

NO. _____

In the
Supreme Court of the United States

Nick Harris,

Petitioners

v.

Linda Fuller

Respondent,

On Petition for Writ of Certioari TO
California Third Appellate District Court of Appeals

Motion to reconsider a late
Filing of Petition requesting an extension
Of time to 10/16/2018 for receipt of
Petition for Writ of Certioari
For good cause .

AFFIDAVIT OF SERVICE

Clane M. Harris, states that all parties required to be served have been served and that one true and correct copy of the combined Motion to Proceed in Forma Pauperis and Petition for Writ of Certioari was served on the persons listed below on the _____, by Depositing one copy of same, First Class Postage Prepaid addressed as follows :

Nick Harris
5813 Kimberly Hill Ct.
Carmichael, Ca. 95608-1404

Linda Fuller
P.O. Box 230
Coloma, Ca, 95613

Donald B. Verilli, Jr.
Solicitor General of the United States
U.S Dept. of Justice
950 Pennsylvania Avenue, N.W.
Room 5614
Washington D.C. 20530-0001

Sign 

12/12/18

Subscribed and Sworn this date

Notary Public -----

In the
Supreme Court United States
Term
No. _____

)

Petitioner,
Nicholas Harris

Motion to Proceed
In Forma Pauperis

v.

State of California
Linda Fuller

Respondent,

Motion to reconsider a late
Filing of Petition and requesting an extension
Of time to 7/16/2018 for receipt of
Petition for Writ of Certioari
For good cause .

Petitioner, Nick Harris , calculated a timeline for postmark of Petition for Writ of Certioari that began on April 2,2018 when Petitioner filed for a Peremptory Challenge for Bias with the 3rd California District Court of Appeals, the Highest State Court to review Petition. On April 11, 2018 the California Supreme Court Denied Review of Petitioners Request for Review, this is the date the U.S. Supreme Court relies on. Petitioners believes the legal date to began counting forward the requisite 90 days from is 4/17/2018. This is the date that 3rd District ruled against the Peremptory Challenge request and remittur was issued and the Order was filed. If the Peremptory challenged was granted the case would have been finished at a later date. Therefore the final decision by the highest Court of review came on 4/17/2018 and 90 days later would be 7/16/2018, the Petition was

received by the Clerk on 7/13/2018. 7/10/2018 was the date the Court considers the last day for timely receipt.

Petitioners contest was that California Domestic Violence Act presents bias by the DVPA Court in violation of the Due Process and Equal Protection Clause of the 14th Amendment and the Trial Transcripts provide real world examples of that and substantial Overbreadth and Vagueness in violation of the 1st Amendment thus preventing a fair Trial and the Court armed with invidious discrimination and animus towards all Defendants. The State Objective is convoluted because it wields the distorted view that Domestic Violence is one level . While preventing (People of the State of California v. OJ Simpson) , criminal type Domestic Violence this Criminal effect carries over to the malum prohibitum “Disturbing Claims” (Evilsizor v Sweeney 237 CalApp.4th 1416 (2015) with inappropriate stereotypes and assumptions of the criminal category. Disturbing claims are not criminal claims. Next the Legislature and the Courts do not recognize the many levels of Domestic Violence in between the two above and on the disturbing border there is a good argument that many of the these claims are right on the border between Domestic Privacy (Griswold v. Connecticut 381 U.S. 479 (1965))

Substantive Due Process and low level DV claims. In addition Courting Dating and Marital Speech theoretically emanating from the 1st Amendment are impaired because future potential mates refrain from this valuable speech for fear of prosecution by the Courts as frivolous claims often prevail to protect all plaintiffs, this has resulted in a lessening of new births in the United States in 2017 --24 million less . Further, Plaintiffs, utilize these Domestic Violence Restraining Orders for fraudulent purposes ; to gain advantage or to get even for perceived infidelity and when they are found committing estoppel or perjury during these summary proceedings, there is no punishment and plaintiffs are essentially immunized from prosecution.

The State Objective is good for the part but not for the whole. The part being the batterers and the criminals and the rest are the disturbers a dn the innocent who are grouped with the violent end and become part of it by association. It is akin to grouping child molesters with those that commit verbal sexual harassment, they become miscreants by association. The means used by the State is the C.L.E.T.S. Restraining order, which impairs liberty and freedom and puts many innocent defendants at risk for imprisonment as probable cause for arrest and those that become labeled as domestically violent are in a category that (Romer v. Evans, 517 U.S. 620 (1996), where hatred of the group drives the State and the Courts and this can never be a legitimate state objective. The solution is in the means and the alternatives available that would be FAIR. First the recognition that here

are many levels of domestic violence that need to be defined for category and punishment by fines, Restraining Orders and to consider other remedies at law. Finally as in *Matthews v. Eldridge*, 424 U.S. 319 (1976) dictates the appropriate type of due process that is given when freedom and liberty are removed needs to be added, safeguards added to prevent the many errors that now occur in the limited "summary proceeding", that are absent investigation and discovery with a Small Claims Court burden of proof. Petitioner, respectfully makes this Motion pursuant to S.C.O.T.U.S Rule 13 and 13.5 ; to accept this Petition with an extension of time to 7/16/2018 for the good cause reasons listed above that the attached Petition for Writ of Certiorari which was stamped "out of time" on 7/13/2018 be considered on time?

Petitioner, respectfully requests of the Court to proceed in *Forma Pauperis* in relation to this Request for Writ of Certiorari and any further proceedings. Petitioner's financial status has not materially changed since the beginning of these proceedings.

Petitioner has previously been granted leave to proceed in *forma pauperis* in the following Court(s):

- 1) Sacramento Superior Court William Ridgeway Family Court House
- 2) Third California District Court of Appeals
- 3) California Supreme Court

Dated 12/12/18



Signature

No. _____

In the
Supreme Court of the United States
Term _____

Nick Harris

Petitioner,

v.

State Of California
Linda Fuller

Respondents,

ON PETITION FOR WRIT OF CERTIOARI
TO THE CALIFORNIA THIRD
DISTRICT COURT
OF APPEALS

PETITION FOR WRIT OF CERTIOARI

Nick Harris

5813 Kimberly Hill Court

Carmichael, Ca. 95608-1404

916-944-2781

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

NICHOLAS HARRIS,

C082136

Plaintiff and Appellant,

(Super. Ct. No. 16DV00855)

v.

LINDA FULLER,

Defendant and Respondent.

Nicholas Harris, appellant appearing in pro. per., appeals from an order denying his request for a three-year restraining order that would have prohibited his ex-girlfriend and housemate from harassing him. Appellant has filed a 61-page opening brief that is rambling, irrelevant, and largely unintelligible. Unfamiliar with the principles of law governing the trial court's ruling and the limited scope of appellate review, appellant does little more in his brief than express frustration with his ex-girlfriend, the trial court, and the Domestic Violence Protection Act.

In a challenge to a judgment, the trial court's judgment is presumed to be correct and the appellant has the burden to prove otherwise by presenting legal authority and analysis on each point made, supported by appropriate citations to the material facts in the record, or else the argument may be deemed forfeited. (*Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784-785; *Guthrey v. State of California* (1998) 63 Cal.App.4th 1108, 1115-1116; *Duarte v. Chino Community Hospital* (1999) 72 Cal.App.4th 849, 856.) It is the appellant's responsibility to support claims of error with citation and authority; we are not obligated to perform that function on the appellant's behalf and may treat the contentions as forfeited. (*Lewis v. County of Sacramento* (2001) 93 Cal.App.4th 107, 113; *Badie*, at pp. 784-785.)

Appellant must present each point separately in the opening brief under an appropriate heading, showing the nature of the question to be presented and the point to be made. (Cal. Rules of Court, rule 8.204(a)(1)(B); *Opdyk v. California Horse Racing Bd.* (1995) 34 Cal.App.4th 1826, 1830, fn. 4.) This is not a mere technical requirement; it is essential to the appellate process. Appellants must "present their cause systematically and so arranged that those upon whom the duty devolves of ascertaining the rule of law to apply may be advised . . . of the exact question under consideration, instead of being compelled to extricate it from the mass." (*Landa v. Steinberg* (1932) 126 Cal.App. 324, 325; accord, *Opdyk v. California Horse Racing Bd.*, *supra*, 34 Cal.App.4th at p. 1830, fn. 4.)

Appellant's opening brief fails on all of these grounds. Under the circumstances, he has forfeited his claims of error.

DISPOSITION

The judgment is affirmed.

RAYE, P. J.

We concur:

BUTZ, J.

HOCH, J.

IN THE

**Court of Appeal of the State of California
IN AND FOR THE
THIRD APPELLATE DISTRICT**

NICHOLAS HARRIS,
Plaintiff and Appellant,
v.
LINDA FULLER,
Defendant and Respondent.

C082136
Sacramento County
No. 16DV00855

BY THE COURT:

Appellant's petition for rehearing is denied.



RAYE, P.J.

cc: See Mailing List

Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

Supreme Court

[Change court](#)*Court data last updated: 12/28/2018 11:25 AM***Disposition****HARRIS v. FULLER****Division SF****Case Number S247416**

Only the following dispositions are displayed below: Orders Denying Petitions, Orders Granting Rehearing and Opinions. Go to the Docket Entries screen for information regarding orders granting review.

Case Citation: **none**

Date	Description
04/11/2018	Petition for review denied

[Click here](#) to request automatic e-mail notifications about this case.

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