

ORIGINAL

Supreme Court, U.S.
FILED

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No. 19-5165

IN THE
Supreme Court of the United States

Michelle Stopyra Yaney,
Petitioner,

v.

The Superior Court County of San Bernardino,
Judge Bryan Foster,
Respondent.

On Petition for Writ of Certiorari
to the Supreme Court of California, order of 4/10/19,
Contains Two Final Orders, Case S254279.

PETITION FOR WRIT OF CERTIORARI

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July 4, 2019

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SUPREME COURT, U.S.

I. QUESTIONS PRESENTED FOR REVIEW

Should this court review this case because all citizens of our country must have the freedom to find their own individual way of accessing the constitutional right of personal liberty.

In this case, petitioner believed she needed to bring the truth to the court to stop the harm of the liability she had become to many attorneys, as an SSI recipient. Section 1 of the Fourteenth Amendment to the U.S. Constitution Equal Protection Clause allows a person who believes their constitutional rights have been violated to petition our courts for an extraordinary writ.

The California Constitution Equal Protection Article I Section 1 is established to be basically the same as the Federal Constitution it states the following; *"All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy."*

How does the April 10, 2019 order by the California Supreme Court summarily denying review of a denial of a peremptory writ of mandate by the lower court and a fee waiver submitted to its court for a polygraph in the same order not violate the constitutional right of personal liberty for all citizens of our country who are of a class specification such as an SSI recipient, who often suffer discrimination in their community making it difficult for them to be believed, many unable to afford or obtain an attorney?

In this court's case it emphasized how each generation will discover their own way of accessing the protection of our constitution, *Lawrence v. Texas*, 539 U.S. 558 (26 June 2003) Justice Kennedy opinioned the following;

"That the Framers had not drafted the document of our constitution in specific terms, because they did not claim to know "the components of liberty in its manifold possibilities," but were themselves open—as the Court needed to be—to new arguments and experiences." They knew times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress. As the Constitution endures, persons in every generation can invoke its principles in their own search for greater freedom."

II. QUESTION TWO

Petitioner has learned about the history of this court and about the right of equal protection by listening to the biographies of this court's justices namely, Justice Louis Brandies, Chief Justice John Marshall, Justice Robert Jackson, Justice William Rehnquist and Justice John Paul Stevens, this to include the current justice Steven Breyer's audio book which he narrates himself, "Active Liberty", Justice Breyer emphasizes the constitution as a document which prevents too much concentrated power.

This question was submitted to the California Supreme Court, for the cases brought to this writ, S254279 and E071535. It is brought to this court in context:

US Supreme Court Justice, Justice Louis Brandeis, explained to our country long ago the value of the right of personal privacy. It is in his writings which may be found by an attorney in the Harvard Law Review or in *Olmstead v. United States*, 277 U.S. 438, 478 (1928). (Brandeis, J., dissenting) "The right to privacy has been called "the most comprehensive of rights and the right most valued by civilized men."

The violation of the right of privacy is painful, and it affects almost every aspect of one's life. In petitioner's case it affected her right to petition the courts of her state.

This court has a responsibility to all citizens of our country when one considers each day as of late the news and the internet is encouraging us to include our children to believe it is right and we will get attention if we get something on someone, so they may lose.

The right of personal privacy can be found in many of this court's cases, yet the issue always seems to supersede the precious right, *Roe v. Wade*, 410 U.S. 113 *Griswold v. Connecticut*, 381 US 479, 1965.

The question is whether this court should review why the right of personal privacy is not definitive under any First Amendment of our US Constitution in a manner which an average person in our country can understand? Petitioner emphasizes an average person as she needs it to be simpler and easier to find?

This petition and the discovery of collateral orders and this question fall under the right of review by this court of a state court decision under this court's case where procedural due process was established as a fundamental right, 274 U.S. 357 *Whitney v. California* (No. 3), affirmed. Justice Brandeis wrote;

"Despite arguments to the contrary which had seemed to me persuasive, it is settled that the due process clause of the Fourteenth Amendment applies to matters of substantive law as well as to matters of procedure. Thus, all fundamental rights comprised within the term liberty are protected by the Federal Constitution from invasion by the States."

LIST OF PARTIES

Superior Court of San Bernardino
Honorable Judge Bryan F. Foster
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"We can afford no liberties with liberty itself."

Robert Jackson

Writ of Certiorari

Petitioner, Michelle Stopyra Yaney respectfully requests the United States Supreme Court, Chief Justice, John G. Roberts, Jr., grant review of the California Supreme Court final order of April 10, 2019 on case *S254279*.

Petitioner respectfully asks for alternative relief and declares she has been advised that Chief John Roberts needs us to be definitive about what we need from this court. Petitioner needs this court, if it shall not find grounds for review, to void of all orders in her name by its lower courts in the State of California as in the granting of a clean slate.

Petitioner does declare she will not bring any additional cases, nor will she be convinced to do so by any attorney, she will just be grateful to have the return of the right of personal privacy.

Petitioner is a Social Security Disability (SSI) recipient, who is "disabled" as defined within the meaning of *42 U.S.C. §3602(h)* and *Cal. Gov't Code §12955.3*.

Petitioner is the appellant in State Court of Appeal Fourth District Division Two case *E071535, S254815, Yaney et al v. Mason, Biery*. Petitioner is the plaintiff in the trial court case, *San Bernardino Superior Court DeBellis, Yaney v. Mason, Biery CIVDS1518281*.

III. DECISIONS BELOW APPENDIX A

The California Supreme Court final order 4/10/19 case S254279 is of the highest state court to review the merits and appears at appendix A to the petition and is, *the motion for an order on Petitioner's request for fee waiver for \$500 is denied. The motion requesting the late filing of a list of tables of authorities and complete searchable table of contents wit Case S254279 actual documents of appendices B-G is granted. The petition for review is denied.*

The fee waiver was rejected twice by the Court of Appeal Fourth District Division Two as, Rejection Reason: Your submitted filing has been rejected. This court does not waive fees for anything other than filing fees for this court. Filing Rejected: 1/24/2019 9:08 AM.

APPENDIX B

The California Supreme Court's final decision 3/20/19 on review of Appeal Case, E071535. This order is the highest state court to review the merits and appears at Appendix B to the petition and the decision was, 3/20/19, *"We hereby return untiled your petition for review via Truefiling, which we received on March 19, 2019. A check of the Court of Appeal docket shows that a dismissal order was filed on December 21, 2018. This court lost jurisdiction to act on any petition for review on February 19, 2019. (See Cal. Rules of Court, rule 8.500 (e). Without this jurisdiction, this court is unable to consider your request for legal relief."*

Court of Appeal Fourth District Division Two order of 12/21/19 on appeal case E071535.

The remittitur issued the same day, as the case brought to this Certiorari S254279 filed in the California Supreme Court 2/25/19. The order stated the following;

"The court has reviewed the memorandum filed by appellant Michelle Stopyra Yaney on December 6, 2018, in response to this court's order filed November 8, 2018. That order requested appellant to provide a copy of the signed file-stamped judgment underlying the order appealed purporting to deny vacating that judgment. Appellant indicates that no final judgment has been entered and that this court has no jurisdiction over the appeal. In addition, this court has received notice from the trial court, dated December 4, 2018, that appellant is in default for failing to procure the record. (Cal. Rules of Court, rule 8.140(a).) Consequently, the appeal is DISMISSED. As requested in her memorandum, a copy of that filing has been placed for consideration with the petition for writ of mandate filed in case number E071680."

APPENDIX C

Court of Appeal Fourth District Division Two for the Counties of San Bernardino and Riverside California, summary denial on 2/13/19 of Peremptory Writ of Mandate Case E071680, *The petition for writ of mandate is DENIED. Petitioner's requests for judicial notice filed on January 2, and January 4,*

2019, as well as petitioner's motion to augment filed on January 17, 2019, are also DENIED.

APPENDIX D

Decision of trial court case DeBellis, v. Mason, Biery Case CIVDS 1518281. Decision of Judge Bryan Foster, San Bernardino Superior Court only available order is minute order. The ruling was done “*sua sponte*”. Appendix contains June 23, 2019 letter requesting a signed order before the year deadline of June 29, 2019. The minute order stated;

The Court notes Plaintiffs history of multiple ADA accommodation continuances and dismisses the case for Failure to Prosecute. On Courts motion, case ordered dismissed with prejudice as to ENTIRE ACTION. Reason: Failure to Prosecute.

Complaint Stage at Disposition --Dismissal Lack of Prosecution (FL) Disposition Dismissal Lack of Prosecution (FL) Complaint Stage at Disposition --Dismissal Lack of Prosecution (FL) Disposition Dismissal Lack of Prosecution (FL) Complaint Stage at Disposition --Dismissal Lack of Prosecution (FL) Disposition Dismissal Lack of Prosecution (FL) Complaint Stage at Disposition --Dismissal Lack of Prosecution (FL) Disposition Dismissal Lack of Prosecution (FL) Stage at Disposition: Court Ordered Dismissal - Other Before Trial (CIV) Disposition: Court Ordered Dismissal - Other Before Trial (CIV) Notice given by Judicial Assistant Correspondence coversheet generated to mail Copy of Minute Order to counsel of record. Action - Complete

VOLUME II

APPENDIX E

Entire Writ of Coram Vobis E065703 submitted to the Court of Appeal Fourth District Division Two and the California Supreme Court. And orders and docket of case E065703 and E065748.

APPENDIX F

Complete Judicial Notice granted in the California Supreme Court under the extrinsic fraud doctrine, Case S235392.

IV. JURISDICTION FOR CERTIORARI

1. 28 U.S. Code § 1257

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari.

2. Supreme Court Rule 10, entitled Considerations Governing Review on Writ of Certiorari

This standard includes intervention to prevent a gross miscarriage of justice. The Judicial Administration Standards criteria for discretionary review. These are "that the matter involves a question that is novel or difficult in the administration of justice."

3. Supreme Court Rule 11

Because a case "is meant to justify deviation from normal appellate practice and to require immediate determination of this Court."

V. *ALTERNATIVE JURISDICTION*

1. 28 U.S.C. § 1651, (a),(b), The All Writs Act

The Supreme Court and all courts established by act of congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

2. 28 U.S.C. § 1251(b), (1) Article III, Sec. 2 Clause 2 of the U.S. Constitution Original Jurisdiction.

VI. CONSTITUTIONAL / STATUTORY PROVISIONS INVOLVED

1. Section 1 of the Fourteenth Amendment, Equal Protection:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. U.S. Constitution Amendment VII, Right to a Jury Trial in Civil Cases

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved....

3. Article III Section 6 of the U.S. Constitution,

The duty, pursuant to Article VI of the Constitution, referred to by John Marshall in *Marbury* is to "administer justice" in conformance not only with "the constitution," but also, of course, with the "law of the United

States." Marbury, 5 U.S. (1 Cranch) at 180. In 1803, in the case of Marbury v. Madison, the Supreme Court, in an opinion written by Chief Justice John Marshall, interpreted Article III and Article VI to give the federal courts final say over the meaning of the federal Constitution and federal laws and the power to order state and federal officials to comply with its rulings. The federal courts can make decisions only on cases that are brought to them by a person who is actually affected by the law.¹

VII. CALIFORNIA SUPREME COURT RULE OF LAW

1. California Supreme Court State Bar Law

New California Supreme Court Law State Bar "Rule of Law" Rule 8.4.1² Prohibited Discrimination, Harassment and Retaliation.

2. California Supreme Court's Recent Ruling Nov. 8th, 2018

Presiding Justice Tani Cantil-Sakauye's "Rule of Law" decided in Jameson v. Desta, S230899, 5 Cal. 5th 594, 2018. 2018.

¹ In 1803, in the case of Marbury v. Madison, the Supreme Court, in an opinion written by Chief Justice John Marshall, interpreted Article III and Article VI to give the federal courts final say over the meaning of the federal Constitution and federal laws and the power to order state and federal officials to comply with its rulings. The federal courts can make decisions only on cases that are brought to them by a person who is actually affected by the law.

²(Rule Approved by the Supreme Court, Effective November 1, 2018)

VIII. STATEMENT OF CASE

This case presents an opportunity for this Court to address an issue which would allow those of a "*class specification*" who often suffer discrimination the ability to bring the truth to our courts. It would help our courts to rule for minorities who do not have attorneys and are unable to afford them.

1. Factual Background

There is not a better way to state this case than the entire motion brought requesting the fee waiver, it is attached in Appendix A to this petition.

To Chief Justice Cantil-Sakauye And The
California Supreme Court Justices:

Petitioner, Michelle Stopyra Yaney respectful
request the attached fee waiver FW001 be granted for
the reasons herein. Petitioner current pending
Review S254279 in this court.

Petitioner will be referred in first person
henceforth: I need to state that I believe the merits of
this request pertains to uniformity for all persons of
my class specification in our state. My attorneys and
all attorneys should have corrected their errors before
harming the life of a protected person because they
are a liability. I have become a liability which does
not allow me to live easily and has taken my ability to
have the courts of our state apply the law according
to the rule of law. I need the courts and my
community to believe me about what happened with
my second attorney, Mr. Baron, and how he had his

prestigious wealthy client and business partner, Mr. Terry Weiner call me and tell me to go to my trial alone. This resulted in a harmful nonmonetary judgment which I believe has caused other cases and the further loss of personal possessions, Sky Valley v. Yaney PSC1303128.

The judgment has and will continue to stop me from having secure shelter for 10 years when my disability needs shelter. My question to this court and the higher court should have been about liability, however, the pain for me was the violation of privacy.

The law is not meant to harm someone of my class specification as an SSI recipient. The attorneys and all others who harmed me ought to have been able and still be able to apologize and help me to be returned to the status before both my cases.

Why can't any of the participants see turning away is causing more liability, that is why the laws for one of my class are correct and would have prevented this if the courts were not misled by the attorneys.

The attorneys should have worked hard to keep me in my home, not take it. The constitution does not see class among persons and would have prevented the harm, as in. Plessy v. Ferguson, 163 U.S. 537 (1896)

This fee waiver is for my safety more than anything because of what is happening right now. I am asking those involved for help and no one has helped, by all indications, they are waiting to see what this court and the higher court will do, and it

can do nothing for me without proof of the truth because of my class and my state's liability. All involved, the attorneys and others who have overcharged me or can allow me shelter are not, therefore, have concluded I lack political influence.

Eventually, everything will be denied, and I will be on the street. I have told all involved including my County, I will sign anything to release them from liability if they help now and there should be law from this court for all in my class allowing me to do this.

The liability will become worse and I will be harmed; therefore, this court must allow me to prove the truth. I cannot afford an attorney and have not been able to get one. An attorney that can actual help me needs the truth also.

I do not have political influence. Supreme Court Justice, Ruth Bader Ginsburg recently ruled on a case where she brought Footnote Four verifying this court's duty to protect me and help me to have the liability cleared up.

I explained to the court of appeal during my writ the underlying case to the one being reviewed in this court S254279 that I got a loan for a polygraph report, but I needed the money for living expenses.

This Supreme Court of California recently granted a fee waiver for indigents that need a court reporter; petitioner's request is equally as important in this case. This court's discretion on when an issue will take the right of appeal as in the merits is the reason for the case it granted a court reporter for indigents

in Jameson v. Desta, July 2018 (litigants who are entitled to fee waivers must be able to obtain a court reporter free of charge).

Petitioner has already asked the Court of Appeal for a polygraph test, this happened on January 25, 2019 and they rejected my request. I called and asked verbally then sent a reconsideration which they rejected and then they denied my writ and my appeal E071680, E071535.

Please allow the accompanying completed fee waiver for a polygraph report to be granted, the cost is \$500. Please be advised, I will appeal this decision under this court's own ruling if I am denied.

The fee waiver was requested on March 29, 2019. The case was already under review in the California Supreme Court it was for a summary denial of a peremptory writ of mandate by the Court of Appeal Fourth District Division Two, case E071680. The petition for review was filed on Feb. 25, 2019 in the California Supreme Court and denied on April 10, 2019. The fee waiver was denied in the same order.

Petitioner asserted to the California Supreme Court review must be granted due to her entering a supplemental of intervening circumstances as discovered harm during the pendency of the writ. Petitioner stated it was collateral to the court's own ruling granted to her under the extrinsic fraud doctrine for the altering of court documents by her previous attorneys, Case S235392.

Petitioner asked the California Supreme Court to consider review of the summary denial was not discretionary. Petitioner additionally requested they investigate the way her appeal which pended at the same time *E071535* was handled because both cases simultaneously violated the *Cal. Const. Equal Protection Article I Declaration of Rights [SECTION 1 - SEC. 32]*.

Petitioner requested the court remand the case back to the court of appeal directing them to remand it back to the trial court for a scheduled hearing and proper notice before a ruling dismissing her case as failure to prosecute with prejudice stands taking her right to a paid and scheduled jury trial.

The reason brought for relief was due to the retaliation a minority especially an SSI recipient suffers in their community when a court looks away and docket as such. Petitioner requested the decision be made on uniformity for all citizens of her State in her class specification stating what has happened affects all court's ability to administer justice and all attorneys' ability to advocate for those of her class specification.

The first question brought to the California Supreme Court was;

The Court of Appeal summarily denied a Peremptory Writ of Mandate which it held on to for three months then issued a "no jurisdiction" for an appeal *E071535* which pended at the same time. This California Supreme court's new "*rule of law*" under the State Bar was brought to the supplemental California

Supreme Court Rule 8.4.1 Prohibited Discrimination.

This court must consider for uniformity what has been overlooked in the Court of Appeal because it can easily take the case of one who cannot afford an attorney and cannot easily navigate court procedure which is the majority of our State's population.

The question brought to the Court of Appeal was: Can a trial court on its own motion "*sua sponte*" dismiss a case for failure to prosecute with prejudice without considering the harm to the record of a designated protected person such as an SSI recipient? Furthermore, can this harsh ruling be done without notice to the affected party and without a scheduled hearing considering it is an adjudication on the merits which removed a scheduled jury trial?

IX. STATEMENT OF TRIAL COURT AND STATE COURT OF APPEAL

1. Factual Background

This statement is crucial to this certiorari because first our courts need to believe in a minorities ability to speak to them. In this case they did not.

Petitioner is the plaintiff in the underlying case *DeBellis, Yaney v. Mason, Biery CIVDS1518281*. As of this day, the judge has refused to sign the order dismissing this case for failure to prosecute with prejudice done by him "*sua sponte*" on the court's own motion. Petitioner was not given notice and a hearing was not scheduled on a failure to prosecute which the "rule of law" deems appropriate. It is among the harshest of rulings.

This case in San Bernardino became very prejudice after petitioner's horse was returned *ex parte* by the court. The defendants, Mason and Biery, both have records of debt, defendant Biery having several published arrests for drug possession during the case obtained an attorney from Los Angeles, Century City.

Petitioner discovered and brought to the court of appeal as a supplemental for augmentation to the peremptory writ E071680, the appeal, a writ of Coram Vobis to their court for her home was deposited into this case in San Bernardino.

Petitioner filed a Writ of Coram Vobis in the court of Appeal Fourth District Division Two regarding the case for her home, this was after her first attorney, a Superior Court Judge pro tem, explained why he had backed out of petitioner's trial for her home.

Petititoner first entered the discovery during the pendancy of the appeal for her home in the Riverside County Superior Court Appellate Division they docketed it erroneously to be decided one and a half years later when it involved its own officer.

Petitioner now knows the appeal was in the wrong court, her home was worth more than \$10,000. Petitioner filed over 60 motions for augmentation in the two years that the appeal pended, the only record on the appeal this day is the original clerk's transcript. The appeal was also docketed erroneously as Yaney v. Sup. Ct. Riverside Courty APP-1400065 instead of the name of the original case Sky Valley v. Yaney PSC1303128.

Petitioner repeatedly requested a ruling on the discovery regarding her attorney by the Superior Court. Appellate Division believing the appeal was moot; petitioner needed her home back or the ability to sell it. Petitioner asked under the Unruh Civil Rights Act. There was no land rent due at the time of the eviction.

When petitioner's pleas were ignored regarding the discovery of what happened to her first attorney she obtained help which explained an extraordinary writ would be filed and a judge would sign it. Petitioner filed in the Court of Appeal her first writ, it was a writ of mandate/prohibition. The writ was returned by the clerks to the post office General Delivery, it is attached in **Volume II Appendix E**.

The discovery regarding her first attorney, the superior court judge pro tem, became a footnote in the affirmation of 2/25/16.

After the judgment for petitioner's home was affirmed during this case in San Bernardino, she filed a writ of coram vobis to the court of appeal bringing their own error as an "excess of jurisdiction" in rejecting the writ and not investigating what happened with one of its own lower court officers as was its duty.

Petitioner discovered it was deposited in this case in San Bernardino the case was E065703. How was this done? By all indications this was because the court could count on petitioner writing of the loss of her home. By the record including the courts own audio petitioner was encouraged in a manner which was

“over the top” to file a writ in San Bernardino while the Coram was pending in the sister County. Here is the timeline of how it happened and how petitioner was established in the trial court case in San Bernardino after the appeal for her home was denied in Riverside County.

In the first hearing the minute order below the horse is returned with no conditions and then the court decides there are conditions due to petitioner real party.

HEARING 12/21/2015 8:30 AM DEPT. S35

EX PARTE HEARING RE: WRIT OF POSSESSION OF A HORSE PRE-D COMPLETE MINUTES BARRY L PLOTKIN, JUDGE PLAINTIFF HAS FILED AN APPLICATION FOR WRIT OF POSSESSION. COURT HAS READ AND EXAMINED THE PARTIES AND COURT FINDS PLAINTIFF IS THE LAWFUL OWNER OF THE HORSE AND DEFENDANT HAS NO OWNERSHIP. PLAINTIFFS REQUEST IS GRANTED FOR THE WRIT OF POSSESSION. COURT WAIVES ANY UNDERTAKING. MS. MASON IS ORDERED TO TRANSFER THE HORSE TO PLAINTIFF FORTHWITH. PLAINTIFF TO TAKE POSSESSION OF THE HORSE NO LATER THAN 3:00 PM TODAY. PLAINTIFF SHALL PICK UP THE HORSE FROM THE DEFENDANTS' PROPERTY. THE COURT WILL NOT REQUIRE THE SHERIFF TO EXECUTE THE WRIT. A HORSE NAMED "QUINCY FEATURE" AKA "PEPE" A 16-YEAR-OLD OVERO PAINT GELDING AND ALL ITEMS GIVEN WITH INCLUDING ALL FITTED TACK BRIDLE, BREASTPLATE AND GIRTH TWO BITS NATURAL HAIRBRUSHES WITH LEATHER STRAP AND TWO FEEDING TROUGHS, ONE METAL LARGE WITH

DRAIN AND LARGE BLACK RUBBER BARREL STYLE. ALL LISTED ITEMS ARE ORDERED RETURNED TO PLAINTIFF. IF ANY SUCH ITEMS ARE NOT RETURNED TO PLAINTIFF, THEY WILL BECOME SUBJECT TO THIS LAWSUIT AND WILL BE DECIDED AT TRIAL. 10:00 ACTION – COMPLETE

10:57 MATTER RECALLED WITH ONLY PLAINTIFF PRESENT. WITNESS -- PETER DEBELLIS IS SWORN AND EXAMINED. AFTER TESTIMONY AND DUE CONSIDERATION BY THE COURT: COURT AMENDS THE PREVIOUS ORDERS AS FOLLOWS: GIVEN THE FACT THAT THE COMPLAINT NAMES MICHELLE YANEY AS THE REAL PARTY IN INTEREST, THE COURT WILL ISSUE A PERMANENT INJUNCTION ENJOINING THE PLAINTIFF FROM SELLING OR OTHERWISE DISPOSING OF THE HORSE PENDING TRIAL. ORDER SIGNED THIS DATE. 11:27 CERTIFICATE OF ELECTRONIC RECORDING MONITOR PRINTED. == MINUTE ORDER END ==

On the writ of possession for "Pepe the horse" petitioner was a real party of interest when the order was granted. (Actual Certified Order Is Available.)

The 2/1/16 hearing continued after it was docketed as "off calendar" and stated, neither petitioner nor plaintiff DeBellis were present. This notation was what the court needed the record to state yet plaintiff DeBellis was present and petitioner Yaney was on the phone. The court verifies this itself in the 3/1/16 minute order one month later referring to its own instruction in this hearing.

Plaintiff DeBellis had arrived alone and even though petitioner explained what the hearing was for the entire time he was driving he could not remember. Plaintiff DeBellis suffers from early dementia, which runs in his family, and it is very apparent in the court's own audio for the entire case.

Petitioner attempted to speak and was cut short by the court. An OSC was then ordered regarding service of complaint which had been done by the Sheriff Dept. and was filed on the docket. The 2/1/16 order of the trial court began to encourage an amended complaint with petitioner's signature. This was prior to the decision on the appeal for petitioner's home which would happen on 2/25/16.

<p>COURT ORDER OF HEARING 2/1/16 PLAINTIFFS NOT PRESENT AND IT APPEARS OFF CALANDAR YET THE RULING CONTINUED HEARING RE: PLAINTIFF'S REQUEST FOR ORDER TO COMPEL DEPT.: S35 TIME: 8:30 BARRY L PLOTKIN, JUDGE CLERK: STEVEN ROTH COURT REPORTER NO</p>
--

REPORTER; NO COURT ATTENDANT

R KRETZMEIER APPEARANCES: PARTIES NOT PRESENT: REV. PETER DEBELLIS ATTORNEY OMERO BANUELOS PRESENT FOR DEFENDANT REBECCA MASON.

PROCEEDINGS: PREDISPOSITION HEARING HELD OFF-CALENDAR. REASON: NO APPEARANCE ACTION - COMPLETE === MINUTE ORDER END===

CASE NUMBER: CIVDS1518281 CASE NAME ..: DEBELLIS -V- MASON, ET AL

CASE TYPE ..: CIVIL CASE STATUS: ACTIVE CATEGORY: BREACH OF CONTRACT / WARRANTY (LTD - L0K TO 25K) JURISDICTION: SAN BERNARDINO - CIVIL

BARRY L PLOTKIN, JUDGE

CLERK: STEVEN ROTH COURT REPORTER NO REPORTER; NONE COURT ATTENDANT: R KRETZMEIER

APPEARANCES: PARTIES NOT PRESENT: REV. PETER DEBELLIS ATTORNEY OMERO BANUELOS PRESENT FOR DEFENDANT REBECCA MASON.

PROCEEDINGS: PARTY IN INTEREST AND MAY NOT INTERVENE UNLESS SHE FILES A COMPLAINT IN INTERVENTION. HOWEVER, PLAINTIFF MAY FILE, WITHOUT LEAVE OF COURT, AN AMENDED COMPLAINT TO ADD MS. MICHELLE YANEY AS A PLAINTIFF WITH HER CONSENT AND SIGNATURE ON THE 1ST AMENDED COMPLAINT. COURT ORDERS CASE CIVMS1500188 RELATED TO THIS CASE COURT FURTHER ORDERS ALL HEARINGS SET IN S35 HEARINGS: ORDER TO SHOW CAUSE RE : SERVICE OF COMPLAINT/CASE MGMT CONFERENCE SET FOR 03/01/16 SET AT 8:30 IN DEPARTMENT S35. COUNSEL FOR DEFENSE TO GIVE NOTICE. CERTIFICATE OF ELECTRONIC RECORDING MONITOR PRINTED. ACTION COMPLETE=== MINUTE ORDER END --MATTER ELECTRONICALLY RECORDED

X. ORDER OF 3/1/16

The 3/1/16 hearing is difficult to listen to because petitioner is degraded in open court for her efforts as a pro per. It is attached and very relevant to this petition. The below minute order verifies the court's aggressive manner used to get petitioner to file a writ and sign an amended complaint after the affirmation of the judgment for her home on 2/25/16.

This order is also where the court admits its own mislabeling of the 2/1/16 order as both plaintiffs not present. In the 3/1/16 order plaintiff DeBellis is given the deadline which is the same one for a rehearing in the appeal case for petitioner's home. The court states, the Amended Complaint must be filed by 3/16/16. Please note this is also where the OSC hearings begin to be listed on the docket each time a hearing is completed as if it is standard procedure.

<p>COURT ORDER OF HEARING ON 03/01/2016 APPEARANCES: REV PETER DEBELLIS, PLAINTIFF PRESENT IN PRO PER. ATTORNEY OMEIO BANUELOS PRESENT FOR REBECCA MASON, DEFT PRESENT. MICHELLE STOPYRA YANEY VIA PHONE PRESENT. PROCEEDINGS: HEARING ON: OSC RE SERVICE COMPLETION/CASE MGMT CONF HELD PREDISPOSITION HEARING HELD THE COURT NOTES THAT THE SUMMONS AND COMPLAINT HAS NOT BEEN FILED WITHIN 60 DAYS. THE COURT FURTHER NOTES THAT ON 2/1/16, THE COURT ADVISED MS YANEY THAT SHE WAS NOT A REAL PARTY IN INTEREST AND MUST FILE A COMPLAINT TO INTERVENE. THE NOTICE OF STAY ORDERED</p>
--

BY MS YANEY IS ORDERED STRICKEN AND THE PLAINTIFF IS ADVISED THAT HE MAY WISH TO SEEK LEGAL ADVICE REGARDING SERVICE PROCESS.

HEARING CONTINUED AT REQUEST OF PLAINTIFF. REASON: REQUEST TIME TO FILE AN AMENDED COMPLAINT ADDING MS YANEY AS A PLAINTIFF IN THIS ACTION. LEAVE OF COURT GRANTED ON COMPLAINT (MEDIUM) FILED 12/15/2015 OF REV. PETER DEBELLIS FOR 15 DAYS TO FILE AN AMENDED COMPLAINT. (TO BE FILED BY 3/16/16).

PLAINTIFF IS ADVISED THAT HIS AMENDED COMPLAINT MUST CONTAIN SEPARATE CAUSES OF ACTION. PLAINTIFF IS ALSO ADVISED THAT HE CANNOT REPRESENT MS YANEY AND MS YANEY MUST SIGN THE AMENDED COMPLAINT. THE COURT ADVISES THAT THE MATTER WILL BE SET FOR AN OSC TO STRIKE MS YANEY AS A REAL PARTY IN INTEREST IF THE AMENDED COMPLAINT IS NOT FILED. THE COURT FINDS THAT THE DEFENDANT HAS A LIEN FOR THE HORSE AND PLAINTIFF IS ORDERED NOT TO DISPOSE, INCUMBER AND/OR TRANSFER OWNER SHIP OF THE HORSE. THE COURT RESERVES JURISDICTION ON THE FOLLOWING ISSUES: TO IMPOSE SANCTIONS AGAINST PLAINTIFF FOR FAILURE TO COMPLETE SERVICE. CERTIFICATE OF ELECTRONIC RECORDING MONITOR PRINTED. ACTION – COMPLETE

=== MINUTE ORDER END ===

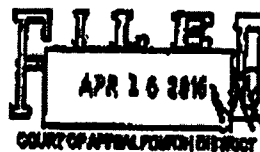
After a permanent injunction was rendered for petitioner's elderly horse, in a manner petitioner believed to be illegal because she was not able to speak or know it was going to happen. Moreover, the the injunction was entered after the court offically ended the hearing and disconnected petitioner from Court Call.

After this, petitioner naturally filed a writ in the San Bernardino case E065748. The certified order of denial which was obtained in person at the court of appeal appears to be altered to state 4/16/16 (**See Below and App. E.**) Additionally, the original order obtained is stamped over with the word "ORIGINAL" with the word "COPY."

The date of 4/16/16 would make the ruling one day after the order of 3/15/16 for petitioner's home on the Writ of Coram Vobis E065703. The docket however has it appear it was denied on 3/14/16. The denial of 3/14/16 is just two days after the writ was filed. The coram vobis was filed 10 days prior and should have been ruled on first. The denial is within the granting of judicial notice on the San Bernardino writ. **See Below**

COPY

**COURT OF APPEAL - STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO**

ORDER

MICHELLE STOPYRA YANEZ,
Petitioner,

B065748

(Super.Ct.No. CIVDS1518281)

The County of San Bernardino

**THE SUPERIOR COURT OF SAN
BERNARDINO COUNTY,**
Respondent;

REBECCA MASON et al.,
Real Parties in Interest.

THE COURT

Petitioner's motion for judicial notice, filed April 12, 2016, is **GRANTED**. The petition for writ of mandate/prohibition and request for immediate stay are **DENIED**.

Presiding Justice

Panel: Ramirez
Hollenhorst
Slough

cc: See attached list

COPY

This writ only pended for two (2) days. The above order states 4/16/16. The certified docket reflects the case ending on 4/14/16. (See Below)

Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

4th Appellate District Division 2

Change court ▾

Court data last updated: 04/21/2018 09:35 PM

Docket (Register of Actions)

Michelle Stopyra Yaney v. The Superior Court of San Bernardino County; Rebecca Mason et al.

Case Number E065748

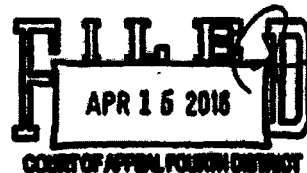
Date	Description	Notes
04/12/2016	Application for waiver of filing fee filed.	(via fax)
04/12/2016	Filed petition for writ of:	mandate/prohibition w/request for immediate stay (via fax)
04/12/2016	Request for judicial notice filed.	in support of petition (via fax)
04/13/2016	To court.	ADA Request, Waiver & Petition for Writ of Mandate etc. & Req for Jud Ntc
04/13/2016	To presiding justice for signature.	proposed order
04/14/2016	Order waiving filing fee.	petitioner
04/15/2016	Order denying petition filed.	Petrn's mtn for jud notice is granted. Ramirez-Hollenhorst-Slough
04/14/2016	Case complete.	
05/11/2016	Case in basement storage.	Box W-1580

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

ORIGINAL

**COURT OF APPEAL -- STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO**

ORDER



MICHELLE STOPYRA YANEY,
Petitioner,

E065703

v.

**(Super.Ct.Nos. APP1400065 &
PSC1303128)**

RIVERSIDE COUNTY SUPERIOR COURT,
Respondent;

The County of Riverside

SKY VALLEY MOBILE HOMES, INC.,
Real Party in Interest.

THE COURT

The petition for writ of mandate/*coram vobis* and request for immediate stay are
DENIED.

A handwritten signature in black ink, appearing to read "McKinster", written over a horizontal line.

Acting P. J.

**Panel: McKinster
Miller
Slough**

cc: See attached list

The writ of Coram Vobis was filed 10 days earlier and denied the next day 4/15/16. Petitioner submitted 7 Volumes of Exhibits; they were "*only received never filed*". See docket, E065703.

Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

4th Appellate District Division 2

Change court ▼

Court data last updated: 05/20/2017 05:57 PM

Docket (Register of Actions)

Michelle Stopyra Yaney v. The Superior Court of Riverside County; Sky Valley Mobile Homes, Inc.
Case Number E065703

Date	Description	Notes
04/05/2016	Application for waiver of filing fee filed.	(via) Fax
04/05/2016	Order waiving filing fee.	
04/05/2016	Filed petition for writ of:	mandate/prohibition (in alternative Coram vobis) w/request for immediate stay (via fax)
04/05/2016	Telephone conversation with:	petitioner re will be sending exhibits by certified mail
04/05/2016	To court.	ADA Request, Waiver & Petition for Writ of Mandate etc.
04/07/2016	To presiding justice for signature.	Proposed order
04/08/2016	Order filed.	Petrn's req for accommodation to fax file is granted only as to her petn for writ of mandate/prohibition, req for waiver of fees & any reply or traverse (excluding exhibits and supporting documents). The exhibits or supporting documents to the petn & any other documents of over 50 pages may be filed by mail or legal filing service. (see order)
04/14/2016	Exhibits lodged.	7 vols exhibits (1-6a); 1 vol jud ntc of court's own record; 3-CDs (CBS2 News; Closing Statement; Gregory Garrett/Christy Manthet)
04/15/2016	Order denying petition filed.	Petrn for mandate/coram vobis & req for immediate stay are denied. McKinster-Miller-Slough
05/03/2016	Received copy of	supreme court filing: Affidavit/application to allow late filing of

The writ of coram vobis was filed 10 days earlier and denied the next day 4/15/16. Petitioner submitted 7 Volumes of Exhibits; they were *"only received never filed"*. See docket, E065703.

Appellate Courts Case Information

CALIFORNIA COURTS
THE JUDICIAL BRANCH OF CALIFORNIA

4th Appellate District Division 2

Change court ▾

Court data last updated: 05/20/2017 05:57 PM

Docket (Register of Actions)

Michelle Stopyra Yaney v. The Superior Court of Riverside County; Sky Valley Mobile Homes, Inc.
Case Number E065703

Date	Description	Notes
04/05/2016	Application for waiver of filing fee filed.	(via) Fax
04/05/2016	Order waiving filing fee.	
04/05/2016	Filed petition for writ of:	mandate/prohibition (in alternative Coram vobis) w/request for immediate stay (via fax)
04/05/2016	Telephone conversation with:	petitioner re will be sending exhibits by certified mail
04/05/2016	To court.	ADA Request, Waiver & Petition for Writ of Mandate etc.
04/07/2016	To presiding justice for signature.	Proposed order
04/08/2016	Order filed.	Petrn's req for accommodation to fax file is granted only as to her petn for writ of mandate/prohibition, req for waiver of fees & any reply or traverse (excluding exhibits and supporting documents). The exhibits or supporting documents to the petn & any other documents of over 50 pages may be filed by mail or legal filing service. (see order)
04/14/2016	Exhibits lodged.	7 vols exhibits (1-6a); 1 vol jud ntc of court's own record; 3-CDs (CBS2 News; Closing Statement; Gregory Garrett/Christy Manthet)
04/15/2016	Order denying petition filed.	Petrn for mandate/coram vobis & req for immediate stay are denied. McKinster-Miller-Slough
05/03/2016	Received copy of	supreme court filing: Affidavit/application to allow late filing of

See below two days after the Coram denies the trial court no longer denies petitioner's fee waiver. The court removes defendant Robert Mason without prejudice.

This was after petitioner brought his previous record of vehicle conversion relevant to the recovery of the cost of petitioner's vehicle. If one considers jurisdiction, she has lost the case by this time.

COURT ORDER ON HEARING OF 4/17/16
CIVDS1518281 MINUTE ORDERS - SAN
BERNARDINO MAIN ORDER TO SHOW CAUSE
RE: SERVICE/DISMISSAL SANCTIONS (PLTF FTA)
06/16/2016 - 8:30 AM DEPT. S35 BARRY L PLOTKIN,
JUDGE CLERK: ILAYALI WADE COURT ATTENDANT
C MIRAGLIA

APPEARANCES: PLAINTIFF REV. PETER
DEBELLIS, MICHELLE STOPYRA YANEY PRESENT
ATTORNEY OMERO BANUELOS PRESENT FOR
DEFENDANT/RESPONDENT. DEFENDANT MS.
JAYLEEN BIERY PRESENT

PROCEEDINGS: PREDISPOSITION HEARING
HELD MATTER ELECTRONICALLY RECORDED 08:54
THE COURT IS INFORMED PLAINTIFFS ARE TRYING
TO SETTLE THIS MATTER; HOWEVER, DEFENSE
COUNSEL HAS FAILED TO RESPOND TO THE
SETTLEMENT OFFER THE COURT ADVISES
DEFENSE COUNSEL TO RESPOND TO SETTLEMENT
OFFERS PRESENTED BY PLAINTIFFS.

THE COURT IS FURTHER INFORMED
DEFENDANT ROBERT MASON IS DECEASED. ON
COURT'S MOTION, CASE ORDERED DISMISSED AS
TO DEFENDANT ROBERT MASON WITHOUT

PREJUDICE.

DEFENDANT, MS. JAYLEEN BIERY, IS TO FILE
 AN HEARINGS: ORDER TO SHOW CAUSE RE:
 STATUS OF PROOF OF SERVICE/DISMISSAL/TSC SET
 FOR 07/15/16 AT 08:30 IN DEPARTMENT S35. CASE
 ASSIGNED FOR ALL PURPOSES TO DEPARTMENT
 S35 NO NOTICE REQUIRED. 09:08 CERTIFICATE OF
 ELECTRONIC RECORDING MONITOR PRINTED.

See Below. Petitioner is now a real party and
 is now a granted fee waiver. SSI recipients are
 automatically granted fee waivers under federal
 law.

COURT ORDER ON HEARING OF 04/20/16
 CIVD51518281 MINUTE ORDERS - SAN BERNARDINO
 MAIN CASE NUMBER: CASE CIVDS1518281
 - DEBELLIS, YANEY VS MASON ET AL HEARING RE:
 FEE WAIVER STATUS 04/20/2016 - 8:30 AM DEPT. S35
 BARRY L PLOTKIN, JUDGE CLERK: SULMA TORRES
 MATTER NOT REPORTED OR ELECTRONICALLY
 RECORDED. COURT ATTENDANT C MIRAGLIA
 APPEARANCES: NO APPEARANCE.
 PROCEEDINGS: PREDISPOSITION HEARING HELD
 COURT HAS REVIEWED AND CONSIDERED
 REQUEST TO WAIVE COURT FEES AND
 DETERMINES SINCE MRS. YANEY IS NOW A PARTY
 TO THIS ACTION FEE WAIVER SHOULD BE
 GRANTED AS TO ANY FUTURE FILINGS AND PAST
 FILINGS.
 VACATE OSCX HEARING SCHEDULED FOR 05/17/16
 AT 08:30 IN DEPARTMENT S35. NOTICE GIVEN BY
 JUDICIAL ASSISTANT CORRESPONDENCE
 COVERSHEET GENERATED TO MAIL COPY OF

JUDICIAL ASSISTANT CORRESPONDENCE COVERSHEET GENERATED TO MAIL COPY OF MINUTE OF ORDER FROM 4/20/16 TO COUNSEL OF RECORD. NOTICE PRINTED AND SENT TO MRS. STOPYRA YANEY ACTION – COMPLETE=== MINUTE ORDER END ===
--

On May 29, 2019 petitioner filed a motion to set aside the ruling dismissing her case in San Bernardino. Petitioner did this after discovering in the audio record from the court she had requested the case to be dismissed without prejudice several times in writing and verbally to the court.

Petitioner obtained permission from the court who reassured her all the pleadings were put in the judge's box. It was rejected as others had been. Petitioner argued when the trial court entered, on its own motion, without her present, failure to prosecute with prejudice it exceeded its jurisdictional authority in a way that the issue could be raised at any time. (*See People v. Mower (2002) 28 Cal.4th 457, 474, fn. 6.*). (*See also Reid v. Balter (1993) 14 Cal.App.4th 1186, 1194* [*"Courts also possess inherent power to set aside void judgments."*]).³

It is important to place the excerpt of the transcript of petitioner requesting the case be dismissed because it verifies the court was misled and petitioner trusted the judge, Bryan Foster.

³ California Code, Code of Civil Procedure - CCP § 581 (b) An action may be dismissed in any of the following instances: (1) With or without prejudice, upon written request of the plaintiff to the clerk, filed with papers in the case, or by oral or written request to the court at any time before the actual commencement of trial, upon payment of the costs, if any.

Ms. Yaney: [00:30:02] Well I would like to dismiss the case without prejudice. I've told you numerous times. First of all, I would have to do several ex partes before October 1st to get ready for the trial. Like you explained about the subpoenas ... I don't want to have my record appear like that; I don't want to burden the court. I think that ex partes are left for emergencies only. And obviously the Court of Appeal and the California Supreme Court do not believe that we have jurisdiction to be in a courtroom together. And I need to ask either the 9th Circuit or the U.S. Supreme Court in a manner to determine if we have jurisdiction. And please, I mean, I'm begging you as a disabled woman to understand that I can't be harmed anymore. Until this is determined. I am denied services, simple services that all others have.

Court: [00:31:02] So you're asking to dismiss the case, is that correct?

Ms. Yaney: [00:31:06] Without prejudice.

Ms. Yaney: [00: 31: 07] Yes, I am.

Court: [00: 31: 16] Ma' am, let me just caution you alright?

Court: [00:31:22] There are certain statutes of limitations even if the case is dismissed without prejudice, you still may run into a statute of limitations problem because it doesn't necessarily relate back to the original filing. Yes. I want you to be aware

jurisdiction I should be ... Are you concerned about dismissing it? What is your concern?

Court: [00:34:28] I don't understand your question.

Ms. Yaney: [00: 34: 30] Well you' re hesitant to dismiss it without prejudice.

Court: [00:34:37] I'm, no ma'am. I'm willing to do that if that's what you want to do. I'll do that. I'm just advising you so that you don't ... I understand that you're not represented, and you don't have legal training. But I want you to be aware of potential consequences before you take action.

Court: [00: 34: 53) That's the only thing I'm concerned about. I'm trying to help you out.

Court: [00:35:00) And if it's if it's an issue that you know I would suggest that before you do that I would be concerned about whether or not you're waiving rights to pursue it further or in a subsequent pleading. But that's your decision to make. I'm not making it for you. I'm just telling you that these are things that I think maybe you should get some legal advice.

Petitioner did not know who had misled the San Bernardino court in this case until Oct. 31, 2018 and entered to the court of appeal in a supplemental for E071680, a mover petitioner contacted for an estimate, kept two vehicles and the entire contents of her home. He then explained that he could do so because he had lots of attorneys, naming a partner in the firm which was her previous attorneys. The mover stated to petitioner, "take me to court."

These were the same attorneys who the California Supreme had granted petitioner judicial notice under the extrinsic fraud doctrine S235392. Petitioner filed a complaint with the State Bar of California referring to the previous granted judicial notice sending audio of the attorney's office which she believed confirmed the events. It was filed on April 9, 2019 and denied on May 23, 2019.

Petitioner had to start another case which is difficult for her, it now pending in the same court who rendered the judgment for her home the Palm Springs Superior Court. Petitioner is asking for the return of the inside of her home and two vehicles. *PSC1901542 Yaney V. R &J Professional Movers*.

On April 17, 2019 a writ of possession for one of petitioner's vehicles in the case issued in the County of Riverside it was the first order from petitioner's local court in five years on her behalf. The writ has not been executed; the sheriffs have made the paperwork very difficult for petitioner. On July 3, 2019 the judge of the superior court denied petitioner a motion for simple clerical errors in the paperwork *nunc pro tunc*. The judge had filled out the writ herself. The tentative ruling of July 2, 2019 stated petitioner could file a proposed order with the writ corrected. Petitioner has done so and, on this day, it has not been filed or signed. *PSC1901542*.

The vehicle has sufficient air conditioning and is able to tow petitioner's trailer which she needs very much. Petitioner is currently homeless.

Petitioner believes the original date the writ of possession granted of April 17, 2019 would retain jurisdiction for the trial court case in San Bernardino being it was before the June 29, 2019 one-year deadline.

On this day petitioner has very little hope her vehicle will be returned.

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

US Supreme Court Associate Justice Robert Jackson

XI. REASONS RELIED ON FOR GRANTING CERTIORARI

For petitioner all she had was the truth of why she believed all the lower courts of her state were misled.

Petitioner still needs the court to order the polygraph because even if she could pay for it and she tried, not one examiner has done it. Once she explains the reasons and the questions, the examiner thinks of themselves and the liability like others. If the court had granted it then they would do it appropriately.⁴

⁴ Supreme Court Rule 20 governs procedure on a petition for an extraordinary writ. Rule 20 does not limit acceptable petitions to those seeking common law certiorari, habeas corpus, mandamus or prohibition. It allows for the filing of any "extraordinary writ authorized by 28 U.S.C. § 1651(a), "including the ancient common law writ of error,

This court may act "*sua sponte*", in a directive to Justice Tani Cantil-Sakauye whom petitioner believes has never completely seen any of her filings. Only one justice has signed all the orders in the Court of Appeal Fourth District Division Two since signing the denial of the Coram Vobis, E065703, including case E071535, and that was Justice McKinster, Acting P.J..

In *Marbury v. Madison*, 1 *Crunch* 137, 5 *U. S.* 175, it was held that to warrant the issue of a mandamus by this Court, in cases where original jurisdiction had not been conferred by the Constitution (*See Kentucky v. Dennison*, 24 *How.* 66, 65 *U. S.* 9), it must be shown to be an exercise of appellate jurisdiction, or to be necessary to enable the court to exercise its appellate jurisdiction. *McClellan v. Cartland*, 217 *U. S.* 268, 217 *U. S.* 280, laid down the general rule applicable both to this Court to issue the writ under R.S. § 716 is not limited to cases where its issue is required in aid of a jurisdiction already obtained, but that, "where a case is within the appellate jurisdiction of the higher court, a writ of mandamus may issue in aid of the appellate jurisdiction which might otherwise be defeated by the unauthorized action of the court below." See also *Delaware, L. & W. R. Co. v. Rellstab*, 276 *U. S.* 1, 276 *U. S.* 5; *In re Babcock*, 26 *F. 2d* 153, 155; *Barber Asphalt Paving Co. v. Morris*, 132 *F.* 945, 952-956.

There is no court, not even this one who can protect us in our daily lives. The most difficult part for petitioner was how law enforcement was misused by the attorneys against her according to her court filings. Petitioner does respect and admire law enforcement now because she could tell it was difficult for them.

It is important to document here that on the exact day petitioner filed the peremptory writ case, *E071680* in the Court of Appeal, Nov. 21, 2018 and she called them to see if they had received it as well as sending it to the man who had taken her two vehicles on Oct. 31, 2018 within an hour and a half a police car arrived, and the officers banged on petitioner's truck window. This happened as she was parked at a store, she had shopped at which allows for long-term parking, the officers forced petitioner outside and insisted she put both hands on the front of their vehicle. Petitioner was then asked to state her name, social security number and her location loudly. Petitioner pleaded not to be arrested referring to filing her papers, they let her go.

Throughout the entire underlying trial court case in San Bernardino exactly according to petitioner's filings. Both her and co-plaintiff were subject to events which caused them to appear to break the law. Petitioner's SSI benefits were suspended exactly according to the filings. Then the pending pleading in the case was denied, even the federal agency was misled unknowingly according to jurisdiction.

It was not subtle and is obvious in the record the attorneys needed something to convince the judge to not apply the "*rule of law*".

This court's justices routinely speak to the media and emphasize equal protection. Petitioner would have never filed an appeal or a writ if she had known what would happen and how she would lose her right of personal privacy. Petitioner's name is ruined when before she had only a traffic ticket.

Petitioner has tried to stop petitioning the court not wanting to burden them, yet each time she does not have jurisdiction by her interpretation what she suffers is that she must be invalidated.

In the end petitioner lost a jury trial in the trial court case and the right of unbiased review of a writ of coram vobis, case E065703.

Throughout history, this Court has safely guarded this basic right to the "preservation" of trial by jury in cases determining "legal" rights. Over fifty years ago, 'Justice Black lamented the 'gradual process of judicial erosion which in one-hundred-fifty years has slowly worn away a major portion of the essential guarantee of the Seventh Amendment.'" About a quarter century ago Justice Marshall cried "[t]oday, the erosion [of the Seventh Amendment guarantee] reaches bedrock. "Again, some twenty years ago,'

Justice Rehnquist ex-claimed that the majority "reduces this valued right [to jury trial], which Blackstone praised as 'the glory of the English law.'"

The right of jury trial in civil cases at common law is a basic and fundamental feature of our system of federal jurisprudence that is protected by the Seventh Amendment. "A Jury Trial is Fundamental and Sacred to the Citizen it Should Be Jealously Guarded by The Courts."

When adopted in 1868, the Fourteenth Amendment expressly bound state officials to observe the minimum standards of justice being developed by the federal courts. Amended in 1968, state courts were required at a minimum to provide adequate notice and a right to be heard through counsel before deciding the rights or liabilities of any person.

This US Supreme Court has held that due process is violated, "if a practice or rule offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental." As construed by the courts, it includes an individual's right as the opportunity to be heard at these proceedings, and that the person or panel making the final decision over the proceedings be impartial in regard to the matter before them.

Petitioner does not have political influence like many in our country and needs this court's help. Please consider before denying review that justices such as Holmes, Brandeis and Stone, understood long ago that when the rights of minorities are involved, they usually lack the political influence on secure relief. This idea, put forth in what became the most consequential Footnote 4 in Court history, captured the notion that courts had a special role to play in protecting the rights of minorities.

Petitioner prays for review by this court.

In the alternative, petitioner prays for her name back through the voiding by this court of all orders and judgments of its lower courts in the State of California under her name as in a clean slate, be given.

In the second alternative petitioner prays for any relief this court deems appropriate.

Petitioner is thankful to have learned of US Supreme Court justices, Justice Louis Brandies and Justice Robert Jackson and of their ideals. Petitioner is also grateful for their example of perseverance in the most difficult of circumstances which inspired her to submit this petition on this Independence Day the 4th of July in the year Two-Thousand Nineteen.


Signed under the penalty of perjury,


Michelle Stopyra Yaney

CERTIFICATE OF WORD COUNT

Petitioner hereby certifies that pursuant to Supreme Court Rule 33.1(h), the enclosed **WRIT OF CERTIORARI** was produced using primarily 13-point Century Schoolbook font type for the general body of this Petition, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d) totaling 8,152. The word count was calculated by Microsoft Office, petitioner relies on the computer program which was also used to prepare this petition that it is true and accurate.

Signed under the penalty of perjury on this day, July 4, 2019.


Michelle Stopyra Yaney

VERIFICATION

I, Michelle Stopyra Yaney, declare as follows:

I am the petitioner in the above-entitled action having read the foregoing *enclosed* **WRIT OF CERTIORARI**, I verify that all the facts alleged therein or otherwise and supported by citations to the record are true.

Signed under the penalty of perjury on July 4, 2019.


Michelle Stopyra Yaney