

**No. 19-5090**

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**IN THE**  
**Supreme Court of the United States**

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FRANCES DU JU,

Petitioner,

v.

STATE OF WASHINGTON, ET AL.,

Respondents.

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**On Petition for a Writ of Certiorari to  
the U.S. Court of Appeals for the 9<sup>th</sup> Circuit**

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**[CORRECTED]**  
**PETITION FOR REHEARING**

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## **I. RELIEF REQUESTED**

Pursuant to Rule 44 and the 14<sup>th</sup> Amendment, Petitioner Frances Du Ju respectfully files her Corrected Petitions for Rehearing of the Court's October 7, 2019, decision denying her Petition for a Writ of Certiorari (hereinafter "Pet. Cert."). The 3 Respondents did not file any brief in opposition. The counsel for the State of Washington, Anne Egeler, Esq. filed her July 24, 2019, "Waiver", in which she intentionally, purposely stated in bad faith that she represented "State of Washington, Washington Court of Appeals, Washington State Supreme Court", while she knew that the last two entities were not defendants/respondents in this case.

After parties could not reach a settlement, Petitioner filed her September 9, 2019, "Motion for Sanctions against Respondent State of Washington" and "Petitioner's Supplemental Brief" to address the issues of Ms. Egeler's fraudulent filing. This Court did not enter them into the Court record. Ms. Egeler did not file a Response to "Motion for Sanctions" within 10 days of receipt, pursuant to Rule 21.4; so, it is an uncontested Motion. Petitioner respectfully moves this Court to grant Motion for Sanctions and this Corrected Petition for Rehearing and to review de novo.

## **II. GROUNDS FOR FILING A CORRECTED PETITION**

On October 18, 2019, Petitioner mailed her Petition for Rehearing by Priority mail. This Court's October 23, 2019, letter stated that the package was returned; and that the Petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not

previously presented. Parties could not reach a settlement. Thus, Petitioner files her Corrected Petition for Rehearing within 15 days after the date of this Court's letter, pursuant to the letter and Rule 44.6.

The legal grounds for filing this Corrected Petition for Rehearing are: (1) the 3 Respondents never filed any brief in opposition to address the Constitutional and statutory issues; (2) pursuant to the Due Process and Equal Protection Clauses of the 14<sup>th</sup> Amendment, the State of Washington should have not taken additional action against a U. S. Citizen residing in its State by filing a fraudulent statement with this Court; and (3) this Court should have entered the Petitioner's September 9, 2019, "Motion for Sanctions" and "Supplemental Brief" into the Court's record.

### **III. REASONS FOR GRANTING THE PETITION**

#### **A. The 3 Respondents Never Filed any Brief in Opposition to Address the Constitutional and Statutory Issues. This Court Should not Resolve the Substantial and Important Constitutional and Statutory Issues in this Case without Full Briefing.**

Rule 12.6 states, "... Parties who file no document will not qualify for any relief from this Court." The City of Vancouver filed a "Waiver" on July 8, 2019; but did not respond to the issues of its violations of the 4<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> Amendment, Wash. Const. art. I, §§ 3, 7, 14 and 22; 42 U.S.C. § 1983, 42 U.S.C. § 1985(3), 42 U.S.C. § 2000d-7, RCW 3.50.430, RCW 10.31.030, and RCW 39.34.180(1). Neither the U. S. District Court nor the 9<sup>th</sup> Circuit Court addressed the issues.

The State of Washington filed a "Waiver" on July 24, 2019, in which the State's counsel Ms. Egeler intentionally, purposely stated in bad faith that she also represented Washington Court of Appeals and Washington State Supreme Court,

which were obviously not defendants/respondents in this case. Ms. Egeler's fraudulent statement was "prejudicial to the administration of justice"; and has violated ¶¶ 3.3, 3.5 and 8.4 of the American Bar Association (ABA) Model Rules of Professional Conduct, and Washington State Rules of Professional Conduct; ¶¶ DR 1-102(A) of the ABA Model Code of Professional Responsibility; FRCP 11, and Supreme Court Rule 29.3.

Resolution Trust Corp. v. Bright, 6 F.3d 336, 340, (5<sup>th</sup> Cir. 1993) held, 'it is beyond dispute that a federal court may suspend or dismiss an attorney as an exercise of the court's inherent powers. *In re Snyder*, 472 U.S. 634, 643-644,... (1985); *Matter of Thalheim*, 853 F.2d 383, 389 (5<sup>th</sup> Cir. 1988). However, before sanctioning any attorney under its inherent powers, the court must make a specific finding that the attorney acted in "bad faith." *Thalheim*, 853 F.2d at 389.' Apparently, it relies on an attorney's obligation to avoid conduct that is "prejudicial to the administration of justice." Ms. Egeler's fraudulent act in filing her "Waiver" was also in bad faith.

In EEOC v. Waterfront Comm'n of New York Harbor, 665 F. Supp. 197 (S.D.N.Y. 1987), as the signatory of the complaint, the government counsel was sanctioned pursuant to FRCP 11 for filing such factually unfounded claims. The Court later vacated the monetary sanctions; but held, "[T]his case should serve to put government attorneys on notice that they are not exempt from the federal rules and that they will be held to the highest standards of the Bar." Ms. Egeler's intentionally fraudulent act in filing her "Waiver" was in bad faith; and should subject to sanctions.

The Clark County and its agencies did not file any document with this Court

by the August 5, 2019, deadline.

Neither the State of Washington nor the Clark County and its agencies ever addressed the issues of their violations of the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> Amendment; Wash. Const. art. I, §§ 3, 7, 9, 14, 20, 21 and 22; and art. IV, § 28; 42 U.S.C. §§ 1983, 1985(3), and 2000d-7; and several Washington State statutes.

“Pet. Cert.” cited 37 case law from this Court; and Respondents did not file any brief in opposition. Petitioner respectfully requests that this Court order the three Respondents address their opposition to at least the 37 case laws that this Court’s decided. These are precisely the matters of law that need to be resolved in full briefing; and for this reason, rehearing is appropriate. See Schweiker v. Hansen, 450 U.S. 785, 791 (1981) (Marshall, J., dissenting) (summary disposition only appropriate in cases where “law is settled and stable, the facts are not in dispute, and the decision below is clearly in error”). After full briefing, it is highly likely that this Court will find that the 3 Respondents should be liable for their misconduct.

**B. The Due Process and Equal Protection Clauses of the 14<sup>th</sup> Amendment.**

Petitioner alleged that the 3 Respondents violated the 14<sup>th</sup> Amendment from the very beginning. However, due to page limit, Petitioner only focused on the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Amendment. In her 2<sup>nd</sup>-Amended Complaint, Petitioner identified herself as a U. S. citizen [Dkt. #7, P.1]. Thus, she is entitled to the protection of the 14<sup>th</sup> Amendment. The State Courts Judges, prosecutors, deputy and police have abridged her rights protected by the Due Process and Equal Protection Clauses since 2013. In her “Statement of Claims” [Dkt. #7, pp. 5-20], many of the facts that

Petitioner alleged regard the 14<sup>th</sup> Amendment. Orders that violate Constitutional Due Process are void. See Boykin v. Alabama, 395 U.S. 238 (1969).

The lawbreaker Mr. John O'Neill benefited from the State Courts Judges' unconstitutional and anti-statute Orders and decisions. The State did not treat Petitioner, a naturalized U. S. citizen for more than a quarter century, equally. Thus, the State also violated the Equal Protection Clause of the 14<sup>th</sup> Amendment; and injured Petitioner severely. Ms. Egeler represented the State; and her fraudulent "Waiver" meant to hurt Petitioner. The State violated the 14<sup>th</sup> Amendment again.

Due process requires that the procedures by which laws are applied must be evenhanded, so that individuals are not subjected to the arbitrary exercise of government power. See Marchant v. Pennsylvania R.R., 153 U. S. 380, 386 (1894). In civil contexts of due process, a balancing test is used that evaluates the government's chosen procedure with respect to the private interest affected, the risk of erroneous deprivation of that interest under the chosen procedure, and the government interest at stake. See Mathews v. Eldridge, 424 U.S. 319, 335 (1976). The required elements of due process are those that "minimize substantively unfair or mistaken deprivations" by enabling persons to contest the basis upon which a state proposes to deprive them of protected interests. Fuentes v. Shevin, 407 U.S. 67, 81 (1972). The core of these requirements is notice and a hearing before an impartial tribunal. Due process may also require an opportunity for confrontation and cross-examination, and for discovery; and that a decision be made based on the record.

An impartial decisionmaker is an essential right in civil proceedings.



Goldberg v. Kelly, 397 U.S. 254, 271 (1970). “The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. See *Mathews v. Eldridge*, 424 U.S. 319, 344 (1976). At the same time, it preserves both the appearance and reality of fairness, ...” Marshall v. Jerrico, 446 U.S. 238, 242 (1980).

C. **The Petitioner’s September 9, 2019, “Motion for Sanctions” and “Supplemental Brief” were not Entered into the Court’s Record.**

Petitioner’s July 1, 2019, Motion for Leave to Proceed *In Forma Pauperis* (hereinafter “Mot IFP”) is kept in this Court’s record under “20190709121933264”. There has been almost no change in her financial status since. On September 9, 2019, when Petitioner filed her “Motion for Sanctions against Respondent State of Washington” and “Petitioner’s Supplemental Brief”, Petitioner did not attach a copy of “Mot IFP” to each copy of Motion for Sanctions and Supplemental Brief, because she thought that her IFP status had been in the Court’s record.

It took the U. S. Postal Service 4 days to deliver the Petitioner’s Priority Mail to this Court. The USPS record showed that the Priority Mail was kept in Washington State for quite long. This made Petitioner think that there might be some other reasons involved. On September 23, 2019, Petitioner followed up with a letter to this Court by Certified Mail. Petitioner did not hear anything from the Court. When Petitioner called the Court, she could not talk to anyone or leave a voice mail until October 22, 2019. None of the employees from this Court could give a reason why the Supplemental Brief and Motion for Sanctions were not entered the Court record; especially before the Court’s October 7, 2019, decision.

When Petitioner mailed her Petition for Rehearing on October 18, 2019, she sent extra copies of “Mot IFP” for the Clerk’s Office to attach to each copy of her Motion for Sanctions and Supplemental Brief, to see if no attachment of “Mot IFP” had been the reason. Petitioner stated, ‘If it has been the reason, Petitioner apologizes for the omission on September 9, 2019; and respectfully requests that this Court consider her “Motion for Sanctions”, Supplemental Brief, and this Petition and make just decisions.’

Right after Ms. Egeler learned that this Court denied “Pet. Cert.”, Ms. Egeler e-mailed Petitioner that for any litigation related matters, correspondence, or settlement offers, Petitioner should serve upon R. July Simpson, Esq., because Ms. Simpson was the lead counsel in this case. Petitioner found out that Ms. Simpson was with the Complex Litigation Division. Ms. Simpson denied that she was the lead counsel after 7 hours on October 8, 2019. It seemed that Ms. Egeler unilaterally assigned her job to Ms. Simpson without proper authorization or approval; and wanted Petitioner to waste time to carry out Ms. Egeler’s unauthorized job assignment. On October 15, 2019, Ms. Simpson said that she was the Primary Attorney in this case. This Court’s docket does not show that Ms. Simpson filed a Notice of Appearance, nevertheless.

Even though Mailtrack showed that the attorneys in this case may have not looked at the settlement offer until ten months later, Petitioner sent new settlement offers to see if parties can reach amicable resolutions of the case; and if filing a Petition for Rehearing or a Corrected Petition for Rehearing can be avoided. In the

meantime, Petitioner tried to find out if there was any under-table agreement that Petitioner was unaware, but such agreement was presented to this Court.

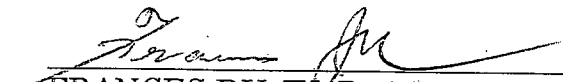
Rehearing is appropriate for this Court to review how law binding citizens can easily become criminal convicts when the sheriff and prosecutors are zealous in boosting their "job performance" and "winning record"; or when judges are unfaithful to their Constitutional responsibilities or disregard their integrity.

The same issue on the 7<sup>th</sup> and 14<sup>th</sup> Amendment and RCW 59.18.380 and 59.12.090 arose again in the Petitioner's Wrongful Eviction and Civil Rights case currently pending in the 9<sup>th</sup> Circuit Court. There is a strong need for definitive resolution by this Court on the issue. "Pet. Cert." addressed unsettled issues in important federal questions with public importance. Petitioner respectfully requests that this Court grant rehearing so that it may have the benefit of full merits briefing. See McWilliams v. Dunn, 137 S.Ct. 1790, 1807 (2017) (Alito, J., dissenting) (admonishing majority for deciding issue without "receiv[ing] adversarial briefing, which in turn helps the Court reach sound decisions" (internal citations omitted)).

#### IV. CONCLUSION

Petitioner respectfully requests that this Court grant her Corrected Petition for Rehearing; order full briefing on the merits of this case; and sanction Ms. Egeler for her violations of ethics and rules.

Respectfully submitted,

  
FRANCES DU JU, Petitioner pro se

Date: November 5, 2019.