

18-8925

No.

ORIGINAL

WRIT OF CERTIORARI

IN THE

SUPREME COURT OF THE UNITED STATES

Washington, D.C. 20543

FILED

NOV 28 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Charles Reginald COOKS — PETITIONER
(Your Name)

VS.

SUPERIOR COURT OF LOS ANGELES SUPERVISOR
CHARLAINE F. OLMEDEA ET AL. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Charles Reginald COOKS
(Your Name)

CSP/SOLANO 2100 PEABODY ROAD
(Address)

VACAVILLE, CALIF. 95696-4000
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. PETITIONER ASKS WHETHER THE COMPLAINT NAMED DEFENDANTS IN THEIR TRUE NAMES, WITH STATEMENTS THAT ARE TRUE. (a) THE WORDS "COMPETENT COURT," WHEN USED WITH REFERENCE TO THE JURISDICTION OVER ANY PUBLIC OFFENSE, MEANING "ANY COURT," THE SUBJECT MATTER JURISDICTION OF WHICH INCLUDES THE OFFENSE SO MENTIONED (b) SECTION 691, WAS AMENDED TO ACCOMMODATE UNIFICATION OF THE MUNICIPAL, AND SUPERIOR COURTS TO APPLY IN ANY CALIFORNIA COUNTY, "ALSO SEE" CAL. CONST. ART. VI § 5(b); IN THE CASE OF A REFERENCE TO A PUBLIC OFFENSE TRIABLE TO REFERENCE A MISDEMEANOR SUBD (F) AND (g) WERE ADDED FOR DRAFTING CONVENIENCE.
2. WHETHER PLAINTIFF COMPLAINT JUSTLY WITH CERTAINTY NAMED OMBUDSMAN CHARLAINE F. OLMEDO, AS A DEFENDANT WHO ENGAGED IN MISCONDUCT. SECOND DEFENDANT NAMED CRAIG J. MITCHELL, AND ROBERT SAIKI, EACH DEFENDANT VIOLATED PLAINTIFF'S RIGHT SECURED UNDER UNITED STATES CONSTITUTIONAL AMENDMENTS.
3. WHETHER SUPERVISOR CHARLAINE F. OLMEDO, AN OFFICER OF THE COURT, WHO HAS THE DUTIES TO SUPERVISE AND ADMINISTER WITH PUBLIC TRUST. FOR WHOM SHALL PROTECT THE LIBERTY INTEREST OF CITIZENS GUARANTEED THROUGH THE BILL OF RIGHTS, AND BY THE 13TH, 14TH, 15TH, AND 19TH. AMENDMENTS AS WELL AS BY LEGISLATIVE INTENT OF DUE PROCESS, AND EQUAL PROTECTION UNDER THE LAW, AND (2) "THAT CIVIL LIBERTIES PROHIBITED ANY DISCRIMINATION, BY MUNICIPALITY'S OR THEY COULD BE HELD LIABLE FOR CIVIL DAMAGES" SEE WILLIAMS V. KAUFMAN CITY, 352 F.3D 994, 1013-14 (5TH CIR. 2003) "SEE ALSO FORD V. CITY OF GRAND TRAVERSE 535 F.3D 483, 498 (6TH CIR. 2008) (CITATION) STATING MUNICIPALITY COULD BE HELD LIABLE FOR DELIBERATE INDIFFERENCE BASED ON A REASONABLE JURY COULD CONCLUDE THERE WAS A DIRECT LINK BETWEEN THE COUNTY'S POLICY AND THE INJURIES SUFFERED BY PLAINTIFF." SEE E.G. BISBAL-RAMOS V. CITY OF MAYAQUEZ 467 F.3D 16, 23-24 (1ST CIR. 2006)

QUESTIONS PRESENTED

1. PETITIONER ASKS THE COURT BEFORE LOOKING AT METHODS AND REASONS FOR CALCULATED DAMAGES, PLAINTIFF FIRST, SEEKS TO CLARIFY THE LEGAL PRINCIPLES CONTROLLING THE APPLICATION OF LAW, AND THE ACTUAL CIRCUMSTANCES OF THE GIVEN INFRACTION STATED BY PLAINTIFF'S CREATED RIGHTS OF DAMAGES.

6. ALL PRIVATE INJURIES OR LOSSES, WERE CAUSED BY DEFENDANTS ACTIONS ARISING EITHER FROM AN INVIOLATION OF JUDICIAL PROCEEDINGS, THROUGH AN RECOGNIZED LEGAL RIGHT, UNDER A RIGHT OF POSSESSION OF PROPERTY, IF THAT PROPERTY IS NOT RETURNED, AND THEN DAMAGED, THE EQUIVALENT IN MONETARY LOSS MAY BE AWARDED "SEE GREEN V. MANSON, 474 U.S. 64, 68 (1985)" "SEE ALSO WILL, 491 U.S. AT. 89-90" EACH CASE THE COURT ALLOWED BOTH PROSPECTIVE AND RETROSPECTIVE RELIEF DESIGNED TO REMEDY THE VIOLATIONS UNDER FEDERAL LAW. CITING E.G., MENDEZ-MATOS V. MUNICIPALITY OF GUAYNABO, 557 F.3D. 36, 46-47 (1ST CIR. 2009) UPHOLDING COMPENSATORY DAMAGES FOR UNLAWFUL DETENTION, AND SO STATES THAT THE JURY MAY AWARD COMPENSATORY DAMAGES "SEE ALSO SMITH V. WADE. 461 U.S. 30, 51 (1983) PUNITIVE DAMAGES AWARDED BY THE COURT, FOR DEFENDANTS RECKLESS, CALLOUS DISREGARD FOR PLAINTIFFS RIGHTS.

7. PLAINTIFF SEEKS JUDGMENT FOR THE PRINCIPAL AMOUNT DEMANDED IN THE COMPLAINT TOGETHER WITH INTEREST ALLOWED BY LAW.

QUESTIONS PRESENTED

8. Whether Judgment may be entered as a matter of law pursuant to Fed. R. Civ. P. 50(a) The Right to defend is waived.

9. The United States District Court lacked the power to dismiss complaining parties relief under the plain error standard, The United States District Court neither provided notice to complaining party that the court would consider any issues submitted before the court, giving plaintiff an opportunity to be heard on the merits.

10. Petitioner cite general appearance and/or non-responsive pleading by defendant that fails to respond "so waives personal jurisdiction or defects in service pursuant to Fed. R. Civ. Proc. Rules 4, 12(h)(1)." See *H.F. Livermore Corp. v. Aktiengesellschaft Gebrüder Loete*, 432 F. 2d 689, 692 D.C. Cir. 1970 (75 days constitutes an appearance of notification under constructive notice after service of complaint. Also in this case defendants does not dispute receipt of notice summons & proof of service, complaining party seeking to recover judgment under subdivision (a) of rule 56, any time after the expiration of 20 days from the commencement of the action, "See *Do Brasil S/A v. Stulman & Rick Lumber Co.*, C.C.A. 2d. 1945, 147 F. 2d. 399)

11. Petitioner asks the reviewing court to preserve the power and dignity of the court, and vindicate, with consistency actions which may enforce the rights of moving parties in equity

1 in LAW SUITS, THAT ENFORCE THE RIGHTS AND ADMINISTER
2 PROPER REMEDIES, TO WHICH THE COURT HAS FOUND
3 MOVING PARTY TO BE ENTITLED TO.

4 12. PLAINTIFF ASK'S WHETHER ANY ALLEGED
5 RIGHTS VIOLATED WERE FROM CLEARLY ESTABLISHED
6 EXISTING LAW AT THE TIME OF THE VIOLATION

7 13. PLAINTIFF ASK'S WHETHER THE ALLEGED CONSTI-
8 TUTIONAL VIOLATION WERE SUFFICIENT TO STIMULATE
9 A DUE PROCESS RIGHT OF EQUAL PROTECTION.

10 14. WHETHER A REASONABLE OFFICIAL KNEW, OR
11 SHOULD HAVE KNOWN THAT THEIR ALLEGED ACTION
12 WERE IN VIOLATION OF PLAINTIFFS RIGHTS

13 15. PLAINTIFF NEXT ASK'S REVIEWING COURT TO
14 LOOK AT THE UNLAWFULNESS OF THE DEFENDANTS
15 ACTIONS TO DETERMINE WHETHER IT WOULD HAVE
16 BEEN APPARENT TO AN OBJECTIVELY REASONABLE
17 OFFICIAL.

18 16. PETITIONER ASK'S WHETHER THE UNITED STATES
19 SUPREME COURT HAS SET A PRECEDENT, TO DISALLOW
20 DUE PROCESS VIOLATIONS CAUSED BY JUDICIAL BIAS
21 OR THE APPEARANCE THEREOF WOULD BE STRICTLY
22 PROHIBITED, IN MOST CASES IT'S NEARLY IMPOSSIBLE
23 TO PROVE, BUT NEVER-THE-LESS IT EXIST. (AETNA
24 LIFE INS. CO. V. LAVOIE (1986) 475 U.S. 813, 825, 106
25 S.Ct. 1580 "SEE ALSO HURLES V. RYAN. 706 F.3d. 1021

26 17. PETITIONER FINANCIALLY UNABLE TO AFFORD COUNSEL
27 SEEK'S APPOINTMENT OF COUNSEL UNDER 18 U.S.C. § 3006A TO
28 REPRESENT PETITIONER. 17 U.S. SUPREME COURT "SEE U.S. SUP. CT. RULE 39.6

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [X] 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:

SUPERIOR COURT OF LOS ANGELES SUPERVISOR CHARLAINE
F. OLMEDO CRAIG J. MITCHELL, AND ROBERT SAIKI

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4. PEOPLE v. DICKEY (2005) 35 C4TH 884) .9
5. DELEHANTY v. WALZER (59 N.W.S.2d, 777 REVD.
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11. CONTINENTAL GRAIN CO. v. BARGE FBL-585, 364, U.S. 19.80 S.Ct
12. FINE v. MCGUIRE, 139 U.S. APP. D.C. 341, 433 F.2d. 499 (1970)

STATUTES AND RULES

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|---------------------------------------|---|
| 1. CAL. RULES OF PROF. COND 5-200 (B) | 14. Fed. R. OF CIV. P. RULE 33 |
| 2. R. OF CIV. PROC. RULE 12(b)(6) | 15. Fed. R. OF CIV. P. RULE 56(a) |
| 3. CAL. RULES OF CT. 5.401 | 16. Fed. R. APP. P. 24(a)(5) |
| 4. Fed. R. OF CIV. P. RULE 37(a)(4) | 17. Fed. R. CIV. P. 50(a) |
| 5. Fed. R. OF CIV. P. RULE 34 | 18. ART 111, SEC. 1. OF U.S. CONST. |
| 6. CAL. RULE 3.110 (b) | 19. Fed. R. OF CIV. P. RULE 12(b)(1) |
| 7. CAL. RULE 5.62 | 20. U.S. CONST. 25TH, 5TH, 6TH, 14TH. |
| 8. R. OF CIV. PROC. RULE 55(a) | 21. Fed. R. CIV. P. 73(b) |
| 9. R. OF CIV. PROC. RULE 56(a) | 22. 42 U.S.C. § 1986 |
| 10. CODE OF CIV. PROC. SEC 415.30 | 23. 28 U.S.C §§ 1254-1257, 2403(a) |
| 11. 42 U.S.C. § 1983 - 1985 | 24. Fed. R. CIV. PROC. 10(c) |
| 12. 28 U.S.C.S. § 1404(a) | 25. SUPREME COURT RULE 14, 29, 11, 29.4 |
| 13. Fed. R. APP. P. 3(c)(4) | 26. CIV. RIGHTS ACT. § 7(a) 42 USC. 4 |
| | 1997(e)(a) |

OTHER

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|---------------------------|--------------------------|-----------------------------|
| 1. TITLE 42 USCA. § 1988, | 7. Pen. Code 965 | 13. CODE OF C. PROC 585-586 |
| 2. Pen. Code § 1181(9) | 8. Pen. Code 95 | 14. U.S.C, 2105 |
| 3. Pen. Code § 146 | 4. Pen. Code 182 | 15. CIV. R. 32(b)(d)(3) |
| 4. Pen. Code § 115.3 | 10. Pen. Code 133 | 16. CIV. R. 28(A)(b)(3)(5) |
| 5. Pen. Code § 115. | 11. Pen. Code 135 | 17. CIV. R. 75(b)(3) |
| 6. Pen. Code § 111 | 12. BUS & A.C. 6000-6238 | 18. U.S.C.S. § 242 |

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16. DEVEY CORP. V. GENERAL MOTORS CORP., 263 F.SUPP.17,23(1967)	
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21. C.F. MONTEAGUDO V. ASOCIACION DE EMPLEADOS 554, F.3d.164, 175-76	
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66. IN RE KOVEN (2005) 134 CA. 7th, 262	
67. TAYOR V. ILLINOIS (1988) 484 U.S. 400, 416, 108 S.Ct.)	
68. CRAWFORD V. W. CAB (1989) 213 CA. 3d, 156, 165	
69. CANTON V. HARRIS, 489 U.S. 378, 109 S.Ct. 1197	
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91. E.G., SMITH V. MASSI DEPT OF CORR., 936 F.2d 1390, 1401
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99. CLARK V. VALEO, 559 F.2d 642 (C.A.D.C., 1977)
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101. DAVIS V. SCHERER, 468 U.S. N. 7 (1984)
102. FLEMING V. RHODES, 331 U.S. 100 (1947)
103. U.S. V. DARUSMONT, 449 U.S. 292, 293 (1981)

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 _____.

☐ 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 08/30/18.
A copy of that decision appears at Appendix _____.

☒ A timely petition for rehearing was thereafter denied on the following date: JULY 11, 2018, 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

1. EACH DEFENDANT ARE GUILTY OF VIOLATING PENAL CODE SECTION §135 (DESTROYING OR CONCEALING DOCUMENTARY EVIDENCE).
2. EACH DEFENDANT ARE GUILTY OF VIOLATING CAL. PENAL CODE SECTION §133 (FRAUD OR DECEIT)
3. EACH DEFENDANT ARE GUILTY OF VIOLATING CAL. PENAL CODE SECTION §115.3 (ALTERATION OF OFFICIAL RECORD)
4. SECTION 1 OF THE CIVIL RIGHTS ACT OF 1871, REV. STAT. §1979, AS AMENDED 42 U.S.C. §1983, PROVIDES IN RELEVANT PART: THAT EVERY PERSON WHO, UNDER COLOR OF LAW VIOLATE ANY STATUTE, ORDINANCE, REGULATION, CUSTOM, OR USAGE, OF ANY STATE OR TERRITORY, THEREBY DEPRIVES THE RIGHTS OF PERSON, OR PRIVILEGES, OR IMMUNITIES SECURED BY THE U.S. CONSTITUTION, AND/OR LAW OF ANY STATE MAY BE HELD LIABLE.
5. THAT THE RECONSTRUCTION-ERA STATUTES WERE ENACTED AS GUARDIANS OF CITIZENS FEDERAL RIGHTS" SEE MITCHUM V. FOSTER, 407 U.S. 225, 242, 92 S. CT. 2151)
6. THIS CASE REQUIRES IMMEDIATE DETERMINATION IN THIS COURT SEE 28 U.S.C. §2101 (e)
7. PETITIONER FILING AND SERVICE OF DOCUMENTS, UNDER SPECIAL NOTIFICATION, THAT THIS DOCUMENT WAS PREPARED AS REQUIRED BY RULE 33.2, SERVICE OF A SINGLE COPY ON EACH OTHER SEPARATELY REPRESENTED PARTY COUNSEL OF RECORD BY DEPOSITING THE DOCUMENT WITH THE UNITED STATES POSTAL SERVICE. A COPY HAS BEEN ALSO SUBMITTED ON THE SOLICITOR GENERAL'S OFFICE UNDER 28 U.S.C. §2403(a)
8. THIS PETITION PRESENTS PAPERS FILED BEFORE THE COURT UNDER 40 PAGES FOR A PETITION FOR A WRIT OF HABEAS CORPUS, SEE TO PROCEED IN FORMA PAUPERIS.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

9. The Court has power, under 28 U.S.C. § 2103, in this case where an appeal was taken, from a decision of a court of appeals, to treat the appeal papers as a petition for writ of certiorari, and to exercise its certiorari jurisdiction to review such a decision. See *Perry Education Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 42-43 (1983); see also sec. 3.6, *infra*, as to similar power with respect to improvident appeals from state court decisions.

10. Where serious doubt exists whether a decision by California Supreme Court, which declined to answer certified constitutional questions that has justiciability, ripeness, or standing, would be directly appealable to the Supreme Court under § 437h(c), see *Clark v. Valeo*, 559 F.2d 642 (CA. -D.C., 1977), affirmed on appeal (0-3 sub nom. *Clark v. Kimmitt*, 431 U.S. 950 (1977)). In *Clark*, the question whether the action presented "a justiciable case or controversy under Article III, was included among the certified constitutional questions". The Supreme Court also has appeal jurisdiction over decisions of three-judge district courts construing related but separate statutory provisions that govern en banc court of appeals.

11. Defendants violated Article IV, of Public Acts, Records and Judicial Proceedings in violation of

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1 THE FOURTEENTH AMENDMENT, FOR DEPRIVING PLAIN
2 -TIF OF FREEDOM, LIFE, LIBERTY AND/OR PROPERTY
3 WITHOUT DUE PROCESS OF LAW.

4 12. AS A PRACTICAL MATTER, UNDER QUALIFIED
5 IMMUNITY THE FATE OF AN OFFICIAL DEPEND UPON THE
6 CIRCUMSTANCES AND MOTIVATIONS OF HIS OR HER
7 ACTIONS AS ESTABLISHED BY THE EVIDENCE AT TRIAL
8 (IBID.). MOREOVER, IT IS IMPOSSIBLE TO BE SURE HOW
9 A JURY WOULD REACT TO SUCH EVIDENCE. THE DECISION
10 IN SCHEVER V. RHODES, 416 U.S. 232 (1974), AND WOOD V.
11 STRICKLAND, 420 U.S. 308 (1975) HOLDING THAT CERTAIN
12 STATE OFFICIALS SUED FOR DAMAGES UNDER 42 U.S.C. 1983

13 13. IN TWO SUBSEQUENT DECISIONS THE U.S. SUPREME
14 COURT HAS HELD THAT STATE OFFICIALS SUED FOR
15 DAMAGES UNDER THE CIVIL RIGHTS ACT OF 1871, 17
16 STAT. 13 (42 U.S.C. 1983), FOR ACTIONS TAKEN AS PART
17 OF THEIR OFFICIAL DUTIES HAD ONLY A QUALIFIED AND
18 NOT AN ABSOLUTE IMMUNITY, I.E., THAT THEY HAVE
19 IMMUNITY ONLY IF THEIR OFFICIAL ACTIONS WERE
20 TAKEN IN GOOD FAITH AND WITH A REASONABLE BASIS,

21 14. IT GOES WITHOUT SAYING THAT AN OFFICIAL, WHO IS IN
22 FACT GUILTY OF USING HIS OR HER POWER TO VENT HIS/HER
23 SPLEEN UPON OTHERS, OR FOR ANY OTHER PERSONAL MOTIVE
24 NOT CONNECTED WITH THE PUBLIC GOOD, SHOULD NOT
25 ESCAPE LIABILITY FOR THE INJURIES HE OR SHE MAY SO
26 CAUSE; IN WACO V. BALTAZAR, 834 F.2D 214 (1987). THE
27 COURT DETERMINED THAT JUDGE MIRELES WAS NOT
28 IMMUNE FROM SUIT HIS ACTIONS WERE IN HIS JUDICIAL CAPACITY

STATEMENT OF THE CASE

1. THIS IS A LAW SUIT SEEKING DAMAGES OF \$10,528,000.⁰⁰ FROM THREE LOS ANGELES SUPERIOR COURT EMPLOYEES BASED UPON THEIR ACTIONS IN INITIATING AND CONDUCTING, THE ALLEGED WRONGFUL AND MALICIOUS ACTIONS.
2. DEFENDANT'S CHARLAINE F. OLMEADO, CRAIG J. MITCHELL, AND ROBERT SAIKI, VIOLATED PLAINTIFF'S FIRST, FOURTH, AND FOURTEENTH AMENDMENT RIGHTS UNDER THE U.S. CONST. DEFENDANTS ATTEMPTING TO CONCEAL, AND SUPPRESS EXCULPATORY EVIDENCE.
3. PLAINTIFF ALLEGES OBSTRUCTIVE CONDUCT BY DEFENDANTS INCLUDING ACTIONS THAT WERE OBSTRUCTIVE, OR IMPEDING WHICH LEAD TO AN ILLEGAL PROSECUTION UNDER THE DOUBLE JEOPARDY CLAUSE.
4. PLAINTIFF ALLEGES FIRST AMENDMENT VIOLATION THROUGH THE DESTRUCTION OF COURT LEGAL DOCUMENTS THE DOCUMENTS IN QUESTION WERE PART OF A COURT FILE, NEEDED PETITIONING GOVERNMENTAL OR STATE AGENCIES SEEKING REDRESS OF CRIMINAL APPEAL.
5. EACH DOCUMENT WAS CONTAINED IN DEPARTMENT-133, AFTER BEING TRANSFERRED FROM DEPARTMENT-124, OF LOS ANGELES SUPERIOR COURT CLARA SHORT RIDGE FOLTZ CRIMINAL COURTS BUILDING LOCATED AT 210 WEST TEMPLE STREET. L.A. CA. 90012;
6. THE DOCUMENTS WERE NUMEROUS AND CRUCIAL TRIAL DOCUMENTS MISSING FROM PLAINTIFF'S DOCKET CASE NUMBER BA369808:

RECORD:	<u>VOLUMES</u>	<u>PAGES</u>	<u>DATE FILED</u>
APPENDIX/CT:	<u>2</u>	<u>401</u>	<u>7-25-2014</u>
RT:	<u>9</u>	<u>1640</u>	<u>7-25-2014</u>
AUGMENT/CT:	<u>1</u>	<u>15</u>	<u>9-23-2014</u>
RT:	<u>1</u>	<u>21</u>	<u>9-23-2014</u>

BOTH SUPERIOR COURT CLERKS S. NEVAREZ,

STATEMENT OF THE CASE

AND SYLVIA HOFFMAN, EACH CLERK, WORKS AT CLARA SHORTRIDGE FOLTZ CRIMINAL COURTS BUILDING AT 210 WEST TEMPLE ST., EACH CLERK UNDER PENALTY OF PERJURY DECLARATION STATE THEY WERE UNABLE TO RECOVER MULTIPLE MISSING DOCUMENTS, DEFENDANT CRAIG J. MITCHELL, HAS WILLFULLY CONSPIRED TO DESTROY AND/OR CONCEAL LEGAL DOCUMENTS OF OFFICIAL COURT RECORDS, IN DOING SO CREATED AN INFRINGEMENT ON A PERSONAL RIGHT AND CONSTITUTIONAL RIGHTS, SEE ALSO PENAL CODES §§ 965, 182, (CONSPIRACY BY A JUDGE) OF WRITTEN ORAL COMMUNICATION IN A REGULAR COURSE OF PROCEEDING.

7. PLAINTIFF BELIEVES THAT HE HAS SHOWN AN OPERATIVE VERSION OF VIOLATIONS OF RIGHTS SECURED BY STATE AND FEDERAL CONSTITUTIONS, AT LEAST AT THE PLEADING STAGE "SEE VETERANS LEGAL DEF. FUND V. SCHWARTZ, 330 F.3D 937, 941 (7TH CIR. 1987) THE SUPREME COURT MADE IT CLEAR THAT THIS RIGHT EXTENDED TO PRISONERS, AND THERE WAS NO REASON TO BELIEVE OTHERWISE, THERE WAS CERTAINLY NO MORE DIRECT WAY TO INTERFERE WITH A PLAINTIFF'S RIGHTS THAN TO REFUSE TO FILE PLEADINGS, OR TO REMOVE THEM FROM THE DOCKET ONCE IT HAS BEEN FILED "SEE SAIVELY V. RECORD PUBLISHING CO. (1921) 185 CAL. 565."

8. THE COMPLAINT ITSELF FILED ON SEPTEMBER 21, 2017 A NOTICE SERVED UPON EACH DEFENDANT, AFTER NEARLY THREE MONTHS WITHOUT A RESPONSE, AN SUMMONS, ATTACHED WITH PROOF OF SERVICE WAS DELIVERED BY DEPUTY JESUS PERALTA OF SHERIFF PROCESSING SERVICE UNIT LOCATED AT 110 NORTH GRAND AVE RM 525 LOS ANGELES, CA. 90012; PH # (213) 972-3930 SERVICE COMPLETED ON DECEMBER 11, 2017 AT 10:11 AM.

REASONS FOR GRANTING THE PETITION

1. IN THE IMMEDIATE CASE IT CONCERNS ADMISSIONS SUCH AS PLAINTIFF'S LEGAL DOCUMENTS MOTIONS, AND LEGAL FILINGS BEING DESTROYED BY DEFENDANT CRAIG J. MITCHELL, BEING RESPONSIBLE FOR THE DOCUMENTS THAT WERE DESTROYED BY DEFENDANT CRAIG J. MITCHELL, WHILE PRESIDING IN DEPARTMENT-133, CLARA SHORTRIDGE FOLTZ CRIMINAL COURTS BUILDING LOCATED AT: 210 WEST TEMPLE ST., L.A. CA. 90012;
2. BOTH DEFENDANTS CHARLAINE F. OLMEDO, AND CRAIG J. MITCHELL, JUDICIAL OFFICERS OF THE COURT, KNEW OF DNA EXONERATION EVIDENCE, AND THE DOUBLE JEOPARDY VIOLATIONS PRESENTED TO THE COURT, AND EACH JUDICIAL OFFICERS FAILED TO CORRECT THE ERRORS
3. UNDER THE RESPONDEAT SUPERIOR TORTS DOCTRINE AN EMPLOYER MAY BE HELD LIABLE AS PRINCIPLE, FOR THEIR EMPLOYEES OR AGENTS WRONGFUL ACTS, COMMITTED WITHIN THE SCOPE OF POLICY, EMPLOYMENT, OR AGENCY.
4. THIS CIVIL ACTION AUTHORIZED UNDER CALIFORNIA (GOV. CODE § 815.6) WHERE A PUBLIC ENTITY IS UNDER A MANDATORY DUTY IMPOSED BY THIS ENACTMENT THAT PROTECTS AGAINST THIS PARTICULAR RISK OF INJURY, AND THE PUBLIC ENTITY MAY BE HELD LIABLE FOR PROXIMATE DAMAGES CAUSED BY THEIR FAILURE TO DISCHARGE AN EMPLOYEE FOR WRONGFUL CONDUCT.
5. UNDER THE APPLICABLE STANDARD OF *Lehman v. Los Angeles City Bd. of Educ.*, 154 CAL. APP. 2D 256, 316 P. 2D 55 (1957) BOTH PUBLIC ENTITIES AND PRIVATE PERSONS THAT CAUSE NEGLIGENCE, UNDER THE MEANING OF THE STATE TORT CLAIM ACT. "SEE ALSO (GOV. CODE § 810 ET. SEQ) APPLIED

REASONS FOR granting The petition

1 To Public entities, who engaged in injuries.

2 6. This STATE TORT ACTION seeks damages for
3 injuries suffered i.e., to restore plaintiff to as
4 nearly as possible to his former position, by giving
5 complaining party some pecuniary equivalent.

6 7. The punitive or exemplary damages being used
7 to punish the tortfeasor, whose wrongful actions
8 was intentional and/or malicious.

9 8. Plaintiff citing Civil Rights Violations that
10 lead to the circumstances of Charles R. Cooks,
11 Confinement, and Restraints of Liberties, "See
12 Preiser v. Rodriguez, 411 U.S. 475, 499 (1973) Civil
13 Action "Proper Remedy" for State Prison making
14 Constitutional Challenge to Conditions of Prison
15 Life, brought on by an illegal sentence causing
16 cruel and unusual punishment, Supervising Judge
17 Charlene F. Olmedo, and Judge Craig J. Mitchell,
18 well aware of the previously dismissed charges,
19 On September 21, 2011, a hearing was held, before
20 Judge Henry J. Hall, Presiding in Department-124,
21 A 495 motion to dismiss charges was helded
22 argued and granted dismissing counts one, two,
23 three and four, also the court dismissing counts an
24 alleged gun allegation attached to counts eight
25 and nine. Plaintiff Charles R. Cooks, presented
26 this information to Judge Craig J. Mitchell, at
27 sentencing taking place May 23, 2014; However
28 Los Angeles Superior Court continues to ignore

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NEXT SCHEDULED EVENT:
MATTER PREV SET/REMAIN ON CLDR

CUSTODY STATUS: REMANDED TO CUSTODY

ON 08/26/11 AT 1000 AM :

OPPOSITION TO MOTION FOR PRETRIAL DISCOVERY (PITCHESS MOTION);
MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF
LIEUTENANT JORGE MACIAS, FILED.
MATTER PREV SET/REMAIN ON CLDR

ON 09/13/11 AT 830 AM IN CENTRAL DISTRICT DEPT 124

CASE CALLED FOR JURY TRIAL

PARTIES: HENRY J. HALL (JUDGE) ISABEL PEREZ (CLERK)
STELLA TAPIA (REP) JANE CREIGHTON (DA)

DEFENDANT IS PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
DEFENDANT APPEARS IN PRO PER

BAIL SET AT \$4,000,000

BKG 2285367 / DDA: JANE CREIGHTON / STANDBY ATTY: VINCENT OLIVER

VINCENT OLIVER, STANDBY COUNSEL, IS PRESENT IN COURT.

PITCHESS MOTION IS CALLED FOR HEARING.

DEPUTY CITY ATTORNEY, STEPHEN COHEN, APPEARS ON BEHALF OF THE
LOS ANGELES POLICE DEPARTMENT, REAL PARTY IN INTEREST.

MARISSA KESSLER, CUSTODIAN OF RECORDS, IS PRESENT IN COURT.

PITCHESS MOTION IS DENIED.

MATTER IS CONTINUED TO DATE AND TIME INDICATED BELOW.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

09/21/11 830 AM PRETRIAL CONFERENCE DIST CENTRAL DISTRICT DEPT 124

CUSTODY STATUS: DEFENDANT REMANDED

ON 09/19/11 AT 900 AM :

PEOPLE'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PURSUANT
TO PENAL CODE SECTION 995; MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF OPPOSITION IS RECEIVED AND FILED.

ON 09/21/11 AT 830 AM IN CENTRAL DISTRICT DEPT 124

CASE CALLED FOR PRETRIAL CONFERENCE

PARTIES: HENRY J. HALL (JUDGE) ISABEL PEREZ (CLERK)
STELLA TAPIA (REP) JANE CREIGHTON (DA)

CASE NO. BA369808
DEF NO. 01

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DATE PRINTED 02/24/14

DEFENDANT IS PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
DEFENDANT APPEARS IN PRO PER

BAIL SET AT \$4,000,000

DDA: JANE CREIGHTON / BKG: 2285367

HEARING ON MOTION PURSUANT TO PENAL CODE SECTION 995 IS HELD.

DEFENSE EX PARTE MOTION FOR PAYMENT OF EXPERT UNDER PENAL CODE
SECTION 987.9 AND SUPPORTING OF DECLARATION IS RECEIVED AND
FILED.

LETTER FROM SP PLUS SECURITY SERVICES IS RECEIVED AND FILED.

COURT ORDERS AND FINDINGS:

-DEFENSE MOTION PURSUANT TO PENAL CODE SECTION 995 IS HEARD,
ARGUED, AND GRANTED AS TO COUNTS 1, 2, 3, AND 4 AS TO THE
ALLEGATION PURSUANT TO PENAL CODE SECTION 12053(B), AND DENIED
AS TO AS TO COUNT 8 AND 9.

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:

10/03/11 830 AM PRETRIAL CONFERENCE DIST CENTRAL DISTRICT DEPT 124

CUSTODY STATUS: DEFENDANT REMANDED

ON 10/03/11 AT 830 AM IN CENTRAL DISTRICT DEPT 124

CASE CALLED FOR PRETRIAL CONFERENCE

PARTIES: JAMES N. BIANCO (JUDGE) DARLENE DANCER (CLERK)
MONICA MOORE (REP) JANE CREIGHTON (DA)

DEFENDANT IS PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
DEFENDANT APPEARS IN PRO PER

BAIL SET AT \$4,000,000

-BOOKING #2285367

DDA: JANE CREIGHTON

-STAND BY COUNSEL: VINCENT OLIVER IS NOT PRESENT IN COURT.

PRETRIAL CONFERENCE HELD.

MATTER IS CONTINUED TO 10-17-11 AT 8:30 A.M. IN DEPARTMENT 124

FOR PRETRIAL CONFERENCE AND MOTION HEARINGS.

DAY 26 OF 50.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:

UPON MOTION OF DEFENDANT

10/17/11 830 AM PRETRIAL CONFERENCE DIST CENTRAL DISTRICT DEPT 124

CUSTODY STATUS: DEFENDANT REMANDED

ON 10/17/11 AT 830 AM IN CENTRAL DISTRICT DEPT 124

CASE CALLED FOR PRETRIAL CONFERENCE

PARTIES: JAMES N. BIANCO (JUDGE) DARLENE DANCER (CLERK)
MONICA MOORE (REP) JANE CREIGHTON (DA)

DEFENDANT IS PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

DEFENDANT APPEARS IN PRO PER

BAIL SET AT \$4,000,000

REASONS FOR GRANTING THE PETITION

1 The dismissed Charges. Petitioner ALSO in POST
2 Conviction has submitted The Four dismissed Charges
3 AS WELL AS DNA EXONERATION EVIDENCE TO THE COURT
4 WITH PROOF OF SERVICE EACH TIME IT BECAME LOST
5 WITH NO RESPONSE.

6 9. THE STATE PROSECUTOR ITSELF WELCOMES THE
7 PERFORMANCE OF MODERN D.N.A. TESTING, SUCH TESTING
8 WILL EITHER CONFIRM PETITIONERS GUILT, IN WHICH
9 CASE THE STATE HAS LOST NOTHING, OR IN THIS
10 IMMEDIATE CASE WOULD EXONERATE PETITIONER
11 CHARLES R. COOKS, IN WHICH CASE THE STATE HAS
12 "NO VALID INTEREST IN DETAINING MR. COOKS."

13 10. PLAINTIFF NEED ONLY PLEAD FACTS, SHOWING THAT
14 HE MAY BE ENTITLED TO SOME RELIEF "SEE VANDI
15 V. WESTERN AIRLINES 247 CAL. APP.2D 793, 795 (56
16 CAL. Rptr. 1153)."

17 10. PLAINTIFF ALLEGES MULTIPLE VIOLATIONS AGAINST
18 DEFENDANTS, ONE OR MORE BEING CRIMINAL IN NATURE
19 ANY OPPOSITION TO THIS COMPLAINT MUST BE FILED
20 "SO SHOWING A COMPLIANCE WITH DUE PROCESS OF
21 UNITED STATES CONSTITUTIONAL AMENDMENTS VI, XIV,
22 AND CAL. CONST. ART 1, §15", IN THIS CASE, THERE
23 WERE NO ALLEGED JURISDICTIONAL ERRORS IN THE
24 COMPLAINT, OR FAILURES TO STATE CAUSE OF ACTION.
25 AND THE STATUTE OF LIMITATION HAS RUN, "NO
26 EXTENSION OF TIME REQUEST MAY BE GRANTED,
27 CITING CAL. RULES OF COURT RULE 5.401, UPON
28 PROPER APPLICATION FILED BY PETITIONER, THE COURT

REASONS FOR GRANTING THE PETITION

OR CLERK MAY ENTER JUDGMENT OF DEFAULT UNDER CIVIL CODE 585-586, APPLICABLE WHEN RESPONDENT FAILS TO FILE A CROSS-COMPLAINT.

11. PLAINTIFF ASKS THE COURT TO LOOK AT THE UNLAWFULNESS OF THE DEFENDANTS ACTIONS, TO DECIDE WHETHER IT WOULD HAVE BEEN APPARENT TO AN OBJECTIVELY REASONABLE OFFICIAL. "Citing SHOWERS V. SPANGLER 182 F.3D F.165, 171 (3D. CIR. 1999)" See ALSO ROUSE V. PLANTIER 182, F.3D. 192, 196-197 (3D. CIR. 1999);

12. DEFENDANTS HIRE THE LAW OFFICE OF BENTON ORR, DUVAL & BUCKINGHAM LOCATED AT: 39 NORTH CALIFORNIA STREET VENTURA, CA. 93001; NEARLY FIVE MONTHS AFTER SERVICE OF COMPLAINT, THE ATTORNEY SEEKING GENERAL ORDER FROM THE COURT TO DEMUR-
-RER TO COMPLAINT, HOWEVER TIME HAS RUN ITS COURSE IF TOO LATE.

13. THERE WERE "NO APPEARANCE MADE BY DEFENDANTS AS STATED IN RULE 5.62; HOWEVER A RESPONDENT IS DEEM-
-ED TO HAVE APPEARED IN A PROCEEDING WHEN HE OR SHE FILES WRITTEN NOTICE, SUCH ALLOWING WITHIN 21 DAYS AFTER SERVICE OF SUMMONS, UNDER RULE 56(a) MOVING PARTY CLAIMING RELIEF MAY MOVE WITHOUT SUPPORTING AFFIDAVITS FOR SUMMARY JUDGMENT ON ALL OR PART OF THE CLAIM.

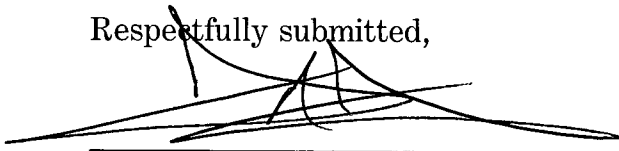
PRAYER FOR RELIEF:

WHEREFORE PLAINTIFF RESPECTFULLY PRAYS THAT THE COURT ENTER JUDGMENT GRANTING PLAINTIFFS DAMAGES IN THE AMOUNT OF \$10,528,000. ⁰²

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned above a horizontal line.

Date: NOV 23 RD, 2018