

No. Case:19-406

In the
SUPREME COURT OF THE UNITED STATES

MARILU TOUMA,
Petitioner,

vs.

THE GENERAL COUNSEL OF THE REGENT AND
ET AL, Respondents,

On Petition for Certiorari to the United States

Court of Appeals for the Ninth Circuit,
San Francisco, California, No. 18-55996
The Southern District Court,
Santa Ana, California. No. 8:17-cv-01132-VBF-KS
The Central District Court,
Los Angeles, California. No. 8:17-cv-01132-VBF-KS

PETITION FOR REHEARING

MARILU TOUMA
Plaintiff, Appellant and
Petitioner
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Pro Se

January 1, 2020

i.

ARGUMENT PRESENTED

1. *Whether* the Southern District Court, the Central District Court and the Court of appeal ERRED when they ruled against petitioner and in favor of all the defendants and concluded the case to be *frivolous*; when evidence demonstrate UCLA et. al. violated petitioner's First Amendment Retaliation under ADA among other violations; when UCLA et. al. accused petitioner of being "uncooperative, noncompliance and physical aggressive"; "assault to a nurse" (oral deposition) among other disgusted and unfounded accusations after petitioner engaged in a protective speech: put stop to an adverse behavior and informed UCLA et al; she was going to make a complaint; and if those ERRS amount for petitioner's deprivation of civil rights, violation of the America Disability Act; Title II ADA; criminal charges and for any other charges this Honorable court determines necessary and appropriate....?

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TABLE OF AUTHORITIES

CASES

Adams v. Lawson,
58 Va. (17 Gratt.) 250, 255–56 (1867);

Estenfelder v. Gates Corp.,
199 F.R.D. 351, 354 (D. Colo. 2001)

Hyland v. Raytheon Tech. Servs. Co.,
277 Va. 40, 46 (2009).

Moseley v. Moss, 47 Va. (6 Gratt.)
534, 538 (1850)".

CONSTITUTIONAL AMENDMENTS

FIRST AMENDMENT RETALIATION UNDER ADA,

TITLE II. **Defamation of character.**

FOURTH AMENDMENT: **Invasion of privacy.**

FOURTEENTH AMENDMENT: **Equal Protection**

Clause.

U. S. CODE

TITLE 42. THE PUBLIC HEALTH AND WELFARE.

U.S. CODE 12203 Prohibition Against Retaliation and
Coercion.

CALIFORNIA LAW

PATIENT BILL OF RIGHT. Title 22, California Code of
Regulations Section 72527.

VICTIM'S BILL OF RIGHTS: MARSY'S LAW.

PETITION FOR REHEARING

Pursuant to this court's rules 44.2, Petitioner, Marilu Touma, petition for a rehearing of the Court's order denying writ of certiorari in this case. Petitioner further request the court to process her Supplement Brief and/or allow her to present this vital information properly; which was vital for the outcome of this case. Furthermore, petitioner request the court to treat this rehearing as a *Conference Meeting*; since petitioner's oral deposition Rule 30(b)(6) taken by UCLA and other vital information included in the Supplement Brief was intended to be review by the nine justices before the Conference Meeting; instead the court rejected it and petitioner did not have the opportunity to fix/amend the problem before the Conference Meeting that was scheduled on December 6, 2019.

GROUND FOR REHEARING

Petitions for rehearing of an order denying certiorari are granted: (1) if a petition can demonstrate "intervening

circumstances of a substantial or controlling effect"; or (2) if a petitioner raises "other substantial grounds not previously presented." R. 44.2. Petitioner shows as follow:

I. PETITIONER' SUPPLEMENT BRIEF WAS REJECTED BY THE COURT.

On November 21, 2019 Petitioner sent to the court her Supplement Brief (Vo. I and Vol. II) and the court **rejected** it. Pursuant Rule 15.8 of the U.S. Supreme court

"Any party may file a supplemental brief at any time while a petition for a writ of certiorari is pending, calling attention to new cases, new legislation or ***other intervening matter not available at the time of the party's last filing.*** A supplemental brief shall be restricted to new matter..."

"...***other intervening matter not available at the time of the party's last filing...new matter***" was interpreted by petitioner as alerting the court of "New information / evidence" that was not available to her at the time she filed her petition for writ of certiorari on July 22, 2019. On December 16, 2019 petitioner was told the Supplement Brief (Vol. I and Vol. II) ***was not processed***; and the

information ***not included*** during the Conference Meeting (December 6, 2019). Court stated the supplement brief did not comply with Rule 15.8; but did not indicate the error. Petitioner is not an attorney; any error was an honest mistake. Petitioner did not have the opportunity to amend/fix the Error and properly present the information:

Threats she is being receiving of the release of petitioner's intimate video, photos, etc. (to any social Media: Movie, Tv, Radio, Internet, etc.)
Copy of Petitioner's ORAL DEPOSITION taken by UCLA where UCLA accused petitioner of being:
“...Melissa made a note where she describes you as uncooperative and noncompliant and physically aggressive...” . A criminal accusation that petitioner assault a nurse. Further, testimony that petitioner did not request to be an any study; was getting expired and the wrong doses of medications; was denied medical treatment of her choice... among other unfounded accusations /insinuations.

Copies of letters/receipts showing that Petitioner has requested the help from Local Police, District Court, Attorney General, Department of Justice (Civil Rights Unit and Disability Unit), FBI, etc. And No action has been taken. Petitioner is being followed; harassed; spy on (computer/phone); among other

invasion of her privacy... all the time..by Police, security guards, investigators, etc.

Pursuant Rule 30.4 provides that a party aggrieved by the Clerk's actions may request that the motion be submitted to a Justice or to the Court. On December 24, 2019 petitioner sent an application to the Circuit Justice and to the Court requesting the process and/or allowing her to amend/ fix the Supplement Brief (Vol. I and Vol. II). *Action pending.*

For the last past years; petitioner has lived with this **STIGMA**; that started

“On June 23, 2013 when Petitioner went to UCLA ER because she was feeling Chest pain: Shortness of breath. Numbness in the face. Headache, Stomach pain among other symptoms. UCLA did not help petitioner; instead; accused her of being **uncooperative, noncompliant; physically aggressive**” among other **unfounded insinuations...assault to a nurse..** (Review UCLA ER Surveillance cameras for June 23, 24 2013)”

and for the **FAILURE** to follow its own protocol about **SAFETY and SECURITY.** (UCLA Patient and family Handbook)

Make sure that you know who is in charge of your care.
Make sure your healthcare professional knows who you are.

Speak up if you have questions or concerns.
If you have a test taken, don't assume that no news is good news.
When surgery is involved, be informed.
Get an advocate...

Unfounded defamations that petitioner has denied during the oral deposition taken by UCLA et. al., on June 7, 2016 and June 8, 2016.

Rule 30. Oral Depositions may be used in lieu of testimony at trial, to impeach a witness, to refresh his recollection..See generally Fed. R. Civ. P. 32,56(c)(2) and (e); Estenfelder v. Gates Corp., 199 F.R.D. 351, 354 (D. Colo. 2001);

Rule 32. (a) (5) (8) *Deposition Taken in an Earlier Action.* A deposition lawfully taken and, if required, filed in any federal- or state-court action may be used in a later action involving the same subject matter between the same parties, or their representatives or successors in interest, to the same extent as if taken in the later action. A deposition previously taken may also be used as allowed by the Federal Rules of Evidence.

For the last past years, UCLA et. has used its POWER, MONEY AND INFLUENCE to destroy petitioner's reputation to deter her from proceeding with her case.

“Generally, under our common law, a private individual asserting a claim of defamation first must show that a defendant has published a false factual statement that concerns and harms the plaintiff or the plaintiff’s reputation.” *Hyland v. Raytheon Tech. Servs. Co.*, 277 Va. 40, 46 (2009) (emphasis added).

Additionally, for a statement to be actionable as defamation, it must have “the requisite defamatory ‘sting’ to one’s reputation,” which is the second prong of the threshold to be established as a matter of law. *Schaecher*, 290 Va. at 92.

“Characterizing the level of harm to one’s reputation required for defamatory ‘sting,’ we have stated that defamatory language ‘tends to injure one’s reputation in the common estimation of mankind, to throw contumely, shame, or disgrace upon him, or which tends to hold him up to scorn, ridicule, or contempt, or which is calculated to render him infamous, odious, or ridiculous.’ *Id.* (quoting *Moss v. Harwood*, 102 Va. 386, 392 (1904)); see *Adams v. Lawson*, 58 Va. (17 Gratt.) 250, 255–56 (1867); *Moseley v. Moss*, 47 Va. (6 Gratt.) 534, 538 (1850”).

For the last past years; Petitioner has been “POKED” “SET UP” “PROVOKED” several times ...with the intent to make her fail... and to justify for the **DISGUSTING defamatory** labels UCLA et.al. have fabricated about her ... further, they are signs “people” are **SPYING** on her, **VIDEOTTAPING** her and... “**SNEAKING**” from her

personal phone, computer, etc.: personal information, intimate videos, photos, etc. to fabricate, to alter, to mislead her “character”.

ANY Evidence obtained Illegally is not admissible in court. ANY Fabricated evidence created in “**BAD FAITH**” solely with the intent to mislead the character of a person to alter the outcome of a legal proceeding is a **FELONY**.

California Penal Code 132 & 134.

“It is a felony to present false written evidence in any legal proceeding...134 a crime to prepare any false evidence with the intent to use it in a legal proceeding (even if, for whatever reason, the false evidence never actually gets presented in court”

II. NEW CASE: HOUSE OF REPRESENTATIVE DENIED PRESIDENT TRUMP “DUE PROCESS”.

Recent case that refers to violation of “Due Process” is the Impeachment of the President, Donald Trump by the House of Representative. On December 9, 2019 U.S. House of Representatives impeached President Donald Trump on two charges: Abuse of Power and Obstruction of Congress

judiciary proceedings. According to Senate Judiciary Chairman Lindsey Graham, R-S.C, claim that President Trump has been denied "due process". Further, he states: "One of the cornerstones of American jurisprudence is due process – the right to confront your accuser, call witnesses on your behalf, and challenge the accusations against you.

None of this is occurring in the House. Lindsey Graham, October 24, 2019. According to Ilya Somin, a law professor at George Mason University, said due process rights are protected in "situations where an individual stands to lose her 'life, liberty, or property,' none of which is at risk here."

Similar to Petitioner's case were lower courts denied petitioner the right to confront UCLA et. al; call her own witnesses to disprove UCLA et. al. disgusting accusations and challenge UCLA et. al. to any accusation against her.

Petitioner's legal case was not fair; but deplorable...

Petitioner is not an attorney; she was doing the best that

she could and all the time she was complying with the judges' orders. Petitioner believe her case was not taking seriously because she was appearing as a *Pro Se* and *in forma pauperi* and because of that the Court of Appeals; the Southern and Central District Court (1) Abuse their power; (2) Obstructed Justice and (3) Acted in Bad Faith disregarding completely of the serious accusations UCLA et. al. was making against petitioner and her medical conditions.

III. COURT OF APPEALS; THE SOUTHERN DISTRICT COURT AND THE CENTRAL DISTRICT COURT.

(1) ABUSE OF POWER

Court of Appeals *abused its power* when omitted to review the Southern District court and the Central District courts' violations of petitioner's due process. The Southern and Central District courts *abused their power* when did not allow petitioner to commence her civil right case; creating

mental stress, anxiety in petitioner and exacerbating her medical conditions.

(2) OBSTRUCTION OF JUSTICE

The Southern District court and the Central District courts *obstructed justice* by not issuing the summons; ordering petitioner not to serve the complaint to the defendants and not to include any exhibits in her pleadings. Court of Appeals *obstructed justice* by not correcting the Southern and Central District courts' errors . Leaving petitioner helpless and vulnerable for more diabolic attacks.

(3) ACTED IN BAD FAITH.

Central district *acted in bad faith* when rule in favor of the defendants; against petitioner; concluded petitioner's case is frivolous; when the court did not have jurisdiction over the defendants; but made petitioner believe she had a case. Court of Appeals *acted in bad faith* when affirmed the Central District court rulings; where there was no case.

IV. "UNLIKEABLE" LITIGANT

Petitioner is an “Unlikeable” litigant; because of her claims and her strong desire to present the truth and clear her name in court. Because of that; Petitioner has experiencing strong retaliation/opposition among other disgusting violations against her persona.

“Likeability” should not be a “criteria” for denying a woman access to the legal system. Furthermore, should not be a pretext to **Crucify and Destroy** the life of an **Innocent woman** is just **morally wrong...**

V. CONCLUSION

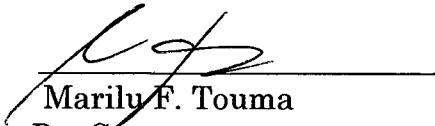
For the reasons stated above, Petitioner respectfully requests that the Court Grant its petition for rehearing, allow her submit her Supplement Brief properly and treat the Rehearing meeting as a Conference meeting.

Dated: January 1, 2019

Respectfully submitted,
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CERTIFICATE OF COUNSEL

I hereby certify that this petition for rehearing is presented in
good faith and not for delay.



Marilu F. Touma
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