

CHARLES R. COOKS AT7962
CSP/SOLANO 2100 Peabody ROAD
YACAVILLE, CALIF. 95696-4000
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

CHARLES R. COOKS

NO. 18-8925/INITIALLY FILED

PLAINTIFF

IN MERCED SUP. NO. 17CV-03326

NOTICE FOR PETITION FOR

-VS-

Rehearing Challenging

denial OF petition FOR

SUPERIOR COURT OF LOS ANGELES WRIT OF CERT. UNDER RULE 51

ANGELES SUPERVISOR

"See, e.g., Gay v. United

CHARLAINE F. OLMEDO ET AL

STATES, 411 U.S. 974 (1973)

DEFENDANTS

[JUNE 28, 2019]

PLEASE TAKE NOTICE THAT ON [6/28/2019] AT 10:00
A.M. OR AS SOON THEREAFTER AS THE MATTER MAY
BE HEARD IN THE ABOVE ENTITLED COURT:

1. PETITIONER APPEAL FROM JUDGMENT, AND/OR
RULING ENTERED ON [JUNE 24, 2019] DENYING
PETITION FOR WRIT OF CERTIORARI UNDER RULE 51

2. THE MOTION ITSELF SOUGHT REVIEW FROM
DENIAL BY THE CALIFORNIA SUPREME COURT WHO
ISSUED A POST-CARD DENIAL; THE CIVIL APPEAL
UNCONTESTED, BY RESPONDENTS SUPERIOR COURT OF
LOS ANGELES SUPERVISOR CHARLAINE F. OLMEDO ET AL. FAILS TO
DEMONSTRATE IT DESERVED TO WIN:

3. PLAINTIFF SEEKS MULTIPLE CLAIMS OF DAMAGES
FOR A TOTAL OF \$10,115,500.00) THE UNITED

1 States SUPREME COURT HAS JURISDICTION, WITH
2 RESPECTS TO JUDGMENT

3 4. THE LAW SUIT ITSELF SUFFICIENTLY STATING
4 STATE AND FEDERAL CONSTITUTIONAL VIOLATIONS
5 INCLUDING DUE PROCESS RIGHTS, OF LIBERTY INTEREST,
6 AND EQUAL PROTECTION GUARANTEED TO EVERY
7 UNITED STATES CITIZEN.

8 5. INSIDE THE WRIT OF CERTIORARI, PLAINTIFF
9 LIST NUMEROUS MISSING COURT DOCUMENTS, SUCH
10 TO DENY ADEQUATE RECORDS OF APPEAL.

11 6. PLAINTIFF ALSO CLAIMING VIOLATIONS OF
12 DOUBLE JEOPARDY CLAUSE, AS PROOF PLAINTIFF
13 SUBMITTING TO U.S. SUPREME COURT AN^x EXHIBIT
14 OF A TWO PAGE MINUTE ORDER DATED: SEPTEMBER
15 21, 2011; A PETITION ENTITLED 995 MOTION IS
16 HEARD ARGUED AND GRANTED DISMISSING COUNTS
17 1 THROUGH 4, AND A GUN ALLEGATION ATTACHED
18 TO THE LAST TWO REMAINING COUNT THE GUN
19 ENHANCEMENT PURSUANT TO PENAL CODE § 12022.53
20 SUBD (6); THE MOTION BEFORE LOS ANGELES
21 SUPERIOR COURT CLARA SHORTRIDGE FOLTZ CRIMI-
22 NAL COURT BUILDING DEPT - 124; HENRY J. HALL
23 (JUDGE)

24 7. PETITIONER ALSO ASKS THE COURT TO
25 CONSIDER THE (D.N.A.) REPORT CONDUCTED BY
26 D.N.A. EXPERT MARC SCOTT TAYLOR OF TECHNICAL
27 ASSOCIATE INCOR:

28 8. PETITIONER HAS SUFFICIENTLY SHOWN CAUSE

1 JUSTIFYING AN EVIDENTIARY WAS NECESSARY.

2 9. THE CIVIL STATE TORT INITIALLY FILED
3 BEFORE MERCED SUPERIOR COURT CASE DOCKET NO.
4 17CV-03326; ALLEGED CIRCUMSTANCES OF INMATES
5 CONFINEMENT WERE DUE TO THE ACTIONS OF DEFEN-
6 DANTS.

7 10. PLAINTIFF SUBMITTED NOTICE FOR ENTRY
8 OF DEFAULT ON [2/11/2017]; AFTER THE DEFENDANTS
9 WERE SERVED BY SHERIFF DEPUTY PROCESS SERVICE
10 JESUS PERALTA I.D. E529340

11 11. THE SUPREME COURT GRANTING PLenary REVIEW
12 OF CERTIORARI UNDER RULE FOUR, THE SAME RULE IS
13 FOLLOWED IN DETERMINING WHETHER THE APPEAL SHOULD
14 BE FULLY BRIEFED AND ARGUED ORALLY "OHIO EX REL.
15 EATON V. PRICE, 360 U.S. 246, (1959)". IT IS RARE UNDER
16 THE CIRCUMSTANCES MIGHT JUSTIFY DISMISSING THIS
17 PETITION IN THE GIVEN CASE.

18 CONCLUSION:

19 FOR ALL REASONS STATED HEREIN, PLAINTIFF RESPECTFULLY
20 REQUESTS THE COURTS FULL CONSIDERATION.

21
22 [DATED: JUNE 28, 2019]. RESPECTFULLY SUBMITTED

23
24 CHARLES R. COOKS AT7962

25 VERIFICATION

26 I CHARLES R. COOKS, HEREBY DECLARE UNDER
27 PENALTY OF PERJURY THAT THE FACTS STATED IN THE
28 FOREGOING MEMORANDUM ARE TRUE AND CORRECT.

1 The CERTIORARI FOR REVIEW WAS GRANTED, AND
2 THE MATTER SET FOR HEARING OF OPENING BRIEFING, THE
3 DEFENDANTS NEVER OPPOSED THE CERTIORARI, THEREBY
4 THE CERTIORARI, SHOULD HAVE BEEN GRANTED IN FAVOR OF
5 PLAINTIFF, FOR THAT REASON, THE SUPREME COURT DECISION
6 DENYING THE CERTIORARI WRIT PETITION, ARGUABLY IS
7 ERRONEOUS, AND DOES NOT SATISFY THE COURT'S OWN UNDER-
8 -STANDING, ALSO WHERE THE COURT OF APPEALS DECISION
9 PREDATES, SUPREME COURT PRECEDENT, APPEALS COURT
10 DECISION BECOMES AN ERROR OR OVERSIGHT, THE COURT
11 IN SUCH CASE USUALLY GRANTS CERTIORARI

12 CERTIORARI IS OFTEN GRANTED AND THE MATTER CLARIFIED
13 THROUGH ARGUMENT OR OPINION, NEITHER OCCURRED IN
14 THIS CASE "SUPREME COURT OPINIONED IN "McCANDLESS V.
15 FURLAUD, 296 U.S. 140 (1935), UPSHAW V. UNITED STATES, 335
16 U.S. 410 (1948), WILKINSON V. UNITED STATES, 365 U.S. 399, 401
17 (1961), SCHLUDE V. COMMISSIONER, 372 U.S. 128, 130 (1968), OR
18 WHERE THE DECISION BELOW "SEEMED TO BE OUT OF LINE
19 WITH THE AUTHORITIES" (BRAEN V. PFEIFER TRANSPORTATION
20 CO., 361 U.S. 129, 130 (1959)), OR WHERE THE RULING BELOW
21 "APPEARED TO BE IN CONFLICT WITH U.S. SUPREME COURT
22 PRECEDENTS" ARMY & AIR FORCE EXCHANGE SERVICE V.
23 SHEEHAN, 456 U.S. 728, 733 (1982)). AND WHERE THE COURT OF
24 APPEALS DELIBERATELY REFUSES TO FOLLOW THE APPLICABLE
25 SUPREME COURT DECISIONS IN THE BELIEF THAT SUCH DECISIONS
26 MAY BE OVERRULED.

27 PETITIONER SEEK PETITION FOR REHEARING OF AN ORDER
28 DENYING CERTIORARI, THE SUPREME COURT COULD REMAND THE

1 Case to The Ninth Circuit with leave to apply for
2 an en banc hearing before the court; The Supreme
3 Court rests on a function involving Federal Jurisdic-
4 -tion, Practice, and Procedure reflects that responsi-
5 -bility, This case qualify's for review by reason of its
6 importance. Rule 17.1(a) also recognizes the APPRO-
7 -priateness of the granting of certiorari in this type
8 of case where the Federal Appellate decision "has so
9 far departed from the accepted and usual course of
10 judicial proceedings, such a course by a lower court,
11 as to call for an exercise of the Supreme Courts power
12 of supervision." In Justice Stevens "words," "As the court of
13 last resort in the Federal system, we have supervisory
14 authority and therefore must occasionally perform a pure
15 error - correcting function in Federal litigation.

16 The Supreme Court has power to grant writ of
17 certiorari before judgment by a court of appeals,
18 provided in this case the appeal has been docketed
19 Sec. 2.3, supra. In exercising this power, the court is
20 guided by the statement in rule 18 that a petition for
21 writ of certiorari to review a case pending in a Federal
22 court of appeals, before judgment is given in such court,
23 will be granted, upon a showing that the case is of
24 such imperative public importance as to justify the
25 deviation from normal appellate practice and to
26 require immediate settlement in the court. Thus
27 certiorari has been granted before judgment below in
28 cases of great constitutional significance, and of

1 extraordinary NATIONAL importance FOR OTHER REASONS.

2 In Edelman the question was the extent to
3 which the ELEVENTH Amendment barred suits against
4 state officials which would result in money judgments
5 against the state itself, the decision in "Shapiro v. Thomp-
6 son, 394 U.S. 618 (1969) in which the eleventh Amendment
7 point had been argued but not mentioned in the court's
8 opinion, had indicated that such suits were not barred,

9 A) A copy of each petition FOR CERTIORARI, together
10 with respondent's opposing brief, and the reply brief
11 received from the petitioner, shall be distributed by
12 the clerk's office to the chambers of each of the nine
13 justices. The distribution of the petition will necessarily
14 be available to the justices copies of all opinions, orders,
15 and judgments of the courts, which now must be
16 appended to the petition RULE 21.1(K) ANY PARTICULARLY
17 CRITICAL PORTIONS OF A RECORD MAY ALSO BE APPENDED TO
18 THE petition.

19 Indeed, PLAINTIFF AN INDIGENT PERSON INVOLVED
20 in VIRTUALLY ANY KIND OF DIRECT OR LATERAL PROCEEDING
21 in THE FEDERAL COURT SYSTEM IS GUARANTEED ASSISTANCE
22 by COURT-APPOINTED COUNSEL, THAT GUARANTEE IS
23 given by both THE CRIMINAL JUSTICE ACT OF 1964, AS
24 AMENDED, 18 U.S.C. § 3006A, AND FEDERAL RULE OF CRIMINAL
25 PROCEDURE 44(a) THIS ACT AND THAT RULE OPERATE
26 in CONJUNCTION TO REQUIRE THE FEDERAL COURTS OF APPEALS
27 TO APPOINT COUNSEL AND ASSIST THE INDIGENT PARTY
28 in INVOKING THE CERTIORARI JURISDICTION OF THE

1 SUPREME COURT, RESPECTIVELY A PERSON APPOINTED
2 COUNSEL SHALL BE REPRESENTED AT EVERY STAGE OF THE
3 PROCEEDINGS. THE COURT SO INDICATED IN LIGHT OF THE
4 PROVISIONS OF THE CRIMINAL JUSTICE ACT OF 1964 INsofar
5 AS THEY MAY BE RELEVANT TO A FEDERAL PRISONERS RIGHT
6 TO HAVE COUNSEL'S HELP IN SEEKING CERTIORARI IN THIS
7 COURT "404 U.S. AT 29. THE STATUTORY REFERENCES CITED
8 BY THE COURT INCLUDED 3006 A(C), WHICH GUARANTEES
9 REPRESENTATION "THROUGH APPEAL" SEE ALSO JUSTICE
10 DOUGLAS' CONCURRING OPINION IN DOHERTY, 404 U.S. AT 29
11 -36; SCHREINER V. UNITED STATES, 404 U.S. 67 (1971);
12 GORDON V. UNITED STATES, 429 U.S. 1085 (1977); TERRELL V.
13 UNITED STATES, 418 U.S. 813 (1974)

14 IN THIS CASE, COURT-APPOINTED COUNSEL CAN BE
15 REIMBURSED FOR NECESSARY TRAVEL EXPENSES UNDER
16 RULE 46.6. THAT INCLUDE REIMBURSEMENT FOR NECES-
17 -SARY TRANSPORTATION TO AND FROM WASHINGTON, D.C.
18 (INCLUDING TAXI AND LIMOUSINE FARES TO AND FROM
19 AIRPORTS AND STATIONS) AND FOR REASONABLE HOTEL, MEAL,
20 EXPENSES INCURRED BY OUT-OF-TOWN COUNSEL WHILE
21 IN WASHINGTON, D.C.; TO PARTICIPATE IN THE ORAL ARGUMENTS
22 BEFORE THE COURT; THE COURT HAS PERMITTED INDIGENT
23 PLAINTIFF TO PROCEED BEFORE IT IN FORMA PAUPERIS

24 THE FOLLOWING CHECKLIST WAS FOLLOWED:

25 1.) THE FIRST DOCUMENT WAS FILED IN A SHORT MOTION FOR
26 LEAVE TO PROCEED IN THE SUPREME COURT IN FORMA PAUPERIS RULE
27 46.1. SEE .8.5, INFRA.

28 2.) THE SECOND DOCUMENT WAS A SWORN AFFIDAVIT OF

1 Indigency OF POVERTY.

2 3) THE THIRD DOCUMENT WAS AN APPROPRIATE PETITION FOR
3 CERTIORARI, A JURISDICTIONAL STATEMENT, A BRIEF, AND A LEAVE
4 TO FILE PETITION ON THE MERITS. RULE 46.2 SEC. 8.8, INFRA

5 4) THE FOREGOING THREE DOCUMENTS WERE TIMELY AND
6 PROPERLY PRESENTED TO THE CLERK, ACCOMPANIED BY A
7 SEPARATE PROOF OF SERVICE AS PRESCRIBED BY RULE 28, THE
8 CLERK FILED THE DOCUMENTS AND PLACED THE CASE ON THE
9 DOCKET, WITHOUT PAYMENT OF ANY DOCKET OR OTHER FEES.

10 RULE 46.4; SEE SECTION 8.9, INFRA. "SEE, E.G., YOUAKIM V.
11 MILLER, 420 U.S. 970 (1975), WHERE IN NOTING JURISDICTION OF
12 A CIVIL APPEAL, THE COURT ALLOWED APPELLANTS TO PROCEED
13 IN FORMA PAUPERIS. THE CIVIL LITIGANT NEED ONLY FOLLOW
14 THE IN FORMA PAUPERIS PROCEDURAL REQUIREMENT OF §1915
15 (a)". RULE 46.1

16 5) THE COURT HAS SEEN SITUATIONS, WHERE AN INCARCERAT-
17 -ED OR ABSENT PARTY IS DISABLED FROM EXECUTING A
18 TIMELY AFFIDAVIT, IN THAT EVENT, THE CLERK MAY PERMIT
19 THE PARTY TO PROCEED IN FORMA PAUPERIS ON THE BASIS OF A
20 COPY OF THE AFFIDAVIT OF POVERTY FILED IN A LOWER COURT.
21 ORDER APPOINTING COUNSEL FOR THE INDIGENT PARTY

22 (b) IMMEDIATELY AFTER AN APPOINTMENT IS ANNOUNCED IT
23 BECOMES THE DUTY OF APPOINTED COUNSEL NOT ONLY TO
24 FAMILIARIZE HIMSELF WITH THE CASE BUT TO BEGIN THE
25 NECESSARY PREPARATIONS FOR THE PRINTED JOINT APPENDIX,
26 IF THE INDIGENT IS THE PETITIONER OR APPELLANT, AND THE
27 BRIEF ON THE MERITS

28 7.) THE PETITION IS PRESENTED WITH CERTIFICATION OF
8.

1 Party Unrepresented by Counsel That is Restricted to
2 The grounds Specified in This Paragraph And That it is
3 Presented in good Faith And Not For delay.

4
5 [Dated: August 1st. 2019] Respectfully Submitted

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7 Charles R. COOKS
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DECLARATION AND PROOF OF SERVICE BY MAIL

I, Charles Cooks DECLARE UNDER PENALTY OF PERJURY THAT I AM OVER THE AGE OF 18 YEARS, ~~00~~ AND I AM A PARTY TO THIS CAUSE OF ACTION, { } AND I AM NOT A PARTY TO THIS CAUSE OF ACTION. I RESIDE IN SOLANO COUNTY, P.O. BOX 4000. CELL 4-218 VACAVILLE, CALIFORNIA 95696-4000.

- THAT ON 6/28/2019 I SERVED THE ATTACHED DOCUMENTS ENTITLED:

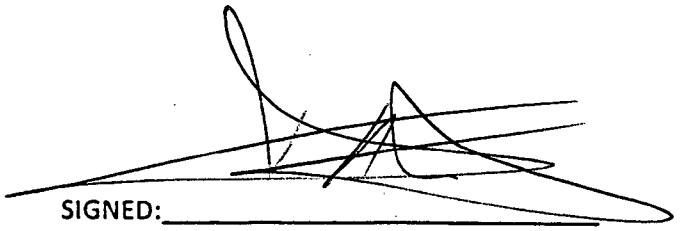
1. NOTICE FOR PETITION FOR Rehearing
Challenging denial OF PETITION FOR
WRIT OF CERTIORARI

ON THE PERSONS NAMED BELOW BY PLACING A TRUE COPY OF THE DOCUMENTS INTO A FIRST CLASS POSTAGE- PAID ENVELOPE AND SUBMITTING IT TO CUSTODY OFFICIALS FOR DEPOSITING IN THE UNITED STATES MAIL, CONSISTANT WITH THE "PRISON MAILBOX RULE" (HOUSTON V. LACK, 487 U.S. 266(1988)) AT: CALIFORNIA STATE PRISON- SOLANO, VACAVILLE, CALIFORNIA. 95696-4000, ADDRESSED AS FOLLOWS:

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
1 FIRST STREET NE
WASHINGTON, DC. 20543

I DECLARE UNDER PENALTY OF PERJURY, UNDER THE LAWS OF THE STATE OF CALIFORNIA,
THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: JUNE 28, 2019

SIGNED: 

**Additional material
from this filing is
available in the
Clerk's Office.**