

18-8657

No. \_\_\_\_\_

Supreme Court, U.S.  
FILED

MAR 20 2019

OFFICE OF THE CLERK

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

(Ibeabuchi, Ikemefula Charles) PETITIONER  
(Your Name)

vs.

MARICOPA COMMISSIONERS RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

(Court of Appeals, State of Arizona, Division One)  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

(Ibeabuchi, Ikemefula Charles)  
(Your Name)

(ADC NO. 177007, P.O. Box 8400)  
(Address)

(Florence, Arizona, 85132-8400)  
(City, State, Zip Code)

(N/A)  
(Phone Number)

ORIGINAL

Cover-Page

QUESTION(S) PRESENTED

1. Whether or not, the SPECIAL COMMISSIONER, committed a Reversible Error, in the JUDGMENT OF DISMISSAL, ISSUED pursuant to Rule 38.1(d)(2), (ARIZ. R. CIV. PROC)?
2. Whether or not, the SPECIAL COMMISSIONER, abused his or her, discretion, on the Evidentiary Ruling, therein?
3. Whether or not, the SPECIAL COMMISSIONER, exceeded, his or her, Jurisdiction by the JUDGMENT OF DISMISSAL, ISSUED pursuant to Rule 38.1(d)(2), (ARIZ. R. CIV. PROC)?

## 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:

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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☐ is unpublished.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☐ is unpublished.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 A 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☒ is unpublished.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 Supreme Court of Arizona court appears at Appendix C 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 FEB 05 2019.  
A copy of that decision appears at Appendix C.

[•] A timely petition for rehearing was thereafter denied on the following date: FILED 02/20/2019, and a copy of the order denying rehearing appears at Appendix D.

[ ] 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

- 1. CONSTITUTIONAL AMENDMENT 1, FREEDOM OF RIGHT TO PETITION THE GOVERNMENT FOR REDRESS
- CONSTITUTIONAL AMENDMENT, IV, DUE PROCESS
- CONSTITUTIONAL AMENDMENT XIV EQUAL PROTECTION



## STATEMENT OF THE CASE

On, February 5, 2019, the Supreme Court of Arizona, denied the Petitioners, Petition for Review, by stating that, "Justice Gould did not participate in the determination of this matter." See, Cause, in, RE: IKEMEFULA IBEABUCHI V MARICOPA COMMISSIONERS.

This Opinion, warranted the Petitioner, to Submit, A MOTION FOR REHEARING, on February 15, 2019.

On, February 20, 2019, Justice Pelander, denied the Motion, by Stating that, "As Rule 22(f) of the Arizona Rules of Civil Appellate Procedure bars a party from filing a motion for reconsideration of a denied petition for review," "It is ordered denying the motion".

On, November 5, 2018, the Court of Appeals, State of Arizona, Division One, Ordered and dismissed (the Petitioners Appeal, without prejudice) for lack of Jurisdiction. Stating that, Circumstances did not appear to warrant the Appeal.

Whereas, the Court of Appeals, failed to name what the Circumstances, might be, to entitle a Remand.

For, instance, On, September 1, 2017, the Petitioner, Filed a verified Complaint, of Civil Action and Demand For Jury Trial, and perforce of the Requisite, Application For Deferral or Waiver of Court Fees or Costs and Consent to entry of Judgment, which was granted, and Certified

1 therein, for eligibility for a Deferral, in all Filing Fees, and  
2  
3 Fees for service of process by a Sheriff, Marshal, Consta-  
4  
5 ble or law enforcement agency.  
6

7 On, September 7, 2017, Petitioner filed a, RESPONSE  
8  
9 AFTER COURT'S NOTICE TO PLAINTIFF REGARDING ASSESS-  
10  
11 MENT AND COLLECTION IF INMATE COURT FEES AND COST,  
12  
13 FILED SEP 01 2017 AND REPLACEMENT SUMMONS, which  
14  
15 the Petitioner, informed the Court, that the Summons was  
16  
17 returned without being served to the (Respondents)  
18

19 Also, on, October 4, 2017, the Petitioner filed an Objec-  
20  
21 tion, to-wit: OBJECTION TO FAILURE TO SERVE SUMMONSES  
22  
23 FOR THE DEFENDANTS' RESPECTIVE NAMES, AT-LAW, Be-  
24  
25 cause, the Inmate Legal Services, (ILS) which, normally,  
26  
27 transmitted the Petitioner's, Court Filings for Processing  
28

1 to the Court Clerk, noted, on, the Inmate Legal Request,  
2  
3 on, September 5, 2017, that, "The Petitioner's attached  
4  
5 Summonses of the Complaint, filed on, 09/01/17, were ta-  
6  
7 ken to the Civil Division for service on, 09/05/17 and  
8  
9 were, REJECTED. That, Service cannot be done with the  
10  
11 documents as presented. That, there is no specific per-  
12  
13 son named which would allow service."

14  
15 But, Petitioner, did comply with the Address of the  
16  
17 Maricopa County Board of Supervisors Clerk, the indivi-  
18  
19 dual designated by the entity, as required by statute,  
20  
21 to receive service of process, (See, Ariz. R. Civ. Proc., Ru-  
22  
23 le 4.1. Service of Process Within Arizona (h) Serving a  
24  
25 Governmental Entity (2).)

26  
27 The Clerk of the Court, nor, the Sheriff, did not  
28

1 request the Petitioner to provide an Address, to Cure  
2  
3 this postulated, Defect, in the Complaint, Which, Conclu-  
4  
5 ded a fraud. The Clerk of the Court, extorted a  
6  
7 filing fee, Deferral Cost of three hundred, and fifty  
8  
9 (\$350.00) dollars, from the Petitioner, without, right to  
10  
11 do so, by failing to issue and serve Summons to Respondents.  
12

13 On, June 6, 2018, Superior Court of Arizona Maricoco-  
14  
15 pa County, Court Administration, issued a NOTICE OF  
16  
17 PLACEMENT ON THE DISMISSAL CALENDAR, stating that,  
18

19 Without further notice on 08/06/2018, unless one of the  
20  
21 following actions occurs prior to the date of dismissal  
22

- 23 (1) A Joint Report and Proposed Scheduling Order is  
24  
25 filed; (2) A Comprehensive Pretrial Conference is set;  
26  
27 (3) A final judgment, notice of decision, arbitration award  
28

rd, or dismissal is entered,' or (4) A motion to Continue on the dismissal Calendar demonstrating good cause is filed and granted prior to the dismissal date. See, Rule 38.1(c)(2).

On, June 19, 2018, Petitioner, filed a MOTION TO SHOW GOOD CAUSE TO CONTINUE ON DISMISSAL CALENDAR, by CHRIS DEROSE, CLERK, G. RAINES, DEPUTY CLERK.

THE SPECIAL COMMISSIONER, apparently, did not receive nor, review this Submission, as occurring to the Notice of Placement on The Dismissal Calendar, before he or she, issued the Judgment of Dismissal of the entitled Cause on, September 5, 2018.

On, November 6, 2018, The Judge of the Case issued a MINUTE ENTRY, while the Matter had proceeded on

1 Appeal, stating that, "The Court has reviewed this Matter  
2  
3 The case is 14 months old. Plaintiff, has yet to serve De-  
4  
5 fendants with process. On the Court's motion, It is or-  
6  
7 dered, Plaintiff shall properly serve Defendants within  
8  
9 3 months. Failure to do so may result in the matter  
10  
11 being dismissed without further notice."

12  
13 This Conflict, of Orders, issued by Court Adminis-  
14  
15 tration and Judge, concludes a denial of the Petiti-  
16  
17 oners, Constitutional and statutory provisions, of the  
18  
19 First Amendment, right to petition the government,  
20  
21 Due Process, of the Fourth Amendment, Service of Process  
22  
23 and Equal Protection, of the Fourteenth Amendment.

24  
25 Petitioner's, Service of Process was Granted, by the  
26  
27 Maricopa County Superior Court, in a Deferral, and  
28

1 which obligates the Sheriff, Marshal, Constable or law  
2  
3 enforcement agency to the, "Who May Serve Process," Ariz.  
4  
5 R. Civ. Proc., Rule 4(c), at-law. And, not, the Petitioner, in  
6  
7 the Judge's MINUTE ENTRY, of 11/06/2018 of ReCourse  
8  
9 on Appeal.

10  
11 This Court has Jurisdiction, 28 U.S.C. ss.1257(a),  
12  
13 to grant the Circumstances which did not appear  
14  
15 to warrant the Appeal, as stated, in the Order  
16  
17 Dismissing Appeal, for lack of Jurisdiction, by the  
18  
19 Court of Appeals, State of Arizona, Division One, at  
20  
21 law.

## REASONS FOR GRANTING THE PETITION

- 1) This Petition should be granted because, the Petitioner paid three hundred and fifty (\$350.00) dollars, for Service of Process through, Deferral, granted, and of whose Course, warrants, the Sheriff, Marshal, Constable or law enforcement agency to Serve Process, to the Respondents.
- 2) In, Geders v. U.S., 425 U.S. 80 (1976), the Court held that, "Trial judge may determine generally order in which parties adduce proof and his determination will be reviewed only for abuse of discretion."  
As, stated, the Petitioner filed the Confounding, MOTION TO SHOW GOOD CAUSE TO CONTINUE ON DISMISSAL CALENDAR, on, June 19, 2018. Which is Reception of Evidence, for apposite Evidentiary Ruling. This Court should, grant the Petition to review the Determinations of the Courts below, for abuse of discretion.
- 3) This Petition should be granted for the Court of Appeals, State of Arizona's failure to treat, same as SPECIAL ACTION, See, Danielson v. Evans, 201 Ariz. 401, 411, 35 (APP. 2001) ("finding appellate jurisdiction lacking, and sua sponte accepting special action jurisdiction"); A.R.S. § 12-120.21(A)(4) (Providing that a Court may assume special action jurisdiction "without regard to its appellate jurisdiction.")



1 This Petition should be granted, pursuant to 2 Ariz.  
2  
3 Prac., Civil Trial Practice §12.2 (2d ed.) Chapter 12. Service  
4  
5 of Process §12.2. The Summons, stating that, the Summons  
6  
7 is issued by the Clerk when the Complaint is filed and,  
8  
9 upon request, a Separate or additional Summons shall  
10  
11 be issued against any defendant, Rule 4(a), Ariz. R. Civ. P.  
12  
13 The Court originally secures jurisdiction over the defendant  
14  
15 by service of the Summons. Spiegel v. Board of Supervisors  
16  
17 of Maricopa Co., 175 Ariz. 479, 857 P.2d 1333 (Tax Ct. 1993).  
18  
19 As, stated in the Petition, the Court below, declined to  
20  
21 serve the Summons to the Respondent, and/or, replace  
22  
23 same, when the Petitioner requested same to proceed  
24  
25 against the Respondents. Accordingly, this Petition  
26  
27 should be granted to secure jurisdiction over the Res  
28

pondents, at-law, and for Effectuation of Prosecution.

5) Further, on the review for abuse of discretion, of the

Judge, the following, Supreme Court Cases are the reasons

why the Petition should be granted. Goldsby v. United

States, 160 U.S. 70, 74, 16 S.Ct. 216, 218, 40 L.Ed. 343, 345

(1895); Nelson v. United States, 445 F.2d 483, 487 (CA5 1969)

Cert. denied, 396 U.S. 1060, 90 S.Ct. 751, 24 L.Ed. 2d 754 (19-

70). Which stated, that, "Within limits, the judge may control

the scope of rebuttal testimony"; Lombard v. United States,

419 U.S. 858, 95 S.Ct. 106, 42 L.Ed. 2d 92 (1974); (May refer

se to allow cumulative, repetitive, or irrelevant testimony)

County of Macon v. Shores, 97 U.S. 272, 24 L.Ed. 889 (1877)

(and may control the scope of examination of witness-

es.)

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Cecilia C. Beabuchin

Date: March 20, 2019