

18-8658

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

Supreme Court, U.S.  
FILED

DEC 28 2018

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

(IBEABUCHI, IKEMEFULA CHARLES) PETITIONER  
(Your Name)

vs.

PAUL PENZONE, ET AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

(COURT OF APPEALS, NINTH CIRCUIT)  
(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 3200)  
(Address)

(Florence, Arizona, 85132-3200)  
(City, State, Zip Code)

(N/A)  
(Phone Number)

**ORIGINAL**

Cover Page

QUESTION(S) PRESENTED

1. "Whether or not, the Court below committed a reversible error, by dismissing the Pro se litigant's Complaint for failure to state a Claim?"
2. "Whether or not, the Court below, abused its discretion, at the evidentiary, Rulings, therein?"
3. "Whether or not, the Court below, exceeded its Jurisdiction by falling short of dismissing the Appellant's Complaint for Frivolousness, 28 U.S.C. ss. 1915(d)?"

## 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:

FILED DEC 4 2018

IKEMEFULA CHARLES IBEABUCHI,  
AKA Charles Ikemefula Ibeabuchi,

Plaintiff-Appellant,

v.

PAUL PENZONE, Sheriff, et al  
Defendant-Appellees.

NO. 18-16655

D.C. NO. 2017-CV-03154-  
JAT-JZB, District of  
Arizona, Phoenix

ORDER

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	17
CONCLUSION.....	24

## INDEX TO APPENDICES

APPENDIX A	Decision of the United States Court of appeals
APPENDIX B	Decision of the United States District Court.
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
• <i>Haines v. Kerner</i> , 404 U.S. 519 92 S.Ct. 594, 30 L.Ed.2d 652 (1972)	4,
• <i>Caterpillar Inc. v. Williams</i> , 482 U.S. 386, 392 (1987)	6,
• <i>Wolff v. McDonnell</i> , 418 U.S. 539, 563-69 (1974)	8, 9, 10, 13, 22,
• <i>Wilkinson v. Austin</i> , 545 U.S. 209, 220-24 (2005)	10,
• [REDACTED] (43 GEO. L.J. ANN. REV. CRIM. PROC 1091 (2014))	
• <i>Neitzke v. Williams</i> , 490 U.S. 319 109 S.Ct. 1827 104 L.Ed.2d 11, 338 (1989)	11,
• <i>Brower v. County of Inyo</i> , 489 U.S. 593, 109 S.Ct. 1378 103 L.Ed.2d 12, 628 (1989)	12,

STATUTES AND RULES	
• 28 U.S.C. SS 1441 (a)	64,
• 28 U.S.C. SS. 1446 (b)	6,
• 28 U.S.C. SS. 1915 (a)	
• 28 U.S.C. SS. 1915 (d)	4,
• 28 U.S.C. SS. 1915 (e)(2)	11,
• Fed. R. Civ. Proc 12(b)(6)	4, 10,
• 28 U.S.C. SS 1331	12,
• 28 U.S.C. SS 1915 (g)	7,
• 42 U.S.C. SS 1983	8,
	13,

OTHER	
• <i>Kaden v. Slykhuis</i> , 651 F.3d 966, 969 (8th Cir. 2011)	14, 19,
• <i>Farid v. Smith</i> , 850 F.2d 917, 925-26 (2d Cir. 1988)	14, 18,
• <i>Reeves v. Pettcox</i> 19 F.3d 1060, 1062 (5th Cir. 1994)	15, 22,
• <i>Coffman v. Trickey</i> , 884 F.2d 1057, 1060 (8th Cir 1989)	15, 22,
• <i>Nolan v. Scafati</i> , 430 F.2d 548 (1st Cir. 1970)	17

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 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 United States district court 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.

☐ 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 DEC 4 2018.

☒ 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

- CONSTITUTIONAL AMENDMENT, FIRST, FOR PROPERTY
- CONSTITUTIONAL AMENDMENT, FOURTH, FOR SEIZURE
- CONSTITUTIONAL AMENDMENT, FIFTH, DOUBLE JEOPARDY
- CONSTITUTIONAL AMENDMENT, SIXTH, ATTORNEY/CLIENT PRIVILEGE
- CONSTITUTIONAL AMENDMENT, FOURTEENTH, EQUAL PROTECTION
- 42 U.S.C. SS. 1983, CIVIL RIGHTS ACTIONS  
(UNITED STATES CODE; U.S.C.)



## STATEMENT OF THE CASE

On, December 4, 2018, the Court of Appeals, Ninth Circuit, by Judges, CANBY, TASHIMA, and FRIEDLAND, dismissed Petitioner's Appeal as frivolous, and for the following reasons:

1. That, "the district Court Certified that this appeal is not taken in good faith and revoked appellant's in forma pauperis status. See 28 U.S.C. § 1915(a)." "
2. That, "On, September 27, 2018, the Court ordered appellant to explain in writing why this appeal should not be dismissed as Frivolous. See 28 U.S.C. § 1915(e)(2) (Court shall dismiss Case at any time, if Court determines it is frivolous or malicious)." "
3. That, "Upon a review of the record, responses to the Court's September 27, 2018 Order, and opening brief received on September 27, 2018, we conclude this appeal is frivolous."
4. That, "We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 3) and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2)." "
5. That, "All other pending motions are denied as moot."
6. "DISMISSED"

But, the Supreme Court ruled, in Haines v. Kerner, 404

1 U.S. 519 92 S.Ct. 594, 30 L.Ed. 2d 652 (1972), that, "We  
2  
3 Cannot say with assurance that under the allegations of  
4  
5 the pro se Complaint, which we hold to less stringent stan-  
6  
7 dards than formal pleadings drafted by lawyers, it ap-  
8  
9 pears 'beyond doubt that the plaintiff can prove no  
10  
11 set of facts in support of his claim which would  
12  
13 entitle him to relief.'"

14  
15 "Accordingly, although we intimate no view whatever  
16  
17 on the merits of petitioner's allegations, we conclude that  
18  
19 he is entitled to an opportunity to offer proof. The jud-  
20  
21 gment is reversed and the case is remanded for further  
22  
23 proceedings consistent herewith."

24  
25 On, September 13, 2017, the Respondent, in a Judi-  
26  
27 cious Prestidigitation or Fraud in the Court, removed

1 the Petitioner's verified Civil Right Complaint, from the Su-  
2  
3 perior Court of Arizona, in Maricopa County to the Uni-  
4  
5 ted States District Court for the State of Arizona,  
6  
7 in, Phoenix, ultimately, for Subject Matter Jurisdic-  
8  
9 tion, See, 28 U.S.C. § 1446 (b), at-law.

10  
11 "A defendant may remove any civil action bro-  
12  
13 ught in State Court over which the federal Court would  
14  
15 have original jurisdiction. 28 U.S.C. § 1441 (a). Cater-  
16  
17 pillar Inc. v. Williams, 482 U.S. 386, 392 (1987)"  
18  
19 (See, the District Court's Order, dated, 11/07/2017)"

20  
21 The District Court, further, overruled the Petitioner's  
22  
23 Objection to Respondent's Removal, to the District Court,  
24  
25 Supply, stating that, "A federal Court has Original Ju-  
26  
27 risdiction of all Civil actions arising under the Cons-

stitution, laws, or treaties of the United States" 28 U.S.C.

§ 1331, at-law.

But, the District Court, erroneously omitted the  
Charge of Four hundred (\$400.00) dollars, Removal  
Fees, applicable to Removal of Complaints to Federal  
Court, which authorizes the application of Authority  
and Transfer of Jurisdiction, which the Respondents,  
Contumaciously refused to pay, and thereby, inva-  
riably, raised the Question of Jurisdiction, as claimed  
by the Federal Court. Accordingly, the Process of  
Service was impeded by Court's Order of November  
7, 2017, and this Honorable Court retains the Original  
Jurisdiction to review, the Matter of Removal of  
Pro se Complaint, to Federal Court, for failure to state

1 a claim, as provoked in the District Court's Order, under  
2  
3 Certification, (See, Appendix B, at page 7.) 28 U.S.C.  
4  
5 § 1915(g). "Strike" (See, Attenuation, therein.)  
6  
7

8 Assuming that, the District Court had the Jurisdic-  
9  
10 tion of the Removal of the Petitioner's verified Complaint  
11  
12 as it claimed, "it certified that, "this appeal is not  
13  
14 taken in-good faith..." (See, Appendix, B, at page 7.)  
15  
16 For the reasons stated in the Order and because  
17  
18 there is no arguable factual or legal basis for an  
19  
20 appeal."  
21

22 Which Certification, again was erroneous, in, that,  
23  
24 the Supreme Court's Opinion in, Wolff v. McDonnell, 418  
25  
26 U.S. 539, 563-69 (1974), detailed due process minimums  
27

1 for disciplinary procedures, "(1) advance written notice  
2  
3 of changes; (2) written statement of reasons for discipli-  
4  
5 nary action taken and (3) opportunity to call witnesses  
6  
7 and present evidence if doing so will not jeopardize  
8  
9 institutional safety."

10  
11 The axiomatic-relationship of the Petitioner's Com-  
12  
13 plaint to the Wolff's Supra at 569, is that, the alleged  
14  
15 Contraband by the Respondents' which caused the  
16  
17 Confiscation of the Inmate's Legal Mail Envelope, should  
18  
19 had provoked the due process minimums for disciplin-  
20  
21 ary procedures, but did not, therefore, the prisoner's  
22  
23 right to due process, subject to restriction imposed by  
24  
25 nature of penal system was violated, by the taking-away  
26  
27 of the Inmate's Legal Mail Envelope, by the Respondents,

1 Wolff, *supra* at 556.

2  
3 U.S. Constitution Amendments, V, XIV, states that, the

4  
5 Due Process Clauses are designed to protect the individual

6  
7 against arbitrary government action, See, Wolff, *supra*

8  
9 at 558 and *Wilkinson v. Austin*, 545 U.S. 209, 220-24

10  
11 (2005) (Due Process clauses prohibit government from

12  
13 infringing on prisoner's liberty interest without due pro-

14  
15 cess of law). 43 GEO. L.J. ANN. REV. CRIM. PROC. 1091 (2014)

16  
17  
18 The Court of Appeals, Ninth Circuit, analogously,

19  
20 determined that, the Petitioner's Appeal was frivolous, be-

21  
22 cause, "on, September 27, 2018, it ordered appellant

23  
24 to explain in writing why this appeal should not be

25  
26 dismissed as frivolous, See 28 U.S.C. § 1915(e)(2)"

1 (See, Appendix, A. for review) "That, upon a review

2  
3 of the record, responses to the Court's September 27,

4  
5 2018, Order, and opening brief received on September

6  
7 27, 2018, we conclude this appeal is frivolous"

8  
9 But, see in, e.g. Nitzke v. Williams, 490 U.S. 319 109

10  
11 S.Ct. 1827 104 L.Ed.2d 338 (1989) in regards to Informa

12  
13 pauperis Complaint, dismissed as frivolous. Even though

14  
15 the Petitioner's Appeal was filed and docketed by the

16  
17 District Court and Court of Appeals, respectively, the

18  
19 Corollary Compliance therein, proved that, the Peti-

20  
21 tioner was granted Informa pauperis, and was

22  
23 therefore, protected by the law of Collateral Estoppel

24  
25 which governed the standard provided in the federal

26  
27 Informa pauperis Statute, 28 U.S.C. § 1915(d) i.e., which



permits dismissal only if a petitioner cannot make any rational argument in law or fact entitling him to relief,

By far and wide, the Court of Appeals' dismissing Petitioner's Appeal for frivolous, under the, "only if a petitioner cannot make any rational argument in law or fact, entitling him to relief," measure,

denies the, "... a failure to state a claim does not in-

variably mean that the claim is without arguable merit,

See, *Brewer V. County of Inyo*, 489 U.S. 593, 109 S.Ct.

1378 103 L.Ed.2d 628 (1989). That, frivolousness in the

§ 1915(c) context refers to a more limited set of claims

than does Rule 12(b)(6) accords, moreover, with the un-

derstanding articulated in other areas of law that

not all unsuccessful claims are frivolous."

1 There is no way, the Petitioner failed to state a  
2  
3 Claim upon, which a Relief, may be granted to him,  
4  
5 when, (1) the, Respondents did not institute a Disciplinary  
6  
7 Procedure, against the Petitioner in the violation  
8  
9 of Legal Mail, Contraband of the Jail Policy or Regulation  
10  
11 tion. (2) and, that, the overly broad and exaggerated,  
12  
13 Regulation for Contraband of Scotch-Tape on the Legal  
14  
15 Mail Envelope was not listed nor, found in the Regulation  
16  
17 tion nor, Rule Book.

18  
19 Accordingly, the Petitioner stated a Cognizable  
20  
21 Section 1983, Claim for Damages and Injunctive Relief,  
22  
23 when his Legal Mail Envelope was Confiscated by the  
24  
25 Respondents, like, in Wolff, supra at 554-55 (1974),  
26  
27 a Cognizable Claim in § 1983 for damages and inj-

1 unctive relief, was stated when "prisoner's claim alleged  
2  
3 unconstitutionality of disciplinary proceedings, and  
4  
5 mail inspection regulations?"

6  
7 See, Kaden V. Slykhuis, 651 F.3d 966, 969 (8th Cir.  
8  
9 2011) (1st Amendment Claim stated when Prison Officials  
10  
11 Confiscation of Magazine as mail likely to incite violence  
12  
13 may have been "exaggerated response to Prison Concerns")

14  
15 And, also in, Farid V. Smith, 850 F.2d. 917, 925-26  
16  
17 (2d Cir. 1988) (1st Amendment violated by Confiscating  
18  
19 2 tarot books and homemade Cassette tape mailed  
20  
21 to prisoner because prison officials offered no evidence  
22  
23 that materials posed legitimate threat to security.)

24  
25 "Punishing an Inmate for conduct that is not proscri  
26  
27 bed by rules or policy is arbitrary government action"

1 See. eg. in Reeves v. Pettcox, 19 F.3d 1060, 1062 (5th Cir.  
2  
3 1994) (due process violation because prisoner charged  
4  
5 with offense had no fair warning or opportunity to  
6  
7 know that behavior was unlawful)

8  
9 See, also in, Coffman v. Trickey, 884 F.2d 1057, 1060  
10  
11 (8th Cir. 1989) (due process violation because Charge  
12  
13 failed to specify what rule inmate violated when Inma-  
14  
15 te waved at visitor through security fence)

16  
17 Accordingly, the Petitioner, in this Matter was not  
18  
19 charged with offense, in the Matter, because the Res-  
20  
21 pondents cannot correlate said Offense to any  
22  
23 Rules of the Maricopa County Jail, Policy or Regula-  
24  
25 tion, which thereby, conclude that, Petitioner's Appeal  
26  
27 was not Frivolous in the Context of failure to state a

1 Claim, upon which a Relief, may be granted, to the  
2  
3 Petitioner, herein, at-law.  
4

5 Therefore, the Honorable Court must reverse for the  
6  
7 overly broad and exaggerated Regulation for Contra-  
8  
9 band, to-wit, Scotch Tape, (which is not found in  
10  
11 the Regulation) for failure to state a claim.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

## REASONS FOR GRANTING THE PETITION

1. The Court of Appeals, did not review the 31 pages, of the Petitioner's Informal Brief, as it reported in its Order of Dismissal, in page 1, that, "upon a review of the record, responses to the Court's September 27, 2018 Order, and opening brief received on September 27, 2018, we conclude this appeal is frivolous"

Accordingly, the Petitioner's Request for Index of Court's Docket Entries (DKT Entry 10, 11/26/2018) from the Court of Appeals, and subsequently, remitted, therein, (See, <https://jenie.ad.dcn/ca9-ecf/cmecf/servlet/DKTRpt?CaseNum=18-16655&dateFrom=&date...11/29/2018>) reveals that, on, 9/27/2018, NO. 6. Received Original and 0 copies of Appellant Ikemefula Charles Ibeabuchi Opening brief (Informal: Yes) 13 pages. Served on 09/27/2018. Major deficiencies: OSC pending. [11028016] (SML) [Entered: 09/27/2018 04:05 PM]

Therefore, this Honorable Court should grant the Petition for the foregoing reason of Incomplete Review by Court of Appeals, at-law. (Note: Page 31 of 31, of the Informal Brief, bore the Disclosure of the Receipt of Payment for, NOTICE OF REMOVAL TO FEDERAL COURT)

2. The Reason for granting the Petition is the Confidentiality found in Nolan V. Scafati, 430 F.2d 548 (1st Cir. 1970) was breached. (That, ... "Prisoners had corollary right to free and private communication with Counsel, and any interference with such a basic right bears a heavy burden of Justifi-

1 cation"? )

2  
3 Petitioner's Second Amended Complaint, (District  
4  
5 Court Document Number: 15, PACER) filed on, May 11, 2018,  
6  
7 bore a July 26, 2017, Letter from Petitioner's, then Attorney, in  
8  
9 -regards to the interfered Petitioner's basic right, and,  
10  
11 wherein, the Attorney, kenneed the lack of adequate pro-  
12  
13 cess in the delivery of the mail, to the Petitioner, for ins-  
14  
15 tance; that, "he had not yet received a mail rejection  
16  
17 notification from the Respondents," as Proof of Defective  
18  
19 Mail, which act of the Respondents or negligence made  
20  
21 the Confiscation illegal, and violated the Petitioner's 1st Amen-  
22  
23 dment Right, See, Farid V. Smith, 850 F.2d 917, 925-26 (2d  
24  
25 Cir. 1988) (... Prison Officials offered no evidence that  
26  
27 Materials posed legitimate threat to Security)

1 Accordingly, the Petition should be granted, therein,  
2  
3 at-law, because, Petitioner stated a cognizable claim  
4  
5 in Section 1983, against the Respondents' tampering, and  
6  
7 analogously, Petition, with Farid Supra, herein, to render  
8  
9 the Frivolous opinion futile, at-law.  
10  
11

12 3. Another Reason, why the Petition should be grant-  
13  
14 ed is the Regulation to Scotch tape - Contraband is  
15  
16 vague or "exaggerated response to prison concerns"  
17  
18 see, Kaden V. Slykhuus, 651 F. 3d 966, 969 (8th Cir. 2011)  
19  
20 (1st Amendment Claim stated when Prison Officials con-  
21  
22 fiscation of Magazine as mail likely to incite violence.  
23  
24 may have been "exaggerated response to Prison concerns")  
25

26 Petitioner's Informal Brief, at 28, 29 of 31, Exhibit B,  
27



1 Contained Listing of CONTRABAND, Section 10. which did  
2  
3 not include, SCOTCH TAPE. "Contraband is any unlawful  
4  
5 or prohibited items, material, possession, or substance that  
6  
7 is forbidden by law or by jail regulations. Altered items  
8  
9 are also considered Contraband. You may possess mate-  
10  
11 rials issued by the Staff, items you have purchased from  
12  
13 the Canteen, authorized items received through the  
14  
15 Mail, and legal documents. Any items in your possess-  
16  
17 ion that are Contraband will be Confiscated and dis-  
18  
19 ciplinary action, and/or administrative actions, may  
20  
21 be taken against you." (Informal Brief, at Page 28 of 31)  
22

23 Again, there is no listing of Scotch-Tape, therein,  
24  
25 and which therefor, made repossession by Respondents  
26  
27 of the Petitioner's Chattel, a Criminal Act, and this

1 Honorable Court should review de novo.

2  
3  
4 4. This Court should grant Petition for the Lack of

5  
6 Jurisdiction of the District Court to hear a Removed

7  
8 Matter, which is illegal for lack of fee payment, by

9  
10 the Respondents' attempt in-Removing the Case from

11  
12 Superior Court of Arizona to Federal Court.

13  
14 The Law requires a fee of Four hundred (\$400.

15  
16 00) dollars, for charge of Cost, and not Zero (\$0.00)

17  
18 dollar. Accordingly, Petitioner thithers this Submission

19  
20 for the Consideration of the Court.

21  
22  
23 5. Finally, the U.S. Constitutional Amendments V,

24  
25 and XIV. The Due Process clauses are designed to

26  
27 protect the individual against arbitrary government

1 action, see Wolff, at 558 and Wilkinson at 220-24,

2  
3 (Due Process Clauses prohibit government from infring-

4  
5 ing on Prisoner's liberty interest without due process of

6  
7 law.) That, punishing an inmate for conduct that

8  
9 is not proscribed by rules or policy is arbitrary govern-

10  
11 ment action. See Reeves v Pettcox, 19 F.3d 1060, 1062

12  
13 (5th Cir. 1994) (due process violation because Prisoner

14  
15 charged with offense had no fair warning or opp-

16  
17 ortunity to know that behavior was unlawful.)

18  
19 See, also in, Coffman v. Trickey, 884 F.2d 1057 1060

20  
21 (8th Cir. 1989) (due process violation because charge fai-

22  
23 led to specify what rule inmate violated when inmate

24  
25 waved at visitor through security fence).

26  
27 Therefore, the Petition should be granted for the

1 above Reasons, named, herein. Petitioner's Appeal  
2  
3 was not "frivolous or malicious" nor, intended by any  
4  
5 axiomatic Act(s) by the Petitioner, to make same a  
6  
7 Frivolous or Malicious, Appeal, therein.  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ceula Abeabuchi.)

Date: 12/28/18