

OCT 30 2019

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NO. 18-9090

IN THE SUPREME COURT OF THE UNITED STATES

Virginia Howard,

Petitioner

v.

San Diego County Counsel, Claims and Investigations for San Diego
Recorder/Assessors Office,

Respondents

PETITION FOR REHEARING

*On Petition for a Writ of Certiorari to the Court of Appeals for the
Ninth Circuit California*

"PUBLIC INTEREST"

VIRGINIA HOWARD
P.O. BOX 2561
SPRING VALLEY CA 91979
IN PRO SE

(i)

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SUPREME COURT, U.S.

1 **Jurisdiction:**

2 Rules of the Supreme Court of the United States Current Rules 44.1 thru 44.2.

3 On October 7, 2019 the Court entered an Order denying the Petitioner's Certiorari. Case No.

4
5 18-9090. The Petitioner certified this case of **Public Interest** aka **Public Importance**. (Order
6 lodged, judicial notice exhibit A)

7 **GROUND FOR REVIEW:**

8 **(A) OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED**

9 **REGARDING:**

10 I. MECHANIC LIENS

11 II. HOMESTEADS, HOMESTEAD EXEMPTIONS ETC.,

12 III. VALUITY OF A PATENT

13 IV. LIS PENDENS (CIVIL ACTION PENDING)

14 **I. Circuit Conflict**

15 I(a) Courts of Appeals of Indiana First District in *conflict with the*

16 I(b) Court of Appeals in the case of Connolly development, Inc v. Superior Court of Merced County,

17 **REGARDING:** (mechanic liens) Contractors payment of work performed and supplies; laborers,
18 person worked done for construction, materials and repairs, upgrades to real property; and recording
19 or non- recordings of real property liens.

20 **(APPELLANT COURT THAT DON'T AGREE WITH MECHANIC LIENS)**

21 I(a) Courts of Appeals of Indiana First District decision:

22 **CASE:** City of Evansville v. Verplank Concrete & Sup (400 NE. 2d 812 (Ind Ct. App (1980)

23 ruling **One**, Statutory laws of Indiana, mechanic liens **may not be enforced** on public property:

24 schools, courthouses bridges highways etc. **Two**, also under the court of appeals ruling in Verplank

25 suppliers such as supplier 2 sub-contractor are too remote to reap benefits of the lien statute.

26 Verplank is the materialman any may not assert a lien upon the property.

27 **(APPELLANT COURT THAT DO AGREE WITH MECHANIC LIENS)**

28 I(b) Courts of Appeals of Indiana First District *conflict with* SUPREME COURT OF APPEAL

CALIFORNIA

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1 ***Connolly Development, Inc v. Superior Court of Merced County, 17 Cal 3d 803***

2 Challenges the constitutionality of CA mechanic lien and stop notice. Defendant (subcontractor, had
3 a mechanic's lien and stop notice filed against the Petitioners property owner and lender. The
4 Petitioner property owner obtained an alternative writ from the appellant court.

5 *The Supreme court of California* held the mechanic's lien and stop notice statutes *were*
6 constitutional and they inflicted only minimal deprivation of a property interest, and that **the state**
7 **strongly supported the preservation of laws which gave the laborer and materialman security**
8 **for their claims.**

9
10 **REGARDING:**

11 II. Declarations of Homesteads, probate, Bankruptcy Chapter 7 & 8 statutes and codes against forced
12 sell of real property)

13 ***(APPELLANT COURT THAT DON'T AGREE WITH DECLARATIONS OF
HOMSTEADS)***

14 **II (a)**

15 CASE No. 18-56141

16 Howard v. San Diego County Counsel et al Appeal from the Ninth Circuit in California

17 **IN CONFLICT WITH**

18 ***(APPELLANT COURT THAT DO AGREE with. Declarations of Homestead***

19 **II (b) The Appeal from the Ninth Circuit in California *conflict* with U.S. Court of Appeals for the**

20 Eleventh Circuit U.S. Court of Appeals ***Florida*** ruling in Advance Credit v. Gamboa 2019 U.S.

21 App No. 18-14367 also, with United States Bankruptcy Court for District of ***Road Island***

22 Case in re Carpenter, 559 B.R. 551 BK (No. 16-10150. Chp 7) Homeowners are protected as
23 owner of homestead property from forfeiture.

24 Fla Const, Art X, & 4 they shall be exempt from forced sell under process of any court exceptions
25 for taxes....,

26 *page 1 of 5*

27 Petitioner's Virginia Howard's Petition for Rehearing Case No 18-9090 dated Oct 19, 2019

1 **(A) OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED CONTINUED**

2 **III REGARDING: question of infringement of a patent held on a refrigerator latch**

3
4 **Schriber – Schroth Co v. Cleveland Trust Co. Etal. Argued October 18, 1938**

5 There was a *conflict* of opinion between the two circuits *on the question of infringement of a*
6 *patent held on a refrigerator latch.* The Court *reversed the judgment* of the *Third Circuit*, which
7 held the patent at issue was not infringed and *affirmed the judgement* of the *seventh circuit* which
8 found an infringement. The court found despite the changes in the newer latch from the formerly
9 patented structure, the two devices were substantially identical.

10 **Outcome:** The court ruled that the newer latch infringed the patent held on the existing structure
11 the Supreme court of U.S. affirmed the decree of the U.S. Court of Appeals for the Seventh Courts
12 of Appeals of Arizona,

13
14 **Followed by Bendix Aviation Corp v Smith Am. Corp., 248 F 2.d**

15
16 **(B) INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING**

17 **EFFECT**

18 **Sanitary Refrigerator Co. v. Winters, 280 U.S. 30**

19 To review two decrees of different Circuit Courts of Appeal in suits for infringements of a patent in
20 **See 20 F.2d 671**

21 Ruling the court *affirmed* the decree of the U.S. Court of Appeals for the Seventh Circuit

22 And *reversed* the decree of the of the U.S. Court of Appeals for the Third Circuit.

23 **Further conflicts with civil rights statutes**

24 Second circuit, resolved split among district courts in second circuit by determining that any use of
25 state authority to retaliate against those public employees who speak out against discrimination can

26 Give rise to a cause of action 42 USCS §1983 & first amendment “public concern.”

27
28 **3 5**
page of

1 **CONCLUSION**

2 The Petitioner respectfully ask that the court *grant* the Petition for Rehearing, grant the Petition for
3 Certiorari. She has many causes of actions in the lower courts per the U.S. Codes and Cases in her
4 Certiorari and Petition for Rehearing's (the Respondents county) have never objected to any Federal
5 Court documents filed). The Petitioner objected to the lower court ruling by Appeal, still objects.

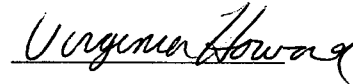
6 ***Secondly***

7 To, reversed the judgments below, the respondents shall pay costs, such disposition is appropriate
8 Pursuant to rules of the U.S. Supreme court for cost. The Petitioner has already proven her case
9 with evidence she is asking for no briefs. Further my cases were sherardized before putting them in
10 research for this Petition for Review, I see some cases have been change to cases negative/ red by
11 Lexis research not the other name (in the Certiorari). **Third**, Petitioner had total loss of real
12 property and use of it. Due to the Respondent County of San Diego Recorders/Assessor failure to
13 index vital documents, (Petitioner already attached the cost with the U.S. District court Southern
14 Division.)

15 If this Petition for Review is granted (and Petitioner must file Briefs (Petitioner) would like a court
16 appointed attorney pursuant to and Supreme court rule 39.6, 39.7. are any current Codes or Rules
17 for Informa pauper's persons.

18 Respectfully submitted, ,

19 October 19, 2019



20 Virginia Howard, pro se

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26 *Page 4 of 5*

CERTIFICATE of PRO SE LITIGATE

THIS PETITION FOR REHEARING IS PRESENTED IN GOOD FAITH AND NOT FOR
DELAY. OCTOBER 19, 2019

Virginia Howard
VIRGINIA HOWARD
Pro se