

19-7230

ORIGINAL

FILED

DEC 30 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

In re: Arthur Lopez — PETITIONER
(Your Name)

vs.

[Cheryl Lopez — RESPONDENT(S)]
"Extraordinary-Mandamus"
ON PETITION FOR A WRIT OF CERTIORARI TO

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Arthur Lopez
(Your Name)

P.O. Box 13081
(Address)

Newport Beach, Ca 92658
(City, State, Zip Code)

949.467.0937
(Phone Number)

RECEIVED

JAN -7 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Should a Biological and Presumed Male, U.S. Born/Citizen Father of Four Lovely Minor Children be eligible and afforded the United States Constitutional Civil Rights including the Fourteenth Amendment guarantees of Equal Protection under Law and Parental Rights/Custody despite his Mexican Heritage, Hispanic/Latino Race, Catholic-Christian Religion / Religious Beliefs, local social custom which affords a clear Gender Bias Towards the Female White Caucassian Mother?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

United States Supreme Court Case # 19-6472

United States Court of Appeals for the Ninth Circuit
19-56270

U. S. District Court Case # SACV 19-01143-
VBF/mrw

Table of Authorities

- Bauman v. U.S. District Court, 557 F.2d 650, 654-55 (9th Cir. 1977)
- Santosky v. Kraemer, 455 U.S. 745,
- Adoptive Couple v. Baby Girl 570 U.S. 637
- M.L.B. v. S.L.G., 519 U.S. 102
- Pierce v. Society of Sisters 268 U.S. 510
- Caban v. Mohammed, 441 U.S. 380
- Haines v. Kerner, 404 U.S. 519 (1972)
- + See attached Exhibits including
Exh./Article # 4399308 (pgs. 8-13).
- U.S. Constitution (Civil Rights incl. 14th Amendment)

VIC

(7)

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 17, 2019.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U. S. Constitution Civil Rights Including the 14th Amendment

Relief Sought :

1) Stay on the Final Judgement from the Superior Court of California, County of Orange @ Lamoreaux Justice Center - Family Court - 341 The City Drive, Orange, Ca 92863 related to Superior Court Judge Daphne S. Sykes awarding 100% legal and physical custody of Petitioner/Father's Four Minor Children to his ex-spouse and barring all forms of contact with Petitioner-Father as a continuance to a four year Alienation of subject Four Minor Children from their Biological Father/Petitioner that started November 22, 2015; Specifically a Deprivation of Petitioner/Father's U.S. Constitutional Civil and Parental Rights as provided under the Fourteenth Amendment guaranteeing Equal Protection Under Law.

2) Moreover, Petitioner-Father also seeks the Restoration of his U.S. Constitutional Civil and Parental Rights and Protections as guaranteed by the Fourteenth Amendment and as such have provided the Equal Custody of Petitioner-Father's Four Minor Children.

3) Moreover, Petitioner-Father seeks the Immediate and Permanent Stay and Injunctive Relief related to the Deprivation of U.S. Constitutional Civil and Parental Rights and Protections provided under Fourteenth Amendment, including Equal Protection Under Law.

1 and Equal Parental Rights / Custody Rights for Male
2 Father(s) - Petitioner as it relates to his four minor
3 children, ^{applicable} - against, not only the Superior Court
4 of California, County of Orange - Lamoreaux
5 Justice Center - Family Court @ 341 The City Drive,
6 Orange, California 92863, but all California
7 State Courts!

8 This is to say, U.S. Constitutional Civil Rights
9 are not to be trumped by Unconstitutional,
10 Gender Bias, Social Custom ordinances, codes,
11 rules or any other State manipulations of
12 Judicial processes to deny, deprive its
13 residents / citizens of Federal Constitutional
14 guarantees, protections Civil Rights as already
15 stated in the U.S. Constitution's First and
16 Fourteenth Amendment!

17
18 4) Moreover, Petitioner - Father seeks the
19 immediate Stay of the Deprivation of Petitioner -
20 Father U.S. Constitutional Civil Right to
21 the Freedom of Religion as provided by the First
22 Amendment including matters related to the
23 child-rearing of his four minor children as
24 a Catholic - Christian, by the Superior Court of California.

25
26 5) Moreover, Petitioner - Father seeks the
27 immediate Stay of the Deprivation of Petitioner -
28 Father rights under the Americans with Disabilities Act

1 by the Superior Court of California. Specifically,
2 Petitioner Father seeks a stay on the
3 Superior Court of California's attempt to condition U.S. Constitution
4 Fourteenth Amendment rights on the multi
5 thousand dollar expense for Court suggested and then
6 ordered Reunification Services by Court
7 approved service providers despite having full
8 knowledge of Petitioner Father's Doctor Confirmed
9 Permanent Injuries and Permanent Disabilities
10 which have precluded any form of employment
11 income since the date of trauma / injury
12 December 22nd, 2015. Moreover, the Reunification
13 Service is entirely the ^{product} subject of the Court's very
14 own alienation scheme and has no
15 superseding authority to Federal Law or
16 U.S. Constitutional Civil Rights and
17 as such is by definition Unconstitutional -
18 unlawful.
19
20
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28

Reason For Granting The Writ

1.
2. 1.) Adequate Relief Can Not Be Obtained In
3. Any Other Forum Or From Any Other Court.
4.

5. Mandamus appropriate where petitioner "lack
6. adequate alternative means to obtain the
7. relief they seek", *Mallard v. U.S. Dist. Court*
8. *for S. Dist. of Iowa*, 490 U.S. 296, 309 (1989).
9.

10. Simply put, since the claim(s) implicate
11. the state court(s) which claims this court
12. holds are actionable, for e.g. ADA Claims,
13. see *Tennessee v. Lane* (2004) 541 U.S. 509 and
14. which claims, the federal district court and the
15. 9th Circuit court personnel are covering up
16. and where attempts to obtain relief,
17. on merits have been exhausted and proven
18. to be unobtainable in the lower courts given
19. the cover up, conflict of interest, fraud on
20. the court, corrupting of the judicial process,
21. et al., there is no other forum recourse,
22. other than this court to seek justice.
23.

24. Both lower courts, the District Court and the
25. 9th Circuit Appellate court have obstructed
26. justice by shutting petitioners out despite
27. petitioners, doing everything necessary to
28. obtain justice on the merits. The District and Appellate

1 Court dismissed the claims, (^{District Court} Case # SAEV19-01143 VRF/RAW),
2 and U.S. Court of Appeals for the Ninth Circuit (Case No. 19-73049),
3 for no good cause, simply to avoid addressing
4 them on its merits, despite timely filing
5 petition(s), dismissed appeal because they
6 implicate their brethren.
7 When the inferior courts refuse to perform
8 its required duty to avoid revealing their
9 unconstitutional abuse of authority, the
10 only remaining recourse is a writ
11 of Writ, "where it was necessary to confine
12 a lower court to the terms of an appellate
13 Mandate, U.S. v. U.S. Dist. Court, 334 U.S. 258
14 Will v. United States, 389 U.S. 90, 95-96 (1967) (1948) (Twice)"

15 * Exceptional Circumstances :

- 18 1.) Reason 1 above abuse and usurpation
19 of judicial power, constitutes as exceptional
20 circumstance, Roche supra 27. Instances
21 of "clear abuse of discretion," Bankers Life
22 & Casualty Co v. Holland 346 U.S. 379, 383 (1953),
23 or conduct amounting to usurpation of the judicial
24 power, "De Beers Consolidated Mines, Ltd v. U.S.,
25 325 U.S. 212, 217 (1945) to be entitled to
26 issuance of writ "Mallard v. U.S. Dist. Court for
27 S. Dist. of Iowa, 490 U.S. 296, 309 (1989) (Mallard)".
28 2.) Lower courts refusal to perform its true

adjudicator role & duty, and instead corrupt the judicial process, constitutes an exceptional circumstance. See *La Bay v Howes Leather Co.*, 352 U.S. 249, 256-258 (1957) "refused to exercise its functions. The Exceptional circumstances here warrant the use of the extraordinary remedy of Mandamus - *McClellan v. Garland* 217 U.S. 268, 279 (1989) where refusal by the district court to adjudicate issues properly presented to it.

3) Where circumstances inherently results in a miscarriage of justice and presents exceptional circumstances, writ must issue, *Davis v United States*, 417 U.S. 333, 346 (1974). (4 year alienation of Father and 4 minor children)

4) Petitioner has been shut out from the corrupt 9th Circuit personnel leaving no other avenue for justice

Writ Will Be In Aid of Court's Appellate Jurisdiction

1) 9th Circuit has thwarted Petition to obstruct justice. The Petition for Writ of Mandamus was denied

2) 9th Circuit denial of Petition which is unsupported by law left petitioner without a recourse with lower courts

3) The traditional use of the writ in aid

1 of the appellate jurisdiction both
2 at common law and in the federal courts
3 has been to confine an inferior court
4 to a lawful exercise of its prescribed
5 jurisdiction or to compel it to exercise
6 its authority when it is its duty to do so
7 & *Parte Republic of Peru*, supra 63 S. Ct
8 797, *Rock* 26.

9
10 4.) Having exhausted all remedies
11 before the lower court petitioner is
12 left with this court as its only recourse
13

14 Conclusion

15
16 Here the control of the lower courts
17 by this Supreme Court of the United States
18 is necessary to proper judicial administration
19 in the Federal system. The "All Writs Act"
20 confers on the Courts of Appeals the
21 discretionary power to issue writs of
22 Mandamus in the exceptional circumstances
23 existing here. "*La Bay v. Howes Leather Co.*,
24 352 U.S. 249, 259-60.

25
26 Writ of Mandamus should be granted,
27 Respectfully submitted,
28 December 24, 2019

Arthur Lopez
Arthur Lopez

Statement of the Case #1

3.) Regarding Circuit Rule 27-3 (a)(3)(ii), the facts showing the existence and nature of the claimed emergency are set forth in detail below in the Statement of the Case

In Brief Petitioner respectfully requests emergency relief in this matter since Respondent(s) and California State Courts including Superior Court of California, County of Orange @ Lamoreaux Justice Center 341 The City Drive S, Orange, CA 92868 in unison have deprived Petitioner Arthur Lopez - Father of Four Minor Children of his U.S. Constitutional Civil Rights including the 14th, 1st, 1st and others by schemes, misrepresentations, false accusations to deny Petitioner of his Parental Rights as the biological and presumed Male Father of his Four Minor Children, J.K.L-17, J.K.L-14, N.A.L-13, L.U.L.-8. Furthermore, the Superior Court of California, County of Orange @ the beeking of Respondent, Cheryl Lopez intends to grant Final Judgement for Custody in Permanence Favor of Respondent to include 100% Physical Legal Custody and 100% legal Custody as verbalized by Superior Court of California, County of Orange Presiding Judge ^{Daphne Sykes} during a November 19th, 2019 hearing despite Petitioner not having any contact whatsoever with his four children for over four years and with NO Protective Order barring so.

such contact / interaction as the 3yr. initial
unlawful Protective Order expired January 14, 2019.
The state court ^{Judge Joseph Sykes} attempts to justify their
abuse of authority by introducing a Reunification
Program to Petitioner and Respondent during a April 24th, 2019
"Request For Orders" Hearing, filed by Petitioner
in January 15th or 16th, 2019, seeking permission
to make phone contact following the expiration
of this initial Harbor Justice Center - Superior Court -
of California, County of Orange - 4601 Jamnorce Rd,
Newport Beach, Ca 92660 on January 14th 2019 - ^{of 3yr.} Protective
Order ^{was used} 1/14/2016
Expiration
This Reunification Program is said to benefit,
Petitioner's children following a 3yr + Alienation
from their father. However, the scheme unfolds by
imposing 100% of the cost for this service
upon Permanently Injured and Permanent Disabilities
Petitioner ^{who} has disclosed ^{this} abundantly since the
filing of his Case # 16 D001283 and for which he
has been granted a Fee Waiver multiple times.
The scheme goes on to trick Petitioner into
Dismissing an Appeal Case Petitioner had
filed with the California Court of Appeals
on the "Contact Request Denial" - Case # LG 057239
after agreeing to enter the processes related to
Reunification with his four children. Then the
scheme includes denial of Petitioner's request
for a court appointed attorney for matters pertaining
to a Criminal Protective Order Petitioner is seeking against

1 Respondent and despite the Court appointing Minors Counsel
2 who is seeking to ^{ban} deny Petitioner's Parental Rights
3 by seeking to ban all contact with Petitioner's
4 4 minor children. Moreover, the Court and
5 Minors Counsel introduce Dr. Muram Galindo as
6 the authorized/ordered "Reunification Service"
7 Provider who upon meeting with Petitioner
8 agrees to charge \$250 per appointment and quotes as
9 5 appointments being required for a cost of \$1250
10 which Petitioner without employment income
11 due to his Permanent Disabilities understands
12 this as a financial hardship given his
13 indigent status. ^{However,} eventually, by the "Grace of God"
14 is able to raise this amount in full and
15 upon offering to deliver the \$1250 in cash
16 and in full advance of the first appointment
17 Dr. Galindo then refuses to provide the
18 service. Furthermore, throughout this "Minors Counsel"
19 is evasive, non-responsive and threatening
20 to Petitioner as he attempts to find a
21 replacement Service Provider in "FACES" ^{approximately}
22 who Dr. Galindo offered as an alternative. ^{May/June 2019}
23 After the Court issuing an Ex Parte order ^{period}
24 accepting FACES credentials as a valid
25 replacement - Minors Counsel refuses this
26 affordable provider (having quoted a \$250 flat
27 rate for their "Reunification Service") and instead offers
28 after months delays in July a Dr. Drozd who is

1 approximately \$400 per appointment and estimates
2 the Service would involve 15+ appointments
3 for a cost between \$6000-\$8000 on a
4 estimate basis. Please note that Minors
5 Counsel is familiar with all of these
6 providers as he is in the Family Law
7 Practice and is contracted by Respondent-Superior
8 Court of California County of Orange-
9 Lamoreaux Justice Center which focuses
10 on Family Law. Despite all of this no
11 mention of the exorbitant cost being involved
12 and to delay matters further the court
13 then deprives Petitioner of his Due Process
14 Civil Right under the U.S. Constitution 14th
15 amendment by ordering no more filings
16 to be permitted on this case - 7/17/2019
17 hearing. Hence, Petitioner continues to not
18 have even phone contact with his four
19 minor children despite his oldest daughter
20 being Diagnosed with Diabetes within
21 9 months of Respondent being granted sole
22 Custody. Please also take judicial notice
23 of on going Civil Case against Presiding
24 California Court of Appeals Judge
25 Manuel Ramirez and the Ca Court of Appeals
26 under District Court Case # SACV-18-01835
27 "Lopez v. Manuel Ramirez / Ca Court of Appeals"
28 which both Minors Counsel and Respondent Court have mentioned
through the ongoing delays.

denies fee
waives for the
expert
conducting
Respondent
service

discussed

1 Petitioner continues to be under Doctor Care for
2 his Permanent Injuries and Permanent Disabilities
3 and has been strongly advised to be in need
4 of a corrective surgery involving a Spinal Compression
5 by a Spine Surgeon, Samuel Bederman and
6 moreover remains without any Employment or
7 Disability Income all of which the Respondents
8 in this matter are fully advised, documented
9 and aware in fact the judge in this case has
10 not only granted multiple fee waivers based on
11 these facts but has also acknowledged such
12 disabilities present in Property separation order(s).
13 Therefore, having insisted on imposing 100%
14 cost of a Court suggested program without
15 full disclosure of costs and in retrospect
16 having full knowledge of the imposing
17 financial hardship upon petitioner and as a
18 direct consequence continues to deprive
19 petitioner of his Parental Rights to be
20 engaged with his four minor children
21 actively amounts to nothing less than
22 Cruel and Unusual Punishment for having
23 his doctor confirmed Permanent Injuries
24 Permanent Disabilities and Pursuing justice
25 against colleagues in matters before the
26 United States Supreme Court -
27 Lopez v. MFC Union Bank, N.A. - Docket #
28 #19-6439, also Docket #19-6734, #19-A358, #19-6472
#19A454

13

Page Number

1 and Before this court - U.S. Court of Appeals 9th Cir.
2 The Lopez v MUFG Union Bank Case
3 involves both Volunteer Judge "Richard - Superior Court
4 Sontag" who acted as the defendant's counsel and ~~Volunteer Judge~~
5 misrepresented facts to his colleague -
6 "Superior Court Judge Francisco Fismat"
7 In fact, the same law firm "Ruzicka, Wallace,
8 and Coughlin" that "Richard Sontag" is employed
9 by is also involved in misrepresentation
10 and false statements that Petitioner has
11 reported to Irvine Police Department and
12 has recently resulted in unfavorable rulings
13 against Plaintiff in the ongoing Civil litigation
14 of Case # 30-2018-01000036 Lopez v Irvine.
15 Moreover, violations of Americans with
16 Disabilities Act and numerous existing
17 Case Law Precedents related to these
18 abuses by the Respondents and Superior Court
19 of California are ongoing to the detriment
20 of Petitioner's Children and Petitioner by
21 impeding their active contact and instead
22 insisting on maintaining them alienated
23 from Petitioner, Father Arthur Lopez through
24 this impending Custody Order being granted
25 to Respondent as the form and Order of
26 100% Physical and 100% legal Custody.
27

28 Moreover, the Respondents including the Superior

1 Court of California, County of Orange a
2 Lamoreaux Justice Center - Family Court is the
3 subject of multiple "United States
4 Supreme Court Cases" - See
5 Arthur Lopez v. Cheryl Lopez Docket #19-6734
6 whereby Criminal Protective Order being
7 sought against Respondent and Denial of
8 a Court Appointed Attorney for matters
9 pertaining to Deprivation of Parental Rights
10 is the subject matter.

11 Also, see Arthur Lopez v. Superior Court of
12 California County of Orange Docket #19-6472
13 whereby Modification of Unlawful Protective
14 Order issued initially for 3 yrs as of 1/14/2016
15 should be and should have been modified to
16 exclude three non-victim children of
17 Arthur Lopez petitioner and as a result
18 of the Respondents' unlawful acts deprived
19 Petitioner of his Constitutional Rights under
20 the 14th Amendment and others;

21 Also, see Arthur Lopez v Cheryl Lopez -
22 Superior Court of California County of Orange @
23 Lamoreaux Justice Center whereby the
24 Court Suggested "Reunification Service" costs
25 are being unjustly imposed upon Petitioner
26 Arthur Lopez despite having full knowledge
27 of his Permanent Injuries and Permanent Disabilities
28 and having Indigent Status.

In addition to these ongoing processes the Respondents continue with their assaults upon Petitioners Children and Petitioners by continuing to Alienate them from each other for over four years. Please find the attached Case Law and Statements of Facts In support of Petitioner's Request for this Writ of Mandamus to Stay the Intended Courts Final Custody Judgment awarding Respondent 100% Physical and Legal Custody unlawfully and in violation of Petitioner's Parental Rights as provided under the Equal Protection Under Law provisions of the 14th Amendment.

See Exhibits In Support listed by the following Article #'s and Dates :

4401327 - (52 pages) - 10/20/2016	4399262 - 6pgs - 2/6/2019	
4401342 - (19 pages) - 10/31/2016	4399274 - 18pgs - 2/7/2019	
4401335 - (9 pages) - 10/28/2016	4399287 - 1pg - 2/6/19	
4401343 - (7 pages) - 11/3/2016	4399300 - 7pgs - 2/26/19	O.C Sheriff
4401347 - (1 page) - 11/10/2016	4399302 - 2pgs - 2/27/19	Obstruction Due Process Deprivation
4399234 - (7 pgs) - 1/16/2019	4399303 - 1pg - 2/27/19	
4399235 - 52 pages - 1/16/2019	4399304 - 1pg - 3/11/19	Court App Atty
4399236 - 4 pgs. - 1/18/2019	4399306 - 2pgs - 3/22/19	Denial Fee Waiver Denial
4399241 - 110 pgs. - 1/22/2019	4399308 - 105pgs. - 4/16/19	Contentions Opposition
4399252 - 10 pgs. - 1/22/2019	4399312 - 1pg - 4/24/19	Conclusion
4399255 - 2pgs. - 1/18 - 1/22/19	4399317 - 5pgs - 4/17/19	

4399320 1-Pg - 4/17/19
 4399321 1 pg - 4/24/19
 4399325 7 pgs 5/8/2019
 4399328 11 pgs. 5/9/2019 Faces Approved
 4399330 31 pgs. 5/17/2019
 4399334 1 pg. 5/7/2019
 4399355 2 pgs. 5/21/2019
 4399336 Spgs. 5/13/2019
 4399342 2 pgs. 5/31/2019
 4399348 1 pg 6/12/2019
 4399350 11 pgs. 7/9/2019
 4399355 9 pgs. 7/9/2019
 4399358 1 pg 7/17/2019 Denial
 4399359 1 pg 11/19/2019 Property Order

In addition please note this Petition meets the Relief
 Standard for Writ of Mandamus as held in
 Bauman v. U.S. District Court, 557 F.2d 650, 654-655
 (9th Circuit 1977) Five Factors Enumerated as
 (1.) Petitioner seeking the writ has no other adequate
 Means such as a direct Appeal to attain the relief he
 desires. — This factor is certainly met since Petitioner
 has filed numerous appeals within the State Courts
 through the Supreme Court of California and Even Petitioned
 for Writ of Certiorari through the United States Supreme
 Court but the Assaults by the Lamoreaux Justice
 Center - Superior Court of California, County of Orange defies these
 processes and remains determined to continue abusing Petitioner and
 his four Minor Children from each other.

1 (2) The Petitioner will be damaged or prejudiced in
2 a way not correctable on appeal. This factor
3 certainly is met since keeping the four
4 minor children alienated from Petitioner
5 Father by the issuance of the Final Custody
6 Judgment dictating 100% Physical and Legal
7 Custody to the Respondent further harms
8 these children and Petitioner irreversibly
9 since the loss time together can never be
10 replaced or redone.

11 (3) The State Court's Custody order is
12 clearly erroneous as a matter of Law
13 since Parental Rights for every Mother
14 and Father to have an active nurturing
15 role with their children is guaranteed
16 by the U.S. Constitution's Fourteenth
17 Amendment and an abundance of Case Law
18 Here is cited in Exhibit #4399308 (pgs 8-15)
19 such as Santosky v. Kraemer, 455 U.S. 745,
20 Adoptive Couple v. Baby Girl 570 U.S. 637,
21 M.L.B. v. S.L.J., 519 U.S. 102, Pierce v. Society of Sisters,
22 268 U.S. 510; Caban v. Mohammed, 441 U.S. 380
23 and many others herein contained in attached exhibits/articles
24 listed above. (4) The State Court is in repeated error persistent disregard for Federal Law

25 * Also see Haanes v. Kerner, 404 U.S. 519 (1972)
26 which held pro se litigants should be held
27 to a lower standard in their pleadings as
28 would an attorney *

(5) Lastly, the State Court order raises
new and important problems or issues of law of first impression related
to Parental Rights of Male Father. 18

#2 Statement of the Case (Copy Request # 4399241)
DV - 100 Item 27 "Description
of Abuse"

1
2 Petitioner's Request for a Restraining
3 Order lists Events of Abuse from
4 Respondent that do not predate
5 the prior Restraining Order issued
6 on 1/14/16 after Petitioner's Trial where
7 he was found NOT GUILTY of 3
8 Bogus Charges brought by Respondent
9 with the Conspiring of the Newport
10 Beach Police Department and officers
11 previously mentioned Bragi and Dugan
12 along with the O.C. District Attorney.
13 The three Not Guilty Verdicts related
14 to No Wrongdoing against Respondent
15 Cheryl Lopez and "Noah" (Petitioner's Son).
16

17 Petitioner also reiterates statements made
18 whereby the Respondent - Cheryl Lopez
19 in every instant was the aggressor and
20 Petitioner always acted in Self Defense.
21 These facts are reflected in Petitioner's
22 testimony as reflected in the attached
23 transcript of the trial and in the
24 testimony of Petitioner's Daughter whose
25 questioning starts on Pg. 1161 and on Pg. 1167 states
26 Respondent was the Aggressor, having pushed Petitioner
27 of his feet as he is reprimanding his son Noah with
28 NO wrongdoing as the jury's verdict affirmed (Not Guilty).

1 Petitioner in all instances acted in self defense
2 as is made perfectly clear having established
3 Respondent was always the aggressor.

4 The same is the case with the
5 first listed event where Respondent
6 assaulted Petitioner with a metal
7 Kitchen Fork (not a dinner fork - a pitch fork)
8 while Petitioner is laying on his back
9 with his 2-3yr. old son in arms. Respondent
10 again the aggressor and without justification
11 turned away from the travel trailer sink
12 and stepped towards Petitioner directly laying
13 across from the area where she stood.

14 She motioned with a firm grasp the Kitchen
15 fork towards Petitioner at her waist level.

16 All of Petitioner's actions were in
17 self defense of his son - 2-3yrs. old and
18 self.

19 As to the previous protective order issued
20 on 1/14/16, which expired on 1/14/19, this
21 was issued following one misdemeanor (child endangerment) ^{abuse}
22 Guilty finding by the Jury as to

23 Tatiana, Petitioner's oldest daughter
24 now 16, for one open hand spank on the
25 left shoulder - See Petitioner's testimony
26 pp. 227, 264, 309, 314. Moreover, Petitioner
27 had 20 (300) violations of this protective
28 Order throughout the entire 3 yr. duration.

1 To be clear the verdict applied to ~~one~~ of
2 Petitioner's children not the other three.
3 Also, please note the action by Petitioner
4 of spanking daughter occurred after all
5 of Respondent's physical assaults upon
6 Petitioner including bloody cuts to his face
7 as seen in the custody pictures (NBPD) and
8 pictures provided by Petitioner.
9 Specifically events (5), (6), (7), (9), (10) (false
10 accusations of 11/25/15 DV Restraining Order Application
11 filed by Respondent) - Tatiana's Diabetes diagnosis (Nutritional Neglect/Abuse)
12 all transpired after the issuance of the
13 1/14/16 Protective Order - Now Expired.
14

15 To be abundantly clear, the facts described ^{enumerated} above
16 and in Petitioner's original Restraining order (1/16/19) ^{similarly}
17 request also transpired after the 1/14/16 ^{enumerated}
18 verdicts rendered by the jury.
19

20 These facts are in sharp contrast to DV 109-B(1)
21 the court's Paragraph 4 (b) (3) - Explanation for denial
22 Moreover, Petitioner requests this court take
23 notice of the Tentative/Temporary Granting of
24 Respondent's Restraining Order of 2/16/19 Application
25 pending hearing 2/6/19 despite all events she
26 alleged having occurred prior to
27 the events related @ trial of 1/4, 5, 6, 7, 11 and 14 of 2016.
28 Lastly, the calls made by petitioner after the prior Protective Order Expired 1/14/19,
were all made at the direction of 3rd the clerks of this court with
exception to one call made to request
to wish Thalia a Happy Birthday / Page Number @ 8am on 1/14/19
CV-127 (09/09) PLEADING PAGE FOR A SUBSEQUENT DOCUMENT

1 Petitioner moves this court to move the 2/8/19
2 hearing set for 8:30 am. to 2/6/19 as is already
3 a hearing set for the matter of Respondent's
4 Restraining Order Request that should be denied.
5 This Request is made for good cause as Petitioner has
6 been ordered to appear at a hearing @ the Central
7 Court House on 2/8/19 prior to these matters arose.

8
9 Please find attached of Petitioners Exhibits
10 Notice of Court Hearing - DV 109 - Pg. 1-3
11 Request for Restraining Order - DV 100 Pg 1-6
12 Petitioners Declaration Pg 1-9 (DV 100 Item 27)
13 Exh. A - H (490 pgs.)

14 Petitioner Denies all Allegations of Abuse or Domestic Violence
15 as to all of his children and as to Ex Spouse-Respondent.
16 Respectfully submitted,

17
18 Arthur Lopez
19
20 Arthur Lopez

January 22, 2019

(January 21, 2019

was Holiday in Honor of
Martin Luther King, Jr.)

Circuit Rule 27-3 Certificate

Pursuant to Circuit Rule 27-3, I hereby certify that to avoid irreparable harm to Petitioner Arthur Lopez and to his four minor children, T.K.L., T.K.L., N.A.L. and L.T.L., relief is needed in less than 21 days time.

1.) Regarding Circuit Rule 27-3(a)(1), Petitioner Arthur Lopez notified the Deputy Clerk / Duty Attorney - Emergency Motions Unit (As Standard Operating Procedure They Don't Provide Name) @ the United States Court of Appeals for the 9th Circuit 415.355.8800 (4M @ 1:57pm on Sunday 11/24/19 and return call was received @ 7:30am on 11/25/19 Monday) on Monday November 25th, 2019 @ 7:30am. (4 minute conversation - Started 7:28 a.m.), Petitioner, also, notified counsel for Superior Court of California, County of Orange. @ Assistant Attorney General Mathew Wise - 916.210.6046 @ 12:12 pm (2 minute conversation) on this date November 25th, 2019 and also notified Respondent Cheryl Lopez - Pro-Se (714) 369.1879 (53 Second Voice ^{Mail} Message / Call @ 12:23pm) Today's date - 11/25/19 of its intention to file this Mandamus petition and Emergency Motion. The recently ~~filed~~ petition and Motion are served by U.S. Mail to the addresses listed below.

2.) Regarding Circuit Rule 27-3(a)(3)(i), counsel(s) are as follows:

✓ 2

Page Number

1 Counsel for Government / Superior Court of California, County of Orange
2 - XAVIER Becerra #118517

3 California Attorney General
4 1300 "I" Street

5 Sacramento, CA 95814 - 2919

6 (916) 445 - 9555 [(800) 952.5225]

7 P.O. Box 944255

8 Sacramento, Ca 94244-2550

9 - Mathew Wise #238485

10 California Assistant Attorney General

11 1300 "I" Street, Suite 125

12 P.O. Box 944255

13 Sacramento, Ca 94244-2550

14 (916) 210-6046 ; E-MAIL : Mathew.Wise@doj.ca.gov

15 FAX (916) 324.8835

16 Counsel for Respondent Cheryl Lopez - Pro. SE

17 Cheryl Lopez - Self Represented - Pro-SE

18 18241 Mandarin Lane, Apt. "D"

19 Yorba Linda, Ca 92886

20 (714) 369-1879

21
22
23 Counsel for Plaintiff / Petitioner Arthur Lopez - Pro-Se

24 Arthur Lopez

25 P.O. Box 13081

26 Newport Beach, CA 92658

27 949. 467.0937

28
ei 3

3.) Regarding Circuit Rule 27-3 (a)(3)(ii),
the facts showing the existence and nature
of the claimed emergency are set forth
in detail below in the Statement of the Case

In Brief Petitioner respectfully requests
emergency relief in this matter since Respondent(s)
and California State Courts including Superior Court
of California, County of Orange @ Samoreaux
Justice Center 341 The City Drive S, Orange,
CA 92868 in unison have deprived Petitioner
Arthur Lopez - Father of Four Minor Children of his
U.S. Constitutional Civil Rights including the
14th, 1st, 15th and others by schemes, misrepresentations,
false accusations to deny Petitioner of his
Parental Rights as the biological and presumed
Male Father of his Four Minor Children, J.K.L-14, J.K.L-13, J.K.L-8, N.A.L-13, L.U.L-8. . . Furthermore, the
Superior Court of California, County of Orange @ the
becking of Respondent, Cheryl Lopez intends
to Grant Final Judgement for Custody in Permanence
Favor of Respondent to include 100% Physical Legal
Custody and 100% legal Custody as verbalized
by Superior Court of California, County of Orange
Presiding Judge during a November 19th, 2019 hearing
despite Petitioner not having any contact
whatsoever with his four children for over
Four years and with NO Protective Order barring so,

iii 4

4.) Regarding Circuit Rule 27-3(a)(3)(iii), Respondent(s) and Superior Court of California County of Orange Counsel were notified by phone and voicemail on November 25, 2019 of Petitioner, Arthur Lopez's intended filing of this Mandamus Petition and Emergency Motion. Respondent(s) and Counsel are being served with the just finalized Petition and motion simultaneously with filing both via U.S. Mail to the United States Court of Appeals for the 9th Circuit @ 95 7th Street, San Francisco, Ca 94103 to the corresponding addresses above stated.

5.) Regarding Circuit Rule 27-3(a)(3)(4), as set forth in the Statement of the Case Below the Petitioner, Arthur Lopez has sought and been denied relief from the State of California Superior Court County of Orange - Lamoreaux Justice Center - Family Law Court. Moreover, no such relief is listed under FREPP available in the district court and hence should not be remanded or denied.

Indeed, Ca Superior Court Judge Daphne Sykes ruling - affirmation of ^{her} previous rulings on this subject barring of Parental Rights - 14th amendment right to have an active engagement with Petitioner's four minor children as part of Equal Protection Under Law (denial of contact) and moreover previous denials of Petitioner's requests for a Criminal Protective Order against Respondent ex-wife are the precipitating events for this filing.

1 Petitioner simultaneously is seeking/filing
2 Emergency Motion for a Stay of Child Custody
3 Order / Final Judgement under Circuit Rule 27-3.
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16 November 25th, 2019

17 Arthur Lopez
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20 Arthur Lopez

21 PRO. SE
22 Petitioner
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✓

5a

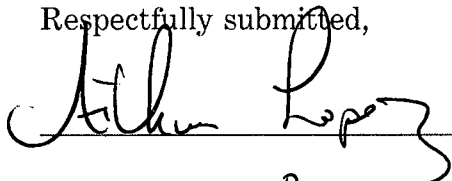
REASONS FOR GRANTING THE PETITION

Petition should be granted to Restore Petitioner's Parental Rights as guaranteed under the 14th Amendment's Equal Protection Under Law

CONCLUSION

The petition for a writ of ^{Extraordinary-Mandamus}~~certiorari~~ should be granted."

Respectfully submitted,

_____
Athan Lopez

Date: December 24, 2019