

ORIGINAL

No. **18 - 8919**

Supreme Court of the United States

In Re: Tatyana Evgenievna Drevaleva

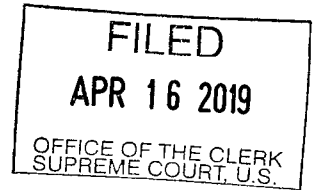
Tatyana Evgenievna Drevaleva

Petitioner Pro Se

vs.

The United States Court of Appeals for the 9th Circuit

Respondent



-
- 1) The U.S. Department of Veterans Affairs
 - 2) Mr. Robert Wilkie in his capacity as an acting Secretary of the U.S.

Department of Veterans Affairs

Real Parties in Interest

On Petition for a Writ of Prohibition, Mandamus, and other appropriate relief to
the U.S. Court of Appeals for the Ninth Circuit

**PETITION FOR A WRIT OF PROHIBITION, MANDAMUS, AND OTHER
APPROPRIATE RELIEF**

Tatyana E. Drevaleva

Petitioner Pro Se

I. Questions presented:

- 1) Does any Court have a legal right to issue a dispositive Order without a detailed explanation about why this decision was reached?
- 2) Does any Court have a legal right to prohibit a Plaintiff to file a Motion for Clarification, a Motion for Reconsideration, etc.?
- 3) Does any Court have a legal right to refuse to entertain the Plaintiff's subsequent filings without the explanation?

II. A list of all Parties in the proceeding in the court whose judgment is sought to be reviewed.

- 1) Tatyana Evgenievna Drevalova - Plaintiff-Petitioner Pro Se. I was a Plaintiff at the District Court, and I was a Plaintiff-Appellant at the Court of Appeals for the 9th Circuit.

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- 2) The United States Court of Appeals for the 9th Circuit – Respondent.

95 7th St, San Francisco, CA 94103.

- 3) The U.S. Department of Veterans Affairs and Mr. Robert Wilkie in his official capacity as an acting Secretary of the U.S. Department of Veterans Affairs – Real Parties in Interest. They were Defendants at the District Court and Defendants-Appellees at the Court of Appeals for the 9th Circuit.

The Assistant U.S. Attorney Ms. Kimberly Robinson
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III. Corporate disclosure statement according to Rule 29.6 of the Rules of the U.S. Supreme Court - not applicable.

IV. The Orders of the lower Courts that are challenged in this Petition.

- 1) The Order of the Court of Appeals for the 9th Circuit dated December 19, 2018 that denied my Motion for Injunction Pending Appeal without any explanations about why this decision was reached
- 2) The Order of the Court of Appeals for the 9th Circuit dated January 24, 2019 and signed by Chief Justice of the 9th Circuit Mr. Sidney Thomas that denied my Petition for a Writ of Mandate without any adequate explanation about why this decision was reached
- 3) The Order of the Court of Appeals for the 9th Circuit dated February 28, 2019 where the Panel of three Justices affirmed the District Court's Order denying my Motion for Preliminary Injunction stating that "the questions raised in this appeal are so insubstantial as not to require further argument" but not giving any explanation about why the questions raised in this appeal were "so insubstantial." Also, this Order prohibited me to file the Emergency Motions for reconsideration.

V. The basis of jurisdiction in the U.S. Supreme Court.

I am filing this Petition for a Writ of Prohibition, Mandamus, and other appropriate relief pursuant to Rule 20 of the Rules of the U.S. Supreme Court and 28 U.S.C. §1651(a) – The All Writs Act that says,

“(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”

This writ will be in aid of the Court’s appellate jurisdiction. The exceptional circumstances warrant the exercise of the Court’s discretionary powers. I want to stop the abuse and usurpation of power constantly committed by the 9th Circuit that keeps issuing its unlawful dispositive Orders without any relevant explanation about why this decision was reached, prohibits me to file the Motions for Reconsideration and Clarification, doesn’t respond to these Motions if I file them, and threatens not to entertain any subsequent filing.

I am respectfully asking the U.S. Supreme Court to stop this mayhem.

The adequate relief cannot be obtained in any other form or from any other court.

VI. The Constitutional provisions that are involved in this case – the First Amendment to The U.S. Constitution; the Fifth Amendment to The U.S. Constitution.

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IX. A concise statement of the case setting out the facts material to the consideration of the questions presented.

I am a Pro Se Plaintiff who was thrown out of my full time job at the Raymond G. Murphy VAMC for my attempt to get pregnant. I filed a lawsuit at the District Court for Northern California, case No. 3:18-cv-03748 *Drevaleva v. The U.S. Department of Veterans Affairs et al.* In December 2018, I filed a Preliminary Injunction Appeal No. 18-17343 and a Motion for Injunction Pending Appeal at the Court of Appeals for the 9th Circuit. In January 2019, I filed a Petition for a Writ of Mandate at the 9th Circuit.

On December 19, 2018, I got the Order from the 9th Circuit that said, “Appellant’s motion for injunctive relief is denied.” The Order didn’t give any explanations about why this Motion had been denied. I filed a Motion for Clarification and a Motion for Panel Rehearing. After a long silence, the 9th Circuit denied these Motions without any explanation.

On January 24, 2019, I got the Order signed by Chief Justice of the 9th Circuit Mr. Thomas that said, “Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. See

Bauman v. U.S. Dist. Court, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

All pending motions are denied as moot.

No further filings will be entertained in this closed case.

DENIED.”

Even though I explained in detail in my Petition for a Writ of Mandate about why each *Bauman*’s factor was satisfied, and why my Petition shall be granted, Mr. Thomas along with two other Justices failed to explain to me why my arguments regarding each factor “did not demonstrate that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus.”

On February 28, 2019, I got another Order from the 9th Circuit that said,

“A review of the record and the parties’ briefs indicates that the questions raised in this appeal are so insubstantial as not to require further argument. See *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard); *Am. Hotel & Lodging Ass’n v. City of Los Angeles*, 834 F.3d 958, 962 (9th Cir. 2016) (denial of preliminary injunction reviewed for abuse of discretion).

Accordingly, we summarily affirm the district court’s December 3, 2018 order denying preliminary injunctive relief.

Appellant's motion for sanctions is denied (Docket Entry No. 20).

All other pending motions are denied as moot.

No emergency motions for reconsideration of this order will be filed or entertained.

AFFIRMED.”

This was my Preliminary Injunction Appeal where I asked the 9th Circuit to immediately reinstate me back to work at any VAMC. In the Order, there was no explanation about why this “appeal was so insubstantial as not to require further argument.” Also, there was no explanation about why my Motion for Sanctions was denied. Also, the 9th Circuit didn't explain why it denied “all pending” Motions as moot and prohibited me to file a Motion for Reconsideration.

X. Discussion.

Question 1. Does any Court have a legal right to issue a dispositive Order without a detailed explanation about why this decision was reached?

I believe that the Court's action to issue a dispositive Order without any explanation about why this decision was reached is a violation of the Substantive Due Process Clause of the Fifth Amendment to The U.S. Constitution.

Question 3. Does any Court have a legal right to refuse to entertain the Plaintiff's subsequent filings?

I believe that the Court's refusal to entertain the subsequent Plaintiff's filings is also a violation of the Substantive Due Process Clause of the Fifth Amendment to The U.S. Constitution.

Searching for the case law that could support my point of view regarding the issues presented in Questions 1 and 3, I found *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746 (1884). "As a mere declaration of the common and statute law of England, the case of Monopolies, and the act of 21 James I, would have but little influence on the question before us, which concerns the power of the legislature of a state to create a monopoly. But those public transactions have a much greater weight than as mere declarations and enactments of municipal law. They form one of the constitutional landmarks of British liberty, like the petition of

right, the habeas corpus act, and other great constitutional acts of Parliament. They established and declared one of the inalienable rights of freemen which our ancestors brought with them to this country. The right to follow any of the common occupations of life is an inalienable right, it was formulated as such under the phrase "pursuit of happiness" in the declaration of independence, which commenced with the fundamental proposition that

"all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

This right is a large ingredient in the civil liberty of the citizen. To deny it to all but a few favored individuals by investing the latter with a monopoly is to invade one of the fundamental privileges of the citizen, contrary not only to common right, but, as I think, to the express words of the Constitution. It is what no legislature has a right to do, and no contract to that end can be binding on subsequent legislatures."

I found this case law very relevant to my situation. The U.S. Court of Appeals for the 9th Circuit behaved as a Monopoly invading my fundamental privileges and rights to know why my Motions, Petition and Appeal were denied. The Court of Appeals for the 9th Circuit deprived me Liberty and property without

the substantive Due Process of the Law. It is against the Fifth Amendment to The U.S. Constitution, and I protest. I am respectfully asking the U.S. Supreme Court to intervene and to prohibit the 9th Circuit to issue any Order without explaining to the Litigant why this particular decision was reached.

Question 2. Does any Court have a legal right to prohibit a Plaintiff to file a Motion for Clarification, a Motion for Reconsideration, etc.?

Here, I see a clear retaliation, a violation of my First Amendment right for free petitioning the Government for redress of grievances, and an attempt to chill my speech.

The case law that I found relevant to this situation is *Thomas v. Collins*, 323 U.S. 516 (1945), “Restriction of the liberties guaranteed by the First Amendment can be justified only by clear and present danger to the public welfare.....Freedom of speech and of the press, and the rights a the people peaceably to assemble and to petition for redress of grievances, are cognate rights.”

XI. Reasons for granting the Writ.

I believe that the U.S. Supreme Court shall grant this Petition because the decision will restrict the abuse of power committed by the Courts, promote the fair judicial process, and assist the Litigants to shorten the pathway to the fair result of the lawsuit.

XII. Conclusion.

I am respectfully asking the U.S. Supreme Court to issue a Writ of Prohibition prohibiting the 9th Circuit and all other Courts to issue any Order without giving a detailed explanation about why this decision was reached.

I am respectfully asking the U.S. Supreme Court to issue a Writ of Mandate directing the 9th Circuit and all other Courts to clarify their Orders. No one Order shall be issued without a detailed explanation about why this decision was reached.

I am respectfully asking the U.S. Supreme Court to issue a Writ of Prohibition prohibiting the 9th Circuit and all other Courts to chill the Petitioner's Constitutional right to file a Motion for Clarification and a Motion for Reconsideration of the unclear Court's Orders.

I am respectfully asking the U.S. Supreme Court to issue a Writ of Prohibition prohibiting the 9th Circuit and all other Courts to chill the Petitioner's Constitutional right to submit the subsequent filings if the Litigant thinks it is necessary.

I declare under the penalty of perjury and under the Federal laws that all foregoing is true and correct. Executed at Daly City, CA on April 16, 2019.

Respectfully submitted,

s/ Tatyana Drevaleva

Plaintiff-Appellant Pro Se

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415-806-9864, tdrevaleva@gmail.com

Date: April 16, 2019

Signature

A handwritten signature in black ink, appearing to be 'T. Drevaleva', written over a horizontal line.

CERTIFICATE OF COMPLIANCE.

This Petition was prepared using 2149 words.

Respectfully submitted,

s/ Tatyana Drevaleva

Plaintiff-Appellant Pro Se

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Date: April 16, 2019

Signature

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