

No. 19-7230

IN THE
SUPREME COURT OF THE UNITED STATES

In re Arthur Lopez — PETITIONER
(Your Name)

vs.

[Cheryl Lopez] — RESPONDENT(S)

ON PETITION FOR A WRIT OF Mandamus TO

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

PETITION FOR REHEARING

Arthur Lopez
(Your Name)

P.O. Box 13081
(Address)

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

949 467 0937
(Phone Number)

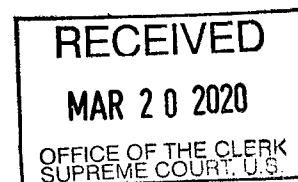


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APPENDIX H	United States Supreme Court Case Law / Citation Authority <i>M.L.B. v. S.L.G.</i>, 519 U.S. 102 (1996) "... Just as a State may not block an indigent petty offender access to an appeal afforded others, so Mississippi may not deny M.L.B. because of her poverty, Appellate Review of the sufficiency of the evidence..." "We place decrees forever terminating parental Rights in the category of cases in which the State may not bolt the door to <u>Equal Justice</u>," wrote Justice Ginsburg, "recognizing that Parental Termination decrees are among the <u>most</u> severe forms of State action."

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Appendix J - 1 California Codes

Appendix K, L, M, N - 1 Case Law(s) / Citations

Table of Authorities Cited

United States Supreme Court:

- 1) *Bodie v. Connecticut*, 401 U.S. 371, 91 S.Ct. 780, 28 L.Ed. 2d 113
- 2) *H.L.B. v. S.L.G.*, 519 U.S. 102 (1996)
- 3) *Griffin v. Illinois*, 351 U.S. 12 (1956), No. 95
- 4) *Draper v. Washington*, 372 U.S. 487 (1963)
- 5) *Estledge v. Washington Prison Bd.*, 357 U.S. 214 (1958)
- 6) *Pierce v. Society of Sisters*, 268 U.S. 510
- 7) *Caban v. Mohammed*, 441 U.S. 380
- 8) *Santosky v. Kramer*, 455 U.S. 745
- 9) *Ortwein v. Schwartz*, 410 U.S. 656
- 10) *Adoptive Couple v. Baby Girl*, 570 U.S. 637
- 11) *Haines v. Kerner*, 404 U.S. 519 (1972)

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United States Court of Appeals :

9.) Lee v. Habib (D.C. Cir. 1970), 424 F.2d 891

.)

California Court of Appeals :

10.) Haglund v. Superior Court (Flores) (1982)

11.) Villa v. Superior Court (Nicholec) (1981)

12.) Seelsrin v. Superior Court, 163 Cal.2d 153

13.) Majors v. Superior Court of Alameda Co., 181 Cal.2d 270, 276

14.) Roberts v. Superior Court, 264 Cal App.2d 235, 241

15.) Bank of America v. Superior Court, 255 Cal App.2d 575

16.) County of Butte v. Superior Court, 244 Cal App.2d 770, 775

California Supreme Court :

17.) Martin v. Superior Court, 168 P.135

18.) ~~James~~ Dana J. v. Superior Court of Los Angeles Co.

L.A. No. 29830 (1971)

19.) Ferguson v. Keys (1971) 4 Cal. 3d 649

20.) In re Baby Girl M., 37 Cal. 3d 65 (1984)

L.A. No. 31786

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

see attached / Preceding list

STATUTES AND RULES

California Government Code	68511.3
California Government Code	68634.5 (b)
California Government Code	68651.
* California Family Code	3026.
California Rules of Court	3.61
California Rules of Court	3.62 (b)
California Rules of Court	985(a),(i),(j)(b)
California Welfare and Institutions Code	16507

OTHER

U.S. Title 18 §§ 241 + 242

U.S. Constitution Civil Rights, 1st, 14th... amendments

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution

14th, 5th, 4th, 6th and 1st Amendments

Petition For Rehearing
STATEMENT OF THE CASE

Pursuant to United States Supreme Court 44.1, Petitioner, Arthur Lopez respectfully petitions for Rehearing of this court's denial of Petition for Writ of Mandamus ordered/issued March 9, 2020.

(In re: Arthur Lopez vs. [Cheryl Lopez], No. 19-7230, Arthur Lopez moves this court to grant this petition for Rehearing pursuant to United States Supreme Court Rule 44.1 as this petition for Rehearing is filed within 25 Days of this court's decision in this case and moreover as supported by the 59 previous cases listed under Timely Petitions, Appendix C (i.e. Brockett v. Brockett [1844 U.S.], Slaughterhouse Cases [1870 U.S.]...). In addition, Petitioner Arthur Lopez moves this court to consider his case with merits Briefing and Oral Arguments in Granting this Petition for Rehearing.

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Plaintiff, Arthur Lopez respectfully and humbly petitions this most honorable United States Supreme Court for Rehearing due to the intervening circumstances of a substantial controlling effect on this case and substantial grounds not previously presented.

To begin this court did not acknowledge New Evidence or have distributed Plaintiffs recently docketed, No. 19-7953, "Petition For writ of Certiorari" filed as of, (appendix E), March 6th, 2020 (the same day of the court's conference on this case) and docketed March 11, 2020, which also provides clear extensive evidence of the intervening circumstances of a substantial controlling effect on this case and moreover substantial grounds not previously presented whereby these defendant(s), Superior Court of California, County of Orange @ Lamoreaux Justice Center - Family Law Center and the garnet of State of California & CA Judicial structure and staff have and continue to deprive Plaintiff of his 14th Amendment United States Constitutional Civil Rights to include 14th Amendment Equal Protection, Due Process and Parental Rights,

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1 to the extreme degree of facilitating and for 4 years,
2 executing a text book Parental Child Abduction (x4),
3 having alienating all four of Plaintiff's
4 minor children from having any and all
5 contact with their Biological Father in
6 violation of State of California and
7 Federal and International law, see Appendix D.
8 Please Take Judicial Notice of Docket No. 19-7953
9 Hence Rehearing is appropriate for this
10 court to consider the following facts which
11 shed light on the mechanics of how
12 the criminal actions of all those involved
13 go about perpetrating their unscrupulous
14 abuse of power to maintain an unconstitutional,
15 female-gender, alarming bias to the irrevocable
16 detriment of Plaintiff's four minor children and
17 Petitioners.
18
19
20
21

22 The following Statement of Facts provide the
23 details to the intervening circumstances of
24 a substantial controlling effect on this case
25 and substantial grounds not previously
26 presented with this case Docket No. 19-7230.
27
28

Petition For Rehearing Statement of the Case

Most honorable United States Supreme Court
this matter before the court stems from the
preconceived and premeditated State of California,
Superior Court, Court of Appeals and Supreme Court
scheme(s) to deprive Plaintiff-Residents (Male)
their United States Constitutional Civil Rights
under the 14th Amendment (and others i.e. 1st, 4th, 5th, 6th)
denying Equal Protection & Due Process under Law
with the purpose, intent and Standard Practice
under Color of Law to provide a profuse bias in
favor of the female gender parent on matters related
to custody of minor children to the irreversible
detriment of the same children and male father.
Specifically to this case, the deprivation described
herein is carried out blatantly declining to
maintain impartiality in Divorce Proceedings (includes custody
matter)
especially when it comes to appointing parental custody
of minor children. In this instance, first, the female
presiding Judge Daphne Sykes Scott influenced
Petitioner to Dismiss an already existing Court of
Appeal Case #E057239 during an April 17, 2019 hearing,
see Appendix F-1 and G-1, that related to the court's
(same judge) denial of even phone contact @ minimum by
petitioner with his four minor children requested on
January 16, 2019 via an RFO filing (Request for Orders) following
the January 14th, 2019 expiration of a 3yr. Superior Court order barring
all contact with Plaintiff's children (including 3 non-victims).
The judge went on to say the Dismissal of the Appeal Case was

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1 to further consider petitioner's January 16, 2019
2 request to restore at minimum phone dialogue
3 with his four minor children. This, however, proved
4 to be deceitful. As such Judge Sykes Scott
5 postponed further discussions on this topic to continued
6 hearing of April 24th, 2019 (see App. G-1, C-1) providing
7 Father Petitioner Certhin Lopez one week to carry out
8 the Dismissal of the Court of Appeal Case which he
9 complied the same day. Petitioner having carried
10 out the misguidance of the court appeared before
11 Judge Sykes Scott in Dept. L64 @ 8:30am on
12 April 24, 2019 @ which time following confirmation
13 the Appeal Case (E 057239) had been dismissed proceeded
14 to introduce to petitioner the concept of a
15 Reunification program involving Petitioner, Respondent
16 (mother) and his four minor children and having
17 never heard of this service, mechanics or costs
18 skeptically agreed to participate but made clear
19 from the onset the financial limitations that
20 existed having submitted these facts repeatedly
21 in the past and present through fee waiver
22 applications, discussions, hearings and even
23 through waiver of additional litigation costs requests
24 all of which disclose Petitioner's Permanent Injuries/
25 Permanent Disabilities as confirmed by multiple
26 medical doctors and surgeon. Soon after a mediator
27 of the court (through the court) was summoned (who is a member
28 of the Knights of Columbus - Catholic Church) known to Petitioner

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1 mainly by face recognition, and a "Superior Court
2 Stipulation and Order" form was ^{then} introduced and (App G-1)
3 drafted by the opposing court appointed attorney, then
4 submitted to the presiding judge for signing.
5 However, during the drafting of said stipulation
6 Petitioner was kept in the dark as to the costs
7 involved with the court suggested Reunification
8 Service to be provided/administered by
9 Dr. Miriam Galindo 2192 Martin St, Ste. 160;
10 Irvine, CA 92612 949.752.5776, entirely only
11 known to the court and opposing court appointed
12 attorney. Moreover, the court, with full knowledge
13 of Petitioner's financial hardship and General/Good
14 Assistance "Qualified Recipient" status demanded the
15 full cost for the Reunification Service be provided
16 by the Petitioner. In fact, the same court had
17 repeatedly granted Petitioner in forma pauperis/
18 court fee waivers and even additional litigation
19 costs for another "court required" expert, PhD,
20 see Appendix D-1, named Amegquita, PhD, even though
21 Petitioner had motioned to have his involvement in
22 the case stricken from the record due to his
23 omissions of material facts and testimony from
24 Petitioner's eldest daughter @ Trial (Case # 15HM12251)
25 in which she unambiguously identified Respondent
26 (Petitioner's ex-wife and mother of witness) as the
27 initiating aggressor during the events of
28 11/22/2015 and for which a transcript excerpt

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1 was presented to this court expert during an
2 interview on or about July of 2016 @ the Lamoreaux
3 Justice Center - Superior Court in Orange on City Drive
4 which he also omitted from the record so
5 as to create a false bias against Father
6 Petitioner Arthur Lopez on matters related
7 to his four minor children's custody.
8 Moreover, Petitioner has recently discovered
9 that these Reunification Services are in
10 fact barred from introduction or assignment
11 in Child Custody proceedings by
12 California Law under California Family
13 Code 3026 (see Appendix F-).
14 Family Code 3026 Clearly States:
15 "Family Reunification Services shall Not be
16 ordered as a part of a child custody or
17 visitation rights proceeding". However,
18 despite this clear and unambiguous
19 California Family Code effective since
20 1992, this Family Law Court @ Lamoreaux
21 Justice Center has unlawfully bestowed not
22 only the Reunification Program upon Petitioner
23 and his four lovely minor children, but
24 to make unity even more inconceivable and
25 unlawful, has burdened the entire nearly ten
26 thousand dollar (\$10,000.) cost, as quoted by
27 a subsequent court appointed service provider
28 since Dr. Miriam Galindo dropped out of the process

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after petitioner, Arthur Lopez, miraculously was able to tender the \$1250- (twelve hundred fifty dollars) she had quoted initially but could not honor. This 2nd court appointed Reunification Service provider that quoted a ± 20 hour program @ hourly rate of $\approx \$400$. is Dr. D103d and she also was replaced after petitioner filed the arduous, delay-filled processes to overcome this new and additional malicious obstruction and inconceivable court ordered Reunification Service costs since petitioner all the while, with court full knowledge, remains in indigent status. However, the court remained fixated on remaining wholly bias in favor of white, female respondent by refusing to split equally the cost of the Reunification Service nor would it grant waiver for these additional litigation costs despite having imposed by order this Reunification Service/Program to begin and as additional costs of litigation are waivable for in forma pauperis litigants / Plaintiff under California Rules of Court Rule 3.61 and 3.62 (6). Rule 3.62 states: (See App. F-1)

"The additional court fees and costs that may be waived upon granting an application include:

... (6) Other fees or expenses as itemized in the Application - See Appendix E-1 - "Request To Waive Additional Court Fees, Item 5 and 6. Medical Expert/ Reunification Service (California Judicial Council Form FW-002 - Citing Ca Govt. Code §68511.3). Moreover, in addition to submitting multiple requests to the Superior court, petitioner in progression, also made ~~more~~ than 1 formal request to

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the California Court of Appeals for the waiver of these additional litigation costs including the essential Court Reporter Transcript(s) for the purpose of a complete appellate review of Petitioner's Court of Appeal Cases including G057649/G057773. In fact, Waiver of Additional Litigation/Court Costs were submitted for not only the Reunification Service but also the Transcript cost(s) via California Judicial Council Form (FW002 only form available) May 3rd, 2019 and June 28th, 2019. In fact, these ^{related} cases are under threat of Dismissal since the CA Court of Appeals did not care about matters under Review with the Supreme Court of the U.S. denying Petitioner's request for Stay and the California Court Reporters Board, where Petitioner qualifies for waiver, claims to be out of money and as such refuses to provide the funds to the Court Reporter hired by the Court. The artificial and Unconstitutional Obstructions are designed to deprive Petitioner of a complete appellate review since the Transcript of the April 24th, 2019 Hearing will unambiguously demonstrate Presiding Judge Daphne Lykes Scott initially introduced the Reunification Service/Program in violation of California Law - Family Code 3026(a)(1). Moreover, Ca. Court of Appeals Rejection of Both Petitioner's Request for Waiver of Additional Costs is also unlawful under California Law - specifically California Government Code 68634.5^(b) and California Rules of Court - Rule 985(a), which state the following:

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(a) In the Court of appeals...
1 Ca Govt Code 68634.5(b) > " All completed Applications
2 for a fee waiver shall be accepted for filing"
3 California Rules of Court Rule 985(a) > "... The
4 Clerk shall provide the form without charge to
5 any person who requests it or indicates that he
6 or she is unable to pay any court fee or costs.
7 The clerk shall immediately file an application
8 and any pleading or other paper presented by the
9 applicant prior to any order denying the application,"
10 amended January 1, 1983, see Appendix G-1.
11 In fact, Petitioner was not only never provided
12 such Forms or Procedural Requirements by the Clerk(s)
13 of the Ca Court of Appeals, but also had both
14 Requests/Applications Rejected and never filed by
15 the Court and furthermore the Superior Court
16 barred Plaintiff/Petitioner Arthur Lopez
17 from filing any form or pleading related to
18 his Divorce/Custody Case #16D1001283 on
19 July 17, 2019 (this date also intentionally happens
20 to be Plaintiff's First Born Son's Birthday
21 and the Dedication Date of the Orange County
22 Diocese - "Christ Cathedral"), See Appendix H+1.
23 Moreover, California Government Code 68511.3 has long
24 provided the Ca Judicial Council and Courts the authority to
25 not only provide uniform forms and rules of Court related to
26 in forma pauperis litigants. The Govt. Code also clearly
27 qualifies applicants under Food Program assistance for
28 Waiver of initial filing fees and moreover through 985(j)(6)

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which states: "... Additional court fees and costs waived... Other fees or expenses as itemized in the application..." - see Appendix E-1, Item 5(d) and 6 - Medical Expert / Reunification Service Costs under Request to Waive Additional Court Costs / fees - Form FW-002 (only form available throughout the State of CA). Further authority for waiver is defined under California Rules of Court, Rule 3.62 additional court fees and costs waived: (b) "Other fees or expenses as itemized in the application" again noted under "Appendix E-1, Form FW002, item 5(d)(e) and 6, see Appendix J-1. In fact, the California Court of Appeals, Fifth Appellate District held in *Villa v. Superior Court (Michael)* (1981) Civil No. 4609 - October 27, 1981 that "California Rules of Court, rule 985, encompasses any fee which an indigent must pay in order to take any step which is essential to initiating or maintaining a civil action," see Appendix L-1. Also, see United States Supreme Court case *M.L.B. v. S.L.G.*, 519 U.S. 102 (1996) whereby the court held in a 6-3 opinion delivered by Justice Ruth Bader Ginsburg "... just as a State may not block an indigent petty offender's access to an appeal afforded others, so Mississippi may not deny M.L.B., because of her poverty, appellate review of the sufficiency of the evidence on which the trial court found her unfit to remain a

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parent. "We place decrees forever terminating parental rights in the category of cases in which the State may not bolt the door to Equal Justice," wrote Justice Ginsburg, "recognizing that parental termination decrees are, among the most severe forms of state action," see Appendix H. Also, see Boddie v. Connecticut, 401 U.S. 371 (1971) whereby (Appendix G) the court held Due Process requires a state to waive court fees and costs for an indigent person in a divorce case if that is the only way to get a divorce in that state. This in view of the basic position of the marriage relationship in our society and the state monopolization of the means for dissolving that relationship, due process of law prohibits a state from denying, solely because of inability to pay, court fees and costs. Hence, the State of California consistent deprivation of petitioners Due Process by denying an essential complete appellate record despite Arthur Lopez's indigent status and clearly meeting the qualifications for waiver of additional court/litigation costs even after being deemed worthy of in forma pauperis status amounts to clear violation of U.S. Constitutional Rights under the 14th amendment and 1st amendment. Moreover also draws serious violations of law in every California Family Law - Superior Court, Court of Appeals and Supreme Court case whereby Male, Latino - Mexican Heritage, Catholic - Christian and Minority/Non-Minority Fathers are being kept from not only

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1 from the waiver of costs to ensure fair judicial due processes
2 and equal protection under law but as a consequence
3 also the inherent right to parent their very own
4 children, see U.S. Supreme Court case Santosky v. Kramer,
5 455 U.S. 745 (1982) where the court held:

6 The fundamental liberty interest of natural parents
7 in the care, custody, and management of their
8 is protected by the Fourteenth Amendment.

9 ... When the State moves to destroy weakened familial
10 bonds, it must provide the parents with
11 fundamentally fair procedures... Also please note

12 California Rules of Court apply to all State of California courts
13 and as such the Appellate Courts standard practice of creating
14 confusion, obstructions and unnecessary delays and duplicity of
15 tasks, denial of "proof of service" signed by pro-se indigent
16 appellants/plaintiffs is not only unconstitutional, unlawful
17 and unethical but also criminal and actionable
18 under U.S. Title 18 U.S.C. §§ 241-242 as a clear
19 concerted, collaborated and conspired effort, under color of law,
20 is designed and executed by all these participants herein
21 mentioned to deprive make (b) petitioner(s) minority(ies).

22 Mexican-Heritage, Non Minority Father(s) Arthur Lopez
23 of his Civil Rights including but not limited to the 14th
24 Amendment. As such Petitioner respectfully
25 seeks to press charges against every guilty party
26 herein included. Petitioner also humbly moves this court
27 to accept the unambiguous evidence here in submitted
28 as grounds sufficient to restore Petitioner's Parental Rights

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1 and U.S. Constitutional Civil Rights including those afforded
2 under the 14th amendment and moreover impose an
3 Emergency Injunctive Relief Order against the
4 State of California and all of its courts/agencies
5 from further depriving Petitioner and its residents
6 from the U.S. Constitutional Civil Rights and all
7 Federal Protections applicable in matters of Judicial/
8 Parental Rights nature. Furthermore, petitioner seeks
9 to nullify all previous unconstitutional/unlawful
10 orders issued by California Courts on these denial of
11 Parental-Custodial Rights, fee waivers for transcripts,
12 copies, Reunification Services/Programs, Furthermore,
13 the order(s) requiring Reunification Services/Program
14 should also be nullified as it is in violation of
15 California and Federal laws and are Unconstitutional
16 moreover are in violation of Ca Family Code 3026 (Appen. F)
17 Moreover, Petitioner humbly requests all items petitioned
18 through this writ be granted and with clear authority
19 to establish unity of Petitioner with his four minor
20 children as soon as physically possible without
21 interference or obstruction from the State and
22 51% minimum custody by Petitioner of all four
23 of his minor children T.K.L., T.K.L., W.A.L., A.F.L.
24 This court should also note that under California Govt. Code 68651
25 Plaintiff/Petitioner is eligible for Legal Counsel appointment being
26 he is a low-income party in a civil matter involving critical
27 issues affecting human needs. However, Plaintiff was also deprived
28 of this right/request despite making counsel available to opposing party
through minor children often speaking on her behalf @ hearings.

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Lastly, please also see Supreme Court of California case
Dana G., a minor Petitioner v. Superior Court of Los Angeles County
4 Cal. 3d 836 - LA 29830 (May 14, 1971) Whereby the court
held minor was entitled to free transcripts of the proceedings
without regard to his parents financial status, see
Appendix N-1 and M-1 and Table of Authorities Lists (2) included
For all these facts and many more Petitioner,
Arthur Lopez humbly submits to this court
Petition for Rehearing as it relates to Writ of
Mandamus #19-7230, CONCLUSION

The petition for Rehearing should be granted.

Respectfully submitted,

Arthur Lopez

Date: March 17, 2020

**Additional material
from this filing is
available in the
Clerk's Office.**