused Petitioner Counsel?
2. Whether Carney and the 9<sup>th</sup> circuit judges erred in holding Petitioner, a pro se Complaint, to more stringent standards than formal pleadings drafted by lawyers pursuant to Haines v. Kerner, 404 U.S. 519 (1972)?
3. Whether Petitioner's Right to Redress was violated by Carney, 9<sup>th</sup> circuit and U.S. Supreme Court?
4. Whether a reasonable judge can practice law and aid & abet lawyers and police?
5. Whether Carney & 9<sup>th</sup> cir. judges erred in violating their Oaths of office to defend U.S. Constitution?
6. Whether Carney conspired with defendants when he ordered Petitioner arrested for trespassing?
7. Whether Carney erred in agreeing with police who violated Petitioner's 4<sup>th</sup> amendment right against unreasonable search and seizure?
8. Whether Carney & 9<sup>th</sup> circuit judges erred in stating Petitioner has no right to assert her rights against unwarranted intrusion by the state?
9. Whether Carney & 9<sup>th</sup> cir. judges erred in allowing police to break the law under *Schmieder v. CA* 384 U.S. 757 (1966) to protect personal privacy and dignity?
10. Whether District Court Judge Carney can legally operate his court under Black Code?
11. Whether Carney erred in naming all four cases of Petitioner's "Related", Attorney General said not?
12. Whether law enforcers erred in falsely arresting Petitioner without probable cause?
13. Whether California Penal Code 148(a)(1) violates Petitioner rights, privileges and guarantees outlined in U.S. Constitution and Bill of Rights, Human Rights & Inherent Rights?
14. Whether California Penal Code 148(a)(1) is unconstitutional due to it being vague and ambiguous.
15. Whether Carney & 9<sup>th</sup> cir. judges deprived Petitioner of the right trial?
16. Whether Carney & Erick erred when neither one disqualified themselves in which their impartiality might reasonably be questioned?
17. Whether Title 28 U.S.C. Section 455(a) includes any Justice, Judge or Magistrate Judge of the U.S.?

## LIST OF PARTIES

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

☒ 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:

1. Scott Burton, Deputy Sheriff, in his individual capacity.
2. Travis Wijnhamer, Deputy Sheriff, in his individual capacity.
3. Tom Hallenbaugh, Deputy Sheriff, in his individual capacity.

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 \_\_\_\_\_ 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 \_\_\_\_\_ 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.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was January 3, 2019.

☒ 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 \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ 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).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Bill of Rights:

4th Amendment of U.S. Constitution - No unreasonable Search & Seizure.

5th Amendment of U.S. Constitution - No self-incrimination & due process.

8th Amendment " " - Reasonable bail and punishment.

13th Amendment " " - No slavery

14th Amendment " " - Equal Rights, due process, equal protection,

1st Amendment " " - Citizenship,  
- the right to redress.

Title 18, U.S.C., section 242 - Deprivation of Rights under Color of Law.

Title 18, U.S.C., section 241 - Conspiracy against Rights.

Title 42, U.S.C. section 1983 - civil action for deprivation of Rights.

Title 42, U.S.C. section 14141 - Pattern and practice.

Title 18, U.S.C. section 1203 Chapter 55 - Kidnapping.

Title 18, U.S.C. section 245 - Federally Protected Activities

Title 42, U.S.C. section 1997 - civil action against jails, etc. by department of Justice

Title 18, U.S.C. 1503 - obstruction of justice

### STATEMENT OF THE CASE

In *Schmearer v. CA* 384 U.S. 757 (1966) reads 4th Amendment protects personal privacy and dignity against unwarranted intrusion by the state.

In accordance with Supreme Court Rule 10

Considerations Governing Review on Certiorari, Petitioner's reasons relied on for allowance of this writ of Certiorari is as follows;

Supreme Court

Rule 10(a) A United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter and/or has so far departed from the accepted and usual course of judicial proceedings or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power,

AND  
Rule 10(c) A United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

In *Griswold v. Connecticut*, 381 U.S. 479 (1965) the Supreme Court of the United States ruled that the Constitution, through the Bill of Rights, implies a fundamental right to privacy and protection from government intrusion.

In *Katz v. United States*, 389 U.S. 347 (1967) Justice Harlan's concurring opinion stated that "there is a twofold requirement first that a person have exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as reasonable."

In *Smith v. Maryland* (1979) Justice Marshall put in his dissent that "privacy is not a discrete commodity, possessed absolutely or not at all."

In *Terry v. Ohio*, 392 U.S. 1 (1968) this court wisely concluded that the protections of the Fourth Amendment are not subject to verbal manipulation. It is the reasonableness of the officer's conduct, not what the state chooses to call it, that counts.

Inherent Rights is the right to life, liberty and the pursuit of happiness. This includes the right to eat, drink or smoke anything... the user must take responsibility for the effects of any drug or intoxicant used, unless its use was induced involuntarily or by fraud, in which case the inducer is responsible. And the security of one's private information against intrusions by individuals, organizations or governments is sacred, informed consent or a lawfully obtained court order is legally required.

Presumed Rights is the right not to be discriminated against on the basis of criteria not inherently relevant to the matter at hand, i.e.; race, sex, disability etc.

President Trump stated "all Americans are presumed innocent until proven guilty."

Natural Law/Rights described as an innate desire for self-preservation, the fundamental duty of government, according to Locke's Two Treatises of Government (1690), became the protection of rights to life, liberty and property.

Abraham Lincoln's Emancipation Proclamation states, all persons held as slaves shall be free, and in Gettysburg Address reads that this nation, under God, shall have a new birth of freedom etc. and life, liberty and the pursuit of happiness is stated in Declaration of Independence.

## STATEMENT OF THE CASE

On 4/17/17 Judge Carney of Los Angeles, CA District Court ordered judgment <sup>in</sup> favor of defendant.  
On 1/3/19 U.S. Court of Appeals for 9th circuit filed Mandate from 12/12/18 memorandum.  
On 12/12/18 U.S. Court of Appeals for 9th circuit Affirmed District Court judge Carney's judgment.  
On 10/31/16 Defendant's attorney Statement of Summary judgment Standard stated there was no genuine dispute as to any material fact. (This is not true.)  
It goes on to state "Even if the arrest of Brown lacked probable cause, based on her refusal to follow orders and leave the premises, a reasonable officer in the position of named defendants could have reasonably believed that probable cause existed to arrest her and they are entitled to qualified immunity."

On February 16, 2013, Petitioner was visiting with then boyfriend, Jonathan Sprecher as a welcomed guest at his home in Sugarloaf, California at 9pm.  
An argument between Petitioner and an ex-boyfriend, Roger Tierce, who lived in the basement, began, in regards to the death threat petitioner received from Roger on February 14, 2013.

Jonathan called the Big Bear Sheriff Department to maintain the peace in his house, not to make a citizen's arrest on Petitioner nor to ask for a police escort off his property, for Petitioner due to the fact, that Jonathan was aware of the physical, verbal and emotional abuse Petitioner had endured while dating Roger.

The 911 call is transcribed and in it, the officers named herein as defendants, stated "Repeat," (subject: Brown, Barbara) "No More"

The first officer on the scene, Travis Winhamer, was informed by both Petitioner and Jonathan, the "reporting party," that the person causing the disturbance had left and everything was okay. Winhamer left.

The second, third and fourth officers arrived before Winhamer left and proceeded to arrest Plaintiff immediately on "drunk in Public," 51:49, 51:75, 51:50, PC148(a)(1), and due to the fact that only my cat was at my home.

Immediately after arriving at West Valley Detention Center the deputies proceeded to strip Petitioner naked and administer two sedatives and 50 mg. of Benedol. Petitioner passed out immediately after that, being tied to a chair naked all night. Before passing out Petitioner now remembers (2 years later) that there was only one man, a Sheriff deputy, in the jail cell where Petitioner was left naked and tied to a chair all night. The next day a jail personell sent Petitioner to a mental ward, stating Petitioner was unable to care for myself.

After four days in the mental ward Petitioner was released, only after Petitioner quit trying to report the misconduct of the Big Bear Lake Sheriff Deputies. On 2/13/13 Petitioner's first case was accepted to be heard in Federal Court, same entity.



**REASONS FOR GRANTING THE PETITION AND  
APPLICATION FOR SUPREME COURT JUSTICE TO HEAR AND  
REQUEST FOR ORAL ARGUMENT**

1. Petitioner has exhausted all remedies in this case and previous case (denied by this court).
2. U.S. District Court deemed this court action non-frivolous and has merits.
3. Petitioner's Appeal/Redress presents a matter of general public importance in the administration of justice that warrants direct review by this court. SEE: 00-139 U.S. Br. 13-18.
4. This is Petitioner's 2<sup>nd</sup> case to reach this court only to be denied by court clerk.
5. Petitioner's twin sister had three cases denied by this court.
6. Petitioner has a right to Redress according to 1<sup>st</sup> First Amendment U.S. Constitution.
7. Big Bear Lake Law Enforcers continue to harass/arrest (kill) more people of color.
8. San Bernardino <sup>DEPUTY</sup> District Attorney is a well known sexist and racist.
9. Petitioner has asked 2 courts (state & federal) for civil harassment restraining orders against named defendants due to constant and continual harassment.
10. Both requests were DENIED.
11. The jails in San Bernardino County were investigated by federal agents for in custody deaths and no changes were made for prisoners safety.
12. The importance of the problem of government intrusion is nationwide, even in Alaska. SEE: story by Lisa Demer a reporter of Anchorage Daily News. The subject is my twin and petitioner still needed to help parents during the seizure of their children in Alaska entitled; "Sharon Smith: whereabouts unknown".
13. Also see: a letter an Alaskan Native girl wrote to her father, enclosed.
14. Also see: List of people contacted enclosed.
15. No one helped, investigated or had their children returned, due to the fact that, we the people, the 99% can not afford attorneys to redress our grievances against our local, state and federal government.  
So we the people always lose in every court action.

16. Petitioner is of the disadvantaged group of people with Roots in Slavery and hallocaust survivors living way below poverty level with a spinal deformity which makes it difficult to move about,
17. Petitioner suffers with PTSD now due to Local Law Enforcers actions and/or inactions.
18. Petitioner has been wronged repeatedly by the same entity.
19. The Courts job is to ascertain the truth, Right the Wrong, administer justice which should lead to the arrest and conviction of those wrongdoers

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Barbara E. Brown

Date: March 4, 2019