

No.

**19-7403**

IN THE

SUPREME COURT OF THE UNITED STATES

**ORIGINAL**

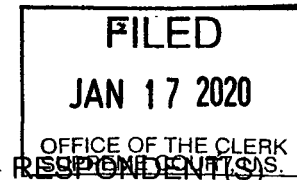
Theodore Shove,

(Your Name)

PETITIONER

vs.

Ninth Cir. Court of Appeals, —  
et. al. on page (ii)



ON PETITION FOR A WRIT OF CERTIORARI TO

Ninth Circuit Court of Appeals : Case No. 19-56223

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

"Capital Case"

PETITION FOR WRIT OF CERTIORARI

Original Exclusive Jurisdiction

U.S. Constitution Art III; U.S. Const. Amend 11.

Theodore Shove (G-11092)

(Your Name)

San Quentin State Prison

(Address)

San Quentin, CA. 94974

(City, State, Zip Code)

Not Applicable

(Phone Number)

## QUESTION(S) PRESENTED

### \* \* CAPITAL CASE \* \*

1. Judgment based upon criminal violations of State and United States Constitutions and Laws, by Law Enforcement, Prosecution; Qualify for Habeas Corpus challenge to illegal judgment as a matter of law, by U.S. Constitutionally Guaranteed Right pursuant to (U.S. Const. Art. I. §9 cl.2, and U.S. Const. Amend. XIV).
2. State of California Violates United States Constitutional Laws by "suspension" of Habeas Challenge based upon Prosecution's criminal acts to obtain judgments. State of California refuses to "appoint counsel" in Capital Cases pursuant to (28 U.S.C. §2261(a)(b)(c)(d)), in a Filed Habeas Writ before the Court presented with evidence of criminal violations by State of California Executive Branch, and Bars all Self-Representation, and refuses to allow any discovery.
3. The Crimes presented to the State and United States Courts pursuant to United States Criminal Statute (Title 18 U S C. §04), a Statutory Demand on U.S. Citizens. The U.S. Courts issued a demand for State Exhaustion prior to U.S. Courts accepting jurisdiction, alledging "No Legal precedent", this to include (28 U.S.C. §2241(c)(3)); (§2254(a), §2264(a)(1), §1651, 1652; 28 U.S.C. §2254(a) "only" on grounds pursuant to judgment of a State Court, "only" on grounds that He is in custody in violation of Constitution, Laws or Treaties of the United States.
4. The Duties of Our U.S. and State Judges pursuant to duties incumbant upon Oath to obtain vested authority to duties owed to U.S. Constitution, Laws and Authoritative Answer in Law. Also the legal clarification of suspension of Writ of Habeas Corpus to challenge judgments based upon criminal violations of law, by those vested with authority by State and United States Constitutions, Statutory Laws. "No Rebellion or Threat to Public Safety".

## 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:

Ninth Circuit Court of Appeals  
P.O. Box 193939  
San Francisco, CA. 94119-3939

U.S. District Court  
Central District of Calif.  
312 Spring Street, #G-8  
Los Angeles, CA. 90012

California Attorney General  
Xavier Becerra  
1300 I Street, suite 126  
Sacramento, CA. 95814

California Governor  
Gavin Newsom  
State Capitol, 1st. Floor  
Sacramento, CA. 98214

California Supreme Court  
350 McAllister Street  
San Francisco, CA. 94102-7303

U.S. Solicitor General  
Room 5616

950 PENNSYLVANIA AVE. N.W.  
Washington, D.C. 20530-0001

U.S. Attorney William Barr  
Deputy Warden

950 PENNSYLVANIA AVE. N.W.  
Washington, D.C. 20530-0001

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Baca v. Adams, CV-08-00683-MMM-PJW, £1356132.	15, 19, 28.
Heck v. Humphrey, 512 U.S. 477-488.	8,
Jones v. Chappell, CV-09-02158-CJC.	15, 14, 28.
Kugler v. Halfant, 432 U.S. 117, 124-25.	15, 30.
Middlesex, 457 U.S. at 437.	15, 30.
People v. Holt, 15 Cal. 4th. 619	9.
Shove v. Brown, CV-12-0211-RMW (2013 WL6199358)	35.
Shove v. U.S. Judges, CV-09-02316-UNA, (2010 WL 288994)	31.
In re. Steele (2004), 32 Cal.4th. 682.	23.
Younger v. Harris, 401 U.S. 37, 43-56.	15, 4, 30.
Wong v. United States, 371 U.S. 471.	15,
<u>United States Criminal Statute</u>	
Title 18 U.S.C. §04.	4, 18, 20 -
<u>United States Civil Statutes Title 28 Sec.</u>	
§453.	5, 19, -
§1251(a)	3,
§1257(a)	3,
§1292 (d-e)	3,
§1294(1)	3,
§1651	20,
§1652	20,
§1915	23,
§2241(C)(3)	15, 10, 1-
§2254(a)	4, 15, 18, -
§2254(b)	18, -
§2261(a) et. seq.	11, 22.
§2264(a)	4, 15, 13, 10 -
<u>Title 42 U.S.C. §1983</u>	23

## TABLE OF AUTHORITIES

### California Penal Code Sections:

§141 (a-d).	10, 18
§1054.9	10, 18-
§1473	10,
§1523	10, 17, -
§1524,	6, 10, 17-
§1534,	6, 7, 8, 10, -
§1538	10, - -
§1538.5	10, - -

### California Rules of Court.

Rule 8.610(a) et. seq.	9, 12, -
Rule 8 619 et. seq.	9, -,

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### United States Constitution:

#### Amendments:

Amend. VIII.

Amend. XIII.

Amend. XIV.

Amend. XVI.

Amend. XIX.

Amend. XXI.

#### Articles:

Art. I. §9. cl. 2.

Art. I. §18.

Art. II. §1.

Art. III.

Art. IV.

Art. V.

Art. VI.

### California's Constitution:

#### Articles:

Art. I. §11.

Art. VI. §6.

Art. VI. §13.

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION .....	3-6
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	v.
STATEMENT OF THE CASE .....	7-10
<u>Question One</u> .....	11-16
<u>Question Two</u> .....	16-20
<u>Question Three</u> .....	20-24
<u>Question Four</u> .....	24-29
CONCLUSION .....	29-32
Relief .....	32-33

## INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

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 ONE to the petition and is HARRIS, Court Order 12-29-19.

☐ 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 Two 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 Three to the petition and is S-164093 No box

☐ reported at \_\_\_\_\_; or,

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

☒ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix Four to the petition and is S-193252 No box

☐ 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 12-24-19 18-70027 4-26-18

☒ 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), 28 U. S. C. § 2251

U.S. Constitution ART III § 1-2, U. S. Constitution Amend. XIV.

U.S. District Court Appendix Two

Order 10-25-19 9-16-19  
16-22-19 9-13-19  
9-09-19

CV-15-2816-R. 6-11-15 Original Court order  
<Vexatious Litigant Order>

☒ For cases from state courts:

The date on which the highest state court decided my case was Feb. 20<sup>th</sup> 2013  
A copy of that decision appears at Appendix Three.

[ ] 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).

U.S. Court of Appeals; Appendix ONE

State Courts; Appendix Three

Court Order 12-24-19 / 19-56223

Scheduling Notice 19/56223

U.S. Court of Appeals / 18-70027

Shove v. U.S. Judges, 09-2316

Shove v. Brown 12-0211-Brow 2.

Shove v. Brown 12-17491

5161909 - Pending

5164093 - Court order suspended

5193252 - Court order suspended

5234107 - Pending suspended

\* \* JURISDICTIONAL STATEMENT \* \*

This Case at issue should invoke the United States Supreme Court's Original Jurisdiction, Jurisdiction under (Article III of the United States Constitution and pursuant to 28 U.S.C. §1251(a), §1257(a), §1292(d)(e), §1294(i). The Review of this Case will aid in corrections to application of constitution and statutes in capital cases of State of California, with both U.S. District and Appeals Courts.

The U.S. District Court and U.S. Court of Appeals fails to review actual records in criminal cases. This as records certified by California Supreme Court are not preserved, and are "replaced" with stipulated agreements, rather than actual legal records demanded by State and United States Constitution, Laws and Rules of Court.

The evidence clearly certifies California Supreme Court created, adopted, and enforced polices that violate the State's and United States Constitutions and Statutory Laws. This to perpetrate a fraud on Federal Review by alleging No challenge to records. This bars Federal Review from going behind the Court Certified Records.

Further, the acts and actions at issue are clearly established and certified in this case at issue. This case has been in U.S. Jurisdiction by Courts refusal to allow jurisdiction of Habeas Corpus collateral challenge of a U.S. Citizen, who is in custody in violation of State and United States Constitutions, Laws and Treaties of the United States. (28 U.S.C. §1257(a)): Final Judgments

"Final Judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of United States is drawn into question or where the validity of a statute of any State drawn in question on the grounds of it being repugnant to the Constitution, Treaties, or Laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

This Court, United States Supreme Court has Original Jurisdiction over United States Court of Appeals where statutes as safeguards are created to insure and guarantee the U.S. Constitution, Statutes established to protect our U.S. Citizens are obeyed, and not misused to create a procedural maze.

The very foundation of United States Constitution was to establish laws-safeguards through constitutional rights to prevent false imprisonment of it's U.S. Citizens. A Complaint filed before U.S. Courts pursuant to (Title 18 U.S.C §04) "misprison of felony"; This statute creates a legal demand on it's Citizens to Report Crimes against the United States to U.S. Judges. This Case presented violations of Constitution, Laws and Treaties, by a State within the Union of the United States. Violating Constitutionally Guaranteed Rights to U.S. Citizens to file Habeas Corpus without suspension of the writ." The exemptions are rebellion or threat to public safety". Pursuant to United States statutory laws prohibit suspension exhaustion to a U.S. Citizen held in custody by judgment, based upon criminal violations of State and U.S. Constitution, Laws and Treaties. (28 U.S.C. §2264(a)(1)), (b), Following reviews subject to subsections (a), (d), and (e) of Section 2254, the Court shall rule on the claims properly before it. Capital Case expedited review is a Demand upon the Courts.

§2254(a) "Writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State Court "only" on the grounds that he is in custody in violation of constitution or laws or treaties of the United States".

(c) An applicant shall not be deemed to have exhausted the remedies available in the courts of the United States within meaning of this Section, if he has the right under law of the State to raise, by any available procedure, the questions presented. Evidence establishes exhaustion by illegal acts of States.

(d) Application of Habeas Corpus on behalf of a person in custody pursuant to the judgment of a State Court shall not be granted with respect to any claims that were adjudicated on the merits in State Court proceeding unless the adjudication of claim- (1) Resulted in a decision that was contrary to, or involved an unreasonable application of clearly established federal law as determined by the Supreme Court of the United States; or

(2) Resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in State Court proceedings." Violating Constitution by suspension of habeas challenge."

28 U.S.C. §2254(b)(1): An application for writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State Court shall not be granted unless it appears that- (B)(i): There is an absence of available State corrective process, or, (B)(ii): Circumstances exist that renders such process ineffective to protect the rights of the applicant.

This Honorable Court has original, exclusive jurisdiction pursuant to (U.S. Const. Art. III. §2): ~~Between~~ a State and it's Citizens, judicial power shall extend to all cases, in law and equity arising under this constitution, the laws of the United States, the Treaties made, or which shall be made, under Their Authority to controversies to which United States shall be a party.

The State of California is under the authority of United States by U.S. Constitution and Treaties therein made. This raises issues of which the "Supreme Law of the Land", are under jurisdictional authority to implement corrections, as a matter of duties demanded by Oath to obtain Vested authority, (28 U.S.C. §453), "Duties incumbant upon constitution, laws and Treaties of the United States."

Jurisdiction is established by Invoked Duties as a matter of law. The corrections would implement and aid in resolution of the U.S. District Courts and Appellate Jurisdiction of U.S. Courts of Appeal. Failure to implement and correct by accepting invoked duties to constitution, laws and treaties would be viewed as support for illegal, unconstitutional action of State of California who operates under vested authority of this Honorable Court. The evidence demands the invoked duties of the United States Supreme Court pursuant to, (U.S. Const. Art. III. §2). This clearly establishes vested authority by U.S. Constitution to State Courts by treaty between the United States and State of California is violated, by the suspension of habeas corpus, (U.S. Const. Art. I. §9 cl. 2), and (U.S. Const. Amend. XIV) and the State of California's Constitution,

Laws, and terminates participants who act to violate the constitution, laws and treaties while acting under color of law, permanently prohibiting authorities vested powers by violations.

## STATEMENT OF THE CASE

The arrest on October 5, 2004 was founded upon an alleged arrest warrant with "295 page Declaration of probable cause, evidence, and affidavit issued on September 15, 2004.

Preliminary Hearing in April of 2005, Bound over to Superior Court in May of 2005. The entire case was based upon an alleged letter obtained in search warrant (#2002-01012) issued April 23, 2002, Executed on April 25, 2002, was VOIDED-Terminated by issuing Court on May 4, 2002, "There was NO Return Filed". Los Angeles County Sheriffs used alleged evidence from search warrant (#2002-01012) for probable cause for arrest warrant on September 15, 2004, and for probable cause for second search warrant on October 5, 2004 and again on October 12, 2004 additional search warrant. Then on October 20, 2004, Detectives Filed a Motion to Unseal the Search warrants, attesting under oath and penalty of perjury that they filed the search warrant, affidavit and return timely. The Superior Court rejected filing So on October 21, 2004 Los Angeles County Sheriff then attempted to file a Return which was rejected by Superior Court, Returned with instructions to "Return ALL Property back to the Owner", for the second time. Out of All the property seized, Only one computer was used or declared as evidence, NO Other property was ever returned to the Owner, as the Court Ordered the Los Angeles County Sheriffs to perfect.

March 16, 2005 to April of 2005 preliminary hearings were proceeding, then right in the middle were postponed for two weeks to review additional discovery withheld by the Prosecution,

On July 21, 2006, a Pitcher Hearing was held to obtain and review personnel work records of Detective Steven Davis, The Trial Court Denied.

On May 18, 2007, a Hearing was held to address "Threats towards Witnesses" and Denial of Due Process by Los Angeles County Sheriffs. The Court Ordered the Confid-

ential Informant who worked with the Original Task Force for two years to provide Her testimony to the Jury.

Trial began approximately September 20, 2007. ~~Through~~ October, guilt phase - guilt verdict end of October. Penalty phase in November-2007, Jury recommends Death. Sentencing on March 13, 2008, Petitioner transferred to San Quentin's Death Row on March 23, 2008.

Petitioner challenged this illegal judgment and Filed to the State Supreme Court in April of 2008, The California Supreme Court FILED this petition on June 4, 2008, Division 5, (Exhibit 5) Court Order confirming filing and Denial on February 20, 2015.

At the end of October, Petitioner filed to the United States District Court, (No. CV-08-7126-R), Denied on November 5, 2008 for Failure to Exhaust. This After Petitioner presented to the State's highest court, and that Court's refusal to appoint counsel or allow Self Representation.

Petitioner filed to United States District Court (No. CV-09-0656-RMW) for the Denial of Due Process of Law. This was Denied pursuant to Heck v. Humphrey, 512 U.S. 477-86, 87. Claiming State of California has "available remedy in habeas corpus".

Petitioner filed to United States District Court in Dist. of Columbia, (CV-09-02316-UNA), Dismissed in re Heck v. Humphrey (Id.), claiming State of California Constitution, Statutes have-provide available habeas corpus remedy for Petitioner to seek relief.

Petitioner returned with formal legal precedent of (28 U.S.C. §2241(c)3); Case No. (CV-10-4556-R), again was dismissed for failure to exhaust, claiming, "delay could not be a form basis of due process violations claims under (A.E.D.P.A.). Admitting Petitioner presented pursuant to precedent "Petitioner is in custody in violation of the United States Constitution, Statutory Laws and Treaty".

Petitioner filed a (42 U.S.C. §1983) to present violations of Due Process of Law, (No. CV-012-0211-RMW), denied quoting, (Younger v. Harris, 401 U.S. 37, 43-54 (1971) ). Also claiming 3 year delay in appointment of counsel IS denial of due process, quoting (People v. Holt, 15 Cal 4th 619, 708-09 (Cal. 1997) ).

Habeas Corpus filed to United States District Court, (No. CV-12-2194-R), pursuant to (28 U.S.C. §2254(a) ), Again dismissed by Judge Real for "Failure to Exhaust".

Petitioner filed a Habeas Corpus challenge to illegal judgment in Case (No. CV-15-2010-R) pursuant to (28 U.S.C. §2261(a-d), and (§2264(a)1, (b)). The U.S. Judge created a "vexatious litigant order", denying appointment of counsel, Ordering "NO More Filings" unless Judge Real approves, or if by an Attorney only, one that He approves.

On January 8, 2013; The California Supreme Court appointed counsel to Petitioner for the "Direct Appeal ONLY". Then, in December 12, 2013 Records Corrections Hearings (Exhibit F.1, dated Feb. 25, 2014); Records Corrections Hearings (Exhibit F.2, dated June 10, 2014); Records Corrections Hearings (Exhibit F.3, dated July 29, 2014); Records Corrections Hearings (Exhibit F.4), All in Division 1, Attached to Habeas Corpus. The result of over a five year delay created by U.S. Court's failure to accept jurisdiction, large portions of the records are missing from the Trial Court's Records. The Prosecution's Power Point presentation to the jury to obtain the judgment, with all evidence, exhibits, pictures, graphs, charts, reenactment, All Missing from the Court's Records.

The Search and Arrest Warrants missing from the records as they were NEVER filed to "ANY" Superior Court. This after a production of Search Warrants clearly establishes by U.S. Constitution, Statutory Laws and Treaty of the United States Petitioner IS in custody in violation of the Constitution and Laws of the United States, and Denied Meaningful Access to the Courts, Due Process of Law, Equal Pro-



tections of Laws.

Now Notice Appointed Appeal Counsel, appointed for a Direct Appeal only, is prohibited from raising "dispositive issues" prior to appeal, or any habeas issues. So, in Attorney's Opening Brief, and Reply Brief all issues presented here are NOT raised. This after adjudication creates a procedural and or untimely default, and creates a Record on Stipulated Agreements, NOT THE RECORD! This Bars the Federal Review in going behind the records and to consider the State's rulings of Defaults.

This Case refiled in (2019), A Certificate of Appealability was issued, and The Ninth Circuit Court of Appeals DENIED Appeal-Refused Access to the Courts, After Conflicting Orders.

\* \* CAPITAL CASE \* \*

Question at Issue

Question One:

"Judgment based upon criminal violations of State and United States Constitution and Laws, by Law Enforcement, Prosecution; Qualifies for Habeas Corpus challenge to illegal judgment as a matter of law, by U.S. Constitutionally guaranteed Rights, pursuant to Mandatory Directive (U.S. Const. Art. I. §9. cl. 2; and U.S. Const. Amend. XIV. )

The Judgment was based upon one piece of evidence obtained in original search warrant (No. 2002-01012). This was issued on affidavit of Detective Linda Muse on April 23, 2002, with a court order to search residence listed, in areas described for alleged evidence described pursuant to (Cal. P.C. §1524); and to seize it if found and bring it forth before Me, or this Court, at the Court House of this Court. Issued by probable cause on April 23, 2002, at 3:35 pm. Pomona Superior Court.

Proof of affidavit having been made before Me by Detective Linda Muse there is probable cause to believe that the property described herein may be found at location set forth and that it is lawfully seizable pursuant to (P.C. §1524) as indicated below by X's in that it-

- (XX) was used as means of committing a felony.
- (XX) is possessed by a person with intent to use it as a means of committing a public offense or is possessed by another to whom he or she may have delivered it for purposes of concealing it or prevent discovery.
- (XX) tends to show that a felony has been committed or that a particular person has committed a felony.

California's Penal Code §1534 issues a time for execution and return to issuing Court or Courthouse as "10 days" for execution and return. Further clarif-

ication documents are records of the court relating to the warrant need not be open to the public with the execution and return of the warrant or the expiration of the 10 days period after issuance.

It should be noted that actual probable cause was actually based upon a C/I (Confidential Informant) working with Task Force. She was best friend to the victims daughter and son in law. She also recorded them in behalf of Task Force, retaining investigator to plant evidence and scan evidence onto others computers to lead investigation away from Number One Suspects- Victim's Daughter and Husband.

The execution of the search warrant was on April 25, 2002, Three Truck Loads of property were removed from residence related to (2002-01012 Search Warrant). Petitioner sought return of property with retained counsel Victor Hurman, and was noticed the search warrant was terminated by the issuing Court for violations of (Cal. P.C. §1534), by law enforcement Los Angeles County Sheriffs, and the property seized was Order to be Returned to the Owner.

In checking on the return of this property, the Sheriff's informed they were looking for the property. They would let us know when it was located and available for return.

Next, per documentation Petitioner was arrested on October 5, 2004, on arrest warrant issued by declaration by Detective Stephen Davis on September 15, 2004, alleging (295 pages) of documents, evidence obtained from search warrant (No. 2002-01012), and all copies were removed from all Official Records of Law Enforcement, Prosecutor, Murder Book, and ALL Courts.

On October 5, 2004, Detective Davis obtained another search warrant and removed and seized Petitioner's property. This was based upon probable cause from alleged evidence in (2002-01012 Search Warrant) which was VOIDED with an Order to Return ALL Seized Property. Yet, the "second search warrant" was issued on

October 12, 2004 had it's foundation for probable cause based upon the Voied (2002-01012 search warrant).

Then, on October 20, 2004, Sheriff's Detective Linda Muse attempted to file a Motion to Unseal search warrant (2002-01012). The Court rejected this attempt to file the search warrant clarifying IT WAS VOIDED-Terminated by violations of (Cal. P.C. §1534) and the property was Order to be Returned by the issuing Court. It should be noted that Detective Muse attested under oath and penalty of perjury that She filed the execution, return and declarations timely. The October 21, 2004 Detective Muse attempted to file a return on search warrant (2002-01012), which was issued on April 23, 2002, executed April 25, 2002, and Two and a Half Years later attempts to File Return. However, this clearly establishes criminal intent to falsify documents, records in a capital case to obtain a judgment of death.

Based upon declaration under oath to the Court, now Detective Davis pursuant to a "stipulated agreement" contained in the Records Corrections Hearings-Transcripts of July 29, 2014. This as the Deputy State Attorney General, County Attorney, Trial Court Judge and Appointed Appellate Counsel agree to resolve the missing records from the Sheriff's, Prosecution's and Trial Court's Records. By a Declaration by Retired Detective Davis. This was provided with a time of sixty days to provide to trial court. (See Division 3: Attached Exhibit 1, Declaration of Davis, Exhibit 3 habeas number of Exhibit XX-11 search warrant as provided by Sheriff's Detective Davis in Declaration of September 29, 2014. The second original search warrant issued on October 29, 2001 executed October 29, 2001, Motion to Unseal on October 20, 2004 REJECTED, and attempted to return filed on October 20, 2004, Terminated-Voied by issuing Court. (See Division 3-Exhibit 2, Habeas Exhibit XX-11 ).

Now the documents, transcripts certify the trial court denied suppression motion prior to trial, validation of alleged search warrant and evidence to present to the jury. Now in (Division 3-Exhibit XX-7, XX-8, XX-9 portions of the transcripts of Three Records Corrections Hearings. A complete copy of F.1, F.2, F.3 F.4 Records Corrections Transcripts are Filed in (Habeas Corpus Division 1). The Trial Court Judge Now Testifies first, the records are on file in the Pomona Superior Court. This turned out to be False. The Pomona Superior Court certified NO FILE of Any search or arrest warrants on file at residence, City, Times, address or under name.

NOW, Trial Court Judge testifies NO search or arrest warrants are actually filed at Los Angeles Superior Courts. This raises a legal question of law, "How to validate evidence based upon NO Valid search warrants"? However, that is the foundation for the Judgment-Sentence of Death. Further, the Trial Court Judge solicited a bribe from Petitioner, whom Petitioner discovered was a twenty-year coworker with retained trial counsel. Petitioner's response to the solicitation was to Report it to the State of California Commission on Judicial Performance, (See Division 3 - Exhibit 6), letter confirming complaint filed "prior to trial" in early September 2007, by the Commission of Judicial Performance).

Naturally pursuant to (Cal. Rules of Court, Rule 8.610(a)(1), (J - N, P)); These Records MUST BE ON FILE of preserved trial court records "prior" to certification by the State's Highest Court, (Cal. Rules of Court, Rule 8.619(b)(c) (d) and (g)). The facts certify NO court filed search or arrest warrants, NO copy of computer power point presentation, with charts, graphs, pictures, re-enactments alternate theories presented in all phases of trial court at trial to the jury.

California Supreme Court Refused to vacate certification or in alternative, to augment and settle the record motion filed on December 19, 2014, Denied by the California Supreme Court on March 25, 2015. Issuing a certification Order of

trial court record, with full and complete knowledge that NO court filed search or arrest warrants are contained in the records as they are in violation of (Cal P.C. §1523, §1524, §1534, §1538, §1538.5), and the Clerks of California Courts pursuant to judicial counsel are prohibited from filing illegal documents which clearly established by (Cal. P.C. §1534).

Now, in a "capital Case" the only evidence alleged against Petitioner was seized in illegal search warrants, voided by the issuing court, it's not possible to certify a trial court record absent of violation of (Cal. P.C. §141(a)-(b)(c)(d)). This action violating U.S. Constitution, Statutory Laws, and terminates the illegal judgment, and raises legal question of bias and prejudicial standing of all capital case records. (Jones v. Chappell, CV-09-02158-CJC, Ninth Cir. No. 14-56373; and Baca v. Addams, CV-08-00683-MMM-PJW, Ninth Cir. No. 13-56132; bias and prejudicial tribunal, Younger v. Harris, 401 U.S. 37, 43-54 (1971); Middlesex, 457 U.S. at 437; Kugler v. Halfant, 432 U.S. 117, 124-25. Search warrant clarification as to legal standing; Wong v. United States, 371 U.S. 471; U.S. Const. Amend. IV; Amend. XIV, Art. I. §9.c12. State of California Const. Art. I. §13, Art. I. §11, Cal. P.C. §1524, §1534, §1538, §1538.5, and Cal. PC. §141(a - d), Cal. P.C. §1473-1509(a), Cal. P.C. §1054.9.

The clarification of Petitioner being in custody in violation of the State's and United States Constitution and Laws "qualifies" pursuant to (28 U.S.C. - §2254(a)(d)(e), §2264(a)(1)(b)) certifies these issues are dispositive and once placed before the U.S. Courts adjudication on the merits is warranted by U.S. Judge who was presented issues on proper Forms, with exhibits supporting bias and prejudicial tribunal, or factual clarification of State Court's refusal to appoint counsel in capital case. After noticed that Petitioner is in custody in violation of the State and United State's Laws and Constitutions, Petitioner presented to California Supreme Court on June 4, 2008, the Court refused init-

ial review order, and suspended the writ of habeas corpus - supporting false imprisonment in violation of State and United States Constitutions and Laws. (See Division 5, -Exhibits 3, 4, 5, 6), Court filing of original habeas corpus with court orders of denial of discovery, of appointment of counsel, of self-representation, and U.S. Constitutional Rights pursuant to (U.S. Const. Art. I. §9. cl. 2 and Amend. XIV)

#### Question at Issue

##### Question Two

The State of California violates the United States Constitution and Laws by Suspension of Habeas Corpus-Challenge based upon Prosecutor's criminal acts to obtain Judgments. State of California refuses to appoint counsel in capital cases pursuant to (28 U.S.C. §2261(a)-(d) in a filed habeas writ before the courts presented with evidence of criminal violations by State of California Executive Branch and Bars All Self-Representation, Refuses to allow discovery.

The Legal Facts certify by documents State of California's Highest Court pursuant to Their Own Clarification, Refuse to appoint counsel in capital cases-habeas corpus. (See Division 4- Exhibit XX-5, C.S.C. letter dated Oct. 12, 2012, Exhibit XX-6, C.S.C. letter dated Oct. 16, 2012). The California Supreme Court Certifying they will not appoint counsel on Capital Habeas Corpus filed with the Court if it is filed by pro se. They also by Letter, Motions, Court's denial-Refuse to provide any related Discovery. They also by, (See Division 4, Exhibit XX-2, XX-3, XX-4 Prohibit self Representation in habeas corpus challenge to judgment obtained by criminal violations of Laws by State of California Executive Branch. This violates BOTH the State's and United States Constitutions, Statutory Laws, and Treaties, Certified-Undisputable.)

Now reviewing Division 5, Exhibit 4, Court Order in Case Filed on June 4, 2008, (Division 5, Exhibit 3, Conformed Filing on a MC-275 Form, Court Stamped

dated and Filed, (Case No. S-164093). The Court Ordered Denial on Writ of Habeas Corpus and all supporting documents on February 20, 2013. Court Denied Motion to protect Evidence, Motion for Appointment of Counsel Denied. This certifies suspension of habeas corpus challenge to illegal judgment by California Supreme Court. (Cal. Const. Art. I. §11, and U.S. Const. Art. I. §9.c1.2, U.S. Const. Amend. XIV). This clearly and concisely establishes suspension of habeas corpus, Denial of Due Process, Denial of Equal Protection of Law, Denial of Meaningful Access to Courts. These issues are with criminal intent. As (Division 7, ExhibitXX-1;- "Policies Created by the California Supreme Court clarifying to appointed defense counsel for the appeal to "suspend" ALL Habeas Issues, Dispositive Issues. This to include issues of criminal acts by Law Enforcement Investigators, Prosecution and Cover for the Courts.

In review of (Exhibits 7 and 8, Division 5, Court Orders from California Supreme Court, State of California Court of Appeals both issued Orders). Letter of notification to California Governor, served on State Attorney General of California. There are also issues that absent of legally filed, court stamped, Records with Court of Search and Arrest Warrants prohibits filing of a Certified Record from Superior Court (Trial Court), Who has to at least by Declaration under Oath that the documents are contained within the Trial Court Records. Pursuant to Calif. Rules of Court, Rule 8.610(a)-(i).

Now we review (Division 1, Exhibit XX-14, or Division 5, Exhibit X-9), California supreme Court Order , Case No S161909, Direct Appeal, dated March 15, 2015. Order denying Motion to Vacate Certification of Trial Court Record, Motion to Augment the Record with removed pro se Motions are denied, and Motion to Certify Trial Court Record is Granted. This with knowledge NO Certified, Stamped, or Records of any Search or Arrest Warrants with the Superior Court to Validate the Legality of Evidence presented to the Jury to obtain Judgment in a Capital Case.



We Review the Order by the California Supreme Court dated Dec. 19, 2019, (See Division 5, Exhibit 10), Now the Court's Order to deny filing in Motions in (Division 5, Exhibits 8 and 11), This barring filing because California Supreme Court now alleges Petitioner has appointed counsel in Case No. S161909, -Direct Appeal, and Habeas Corpus S-234107, Now barring full and complete access to Courts. (See Division 4, Exhibit XX-4) (also Division 1, Exhibit XX-4) Docket Sheet of Filed Habeas Corpus filed April 18, 2016, "suspended" by California Supreme Court for Four Years. Refuse ALL Discovery, Refuse to Appoint Counsel in a Capital Case Habeas Corpus. This suspension started in (2008), pursuant to (Division 1, Exhibit XX2, or Division 5, Exhibit 3 and 4) This action was filed on June 4, 2008, Court Refused initial review, appointment of counsel, refuses all discovery, absolutely NO Order from filing until Feb 20, 2013. The State of California is not under a State of Rebellion, or is this created threat to public safety. See (Division 5, Exhibit 12) Conformed Copy of Filed Case S-234107 A Habeas Corpus.

This Case No. S-164093 was filed, defaulted, Motion to Compel, No Compliance, and allowance of 90 days prior to proceeding to U.S. District Court, Central District of California at Los Angeles California, Case No. CV-08-7126-R, Filing on Mandamus Petition held in custody in violation of constitution, laws and Treaties of the United States, and Reported pursuant to United States Criminal Statute (Title 18 U.S.C. §04). Pursuant to Laws of United States the Habeas Writ Challenge to U.S. Citizen in Custody in violation of Constitution and Laws of the United States. Also filing pursuant to (28 U.S.C. §2254(a), §2241(c)(3), §2264(a)-(1)), All established precedent in Statutory Laws of the United States and Constitution and Treaty. All Dismissed by Honorable Manuel Real for Failure to exhaust State Remedies. It should be noted Petitioner also filed pursuant to (28 U.S.C. §2254(b)(1) (B)(i-ii)). U.S. District Judge issued a Court Order of vex-

atious litigator. All this with support of United States Ninth Circuit Court of Appeals.

These actions to support the State of California in the suspension of habeas corpus, to delay to alter-amend records in capital cases. Violations that establish criminal acts by Law Enforcement, Prosecutors by established proof of their own violations of laws both State and United States, (Baca v Adams, CV-08-00688-MMM-PJW), (U.S. District Court ~~EASTERN~~ Dist. of Calif., Ninth Cir. No. 13-56132; Jones v. Chappell, CV-09-02158-CTC, U.S. Dist. Court ~~CENTRAL~~ Dist. Cal. Ninth Cir. No. 14-56373) Now we review ( Division 1, Exhibit XX17) Docket Sheet Case No S-161909; Noting Opening Brief filed on appeal on June 23, 2016, Respondent's Brief Filed on November 3, 2017, Reply Brief Filed on November 5, 2018. Issues of search warrants, criminal acts by Prosecutor, objection to Trial Court denying suppression, after testifying, "NO Search Warrants, Affidavits, or Returns filed with Superior Court, Nor in Superior Court Records in Pomona Superior Court, or Los Angeles Courts." Trial Court Judge also testifies, "Judge NEVER Reviewed or even saw them and still denied suppression. Appointed Counsel has provided letters which clarify Appointed Counsel is prohibited from raising issues on appeal or in amicie curie brief, Petitioner was noticed appeal will be adjudicated in approximately 5 Years after filing the Reply Brief. Then, the California Supreme Court will appoint Habeas Counsel pursuant to California Supreme Court Poliices 2 - 3, limiting investigation, issues to be investigated, and Bar investigation of defaulted issues, that were created by California Supreme Court's Policies- Prohibited by (Cal. Const. Art.VI §6). Due to list of Petitioners'        waiting for Habeas Counsel it will be at least "8 to 10 Years", after adjudication of Appeal by the California Supreme Court, before Habeas Counsel will be appointed, and After the Court forces dispositive issues to be procedurally-untimely defaulted. This defines One or More working in conspiracy to violate Constitu-

tionally Guaranteed Rights of U.S. Citizens under color of law.

These actions also clarify California Supreme Court acts to alter records to bar U.S. Courts from going behind records on appeal, trial court, by Court creating Denials of Conflict of Interest, and in Court Orders Failure to list the name of proper motion rather list in denials Date received and Barring Filing so as to Bar Notice to records. (Review Docket Sheets), and Denied because Defendant-Appellant has appointed counsel. This illegal order utilized to falsify records to bar federal review by No Challenge to Records.

Question at Issue  
Question Three

"The Crimes presented to the State and United States Courts pursuant to (Title 18 U.S.C. §04) 'Misprison of Felony', by Statutory Demand upon U.S. Citizens. The U.S. Courts issue a demand for "State Exhaustion" prior to U.S. Courts Accepting Jurisdiction, alleging "No Legal precedent". This to include (28 U.S.C §2241(c)(3), §2264(a)(1), §2254(a), §1651, §1652 28 U.S.C. §2254(a) "only on grounds pursuant to Judgment of a State Court, "only" on grounds that he or she is in custody in violation of Constitution, Laws or Treaty of United States".

Petitioner has Filed a Timely Habeas Corpus Challenge to a Judgment created by criminal violations of law. This as a Capital Case demands expedited review, and suspension is prohibited by State and United States Constitutions, Laws and Treaties. However, reviewing (Division 5, Exhibits 3, 4); Confirmed Copies of Filed Habeas Corpus' on June 4, 2008 and Court Order Dismissing on February 20, 2013. Five Years after filing and Court Order certifying (Division 1, 4, Exhibits XX5, XX6) Letters of California Supreme Court Admitting They Prohibit filing of Habeas Corpus' to challenge judgments by violations of criminal laws of State and United States Constitutions, Laws and Treaties. The Order Denied filing

of writ of habeas corpus filed and supported with exhibits. The Court Denied the appointment of Counsel and Denied Discovery. So, No Appointed Counsel and Petitioner is Prohibited from Self Representation, this defines suspension of habeas to Bar any filings against a judgment created by Prosecution's violations of Laws, the Constitution.

This raises issues as to the ability of State of California's Executive Branch and Judicial Branch. Evidence shows a suppression hearing was perfected by the Trial Court Judge, (20 Years as a County Prosecutor) prior to Judicial Appointment. A Judge who was noticed by the Defense for Pitchess Hearing on Lead Detective Davis who threatened C/I 'not to tell defense or she would be killed, Request for Investigators Records Denied. Hearing as to due process of law by Investigators who threatened witnesses, denied and ordered presented to jury. Then Barred by the same Judge who now issues a medical evaluation of the C/I, as a Nut Case, and bars All testimony from the Jury. It should be noted the same Trial Court Judge demanded by solicitation a bribe of Three-Hundred Thousand Dollars for Reversal, This was responded to by Petitioner Reporting to State of California Commission on Judicial Performance, (See Division 3, Exhibit 6), letter from Commission of Judicial Performance. All allegations of criminal violations of laws, of the U.S. Constitution, Statutes and Treaties, and violations of State Constitution, Statutory Laws. All Well Documented by Authority of State of California Documents.)

Our U.S. District Court demanded exhaustion alleging NO U.S. precedent to excuse exhaustion. This is why Petitioner filed each time utilizing Statutes of which clarifies Petitioner is in custody in violation of Constitution, Laws, Treaties of the United States. Then Requested the appointment of counsel on All Filed Writs of Habeas Corpus, All Denied by Judge Manuel Real.

This was His foundation for U.S. District Court Judge Manuel Real issuing a vexatious litigant order, Barring Petitioner from filing to U.S. Court unless

Judge Real "approved" or an Attorney approved by His Court. We now review this legal attempt to obtain legal resolution of a U.S. Citizen in custody in violation of the Constitution, Laws, Treaties of the United States; (See Court Order-Division 3, Exhibit 0), The U.S. District Court Judge created a legal evaluation of Petitioner's complaint filed with supporting evidence, quoting the Honorable Judge Manuel Real, "the gravamen of Shove's complaints was that there was and is a broad conspiracy in the California Criminal Justice System to deny Him his due process rights at each stage of the capital proceedings against him": (dated June 11, 2015). On November 5, 2008 to 2020, the Court dismisses that action based upon Shove's failure to exhaust his state remedies consistent with the requirements of the Anti-Terrorism and Effective Death Penalty act of 1996, (28 U.S.C §2254-A E D P A.). This supported by the Honorable Ninth Circuit Court of Appeals who claimed, "No reasonable Jurist would debate that the petitioner must first exhaust his State Remedies before challenging his State conviction in Federal Court".

The Petitioner has produced undisputable evidence (See Division 3, ALL Exhibits 0 thru 6)..Review search warrants produced by Detective Stephen Davis by supporting declaration, (Division 3, Exhibits 2-3) or (Division 1, Exhibits XX-11 XX-12), Review the warrants, California Penal Code Statutes (§1523, 1524, §1534., Then review (Division 1, Exhibit 1 Declaration under oath with Courts. Detective Davis doesn't know if they are legal or not. This under oath from a 20 Year Homicide Detective. However, (California Penal Code Edition in Division 3, Exhibit-5) Certifies they are illegal, the Superior Court Refused to File for violations of Statutory Laws of State of California.

California Supreme Court Prohibits the Filing of these issues on Direct Appeal, pursuant to Appointed Defense Counsel for the Appeal." Director of the California Public Defenders Office". NONE of these issues are raised in Direct Appeal,

Opposition or Reply. (See Division 1, Exhibits F-1, F-2, F-3, F-4), See the foundation for Detective Davis Declaration, "A Stipulated Agreement" to "legalize" search warrants NOT FILED WITH State of California Superior Court on July 29, 2014, or with the Trial Judge, County Prosecutor, State Attorney General-Deputy, Appointed Counsel of Public Defenders Office. This right in the Transcripts, and that certifies conspiracy. Absent of Denial of Due Process at each stage of Arrest Warrant, Charging, Arrignment, Preliminary hearing to bind over to Superior Court for Trial. Then the California Supreme Court, Suppression Hearing, Trial by presentation of evidence which is the subject of illegal search warrants of which the Superior Court refused to file for violations of Statutory Laws.

Presentation by Habeas Corpus to Illegal Judgment, Suspended by State of California's Highest Court. The failure to raise issues prior to appeal or on appeal creates procedural and untimeliness defaults creating a Federal Bar from being raised. Stipulated Agreements creates illegal records pursuant to (Cal. P.C. §141(a - d)), Refusal of Discovery violates (Cal. P.C. §1054.9) and precedent of (In re; Steele, (2004) 32 Cal. 4th. 682) defining Demands in Capital Cases.

Now, it seems We've provided proof to legally establish "Not a vexatious Litigator", But the suspension of writ of habeas corpus of United States Citizen who IS in custody in violation of Constitution, Laws and Treaties of the United States.

Further, The Ninth Circuit court of Appeal has used a "Review Order" No.- (96-80069) for a foundation for barring Appeal to U.S. Court of Appeals, to appeal court rulings of U.S. District Courts..In case no (CV-12-00211-RMW), Ninth Circuit No 12-17491, Court Order adjudicating in Case Shove v. Stewart, No C98-439-RGS (D AZ) May 1, 1998; "The Petitioner was NOT IN CUSTODY at time of filing and can't be legally considered under (42 U S C §1983, or 28 U S C. §1915(g)). It should be noted pursuant to Records-Case No. 96-80069 is not valid as Appellant

was not in custody pursuant to Court paperwork. This Resident may not be the same but either way complaint filing is voided by not in custody at time of filing. See (Division 5, Exhibit 13). This Court Order is Twenty-Five years old, and certainly would not be considered to be used on Habeas Corpus Appellate Review, especially where Petitioner raises issues pursuant to (28 U S C §2254(a)) "in custody in violation of Constitution, Laws and Treaties of United States". The Legal Liability for these actions is pursuant to U.S. Constitution Who is deemed "Supreme Law of the Land", and accepted State of California by Treaty created under United States Constitution and Ratified..These issues established by documentation of U.S. Courts are repugnant to the United States Constitution, Statutory Laws, and Treaties. This will act as an Aid to United States Court of Appeals Jurisdiction, and Expedite Actual Justice based upon legal facts, and implemented corrections as this Honorable Supreme Court deems necessary to impose within it's Original Jurisdiction..

#### Question at Issue

##### Question Four

"The Duties of Our U.S. and State Judges pursuant to duties incumbant upon Oath to obtain Vested Authority to Duties Owed to U.S. Constitution, Laws and Authoritative Answer in Law. Also the Legal Clarification of suspension of Writ of Habeas Challenge to Judgment based upon criminal violations of law, by those Vested with Authority by State and United States Constitution, Statutory Laws".  
"NO Rebellion or Threat to Public Safety".

All State and U.S. Judges are sworn upon Their Oath pursuant to (28 U.S.C. §453) to Duties incumbant upon U S Constitution, Statutes and Treaties. This Mandatory and Prohibitory Duty (U.S. Const. Art. I. §9.) "to constitute tribunals inferior to Supreme Court". (U.S. Const Art. I. §18); to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and allother powers vested by this Constitution in the Government of the United

States or in any department or officers thereof; (Art. II, §1, Art. III §2 and 3, Art. IV. §1-3, Art. V. and Amendments XIII, XVI, and XIX and XXI), The Provisions of the Constitution are Mandatory and Prohibitory, unless by express words they are declared to be otherwise,

Legal Facts by undisputable State Documents certify the Judgment in Question was a result of criminal violations of State of California Executive Branch. This is the foundation for Habeas Corpus Collateral Challenge, to illegal judgment. (28 U.S.C. §2254(a), §2241(c)(3), §2264(a)(1) ).

Legal Facts by undisputable State Documents certify All Acts were created by these criminal acts. Arrest warrant, preliminary hearing, superior court arrignment, suppression hearing, and presentation to a Jury with knowledge NO Filed search or arrest warrants, No Court Records, No Court stamped copies, and California Superior Court in Pomona who was alleged to have issued search warrant. "Search warrants violated (Cal. P.C. §1523, §1524, §1534, §1538, §1538.5)", Clerks of the Courts are Prohibited from Filing. Los Angeles County Sheriffs were noticed with a Directive to "Return All Property seized, in May of 2002". However, in September 15, 2004, an arrest warrant was issued, probable cause was alleged seized property, Additional Search warrants were issued, probable cause alleged evidence from the "terminated search warrant of 2002". The same search warrant court issued an Order to Return All Property.

Suppression hearing without a Court Filed, Court Stamped Copy of Search warrants, Trial Court Judge attests She Never Reviewed Any Search Warrants at suppression proceedings, but Denied suppression.

Then in 2007, same terminated search warrant property was utilized to obtain Petitioner's Judgment of Death, by same trial judge who had knowledge of illegal search warrants.

This presented to California Supreme Court on proper forms on Habeas Challenge



No. S-164093. California Supreme Court suspended for Five years, Refusing to provide habeas corpus counsel in this Capital Case. The Court also refused to allow pro se litigants, self representation is barred by the court. NO initial review order, No response to Motion to Compel, nor any Motion filed with the court for five years. Then on Feb 20, 2013, The Writ filed on June 4, 2008 was Denied with NO Authority for Denial. The Court also denied Appointment of Counsel, Denied Self Representation. See (Division 1, Exhibits XX2, XX-3, XX-4, XX-5, XX-6). Three Different Cases as to Challenge Judgment, Challenge Illegal Process, Letter from the Court Clerk informing NO Appointment of counsel on pro se filings, NO Self Representation, NO Discovery, Two letters dated October 12 and 16 of 2012, prior to appointment of counsel for Direct Appeal Only! This appointment on January 8, 2013, and Counsel Noticed Petitioner They do Not raise dispositive issues or habeas issues to be raised by appointed appellate counsel per. California Supreme Court's Policies 2 and 3, created by the California Supreme Court in violation of their Jurisdiction and (Cal. Const. Art. VI §6), "Prohibiting ALL Rule Making Authority to the California Supreme Court."

This Reported to U.S. Judges pursuant to (Title 18 U.S.C. §04) 'Misprison of Felony'; The Acts-Actions Reported Certify Criminal Violations of Laws by the States Executive Branch (Law Enforcement, Prosecutors) and the State's Judicial Branch.

Petitioner presented to U.S. District Court who Demanded Exhaustion where "proof" that NO exhaustion or process existed to protect the Rights of Petitioners. Further, as Petitioner is in custody in violation of Constitution, Laws and Treaties of the United States, pursuant to (28 U S C §2254(B)(1)(i-ii) ).

The last Twelve Years U.S..Courts rather than implement corrections, U.S. Judges successfully bar Petitioner's Access to U.S. Courts. They All Denied appointment of counsel and issued an Order NO Filings unless approved by U.S. Judge Manuel

Real, or by an Attorney approved by Judge Real.

Suspension: To interrupt, to cause to cease for a time, to postpone, to stay, delay or hinder, to discontinue temporarily, but with No expectation or purpose of resumption.

Suspension of Rights: The act by which a party is deprived of the exercise of his rights for a time. A temporary stop of a right, a partial extinguishment for a time, as contrasted with a complete extinguishment.

These acts by a Judge in habeas corpus challenge to illegal judgment are establishing enslavement-involuntary servitude of a United States Citizen in violation of (U.S. Const. Amend. XIII). This is not acceptable actions of a United States Judge who is vested with Authority pursuant to (28 U.S.C. §453).

This raises question as to the intent of U.S. Judge to abide by sworn oath, or delay corrections.- Petitioner filed under (28 U.S.C. §1651, §1652, §2254(a) §2241(c)(3), §2264(a)(1) ). There is Legal precedent at each statute, on these grounds supported with evidence (28 U.S.C. §2264(1)(a), §2254(a)(d)(e)). The Court shall rule on the issues properly before the court.

This is a standard of practice in the State of California to deliberately force defaults to dispositive issues, which demand Automatic Reversal. So after they are defaulted, they will claim review pursuant to (Cal. Const. Art. VI. §13) all at the court's discretion, and years after they should have been raised before the appeal, or on appeal. See (Division 5, Exhibit 8) State Supreme Court Court Orders certifying Raising on appeal or before. State appeals Court Second District Ordering basically same order, and California Supreme Court Court Jurisdiction, Authority over both courts.

The United States Statute (28 U.S.C. §2261(b)(1)(2)) demands appointment of counsel in capital case, and State of California Constitution provides for appointment of counsel by Government Code. So denial by Both the State of California Supreme Court and U.S. District Court, Violated the Oath sworn to, in obtaining

Vested Authority. However, it certifies intent to violate both State and United States Constitutions, by Judges Vested with Authority. No Self Representation, No Appointment of Counsel certifies "suspension of habeas corpus", also (U.S. Const. Amend XIV), Denying All meaningful access to the courts.

In Reviewing Baca v. Adams, (CV-08-00683-MMM-PJW) Ninth Cir. No. 13-56132, Chief Judge and complete panel certify that "perjury", "subornation of perjury", "manufacturing evidence" is a pattern of practice by the State's Executive Branch that the State Courts support, But not the Ninth circuit, and threatens to issue Referrals to U.S. Attorney to prosecute. However, Failed to implement any corrections to aid Their own appellate jurisdiction. See (Jones v. Chappell, CV-09-02158-CJC, Ninth Cir No 14-56375), issuing a court order out of Central District of California's District Court, that State of California Capital Case process and procedure IS "illegal and unconstitutional" reversing judgment. However, this process is a standard of practice by State of California who is repugnant to U.S. Constitution and U.S. Citizens. This may be why this illegal process has prospered since " 1986" at Replacement of California Supreme Court and created and continues clogging to U.S. District Courts and U.S. Court of Appeals Appellate Authority. Further close to two hundred U.S. Citizens have died awaiting due process of law at San Quentin.

The Legal Facts certify Suspension of Habeas Corpus to Those Illegally in custody, violating U.S. Const. Amend. VIII, Amend. XIV, by California, A State Ratified in the Union by Treaty, It is Not Acceptable for U.S. Courts to support these criminal acts, by failure to Correct.

Suspension: The delaying of exercising a constitutional right guaranteed under constitution".

Barring Self-Representation on it's face value is unconstitutional, Barring Self Representation and Refuse to appoint counsel is clearly defined as suspension of writ of habeas corpus.

Denying access to courts to present a crime against the united states constitution, Statutes and Treaty, violates U.S. Const. Amend. XIV, and Title 18 U.S.C. §04.

\* \* CONCLUSION \* \*

Reviewing the Legal Facts established by evidence, it is well established, That absent of a Legal Court Filed, Stamped, and contained within Legal Court Records of California Superior Court of California, Evidence utilized to obtain the judgment was illegally presented to the Jury. This establishes Denial of Due Process at Each and Every stage of Capital Case process and procedure. This renders illegitimate judgments. This also contaminates the entire process, especially with NO Court Filed Arrest Warrant with supporting documents attached.

The Constitutional Rights of the Petitioner are violated by Both State and United State's Constitutions, Statutory Laws and Treaties. This created a legal demand upon Petitioner to File a Writ of Habeas Corpus to challenge illegitimate judgment of death imposed by criminal violations of laws.

The State of California Forms were utilized to file a Habeas Corpus Challenge on June 4, 2008. This within "90 days" after sentencing to death on illegitimate judgment. The California Supreme Court reviewed, accepted filing as to correct format and completeness, and Filed with the Court. This on June 4, 2008 in which the California Rules of Court provide a obligation for initial review within -

30 days. After 60 days passed a Motion to Compell was filed and NO Response was produced from the California Supreme Court. Petitioner filed with the original habeas a request for appointment of counsel and full-complete discovery. At End of October, 2008, Allowing "90 days" to mandate, Petitioner filed to the United States District Court a Writ of Mandamus to U.S. Judge Manuel Real..The Honorable Real on His Authority after format of filing to (28 U.S.C. §2254 (A.E.D.P.A.)), and it should have been reviewed pursuant to (28 U.S.C. §2254(a) ); Petitioner in custody in violation of Constitution, Laws, Treaties, This as it's extremely clear that California Supreme Court "Suspends" All Habeas Challenge to Defendants in custody in violation of the Constitution, Laws and Treaties of the United States, (U.S. Const. Art. I. §9.cl.2; and Cal. Const. Art. I. §11, U.S. Const. Amendment XIV.

Petitioner attempted Three additional filings under different statutory laws, (28 U.S.C. §2254(a), 2241(c)(3), 2264(A)(1)). These ALL present an exception if Petitioner on State Judgment is in custody in violation of Constitution, Laws and Treaties of United States. This caused the Honorable Judge Manuel Real to issue a Court Review Order Naming the Petitioner a vexatious litigant, prohibiting All filings absent of Judge Real's review and approval prior to filing. Creating alternative that if retained counsel filed it would still be required to approve counsel prior to filing.

This is suspension of Writ of Habeas Corpus that lasted for over "12 Years" of False Imprisonment. The U.S. Court's actions caused suffering, "irreparable harm" that is both great and immediate, because the Federal Courts denied Jurisdiction. With proof that there is bad faith or harassment on part of the State of California in prosecuting him, or that the State's Tribunal is bias against the federal claims, (See Middlesex, 457 U.S. at 437; Kugler v Helfant, 421 U.S.-117, 124-25 (1975); Younger v Harris, 401 U.S. at 46, 53-54.

"it should be noted, that the State Attorney General et. al, Deputies by and

through San Quentin's Institution issued threats to terminate ALL U.S. Court Filings or suffer additional pain and suffering creating permanent physical injuries. (See Shove v. McDonald, No. CV-14-02903-JD, Ninth Cir No. 18-17326) submitted on Appeal on June 22, 2019, still pending) <Division 2, Exhibit E>

Further, Petitioner filed a Civil Complaint for Denial of Due Process as described. (Shove v. Brown, CV-09-0656-RMW, Shove v. U.S. Court Judges, CV-09-02316-UNA [2010 WL288994], Shove v. Brown, CV-12-0211-RMW [2013 WL6199358], Shove v. California, et al., CV-14-04196-JD). This Petitioner has sought diligent legal resolution to false imprisonment. This pursuit has also been served upon This Honorable Court to No Avail!

However, pursuant to evidence-case history, The Ninth Circuit ~~has~~ supported the suspension of Habeas Corpus, as presented before the U.S. District Court Judge Manuel Real. The Judge in His Order boasts of this conclusion. This is at presentation a isolated case. However, this is used as a standard of practice, by State of California. Especially as California Supreme Court has issues prohibiting from filing, by Contract with Their Appointed Counsel to Capital Cases.

In the Name of Justice and Judicial economy-accountability to duties incumbent upon Oath to Obtain Vested Authority, Violating Those Who break or violated the Constitutional Rights of U.S. Citizens, When the Honorable Judge Real refused to appoint counsel, or review U.S. Statutes denying Access to Courts Violated His Legal Obligation to Duties Owed. Especially when He "restricts" the Filing of a Habeas Corpus-Constitutional Right to One Who is in custody in violation of Constitution, Statutory Laws and Treaties of the United States, allowing filing "only" at His Approval or by Counsel He Approves.

The actions described by Judge Real, are identical to those of the State of California's Highest Court. To suspend Habeas Corpus by denying Self Representation of All pro se filings, and Refuse to Appoint Counsel for Habeas Corpus. This IS

"suspension" of Habeas Corpus in violation of (U.S. Const. Art. I. §9 cl2 and California Const. Art. I. §11), This in ALL Capital Cases, Established by three attempts to file in accordance with laws and constitution and treaties guaranteed rights, The California Supreme Court "certifies" Their Suspension of Rights in Their Own "written letters".

This creates an Invoked Duty of the United States Supreme Court, (U.S. Const Art. III§§2-3), and as a Duty incumbent upon Appointment Demands.

**\* \* RELIEF REQUESTED \* \***

Petitioner seeks a Court Order of Reversal of the Ninth Circuit's alleged Review Order, eg. Vexatious Litigant Order and Order a Reversal back to the U.S. District Court's Honorable Chief Judge V. Phillips. This with a Show Cause Order why reversal and acquittal should not issue.

Further to implement the proper corrections to terminate the Acts, Actions of California's Government Agents in denying due process of law. Also with a Formal Referral Order to U S. Attorney William Bar to investigate for prosecution and formal corrections as it relates to Oath Compliance to Duties Incumbant upon the Constitution and Laws of the United States.

Petitioner Retained All Attorneys prior to appeal, Who clearly never reviewed Records on Arrest Warrant and or Search Warrants. That were in violation of the Constitution and Laws of United States and State of California Penal Codes, Treaties.

Further for Orders to State of California to correct Their Refusal to provide Investigators Records pursuant to Full and Complete Discovery, Also to Governor Gavin Newsom, State Attorney General Xavier Becerra to implement Constitutional and Treaty Compliance of the United States to it's Citizens. This to include Termination of California Supreme Court's promulgated Policies 2 and 3, which were created in violation of State and United States Constitution, and Pro-

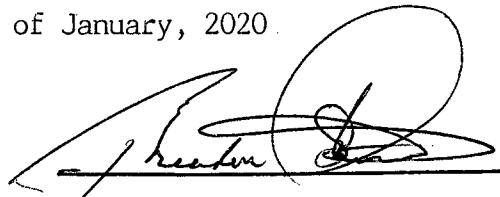
hibited by the California Supreme Court's Judges Jurisdiction.

This Petitioner prays this Honorable Court will Order the Appointment of Counsel to aid in the completion of the legal resolution of this case at issue, and all orders, relief requested. It has been "16 years" of false imprisonment, false imprisonment founded upon illegitimate Arrest, Preliminary Hearing, Suppression Hearing and Trial and Sentencing. This by the criminal violations of the Constitutions, Statutes and Treaties of Both the United States and State of California.

Petitioner also requests any and all relief this Honorable Court deems necessary to protect Petitioner's Constitutional Rights, Safety, and issue All Corrections deemed necessary to correct all persons, cities, states, towns, courts to Constitutional Compliance, especially Those Acting Under Color of Authority as Required in U.S. Const. Art. VI. §3.

I, Theodore Shove declare under the penalty of perjury that all of the foregoing is true and correct to the best of my knowledge pursuant to 28 U.S.C §1746.

Respectfully submitted this 10<sup>th</sup> day of January, 2020.



Theodore Shove