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SUPREME COURT OF THE UNITED STATES

Case No.: 19-6702

**Petition for Rehearing
Rule 44**

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**Petition for Rehearing
Rule 44**

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HONORABLE SUPREME COURT:

Per Rule 44¹ the *Pro Se*² petitioner *Haines V. Kerner, Estelle V. Gamble* ; d/b/a Starlight Consulting Services in the above action moves the Honorable Court for Rehearing of order-denying Petition for Writ of Mandamus-seeking Aid of its Appellate jurisdiction; caused by un-Constitutional conduct from Court personnel **28 U.S.C. § 2671(1)**, servicing the originating court-denying fundamental-Due Process Rights *See Mathews V. Eldridge, 424 U.S. 319 (1976)*³; also *Califano V. Torres, 435 U.S. 1, 4 n.6 (1978)*(Per Curiam); infringing-procedural Right(s) *See Coleman V. Thompson, 501 U.S. 722 (1991)*⁴-impending access to the court *See Bounds V. Smith, 430 U.S. 817 (1977)*; thus, engaging in-reversible error *See McAllister V. United States, 348 U.S. 19 (1954)*⁵.

¹Any petition for rehearing of any judgement or decision of the Court on the merits, shall be filed within 25 days after entry of the judgement or decision, unless the Court or a Justice shortens or extends the time.

²Courts should treat Pro Se litigants more favorably than parties represented by lawyers, regarding the standard applied to their pleadings. *Haines V. Kerner* 404 U.S. 519, 520 (1972); providing more latitude. *Estelle V. Gamble*, 429 U.S. 97, 106 (1976).

³The Fifth Amendment to the Constitution States that "[n]o person shall be deprived of life, liberty or property, without due process of law". Accordingly, "[t]he essence of due process requirement that a person in jeopardy of serious loss [be given] notice of the case against him and opportunity to meet. *Mathews V. Eldridge*

⁴See also *United States V. Young*, 470 U.S. 1, 15 (1985); Supreme Court, case *City of Palo Alto V. Ricardo Calderon Lopez*, No. USCA9 No. 17-15930.

⁵*Bivens V. Unknown named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

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Factual and Procedural Background:

Proceedings Below:

On June 29, 2019 pursuant to 42 U.S.C. § 405(g) & (b), per Code of Federal Regulations §§§§ 404.987(a); 404.988(c)(1); 404.957(c) and 405.1592, petitioner moved the U.S. District Court, servicing the District of Columbia, after receiving adverse decision from the U.S. Supreme Court, on petition *See Calderon Lopez V. Gumushyan et, al., No. 18-7970*; requesting respondent to re-open its medical file caused by FRAUD from its personnel 28 U.S.C. § 2671(1) *Weinberger V. Salfi, 422 U.S. 749 (1975)* terminating its disability status C.F.R. § 416.990(c); thus, establishing personal policies to cause Const. Harm *See Schweiker V. Chilicky, 4587 U.S. 412 (1988); Califano V. Sanders, 430 U.S. 460, 465 (1965)*

At the moment of filing, per **28 U.S.C. § 636(c)(1)** petitioner providing the Office of the clerk **28 U.S.C. § 2671** with motion-declining a Magistrate judge jurisdiction⁶, informing the Court of a related to district case ***Calderon Lopez V. Johnson et, al., No. CV18-01451***; prior ***Bivens*** action against the USDC- District of Columbia personnel **28 U.S.C. § 2671(1)** for the deprivation of Const. Right(s) **42 U.S.C. § 1983**, denying petitioner a Right to access to the court. ***See Bounds V. Smith.***

⁶Court personnel § 2671(1)-refuse to stamp and file.

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1 On July 10, 2019 biased⁷-district judge Amy Berman Jackson-an additional
2 time *See Calderon Lopez V. Johnson et, al., No. CV18-1451* abused its position-
3 not following regulation-impending the filing of this action; establishing personal
4 policy *Schweiker V. Chilicky ; Sua Sponte* issuing order (ECF No. 5.)-dismissing
5 a meaningful action, without ordering-service of process⁸ on colleagues § 2671(1)-
6 partners in crime **18 U.S.C. § 371**-obtaining their jurisdiction; days later doing its
7 best move-recusing itself from the case.

8 Consequently, per **28 U.S.C. § 636(b)(1)** on August 13, 2019 the office of
9 the clerk § 2671-assigned the action to district judge Ketanji Brown Jackson-
10 ordering the Office of the Clerk § 2671 to assign a Magistrate judge for Full Case
11 Management and *de novo* determination *See United States V. Raddatz*, 447 U.S.
12 **667 (1980)**; on the 19th Mag. Judge G. Michael Harvey is selected for full case
13 Mgt. *See also Northern District C.A.-San Jose Courthouse, City of Palo Alto V.*
14 *Ricardo Calderon Lopez*⁹, No. CV17-2182 EJD; 9th Cir. No. 17-15930.

15
16 ⁷Trial before an unbiased judge "is essential to due process". *See Grant V. Shalala*, 989
17 F.2d 1332 (C.A. 3(Pa.), 1993); *Johnson V. Mississippi*, 403 U.S. 212, 216 , 91 S.Ct.
1778, 1780, 29 L.Ed.2d 423 (1971)

18 ⁸ the 14th Amend. requires the service of process to be reasonable calculated, both to
19 appraise a party of the pendency of an action an to provide opportunity to respond . *See*
Mullane V. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950).

20 ⁹See U.S. Supreme Court, *Ricardo Calderon Lopez V. City of Palo Alto*,
21 No. USCA9 17-15930.

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1 On August 20, 2019 petitioner filing motion for partial reconsideration
2 (**ECF No. 8.**) of order issued by a new judge-Rudolph Contreras (ECF No. 7.)-
3 denying the movants Rights for ECF (**ECF No. 3.**) *See California Motor Transp.*
4 *Co. V. Trucking Unlimited*, 404 U.S. 508, 513 (1972)¹⁰

5 “A persons ability to gain access to the court and obtain civil redress is the
6 very essence of liberty-fundamental element of our democracy-Chief Justice
7 Marshall *See Marbury V. Madison*, 5 U.S. (1 Cranch), 137 (1803); also see
8 *Smith V. Arkansas State Highway Employees*, 411 U.S. 463 (1979);
9 *Thomas V. Collins*, 323 U.S. 516, 530 (1945); *Wayte V. United States*, 470
10 U.S. 598, 610, n. 11 (1985)”

11 Thus, on August 26th bias Mag. judge Harvey *Grant V. Shalala; Johnson*
12 *V. Mississippi* issues un-Constitutional order (**ECF No. 11.**)¹¹-not being objective,
13 following the un-Const. conduct of colleagues-discriminating § 1983; impending
14 the movant-indigent to effectively access the court *See Bounds V. Smith* using its

16 ¹⁰1st Amend.-Right to Petition Clause-“Congress shall make no law.....abridging.....the
17 Right of the people.....to petition the Gov. for a redress of grievances. “The Right of
18 access to courts is but one Right to petition *California Motor Transp. Co. V. Trucking*
19 *Unlimited*

20 *On August 23, 2019 issued Judisial Summons to defendant (**ECF No. 10.**); On
21 Sept. 12, 2019 the Office of the U.S. Marshals returnrd the affidavit for the
22 service of complaint and summons on defendant (**ECF No. 15.**).

23 ¹¹Since petitioner-initial *Bivens type* case on District Court personnel § 2671(1)-*See*
24 *Calderon Lopez V. Johnson et, al.*, No. CV18-1451

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1 ECF system-remaining cost efficient.

2 Therefore, establishing personal policies to cause Constitutional harm *See*
3 *Schweiker V. Chilicky*¹², denying statutory rights to decline a Magistrate judge
4 jurisdiction § 636(c)(1) *See United States V. Raddatz* indicating: (ECF No. 11.)

5 **“Plaintiffs motion purporting to decline a Magistrate judge jurisdiction
6 is also without merit. Judge Jackson referred this case to the
7 undersigned for full case management—that is, for all nondispositive
8 motions. This referral is authorized under 28 U.S.C. § 636(b)(1)(A),
9 Federal Rule of Civil Procedure 72(a) and Local Civil Rule 72.3(a). It
10 does not require plaintiff consent.”**

11 On August 29, 2019 per **F.R.A.P. 4(a)** petitioner-timely filing its notice of
12 appeal (ECF No. 12.), augmenting that Mag. judge Michael Harvey erred-denying
13 statutory Right(s) to decline a Magistrate judge jurisdiction¹³. *See Glidden Co. V.*
14 *Zdanock, 370 U.S. 530 (1962)*; on Sept. 3, 2019 amending the Notice of Appeal
15 (ECF No. 14.); pursuant to **28 U.S.C. § 1291**-seeking a direct appeal to the United

17 ¹²Also see *Bowen V. City of New York*, 476 U.S. 467 (1986); *Justiniano V. Comm. Soc.*
18 *Sec.*, 876 F.3d 14 (1st Cir. 2017); District of Columbia, case *Lopez V. United States of*
America, No. CV19-03542 (UNA)-F.T.C.A. Claim 28 U.S.C. § 1346(b)

19 ¹³The safeguards accorded Art. III judges were design to protect litigants with unpopular
20 or minority causes or litigants who belong to despised or suspected classes. *Pacemaker*
Diagnostic Clinic of America V. Instromedix, Inc., 725 F.2d 537 (C.A. 9(Or.), 1984)
(En Banc)

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1 States Supreme Court, caused by Mag. Michael Harvey declaring an Act of
2 Congress Un-Constitutional, in which a Government agency § 2671 is a party. *See*
3 *Heckler V. Edwards*, 465 U.S. 870, 104 (1984); *McLucas V. DeChamplain*, 421
4 U.S. 21 (1975)¹⁴, initiating 9th Cir. case *Ricardo Calderon Lopez V. Andrew Saul*,
5 *Acting Commissioner of Soc. Sec., No. 19-5242*¹⁵

6 On November 7, 2019 more than 90 days after petitioner filed the complaint-
7 60 days after being served with judicial summons and copy of the complaint [15.],
8 counsel for defendant agency § 2671-SSA counsel **Margaret Reed** files motion
9 for extension of time to answer the complaint (ECF No. 18.), a delaying tactic-
10 similar to counsel for the agency § 2671-SSA in San Francisco, C.A.-Manual
11 Illarmo and Julie Bibbs Davis *See Lopez V. Comm. of Soc. Sec., No. CV16-2732*
12 **LB; 9th Cir. 16-17353** abusing court resources-to cause additional injuries.

13 On January 21, 2020 defendant counsel-not conferring before filing-dockets a
14 rambling-incoherent motion to dismiss-unlawfully seeking a *Res judicata* defense,
15 demonstrating its abuse of court resources.

16 ¹⁴See *Donovan V. Richland County Assn. for Retarded Citizens, supra*, 454 U.S., at
17 389-390, 102 S.Ct., at 713-14.

18 ¹⁵On September 29, 2019 per U.S. Supreme Court, Rule 18.3 and F.R.A.P. 27(a)(1) &
19 42(b), petitioner filed motion-voluntarily dismissing *See Yesh Music V. Lakewood*
20 *Church*, 727 F.3d 356, 362 (5th Cir. 2013) its appeal No. 19-5242; indicating its Right to
bypass the Court of Appeals and pursue a direct appeal to the U.S. Supreme Court *See*
Donovan V. Richland County Assn. for Retarded Citizens, supra, 454 U.S. at 389-390,
102 S.Ct., at 713-714; *Heckler V. Edwards*.

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1 **B. Proceedings before this Court:**

2 On October 22, 2019 petitioner moved the U.S. Supreme Court-filing writ
3 of Mandamus in Aid of Jurisdiction, indicating its Right to seek a direct appeal to
4 the U.S. Supreme Court, caused by on-going un-Const. conduct-frolic from Court
5 personnel **§ 2671(1)-discriminating**-not following regulation or case law-denying
6 statutory Right(s) to decline a Magistrate judge jurisdiction **§ 636(c)(1)**.

7 Thus, establishing own policies to cause Constitutional harm *See Schweiker*
8 *V. Chilicky*, conspiring **§ 241** with judicial officers **§ 2671(1)** to deprive petitioner
9 of Statutory Rights **§ 1983** to obtain and **article III** judge-declining a Magistrate
10 judge jurisdiction **§ 636(c)(1)**, in an action, where an agency **§ 2671-SSA** of the
11 United States is a defendant.

12 On January 21, 2020 this honorable court denying the movants petition.

13 **(Appendix A)**

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REASON TO GRANT THE PETITION:

§ 1291¹⁶ grants petitioner a Right to seek a Direct Review to the Supreme Court, caused by on-going un-Const. conduct from the originating court personnel § 2671(1)-not following reg. **28 U.S.C. § 636(c)(2), FRCP, Rule 60**; conspiring **18 U.S.C. § 241** with colleagues to cause injury-declaring an Act of Congress unconstitutional, where an agency § 2671 of the United States Gov. is a party; thus, discriminatory acts from Respondent § 2671(1)-clerks, considered to be partner(s) in crime § 371 conspired § 241 with officers § 2671(1) & counsels-not following Reg.¹⁷ or Case law violating Federal Law; their acts causing a procedural default.

See Coleman V. Thompson; U.S. Supreme Court, Lopez V. Gumushyan, et, al.,
No 18-7970

16§1291. Final decisions of district courts:

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. *See Donovan V. Richland County Assn. for Retarded Citizens*, 454 U.S. 389 (1982)(Per Curiam)

¹⁷ 28 U.S.C. § 636(c)(2) indicates:

If a magistrate judge is designated to exercise civil jurisdiction under paragraph (1) of this subsection, the clerk of court shall, at the time the action is filed, notify the parties of the availability of a magistrate judge to exercise such jurisdiction. The decision of the parties shall be communicated to the clerk of court. Thereafter, either the district court judge or the magistrate judge may again advise the parties of the availability of the magistrate judge, but in so doing, shall also advise the parties that they are free to withhold consent without adverse substantive consequences. Rules of court for the reference of civil matters to magistrate judges shall include procedures to protect the voluntariness of the parties' consent.

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1 District judge K. B. Jackson-did not followed Reg. § 636(b)(1)(A)¹⁸, failing
2 to supervise Mag. judge H. Michael Harvey-abusing discretion; depriving plaintiff
3 of Right(s) to decline its jurisdiction § 636(c)(1); thus, in own frolic-issuing order
4 (ECF No. 11)¹⁹-while in Lack of Jurisdiction²⁰.

5 **“A Personal Right exists for a litigant in federal Court to insist on the**
6 **involvement of a judge who has been appointed by the President and**
7 **confirmed by the Senate in the manner contemplated by the**
8 **Constitution” See *Commodities Futures Trading Commission V. Schor*,**
9 **478 U.S. 833 (1986); *Peretz V. United States*, 501 U.S. 923 (1991)**

10 Therefore, a finding is clearly erroneous when “although there is evidence
11 to support it, the reviewing court, on the entire evidence is left with a definite and
12 firm conviction that a mistake has been committed. *See McAllister V. United*
States.

13 **¹⁸§ 636. Jurisdiction, powers, and temporary assignment:**

14 (A) a judge may designate a magistrate judge to hear and determine any pretrial matter
15 pending before the court, except a motion for injunctive relief, for judgment on the
16 pleadings, for summary judgment, to dismiss or quash an indictment or information made
17 by the defendant, to suppress evidence in a criminal case, to dismiss or to permit
18 maintenance of a class action, to dismiss for failure to state a claim upon which relief can
19 be granted, and to involuntarily dismiss an action. A judge of the court may reconsider
20 any pretrial matter under this subparagraph (A) where it has been shown that the
magistrate judge's order is clearly erroneous or contrary to law. The district court's power
to void a reference *Sua sponte. Pacemaker D. C. of America, Inc. V. Instromedix, Inc*

21 ¹⁹Consent is important to the Constitutional analysis. *See Northern Pipeline*, 458 U.S. at
22 79, n. 31, 102 S.Ct. at 2876 n. 31.

23 ²⁰Where there's no jurisdiction there can be no discretion, for discretion is incident to
24 jurisdiction. *See Piper V. Pearson*, 2 Gray 120, cited in *Bradley V. Fischer*, 13 Wall
25 335, 20 L.Ed. 646 (1872).

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Moreover, Mag. Harvey acts do not constitute just “plain error” *See United States V. Young*; conspiracies § 241 resulted in an usurpation of power²¹-denying Constitutional Right(s) of Equal Protection of the Law. *See Califano V. Torres*, in violation of Article III of the Constitution²².

District Court Jackson referred the case to Magistrate Michael Harvey for a *de novo* determination-not *de novo* hearing pursuant to the provision of the Federal Magistrate Act, **28 U.S.C. § 636(b)(1)**, which authorizes a district court to refer such a motion to a magistrate and thereafter to determine and decide such motion based on the record developed before the magistrate, including its facts and recommendations ***United States V. Raddatz***; taking for granted the multiple-unlawful procedures-performed by court personnel § 2671(1)-clerk(s); who didn't follow reg. § 636(c)(2)²³- providing the complainant with a consent form.

²¹See *Will V. United States*, 389 U.S. 90, 95 (1967); see also *Roche V. Evaporated Milk Assn.*, 319 U.S. 21, 26 (1943); *Newman V. United States ex Rel. Frizzell*, 238 U.S. 537 (1915)

²²Parties to a case or controversy in a federal forum are entitled to have their cause determined by Article III judges-controlling the Magistrate system as a whole. *See Pacemaker Diagnostic Clinic of America, Inc. V. Instromedix, Inc.*

²³§ 636. Jurisdiction, powers, and temporary assignment:

(2) If a magistrate judge is designated to exercise civil jurisdiction under paragraph (1) of this subsection, the clerk of court shall, at the time the action is filed, notify the parties of the availability of a magistrate judge to exercise such jurisdiction. The decision of the parties shall be communicated to the clerk of court. Thereafter, either the district court judge or the magistrate judge may again advise the parties of the availability of the magistrate judge, but in so doing, shall also advise the parties that they are free to withhold consent without adverse substantive consequences.

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1 Under section **205(g)** Federal district courts have referred Social Security
2 cases to a Mag. judges to “prepare a proposed written order or decision, together
3 with proposed findings of fact and conclusion of law where necessary or
4 appropriate”; the District Court Judge retaining the authority and responsibility to
5 make the final decision in any case. **See United States Supreme Court, Mathews**
6 **V. Weber** No. 96 S.Ct. 549; **20 CFR 404.951; SSR 76-14c**; the Supreme Court
7 indicating that Congress may “confer upon federal courts jurisdiction conditioned
8 upon a defendant's consent” **See Williams V. Austrian**, 331 U.S. 642 (1947);
9 **Harris V. Avery Brundage Co.**, 305 U.S.160 (1938).

10 Therefore, Magistrate judges are not protected by **Article III** status of the
11 Constitution; overwhelming proof-demonstrates a pattern of conspiracies **§ 241**
12 from Mag. judges²⁴, engaging in frolic-affecting the framework of the case, to gain
13 an advantage over petitioner; the independent character of federal adjudication
14 under Article III that imparts judgments of quality, authority and respect. **See**
15 **Pacemaker Diagnostic Clinic of America, Inc. V. Instromedix, Inc**²⁵.

16
17 ²⁴**See N. Cal. Lopez V. Gumushyan et, al.**, No. CV16-2732-LB

18
19 ²⁵The statute invests the **Article III** judiciary with extensive administrative control over
20 the management, composition, and operation of the magistrate system. It permits,
moreover, control over specific cases by the resumption of district court jurisdiction on the
court's own initiative

1 “Some errors must necessarily be deemed reversible *per se*, in light of
2 the difficulty of assessing the effect of the error. *See United States V.*
3 *Gonzalez-Lopez* 548 U.S. 140 (2006); *United States V. Escobar De Bright*,
4 742 F.2d 1196 (9th Cir. 1984); *Sullivan V. Louisiana*”

5 On-going prejudicial errors from respondent § 2671(1)-were not harmless
6 (28 U.S. 2111)²⁶; therefore, reversible *per se* *See Rose V. Clarke*, 478 U.S. 570²⁷;
7 *Chapman V. California*, 386 U.S. 18; *Sullivan V. Louisiana*, 508 U.S. 275, 279;
8 Constitutional violations of Due Process-affected the framework of the case in
9 violation(s) of Federal law; thus, failure to consider the claim will result in a
10 miscarriage of Justice. *Coleman V. Thompson*

11
12 ²⁶§ 2111. Harmless error: On the hearing of any appeal or writ of certiorari in any case,
13 the court shall give judgment after an examination of the record without regard to errors
14 or defects which do not affect the substantial rights of the parties. *See United States V.*
15 *Gaudin*, 515 U.S. 506 (1995). *See Calderon Lopez V. Blalock et, al.*, No CV19-01111.

16 ²⁷All Constitutional Errors are subject to harmless error analysis. *Id.*, at pp. 576-578.
17 The sole exception to this rule are **structural errors** in nature *Arizona V. Fulminante*
18 (1991) 499 U.S. 279, 310; Constitutional Deprivation that affected the framework within
19 which the trial proceeds, rather than simply an error in the trial process itself. *Ibid*

20 *Some errors must necessarily be deemed reversible *per se*, in light of the
21 difficulty of assessing the effect of the error. *United States V. Gonzalez-Lopez*;
22 See also United States V. Escobar De Bright where substantial evidence pointed
23 at a Conspiracy from Government Agents; where government was the only co-
24 conspirator; per se reversal is required when an error vitiates all findings *Sullivan*
25 *V. Louisiana*, *supra*, 508 U.S. 275, 281 compelled when the consequences of an
26 error are necessarily unquantifiable. *Id.* at p. 282; *accord Neder V. United States*
27 (1999) 527 U.S. 1, 10-11; *See Conde V. Henry*, (9th Cir. 1999) 198 F.3d 734,
28 740-741

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Closing Arguments:

On-going gross operational negligence-prejudice²⁸; procedural default(s) from Court personnel § 2671(1)-clerks not following Reg. § 636(c)(1)²⁹, Officers-setting personal policies *See Schweiker V. Chilicky* not following case law- deny petitioner of Equal Protection of the Law³⁰*See Califano V. Torres*; affecting the framework of the action *See Rose V. Clark; Chapman V. California*, denying statutory Right(s) to decline a Mag. judge jurisdiction § 636(c)(2)³¹; impending petitioner to-effectively communicate with the court-denying its Right to access to the court *See California Motor Transport V. Trucking Unlimited*; *See Bounds*

²⁸Actual Prejudice as a result of a violation of federal law, demonstrate that failure to consider the claim will result in a fundamental miscarriage of justice. *See Coleman V. Thompson.*

²⁹A finding is clearly erroneous when “although there is evidence to support it, the reviewing court on the entire evidence is left with a definite and firm conviction that a mistake has been committed. *See McAllister V. United States; United States V. Oregon State Medical Society*, 343 U.S. 326; *United States V. United States Gypsum Co.*, 333 U.S. 364.

³⁰The Equal Protection Clause of the Fourteenth Amendment provides that no State shall "deny to any person within its jurisdiction the equal protection of the law." The Clause announces a fundamental principle: the State must govern impartially. *See New York City Transit Authority V. Beazer* 440 U.S. 568 (1979); *Carrasco V. Secretary of Health, Education and Welfare*, 628 F.2d 624 (1980); *Becker V. Harris*, 493 F. Supp. 991 (E.D. Cal. 1980).

³¹A personal Right exists for a litigant in federal court to insist in the involvement of a judge who has been appointed by the President and confirmed by the Senate in the manner contemplated by the Constitution. *See Commodities Future Trading Commission V. Schor*, 478 U.S. 833 (1986); *Peretz V. United States*, 501 U.S. 923 (1991).

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1 *V. Smith*³².

2 “The Constitutional Protection to access the Courts is broad, both State and
3 Federal, without regard to the type of petition or relief sought” *See U.S.*
4 **Constitution, Amens. I & XIV, § 1, See Hooks V. Wainwright, (M.D. Fla.**
5 **1972) 352 F.Supp. 163, 167.**

6 **“An individual may be deprived of due process when the government**
7 **seeks to shore up a weak case See McKinney V. Rees, supra., 993 F.2d at p.**
8 **1386; (9th Cir. 1993).**

9 Therefore, trial before an unbiased judge “is an essential aspect of due
10 process” *See Grant V. Sullivan, 720 F. Supp. 462 (M.D. Pa., 1989); Johnson V.*
11 *Mississippi*; on-going un-Const. conduct from court personnel § 2671(1)-clerk(s)
12 didn’t follow regulation **28 U.S.C. § 636(c)(2)**³³; impending petitioner-indigent to
13 effectively communicate with the court³⁴.

14
15 ³²To be heard in Court to defend one’s property is a Right of fundamental Constitutional
16 dimension; in order to justify granting the right to one group, while denying it to another,
17 the State must show compelling interest. *See Shapiro V. Thompson, 394 U.S. 618*
18 *(1969)*.

19 ³³Clerks have a duty to notify the petitioner, at the time of filing of the availability of a
20 Mag. judge to exercise jurisdiction § 636(c)(2); petitioner-free to withhold its consent,
21 without adverse substantive consequences. *See California Motor Transport V. Trucking*
22 *Unlimited.*

23 ³⁴[W]hen a Court fails to adhere to requirements of culpability and causation, municipal
24 liability collapses into respondeat superior liability.” *Brown, 117 S.Ct. at 1394*

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