19-542

Case No.

IN THE UNITED STATES SUPREME COURT

In re Accusation of ROBERT L. JARRETT, JR.,
Against an Attorney.

ROBERT L. JARRETT, JR.
Petitioner,

vs.

The State Bar of California
Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO
THE CALIFORNIA SUPREME COURT

ROBERT L. JARRETT, JR.
103 W. 4th Street # 302
Los Angeles, California 90013
(c) (323) 326-7330

PETITIONER

I. QUESTIONS PRESENTED

QUESTION NUMBER ONE

How does this Court resolve the absence of appellate jurisdiction in the proceedings in which the attorney misconduct is alleged to have occurred, even when, this Court did not previously find appellate jurisdiction was lacking?

QUESTION NUMBER TWO

Does the legislative intent and interpretations of California Code of Civil Procedure § 391 et seq. that holds those found to be vexatious litigants to what they have said in court filings differ from California Business Professional Code § 6068 (d) where bar members may say one thing in filings and thereafter change course, and if so, on what legislative basis?

QUESTION NUMBER THREE

What constitutes conflicting decisions of this California Supreme Court and is there an obligation imposed on this Court to resolve conflicts in this Court's and every other Courts precedent and if not, why not?

QUESTION NUMBER FOUR

Does the legislative intent govern in California sui generis proceedings, and if not, why not?

QUESTION NUMBER FIVE

What constitutes a sworn statement filed in a California State Court proceeding, and if the sworn statement is found to be false does the false sworn statement constitute attorney misconduct and also, require a referral to the California State Bar Court?

QUESTION NUMBER SIX

Does California Business and Professional Code § 6106.5 authorize relief from overthrowing the governments mentions, attempts to overthrow those governments mention, or both.

QUESTION NUMBER SEVEN

Does a showing of prejudice causing delay in the enforcement of attorney misconduct proceedings constitute a class of one claim, and if not, why not?

QUESTION NUMBER EIGHT

Does California Business and Professional Code § 6106.1 and § 6115 authorize referrals to the committee as opposed to the California Commission on Judicial Misconduct?

QUESTION NUMBER NINTH

Does the lack of California precedent authorizing recusal or disqualification for the first time during appellate review establish a complete disregard for

preemption, plausibility, and other precedents of this United States Supreme Court. Matter of Heff, 197 U.S. 488 (1905); Johnson v. Shelby, Miss., 135 S.Ct. 346 (2014); Caperton v. AT Massey Coal Co., Inc., 556 U.S. 868 (2009); Alexander v. Choate, 469 U.S. 287, 295, 299 (1985); Edwards v. Balisok, 520 U.S. 641, 647 (1997); also see, Yagman v. Republic Ins., 987 F.2d 622, 625 (9th Cir. 1993); Compare, Athearn v. State Bar, 20 Cal.3d 232, 236 (1977).

I. A. ADDRESS TO PARTY NOT IN CAPTION

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II. CORPORATE DISCLOSURE STATEMENT

Robert L. Jarrett, Jr. is the petitioner in these matters submits the following statement on corporate interests and affiliations for the use of the Justices of this court:

1. There are none.

2. Excluding paragraph 3 there are none, and no public entity holds or owns 10 percent or more of Robert L. Jarrett, Jr.

3. No other publicly held corporation or other publicly entity has any direct and or financial interest in the outcome of this litigation.

Dated: October 17, 2019

Respectfully submitted,

Robert L. Jarrett, Jr.

ROBERT L. JARRETT, JR.

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FEDERAL

CALIFORNIA

OFFICIAL AND UNOFFICIAL REPORTS

There are no published or unpublished opinions.

STATEMENT OF JURISDICTION

This Court has 28 U.S.C. § 2101 (c)(d)(f) direct review jurisdiction to determine the May 15, 2019 denial as no state disciplinary measures concerning federal law were necessary in Appendix "3" page 93.

Review was summarily denied without findings on out molded laws.

This Court has jurisdiction pursuant to 28 U.S.C. § 2101(c)(d)(f) although no stay has been sought.

PROVISIONS OF LAW

1st Amendment, 5th Amendment, 10th Amendment, Art. I, Sect. § 8, Cl. 9, Art. I, Sect. § 18, Cl. 8, Art. VI, Sect. § 2, 42 U.S.C. § 1981, 28 U.S.C. § 1983, 28 U.S.C. § 1291, 28 U.S.C. §1292, 28 U.S.C. § 1927, 28

U.S.C. § 2101 (c)(d)(f), CCP § 340.6 (a) CCP § 410.60, CCP § 430.10, and CBPC § 6067.

VI. CONCISE STATEMENT

Almost from the start of this federal judiciary the phrase "consistent decision making" as often used by quorum[s] of this USSC has been the recent[ly] reaffirmed *Timbs*, *supra*, at 692 "fundamental goal" as opposed to "the paramount and majestic rights urged, herein." E.g., *Timbs v. Indiana*, 139 S. Ct. 682 (2019) (*Timbs*); Compare, *Missouri, K & TR Co. v. United States*, 256 U.S. 610, 615 (1921) (*Missouri, K & TR*) [legislative language used determines plausibility as to "any right" so that a review of "all rights may be excluded."]

If not from the beginning of this USSC jurisprudence where *Martin*, *supra* described as

governed by Art. I, Sect. § 8, Cl. 9 and the "uniformity of decision clause." *Martin v. Hunter's Lessee*, 14 U.S. 304, 347-48 (1816) (*Martin*); *Dalehite v. United States*, 346 U.S. 15, 31, 35-36, 44, 55-56 (1953) (*Dalehite*); *Timbs, supra,* at 689-92 [party as opposed to court decision under review revised previously reviewed questions]; Compare, *Nelson v. Colorado*, 137 S.Ct. 1249, 1264 no. 1 (2017) (*Nelson*) [litigant failed to raise issue]. See e.g., *United State Bank Nat. v. Village at Lakeridge*, 138 S.Ct. 960, 965-67 (2018) [argument must be granted or denied]; *United States v. Eaton*, 144 U.S. 677 (1892) (*Eaton*); see, *Laird v. Nelms*, 406 U.S. 797, 798-99 (1972) [discerning discretionary exceptions from forms of misfeasance or nonfeasance].

Each of the immediately above decisions of this USSC regardless of how interpreted stands for the

proposition "all" attorney misconduct claims were brought in the same proceeding, or should have been. *Theard v. United States*, 354 U.S. 278 (1957) (*Theard*); also see e.g., *United States Term Limits, Inc. v. Thorton*, 514 U.S. 779 (1995) (*Thorton*); Compare, *In re Walker*, 32 Cal.2d 488 (1948) (*Walker*); also see, *Albert v. The State Bar of California*, No. G053956 (4th App. Dist. March 29, 2018) (*Albert*).

California clearly disagrees and then mistaken[ly] follows out molded federal procedures to avoid raising *Barber* challenges *sua sponte* to enforce *Warden* and then refuse to allow recusals on appeal. *Minnesota v. Barber,* 136 U.S. 313 (1890) (*Barber*); *Williamson v. Lee Optical of Okla, Inc.*, 348 U.S. 483 (1955); Compare, *Warden v. State Bar*, 88 Cal. Rptr.2d 283, 292 (1999) (*Warden*); *Athearn v.*

State Bar, 20 Cal.3d 232, 236 (1977) (*Athearn*); *Inquiry Concerning Hall*, 49 Cal.4th CJP Supp. 146, 162-63 (2006) (*Hall*); *Broadman v. CPJ*, 18 Cal.4th 1079, 1091-92 (1998) (*Broadman*); *Sodikoff v. State Bar*, 14 Cal.3d 422, 431-32 (1975) [delays by the reviewing departments go to mitigation on the case by case basis and must be reconciled with how the ignorance in *Hall* is also, a conscious disregard on judicial authority; Compare, *Alexander v. Choate*, 469 U.S. 287, 295, 299 (1985) (*Choate*) [single ruling may constitute grounds for recusal]; *Edwards v. Balisok*, 520 U.S. 641, 647 (1997) (*Balisok*); also see e.g., *Yagman v. Republic Ins.*, 987 F.2d 622, 625 (9th Cir. 1993) (*Yagman*). Therefore, contrary to *Choate* the California law inquiry in *Broadman* was did the judicial officer ignore judicial responsibilities and petitioner asks to be resolve as a male black over the

age of 40 years liability question. *Jefferson County v. Acker,* 527 U.S. 423 (1997) [departures from statewide laws constitutes judicial discrimination].

The *Moor, supra* majority's (maybe outdated) as to all citizen privilege[s] should be considered, not immunity clause constructions and the two Justice concurrence questions on the *McDonald* inalienable rights were reaffirmed in *Timbs, supra.* See e.g., *Moor v. County of Alameda,* 411 U.S. 693, 694 (1973) (*Moor*). E.g., *McDonald v. Chicago*, 561 U.S. 742 (2010) (*McDonald*). Also see, *United States v. Ramsey,* 431 U.S. 606 (1977) (*Ramsey*); *Crosby* v. *Nat. Foreign Trade*, 530 U.S. 363 (2000) (*Crosby*).

In *Jarrett v. DHCS,* 18-607 this USSC found without reference (when, denying review) the County of Los Angeles may exercise any privilege, not immunity and is to be considered a sovereign.

However, this USSC did "not" preempt the *Sims*, at 28 federal questions that one sovereign may not require another state sovereign, not a County sovereign to follow its laws. *People etc. v. City of South Lake Tahoe*, 466 F. Supp. 527, 530-31, 536-40 (DC ED Cal. 1978) (*City of South Lake Tahoe*); *Big Creek Lumber Co. v. City of Santa Cruz*, 38 Cal.4th 1139 (2006) (*Big Creek Lumber Co.*) This USSC also, did not require preemption to resolve whether the County of Los Angeles is a sovereign and may disregard restrictions the *Big Creek Lumber Co.* delegated police powers place on the County of Los Angeles of which no respondent raise[d].

The phrase "and" in the citizen privilege language and immunity clause is telling. The two phrases have obvious different interpretations. Also, "no" County entity (including the County of Los

Angeles) has any sovereign immunity.

This USSC in 18-607 overruled the interpretation "all of the citizen privilege[s] also, applies to the County of Los Angeles according to the diversity interpretation in *Moor*, *supra*, at 694 but see *Big Creek Lumber Co.* interpretations by the County of Los Angeles may not nullify California legislation dominating the field. Therefore this USSC was likely to have given lip service to *Timbs* and "all" the jurisprudence of this USSC cited in *Timbs*, *supra* is contrary to the *Martin*, *supra* uniformity of decision clause and thus, was not, and is not the law. *Ex Parte Siebold*, 100 U.S. 371, 376 (1890) (*Siebold*); Compare, *United State Bank Nat. v. Village at Lakeridge*, 138 S.Ct. 960, 965-67 (2018) **[expounding on factual issues that may go beyond the *Sause*, *supra* determination of**

what happen; while, the issues encompass more than the basic, primary, or historical facts that must be resolved]; also see e.g., *Petty, supra,* at 279 no. 5 [tracking development and history of compacts]; Compare, *Sause v. Bauer*, 138 U.S. 2561 (2018) (*Sause*).

This is so, even if, any construction would be opposed to phrases paramount and majestic rights, the supremacy clause as opposed to Art. VI, Sect. § 2 and the conflicting preemption in *Crosby* as the relief does not differ from the paramount and majestic 4th Amendment rights on other grounds. Thus *Ramsey, supra,* is controlling and which the majority has "not" rejected when, finding it necessary in *McVeight* to review "all" 10th Amendment questions de novo and independently. *Coventry Health Care of Missouri, Inc. v. Nevils*, 137

S.Ct. 1190, 1197, 1199 (2017); also see, e.g., *Gobeille v. Liberty Mut. Ins. Co.*, 136 S.Ct. 936 (2016); *Northwest Inc. v. Ginberg*, 134 S.Ct. 1422 (2014) citing *Am. Airlines, Inc v. Wolens*, 513 U.S. 219 (1995); Compare, dissent in *Empire Healthchoice Assurance, Inc. v. McVeight*, 547 U.S. 677, 709 (2006) (*McVeight*). E.g., *Hickcox-Huffman v. U.S. Airway*, 855 F.3d 1067, 1062 (9th Cir. 2017).

Sure[ly], it is without question the state court demurrers omitted how "all" the County of Los Angeles privileges as a citizen were disregarded.

Such a determination is only capable by this USSC when, preempting state courts from resolving whether *Hinderlider*, *supra*, at 105 resolving dispute between sovereign's was correctly decided and *Sims*, *supra*, at 28 was correctly decided on another sovereign's laws,

which includes the *Big Creek Lumber Co.* police power question[s]. See e.g., *Hinderlider v. La Plata River & Cherry Creek Ditch Co.*, 304 U.S. 92, 104-05 (1938) (*Hinderlider*); also see e.g., *West Virginia ex rel Dyer v. Sims*, 341 U.S. 22, 29-32 (1951) (*Sims*); *City of South Lake Tahoe, supra,* at 530-33, 536-40.

The records below do not divulge departures from police powers, changes in the eligibility age requirements is now 55 years of age as opposed to 65 or older in the compact enforce[d] on April 16, 2012 in *Sebelius* as denying review, not some higher age, a copy of the compact was not proffered, and each "omission" was "not" rejected in *Hanley* and the CCP § 340.6 interpretations. See e.g., *National Federation of Independent Business v. Sebelius* 567 U.S. 519 (2012); *Roberts*

v. United HealthCare Services Inc., 2 Cal. App.4th 132, 140 (2016); *Lee v. Hanley*, 61 Cal. 4th 1225 (2015) (*Hanley*).

Starting with *County of Inyo* reversal was necessary because the paramount and majestic rights analysis into illegal seizures overrules *Missouri*, rejected "all other majestic rights and all other rights." *County of Inyo v. Brower,* 489 U.S. 593 (1989) (*County of Inyo*).

More recently *Sause, supra* found plausibility "without" details on when, the right to pray was sought. See *Fiore v. White*, 531 U.S. 225, 226-228 (2001) (*Fiore*); also see, *Capra v. Cook County Bd. of Review*, 733 F.3d 705 717-18 no. 8 (7th Cir. 2013) (*Capra*) [discussing "class of one" plausibility pleading requirements and dismissal without prejudice as leave to amend] cert denied 134 S.Ct.

1027 (2014).

The *Nelms, supra* quorum found "consistency" in decision making is the first and for most obligation that has been imposed upon quorum[s] of this USSC distinguishing discretion from negligence, misfeasance, nonfeasance, or even the *Jefferson, supra* judicial discrimination questions. *Davis v, Corona* 265 US 219 (1924) [laws of United States are *lex fori* and are part of state law].

Surely irrelevant to any quorum review by this USSC is *CompPartners, Inc.,* at 1054 no. 5 instructs the parties to raise inconsistencies in state law decisions. *King v. CompPartners, Inc.*, 5 Cal.5th 1039, 1049-50 no. 2, 1054 no. 5 (2018) (*CompPartners, Inc.*); also see e.g., *Ochoa v. Dorado*, 228 Cal. App.4th 120, 133 no. 8 (2014) (*Ochoa*) [appellate jurisdiction to review void

decisions], reviewed denied, S220964, (October 22, 2014); Compare, *Albert v. The State Bar of California*, No. G053956 (4th App. Dist. March 29, 2018) (*Albert*): California Business and Professional Code (CBPC) § 6067. E.g., *McCauley* I aff'd *McCauley* II [no appellate jurisdiction to review void federal decisions].

This USSC should explain how the County of Los Angeles now respondent Ghadari filed an answer in the state court that invariably challenge[d] the County sovereign's removal by Cal. Welf. & Inst. Code § 10962 and the operation of law on the grounds the sovereign County of Los Angeles questionably raised in the answer, filed or the compact omitted from this record. *Hinderlider v. La Plata River & Cherry Creek Ditch Co.*, 304 U.S. 92, 104-05 (1938) (*Hinderlider*).

Congress may prohibit another sovereigns state laws to be trampled, upon by the compact and prohibit the exercise of appellate jurisdiction on void decisions. *McCauley* I, aff'm *McCauley* II; Compare, *Petty v. Tennessee-Missouri Bridge Comm'n*, 359 U.S. 275, 279 no. 5 (1959) (*Petty*) [tracking development and history of compacts and their effects]. However it was this USSC that allowed the California state court to decide the previously resolved preemption questions in *Sims*, at 28 and *Hinderlider*, *supra*, at 105.

The all or nothing multiple state court proceedings (state bar disciplinary proceedings, superior court disciplinary proceedings, or both) jurisdictional concept in *Albert* was rejected as federal law in *Rural Elec. Convenience Co-op Co.* as equitable relief maybe viable. *United States v.*

Rural Elec. Convenience Co-op Co., 922 F.2d 429 (7th Cir. 1991) (*Rural Elec. Convenience Co-op Co.*)

The multiple purposes of CCP § 430.10 (e)(2) as an *Oscanyan,* at 263 pleading admission, *Ringer* state common law question, *Hanley* statutory medicare coverage determination, which are also, the *Missouri* plausibility pleading requirements on other grounds in *CompPartners, Inc.*, at 1049-50 no. 2. Compare, *Ringer*, 466 U.S. 602 (1984) []; *Giglio*, 405 U.S. 150, 154-55 (1972) (*Giglio*) [private attorney held to words uttered in court]; See, *St. Bernard Parish v. United States*, 916 F.3d 987, 993 (Fed. Cir. 2019) (*St. Bernard Parish*); also see, *Lee v. Hanley*, 61 Cal. 4th 1225 (2015) (*Hanley*); *McCall v. PacifiCare of Cal.,* 106 Cal. Rptr.2d 271 (2001); CBPC § 6067 E.g., *Campbell v. Haverhill*, 155 U.S. 610, 612-16 (1895)

(*Campbell*).

However, the Ninth Circuit does not treat the respondent civil California state "government attorneys" like the *Giglio* private law firm attorney. *Committee To Protect Our Agricultural Water v. Occidental Oil and Gas Corp.*, 235 F. Supp.3d 1132 (ED Cal. 2017); Compare, *Zambrano v. City of Tustin*, 885 F.3d 1473 (9th Cir. 1989) [suggesting the rejection of legislation might be appropriate]; *Chapter v. Martinez*, 561 U.S. 661 (2010) [litigant may have been made vexatious to obstruct issues].

References to the supremacy clause appear to carry a different interpretation than Art. VI, Sect. 2 in that *Thorton* resolved due process questions. *Armstrong v. Exceptional Child Center, Inc.*, 135 S.Ct. 1378 (2015) (*Exceptional Child Center, Inc.*);

also see e.g., *United States Term Limits, Inc. v. Thorton*, 514 U.S. 779 (1995) (*Thorton*).

Respondents as Chief Trial Counsel, intake unit, and deputy trial counsel reject *Oscanyan*, at 263 and *Joslin* judicial admissions deem it unnecessary to proffered further proof. *Oscanyan v. Arms Co.*, 103 U.S. 261 (1881) (*Oscanyan*); *Joslin v. Marin Mun. Water Dist.*, 67 Cal.2d 132, 147-49 (1967) (*Joslin*); Compare, *McCall, supra*, at 282, dissent, at 291 [demurrer treated as pleading without reference as judicial admission].

This review questions the swank of the California legislature to enact legislation that is not preempted, subject to plausibility that is governed by the *Oscanyan,* at 263 conceded facts in pleading are admissions or subject to equitable relief. E.g., *Oscanyan v. Arms Co.*, 103 U.S. 261 (1881)

(*Oscanyan*); *Missouri, K & TR Co.*, at 615; Compare, *In re Walker*, 32 Cal.2d 488 (1948) (*Walker*) [attorney misconduct complaint must allege attorney misconduct, not the unlawful conduct of the officers and employees of the State Bar Courts]; also see e.g., *Albert*. See *Theard v. United States*, 354 U.S. 278 (1957) (*Theard*).

VII. APPENDIX

The Appendixes consist of page 55 to page 90 and are five separate and different Appendix's.

Appendix "2" page 91-92 is an allowance to *correct* the petition denied review by the California Supreme Court in Appendix "3" page 93, Appendix "4" page 94-98 is the denial of review by the State Bar of California Complaint Review Unit, Appendix "5" page 99-103 is the denial of review by the State

Bar of California intake Unit and Appendix "1" page 55-90 contains the provisions of laws for this review.

VIII. BASIS OF FIRST INSTANCE FOR FEDERAL JURISDICTION

The jurisdictional basis of the California State Bar Court's disciplinary review was CBPC § 6067.

IX. DIRECT AND CONCISE STATEMENT

Review in attorney misconduct proceeding's in this USSC (regardless of whether the Court of first instance was a state or federal court) is the "right and justice" legal principle. *Theard, supra,* at 281-83; see e.g., *Selling v. Radford*, 243 U.S. 46 (1917).

The "right and justice" legal principle allows one or both judiciaries an opportunity to test the plausibility of attorney misconduct in one proceeding as opposed to a separate *Albert* state court proceedings, even if, disposed of by *Oscanyan*

McCall, at 282, dissent, at 291, or *Joslin*, *supra*, at 148-49 admission or

admissions in pleadings.

Helpful, if not controlling to this review is an analysis on the most persuasive precedent that was not cited in 18-607 where *Hinderlider*, *supra*, at 105 allowed preemption because the sovereigns could not agree and *Sims*, *supra*, at 28 allowed preemption because one sovereign state could not force another sovereign state to follow its laws.

The fact in the corrected certiorari in 18-607 did "not" urged respondent Ghaderi filed an answer, the state of California file a demurrer, and respondent Ghaderi was removed from the proceeding by operation of law that precluded Ghaderi from filing an answer. See Questions Number 1-3 corrected certiorari 18-607 and S.Ct. Rule 14.1 (a).

The answer filed by Ghaderi is a petition, complaint or both and is a fact that establishes disagreement requiring preemption. E.g., *Petty,* at 279 no. 5; See e.g., Cal. Welf & Inst. Code § 10962; Compare, *Crosby* at 379-80.

Instead the corrected certiorari in 18-607 relied, upon the *sua sponte Johnson* insubstantial inquiry to raise the *Hinderlider*, *supra*, at 105 dispute between sovereigns. E.g., *Johnson v. United States*, 352 U.S. 565, 566 (1957).

The odd issue is the many incidents leading to decisions of this USSC taken together form the Rooker-Feldman doctrine and not a single decision pointed to the *Crosby* conflicting preemption jurisdiction in a *Hinderlider* compact dispute.

The state court accepted the state respondents position in --- the position statement as the County

of Los Angeles was removed by operation of law; however, the County of Los Angeles filed an answer disputing the removal. Therefore, according to developments and history in *Petty* it was *Hinderlider* that held only this USSC may resolve the dispute absence consent from Congress, but this USSC denied review.

This USSC should reaffirm *Timbs* and overrule *McCauley* II and *Fiore* as out molded federal procedures. *Timbs, supra.* Such would make the denial of review in 18-607 consistent with the *Missouri*, at 615 "any" plausibility in the language in federal law. *McCall*, at 282, dissent at 291 interprets federal law, another compact, or both as a judicial admissions without reference to the pleading making the County of Los Angeles party and demurrer by the state of California removing

the County of Los Angeles as a Cal. Welf. & Inst. Code § 10962 removed party; while, admitting the position statement was not served on this petitioner.

The California constitutional police power in California law were enacted to regulate and cause consistency in legislation between the legislature, any delegated authority of the legislature, the California Governor, and the Mayor of the County of Los Angeles. See e.g., *Sims*, *supra*, at, 28; Compare, *Big Creek Lumber Co.*

In *City of South Lake Tahoe,* at 530-31, 537 sovereign County questions were not resolved. It appears some proposition was unnecessary because *Sims*, *supra,* at 28 has long held the *preemption* questions were and are the exclusive providence of this USSC.

For example *Crosby*, *supra* found the "*conflicting paramount preemption*"

questions concerned nationwide sovereign[s] as opposed to the two different State sovereigns. Therefore *Big Creek Lumber Co.* easily establishes the County of Los Angeles is a "sovereign."

The legislature however enacted Cal. & Welf. Code § 10962 that allows the State of California to *withdraw* police powers previously delegated to County of Los Angeles by the operation of law that is indistinguishable from the *Sims*, *supra* waivers.

The previously delegated *Big Creek Lumber Co.* police powers were general[ly] supervise[d] by both officers of the County and State of California who agreed upon legislation consistency with the police power.

The above differs dramatically from *Milwaukee* where state law claims were not affected by the compact imposing the laws of another State sovereign or the *City of Inglewood* as the compact did not affect sovereignty of another County, State, or both. *Illinois v. Milwaukee*, 406 U.S. 91, 98, 100 (1972) (*Milwaukee*); also see, e.g., *City of Inglewood v. City of Los Angeles*, 451 F.2d 948, 954 (9th Cir. 1972) (*City of Inglewood*); Compare, *Longshoreman's Assoc. v. Davis,* 476 U.S. 380, 390 (1986); *Pliva, Inc. v. Mensing*, 564 U.S. 604 (2011).

The scenario has been before this USSC multiple times and *Timbs*, at 690-91, concurrence in judgment, at 692 found no case will be decided, upon grounds different from those that have decided the *Sims*, at 28 questions.

The finding is short lived as this USSC has departed from the practice in *Hinderlider*, at 105 and this USSC before, *Timbs* was announced found petitioners a vexatious litigant as selecting one ambiguous USSC decision over another. However, when the issue was raised and briefed by another party this USSC found petitioner's case controlling.

In other words if petitioners arguments might have been further developed or furthered by more persuasive precedent on the preemption arguments, not that the facts clear and concise. Also, review in 18-607 rejected preemption and precluded relief for the wheel barrel of rights urged to be a paramount and majestic rights that determines all other right[s] as did the *omitted* details as to when, prayer

was solicited during the illegal searches and seizures in *Sause, supra.*

In other words sandbagging is merely marginally indistinguishable from citing the failure to cite the most persuasive precedent.

Early on plausibility as *Missouri*, at 615 adt[ly] found is "any" not all the rights within the federal law, federal law[s] language, or both. Therefore, both *Sause* and *Capra*, at 717-18 no. 8 withstood motions to dismiss because the details for each individual proceeding were not required to have been plead. *Ringer*; *St. Bernard Parish*, at 993; Compare, *Ohio Bell v. Public Utilities Comm'n*, 301 U.S. 292, 299-308 (1937) (*Ohio Bell*). See e.g., *Missouri, K & TR Co.* at 615 ["all routes" were not also, "any route" in statutes language]; Compare, *Sause v. Bauer*, 138 U.S. 2561 (2018) (*Sause*)

[finding plausibility as to seizures is not also, analyzing when, a right to pray is viable to the instance case facts as absence an illegal seizure no other nucleus of operative facts or causes of action would exist]; *Capra v. Cook County Bd. of Review*, 733 F.3d 705 717-18 no. 8 (7th Cir. 2013) (*Capra*) [same in class of one as plausibility is not detailing the instance individualized case facts but instead recognizing paramount rights (other than the supremacy clause) co-exist within all majestic rights]. E.g., *United States v. Ramsey,* 431 U.S. 606 (1977) (*Ramsey*) [changes in statutory language did not change any constitutional right or interpretation].

Recusal has always been required where judiciaries officers or officer departed from jurisprudence of this USSC, as *Choate*, even if,

raised for the first time on a *Yagman* appeal. *Sims Alexander v. Choate*, 469 U.S. 287, 295, 299 (1985) (*Choate*) [single ruling may constitute grounds for recusal]; also see, *Edwards v. Balisok*, 520 U.S. 641, 647 (1997) (*Balisok*).

The problem is *Broadman,* at 1092 employs a conscious disregard for the limits on judicial authority that *McComb* rejected as a medical sickness. See e.g., *Broadman v. CPJ*, 18 Cal.4th 1079, 1091-92 (1998) (*Broadman*); Compare, *Choate*, at 294-95; also see e.g., *Sodikoff v. State Bar*, 14 Cal.3d 422, 431-32 (1975) [delays by the reviewing departments go to mitigation on the case by case basis and must be reconciled with how the ignorance in *Hall* is also, a conscious disregard on judicial authority. E.g., *Yagman v. Republic Ins.*, 987 F.2d 622, 625 (9th Cir. 1993) (*Yagman*); Compare,

Athearn v. State Bar, 20 Cal.3d 232, 236 (1977) (*Athearn*); *Inquiry Concerning Hall*, 49 Cal.4th CJP Supp. 146, 162-63 (2006) (*Hall*). *Inquiry Concerning Hall*, 49 Cal.4th CJP Supp. 146, 162-63 (2006) (*Hall*).

When this USSC recently rendered a decision contrary to state law this USSC certified the legal question to another state court. See e.g., *Fiore*; Compare, *Warden*, at 292[bar member must raise challenge]; *Foss v. Nat'l Marine Fisheries Serv.*, 161 F.3d 584, 588, 590 (9th Cir. 1998) (*Foss*) [party challenged validity of law].

Surely, *Hall, supra* did not cause a *Choate* analytical recusal with respect to the *Athearns* belated basis *Yagman*, rejected although *Athearn*, at 236 applies out molded federal laws.

This USSC should find the State may not use County officers to secure mental assent as an

agreement of the minds and then remove the county by operation of law so that the County's unauthorized departures from California law are (not revocable).

The activity is permissible under federal that allows the contracts to determine where rights may be litigated. *Bank of United States v. Devaux*, 9 U.S. 61, 85-86 (1809) (*Devaux*). The issues are also, distinguishable from *Milwaukee* as another states did not or here required the county's mental assent. *Sims,* at 28; *Devaux* at 85-86 (1809).

The supremacy clause may preclude some, not all claims from being resolved in state court. See *Exceptional Child.*

The exception is when, the clause does not determine the wheel barrel of other rights as in *Sause* on 4th Amendment questions, and *Davis,*

supra, at 390 on preemption as a jurisdictional question.

The pleading admissions in *Oscanyan,* at 263 and the any plausibility findings in *Missouri, K & TR,* at 615 teach us a paramount majestic right such as only this USSC may determine whether officers of the states may enact legislation contrary to the Governor preempts state law. *Sims*, at 28; Compare, *Ringer*, *supra*; *St. Bernard Parish*, at 993.

The California entities when pressed to apply CBPC § 6067 simply passed, upon any interpretation or analysis. Generally see, *Fiore* [state court decision violated federal statute was substantive and procedural due process violations]; Compare, *McGirr v. Gulf Oil Corp.*, 41 Cal. App.3d 246, 249 no. 1, 257 no. 7 (1974) (*McGirr*) review denied (October 24, 1974). Also, even when, a state

law is at issue it is a federal question resolved by federal law as *Keller* noted and resolve by reviewing federal law as did *Keller v. State Bar of Cal.*, 491 U.S. 1 (1990) (*Keller*); *Ford v. McCauley*, 537 U.S. 1 (2002) (*McCauley*).

In addition to the other issues, above *Timbs*, at 685 observed a party interpreted USSC jurisprudence to have been bound to previous interpretations and *Lockridge* found (when analyzing *NLRB*) this USSC has no power to reformulate questions this USSC did not pass upon and which were not pressed in the *Ringer* previous decisions of this USSC. *Motor Coach Employees v. Lockridge*, 403 U.S. 274 (1971) (*Lockridge*).

X. CONCLUSION

Let the petition for writ of certiorari be granted.

Dated: October 17, 2019

Respectfully submitted,

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APPENDIX "1"

1st Amendment,

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

This amendment has been interpreted in *Borough of Duryea, Pa. v. Guarnieri*, 564 U.S. 379 (2011) and *Martinez, supra.*

5th Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.