

No. 19-7403

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Theodore Shove,  
Petitioner:

v.

Ron Davis, Warden,  
Respondent:

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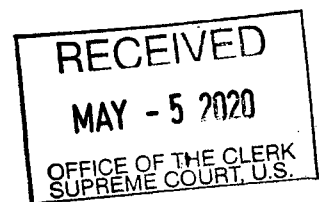
On Petition for Writ of Certiorari to:  
United States Court of Appeals Ninth Circuit.

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Petition for Writ of Certiorari-  
Motion for Rehearing U.S. Supreme Court Rule 44.

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Theodore Shove  
2EB65 G11092 San Quentin Prison  
San Quentin, Calif. 94974



## QUESTIONS OF CONSTITUTIONAL LAW

1.

ONE.

Does U.S. Constitution prohibit suspension of habeas corpus?

TWO.

Are U.S. Jurist Bound by Constitution, Statute Law of United States pursuant to pledged oath at 28 U.S.C. §453?

THREE.

Does Equal Protection of law provide to U.S. Citizens in U.S. Constitution Amend. XIV, Requirements of U.S. Courts to perfect upon a State within Union of United States, "If evidence supports violations by Those Acting under color of Authority to deliberately violate Constitutional Rights of U.S. Citiznes", to perfect equal protection by equal punishments regardless of acts by co-workers acting under State Vested Authority?

FOUR.

U.S. Courts pursuant to Title 18 U.S C. §04 to act to implement Corrections?

## Table of Contents

Questions.	ii
Table of Contents.	iii.
Case Authority - <u>U.S. and State.</u>	iv.
Rules of Court	v.
Jurisdictional Statement	1.
Statement of Case	1 - 12.
Conclusion - Relief.	12.

## Case Authority

<u>Case:</u>	<u>Page</u>
Baca v Adams (CV-08-00683-MMM-PJW)	8.
Furman v. Georgia, 408 U S 238.	5.
Heartland v Academy Community Church, 427 F 3d. 538	4.
Jones v. Chappell (14-56375 (th. Cir.))	8.
Madley, 134 U S. 160-172.	5.
Montel v. Dept. of Social Services, 436 U S 658.	6
People v. Anderson, 6 Cal.3d. 628, 649	5.
Rhines v Weber, 125 S.Ct. 1528	4
Scott v Rosenberg, 9 Cal. 746, F 2d 1377	6.
Shove v McDonald, (15-127277 - 18-17326 - (CV-14-02903-JD)).	1, 9.
Solbee v Backcom, 339 U S 9, 14	6.
Trop v. Dulles, 356 U S 702.	6.
United States v Classic, 373 U.S. 299.	6.
United States v Fleming, 423 U S. 1083.	6.
Young, 201 U.S. at 159	5
Younger v Harris, 401 U.S. at 46, 53-54.	8.

## Constitutional Sights

U S. Const. Art. I §9-2

U.S. Const. Amend. III

U.S. Const. Amend. VII.

U.S. Const. Amend. VIII.

U.S. Const. Amend. XI.

U.S. Const. Amend. XIII.

U.S. Const. Amend. XIV.

Calif. Const. Art. I. §11

Calif. Const. Art. I §15

Calif. Const. Art. V §13

Cal. Penal Code §141

Cal. Penal Code §1523

Cal. Penal Code §1534

Cal. Penal Code §1054.9

Cal. Penal Code §1473

Cal. Penal Code §1509

18 U.S.C. §02

18 U.S.C. §03

18 U.S.C. §04

18 U.S.C. §241

18 U.S.C. §242

18 U.S.C. §1503

18 U.S.C. §1512

18 U.S.C. §1215

18 U.S.C. §1623

28 U.S.C. §453

28 U.S.C. §2254

28 U.S.C. §2261

28 U.S.C. §2265

28 U.S.C. §1251

U S. Rules of Civil Procedure Rule 11.

U.S. R.C.P. Rule 44

U S R.C.P Rule 17

U.S. R.C.P. Rule 19

### Jurisdictional Statement

Comes Now Petitioner, Theodore Shove in case now before this Honorable Court. In Motion for Rehearing en banc on Court Order issued March 23, 2020, in Case No. 19-7403. This Court Order Denying petitioner's Motion to proceed in forma pauperis pursuant to Rule 39.8. This Case is presented pursuant to Statutory Law issuing A U.S. Citizen to Legally formally Report Crimes against United States to U.S. Courts as Mandatory obligation; Title 18 U.S.C. §04, "Misprision of Felony". This by failure is a crime in United States! ("Appendix One" Court Order of March 23, 2020).

Jurisdiction of this Honorable Court applies only to an action invoking the Court's Original Jurisdiction under Article III of the United States. See also, 28 U.S.C. §1251 and U.S. Const. Amend. 11. Further see, U.S. Const. Amend. XIII, Amend. XIV. This Court's Jurisdiction is "Invoked" by State Courts which Acts in Direct Violation of United States Constitution, in violation of Treaty Ratified by Congress, "As a Matter of Law".

Further when Subordinate U.S. Courts Acts in violation of United States Constitution by Conflicting Rulings in important questions of Federal Law. These Actions Invoke Duties incumbent upon the United States Constitution, Statutory Laws pursuant to (28 U.S.C. §453), "Oath pledged to obtain Vested Authority as a U.S. Jurist in United States. (See Attached 1 "Filed Complaint U.S. Congress").

### Statement of Case.

This United States Citizen has been granted in forma pauperis in other cases. Currently in Case (CV-14-02903-JD), U.S. District Court, U.S. Court of Appeals Ninth Circuit No. (15-17277), Reversed in Favor of Petitioner, Case No (18-17326), pending before Court at this present time. "Raising issues of perjury, fraudulent pleadings".

The foundation and causation for this Case at Issue, is one of the fundamental

Guarantee's Rights of the United States Constitution Guaranteed to it's Citizens. This by Constitutional Right to be free from involuntary servitude, (U.S. Const. Amend. XIII, Amend. VIII). These Rights are protected by United States to its Citizens, by a Writ of Habeas Corpus to Challenge Illegal, Unconstitutional Judgments. See (U.S. Const. Art. I. §9 cl. 2); This is causation, foundation for due process of law, equal protection of law, and provides meaningful access to courts to challenge illegal judgments. (U.S. Const. Amend XIV), "Constitutional Guaranteed Right to every U.S. Citizen."

"Qualifying Foundation for equal protection of law by, (U.S. Const Amend XIV), "Judicial Notice", ALL Exhibits Filed to Honorable United States Supreme Court in Case at Bar".

Reviewing (Exhibit XX-10) Declaration by L.A. Sheriff Detective Davis dated 9-29-14 as a Response to Illegal Stipulated Agreement created in Record Corrections Transcripts of 7-29-14, (Exhibit XX-9) by Deputy State Attorney General, Trial Judge of Superior Court of California at Los Angeles, Calif., L.A. County Attorney, Calif. Supreme Court Appointed Counsel pursuant to C.S.C. Policy 2-3. This Stipulate Agreement is a Criminal Act to conceal Search Warrants in this Case were formally "terminated" by "State of California Superior Court" in May of 2002. This as L.A. County Sheriff's Investigators violated "State of Calif. Penal Code", "Automatically terminating issued search warrants", "Superior Court Prohibited Filing", "Ordered Return of All property."

Now Trial Court Judge in (Exhibits XX-7, XX-8, XX-9), Testifies the Search-warrants "Never Filed" to "Any Superior Court", and Trial Court Never Reviewed at Suppression Hearing, Search Warrants, Returns, but Denied Suppression. Suppression Hearing in Sept. of 2007, Right after Petitioner not only refused "Solicited Bribe" for Justice, but Reported Solicited Bribe to California Commission on Judicial Performance. (See Exhibit XX-16). These search warrants were removed from

Records at Law Enforcement, Prosecutor, Court Files. Termination in May of 2002, Trial in Sept. 2007, Arrest Warrant~~^~~ filed for, based upon illegal Search Warrants property never returned as Ordered. Arrest Warrant dated, Sept. 15, 2004. The two original search warrants were provided by Detective Davis in and with Declaration of 9-29-14 (See Exhibits XX-10, XX-11, XX-12). After Review (See Exhibits XX-15) - "Desktop Cal. P.C.) Cal. P.C. Terminates Searchwarrants by criminal violations of State Statute Law. Criminal Intent as Motion to Unseal Search Warrants on 10-20-2004, After Execution on 4-25-02, Superior Court Rejected for Failure to File Return and Search Warrants to Superior Court within 10 Days after issuance pur. Cal. P.C. §1534, and Cal P C. §1523 Court incorporate in written Order on Search Warrant, Order filing to Court Forthwith. The search warrant produced only piece of evidence to incorporate Petitioner. Perjury in Declaration filed to Superior Court!

"Judicial Notice", The probable cause for search warrant was obtained by C/I Confidential Informant working with Original Task Force in 2001 thru 2003. This C/I recorded Victim's Daughter and Son-in-Law retaining investigator to scan evidence into Computers, and plant evidence at residence property of Other's Named. Petitioner was one of those Named. Experts Attested the document alleged discovered on Computer was scanned into computer never created on computer. Yet this was the foundation to obtain search warrant and judgment.

Now Petitioner filed a Writ of Habeas Corpus challenge to illegal judgment to California Supreme Court. This on 6-04-08, seeking diligent legal resolution, with Motion for Appointment of Counsel and Discovery. "Suspended" Habeas Corpus Challenge in violation (Cal Const. Art §11, Cal. P C §1473 thru §1509(a), U.S Const. Art I §9 cl. 2, U S. Const. Amend. XIII, XIV). Habeas Corpus Filed on illegal process in May of 2011, Suspended for Two Years, (See ExhibitXX-2, S-164093, Exhibit XX-3 S193252, Docket Sheets Certifying Suspension of Habeas Corpus. Then in 2012, on 10-12-12, and 10-16-12, California Supreme Court letters



boasting NO Self-Representation in Habeas Corpus, NO Appointment of Counsel in Filed pro se Habeas Corpus Challenge to Judgment. This by U.S. Constitution Violates (Art. I. §9 -12), Amend XIII and Amend. XIV) of Petitioner's Constitutional Rights Guaranteed to U.S. Citizens and by State of California. State of California is a State within Union of United States of America, by formal Ratified Treaty. This certifying the "Supreme Law of the Land" United States, and State of California Vested State Authority through U.S. Constitution. (See Exhibits XX-5, XX-6, letters of confirmation of suspension dated 10-12-12, 10-16-12 by California Supreme Court). Notation to this Court Habeas Filed to California Supreme Court, (Case No. S-234107, Exhibit XX-4) Filed 4-18-16 Suspended NO Initial Review Order, NO Appointment of Counsel, NO Discovery, NO due process of law, Violation of Constitutional Guaranteed Rights, By State Court Acting Under Color of Law, provided by U.S. Constitution, via Treaty. (See Attached 1, Filed Complaint Filed 8-2013, Amended 2-2020).

"Judicial Notice": U.S. District Court Judge in Denial of U.S. Court Filed Habeas Corpus in Nov. 5, 2008. This writ filed only after habeas legal default by "California Supreme Court" on filed habeas corpus on 6-4-2008. This U.S. District Court Judge in Order, Claimed That Evidence supports petitioner's allegations, But Failure to Exhaust.

The U.S. Courts have attempted to place a "Reliance of Comity", quoting, In re. Heartland v. Academy Community Church, 42 F.3d. 538. "The comity doctrine teaches that one Court should defer action on cases properly within its jurisdiction until the Court of another Sovereignty with a concurrent powers, and already cognizant of litigation has opportunity to pass upon the matter". Rhines v. Weber, \_\_ U S \_\_, 125 S.Ct. 1528, 1523; 161 L.Ed.2d. 440 (2005). "Here, No one has sought to invoke the jurisdiction of State Courts to address the Constitutional question presented. "Review (Exhibits XX-3), Petitioner Invoked State of California Supreme Court to address questions of Constitutional issues at Bar.

Defaulted, "Suspended". "An Injunction to prevent <A State Officer> from doing that He has "No Right to do" is "Not interference with discretion of an Officer", Ex parte Young, 209 U.S. at 159; 283 S.Ct. 441. The Eleventh Amendment Sovereign Immunity is not Bar to suit in this case". "Issues are criminal violations, by Those Acting Under Color of Authority".

In reviewing (Title 18, U.S.C. §1503), Influencing or Injuring Officer of Court of Juror. (Title 18 U.S.C. §1510), "Obstructing criminal investigation". (Title 18 U.S.C. §1512) "Tampering, threatening witnesses, officers of court by intimidation". Now view (Title 18 U.S.C. §242), "Deprivation of Rights, Under Color of Law". (Title 18 U.S.C. §241), "If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, possession, or District in free exercise or enjoyment of 'any rights or privileges' secured to him by the Constitution or Laws of the United States". Now Review (Title 18 U.S.C. §1515), "presentation of fraudulent documents to influence a judicial proceeding, or foundation for prosecution". Also see (Cal. P.C. §141(a) through (b)), utilizing false or illegal documents to influence judicial proceeding. Felony, Fraud, perjury, Abuse of Authority are violations of Criminal Law.

Furman v. Georgia, 408 U.S. 238; 33 L.Ed.2d. 346; 92 S.Ct. 27, 26; "In addition, We know that mental pain is inseparable part of practice of punishing criminals by death, for the prospects of pending execution exacts a frightful toll during the inevitable long wait between the imposition of sentence and actual infliction of death". Ex parte Madley, 134 U.S. 160, 172; 33 L.Ed. 835, 840; 10 S.Ct. 384 (1900). As State of California Supreme Court pointed out, The process of carrying out a verdict of death is often so degrading and brutalizing to Human Spirit as to constitute psychological torture. People v. Anderson, 6 Cal.3d. 628, 649; 493 P.2d. 880, 894 (1972). Indeed, as Mr. Justice Frankfurter

noted, "The onset of insanity while awaiting [408 U S 289] execution of a death sentence is not a rare phenomenon," Solebee v. Backcom, 339 U S 9, 14; 94 L.Ed. 604, 605; 70 S.Ct 457 (1950) (dissenting opinion). The fate of ever-increasing fear and distress to which the Expatriate is subjected; Trop v. Dulles, 356 U S at 102; 2 L.Ed.2d at 643, "can only exist to a greater degree for a person confined in prison awaiting death". Now apply this to Those Falsely Convicted, by Criminal Violations of Law by Prosecution, which State Courts deliberately create delays, by suspension of Habeas Corpus.

In clarification of violations of (Title 18 U.S.C. §242), Facts establish the "elements" necessary to clarify "A crime has been committed", by violations of Vested Authority and Usurpation of Power. "Misuse of Power, possessed by virtue of State Law is action taken under color of law within meaning of predecessor of Title 18 U.S.C. §242, making it an offense to deprive inhabitant of State Constitutional Rights under color of law", United States v. Classic, (1941) 313 U.S. 299; 85 L.Ed. 1368; 61 S.Ct. 1031, ren den (1941) 314 U.S. 707; 86 L.Ed. 565; 62 S.Ct. 51; Monell v. Dept. of Social Services, (1978) 436 U.S. 658; 56 L.Ed.2d 611; 98 S.Ct. 2018; 17 BNA CAS 873, 16 CCH EPD 8345; as stated in Scott v. Rosenberg, (1983) CA-9 Cal. 746 F.2d. 1377.

The elements of an offense under title 18 U.S.C. §242, are, (1) The action was taken under color of State Law, (2) Wilfully to deprive rights, protected by the Constitution or Laws of United States. (3) From an inhabitant of any State of the United States; United States v. Flemming, (1975) 423 U.S. 1083; 47 L.Ed.2d. 93, 96 S.Ct. 872.

U.S. District Court Central District of California in Case at Bar by Judge Manuel Real, created a Review Order to insure Habeas Corpus to "Collateral Challenge" to "Illegal Judgment" "Suspended" Violating United States Constitutional Guaranteed Rights for "Twelve Years", barring All Meaningful Access to U.S. Courts,

unless Petitioner can "pay to retain private counsel". Now Review (28 U.S.C. §2261 (b)(1) ); <sup>1</sup>The Attorney General of United States Certifies that State has established a mechanism for providing counsel in post-conviction proceedings shall not preclude the appointment of different counsel on the Courts Motion or "at Request" of petitioner, at "any phase" of "State or Federal" post-conviction proceedings <sup>1</sup>"on the basis of the ineffectiveness or incompetence of Counsel in proceedings." Now we Review (28 U.S.C. §2265(a)(1), (A)(B)(C)(D), (C)(1)(2)(3). Now Review, (Exhibit XX-1), California Supreme Court (Policies 2 - 3), Rule 2; Counsel (Appellate or post-conviction) "WILL NOT BE REPLACED" for Mental or Physical incompetence, Unless appointed counsel has another Attorney willing to accept appointment contract and terms of agreement as Attorney being replaced.

This raises serious questions of Federal Law, Statutory Law as to U.S. District Court's refusal to appoint counsel in Capital Case with Sentence of Death. Barring All Court Access absent of Retained Counsel.

This creates a question of Federal Law, as Policy 2-3, Created, Adopted, Enforced by California Supreme Court in direct violation of (Calif. Const. Art. VI. §6) Usurpation of Authority. Policy 3 clearly and concisely "suspends" All Habeas Challenge to Illegal Judgments, This to include judgments created by criminal violations of law by Prosecution. The delays provide for stipulated agreements to "Create False appellate Records", Then Certified by California Supreme Court. See (Exhibit XX-9 or Attached F-1 through F-4), complete transcripts of ALL Records Correction's Hearings. This to conceal All Arrest and Search Warrants NOT Filed with Superior Court (Prohibited by Court) or contained in any records, with exception of (Exhibit XX-11, XX-12), provided by L.A. Sheriff "Retired" Who after "20 years" as Homicide Detective in Capital Cases is "NOT" able to Read the State Law Enforcement document and determine if Legal or Not pursuant to (Cal. P.C.).

The Supreme Court has Invoked Duty as Original and Exclusive Jurisdiction.

As Conflicts in Orders of Ninth Circuit Court of Appeals and U S. District Courts, "As a matter of law". This is well established in Jones v Chappell, (CV-09-02158-CJC), Ninth Circuit No (14-56375) Affirming State of California has Created A Un-constitutional, Illegal Capital Case Policies and Procedures, but "corrections" implemented "only" in Case at issue. Baca v. Adams, (CV-08-00683-MMM-PIW). This Case presents by "Court Adjudication" of U S Court of Appeals for the Ninth Circuit; "A Standard of Practice" of State of California Attorney General, Deputies, committing Felony perjury, Felony subornation of perjury, Felony manufacturing of evidence, Felony fraudulent documents, ALL to Obtain and Maintain illegal judgments especially in Capital Cases. (See Federal Rules of Civil Procedure, Rule 11(c)(3), Title 18 U.S.C. §02 - Principal). NO Corrections Implemented to Correct Illegal "Standard of Practice", yet these criminal violations effects Thousands of Cases, by this Criminal Enterprise (See Filed Exhibits XX-B, XX-C, XX-D, C-1 thr. C-4).

Based upon Legal undisputable facts Younger v. Harris, 401 U S at 453-54. Establishes abstention doctrine; does not apply as criminal violations to violate laws, constitutional rights of U S Citizens, By Those Acting under color of law Forfeit All Legal Standing in commission of Felony, violations of law. Further creating a Bias prejudicial Tribunal to Falsify Records, force defaults to defraud U S. Courts by Limiting Review in (A.E.D.P.A.) of which State of California does "Not qualify" as a Matter of Law. See (Exhibits F-1 thr F-4, Exhibits XX-B, XX-C, XX D, C-1, C-2, C-3, C-4).

In Review of Legal Facts of this Case, This Court may feel They could be presented with more eloquence with a computer presentation, But that requires Appointment of Counsel in post-conviction in a Capital Case, which Court Denied for 12 Years. (Records will reflect Petitioner Retained All pretrial, trial, investigators in original Case). See (28 U.S.C. §2261(B)(1)) Requested in each and every Filing with the U.S. District Court, Central District of California,

"Judge Manuel Real", Denied All Requests, Issued Order to Bar ALL Meaningful Access to Courts. This by Judge's Own Original Court Order Acknowledging "Judgment was obtained by criminal violations of law by State Prosecution, State Courts". Evidence does not just support Petitioner's allegations, but they placed before a U.S. Court, A Judgment by criminal violations of law. Also by State Agents Acting under Color of Law, Violated Constitutional Rights of Petitioner. Petitioner Never Accused of murdering "Anyone", a Complaint raises issues of Conspiracy with absolutely NO Legal foundation. How is it legally conceivable to present alleged to jury, of which State of California Superior Court terminated for violations of law by investigators? (On Filed Habeas Corpus Challenge to illegal judgment, Barring Self-Representation, and Refusing to Appoint Counsel violating 28 U.S.C. §2261(C)(1) ) is actually definition of Suspension of Habeas Corpus, (U.S. Const. Art I §9 cl. 2, Cal. Const. Art I §11). Also acting under color of Vested Authority by State's Highest Court. Further State and U.S. Courts Refuse to Appoint Counsel pursuant to (28 U.S.C. §2261, §2265), and in violation of State and U.S. Constitution, Statutes and Treaty Ratified by U.S. Congress. This is also foundation for Certification for (A.E.D.P.A.) "Limiting Foundation for Federal Courts Review pursuant to (A.E.D.P.A.)". However State of California in failure to comply, forfeits as a matter of law "A.E.D.P.A." from start, as State cannot be certified pursuant to Policies 2 - 3 forfeiting ALL Limited Cases Reviewed under this fraud perpetrated by California Supreme Court. This restricts ALL U.S. Courts Orders in All Application where "A.E.D.P.A." Limited Review was utilized or accepted, Now Reversed as a matter of law. (See Attache Declaration in Good Faith).

Now to incorporate U.S. Court of Appeals Case No. 18-17326, CV-14-02903-JD, into Records. This Case was a direct result of Petitioner being formally "Threatened" by "State Agents" to "withdraw All Filings" before "U.S. Courts". Issuing imminent threat to serious physical injuries", to Petitioner, after six years of

litigation it's still before U.S. Court of Appeals for the Ninth Circuit. (See Attached 2, 3) Motion for Rehearing en banc. U.S. Court of Appeals Affirm Judgment on foundation of "Fraudulent, perjured Documents" State Created, State of California Documents Created by Defendants, Presented by State of California Attorney Generals, Deputy Jeffery Fisher. This presented to U.S. Courts to Obtain Favorable Judgment to Support Criminal Acts by State Agents "Acting Under of Vested Authority", Fed. Rules of Civil Procedure, Rule 11(C)(1)(2), Rule 11 (a)(b); Deputy Attorney General of California filed pleadings for judgment supported with perjured, fraudulent State Documents Created by Defendants, pursuant to (Cal. Const. Art. V, §13), its the duty to prosecute violators acting under color of vested authority to violate rights of Petitioner a U.S. Citizen. Evidence in State Documents Certify allegations of same Petitioner, to withdraw all filings before U.S. Courts. The situation, delays created by U.S. Courts who refused to entertain Motions Filed for protections orders, Pursuant to Specialized Doctor "ALL" Nerves Destroyed permanently in Left Hand and Wrist, Loosing 90% of use in Left Hand damages permanant! (See Attached 3 Documents in question).

The Petitioner is entitled to a fair-unbiased review on merits of this case at bar. If Courts Review and establish by absolute proof Petitioner's allegations, Corrections Should be formally implemented to Petitioner's Case and to directly address this "Standard of Practice" Violating Constitutional Rights of U.S. Citizens, in "Hundreds of Capital Cases, and Other Cases".

Petitioner should note Appointed Appeal Attorneys have Refused to Raise any issues related to Chain of Evidence and Superior Court's Termination of Search Warrants, California Public Defender's pursuant to (Policy 2-3), appointment contract Attorneys prohibited from "raising all issues", especially Those Which Raise issues to criminal violations by Prosecution in Capital Cases. This Appeal is "perfunctory" at best, Reply Brief Filed Nov 3rd 2018, So Another Five Years.

Then scheduled for Oral Arguments and 3 to 6 Months later Adjudication. After Adjudication Writ of Certiorari filed to U.S. Supreme Court on Illegal unconstitutional appellate Record.

Time for Appointing Habeas Counsel is 8 to 10 Years "After Adjudication of Appeal". Naturally All dispositive issues are defaulted by procedural error, untimeliness prohibiting U.S. Courts from going behind Records or Defaults. Limiting Federal Review to Review on Forced Defaults by "Suspension of Habeas Corpus" also Records Created by Stipulated Agreements, Fraudulent, Incomplete, Inaccurate Records. Adjudication right around "2030". Five Year Delay in appointing counsel, Sentenced March 13, 2008, Counsel Appointed Appeal ONLY 1-8-13, Now 8 to 10 Years after Adjudication to appoint Habeas Counsel, of which issues to be raised, investigated are Limited by Calif. Supreme Court's Approval. It's approximately 20+ years after sentencing to get appointed counsel for Habeas post-conviction Relief, after All dispositive issues defaulted as a matter of law. (U.S. Const. Art I. §9 cl.2, Amend. XIV, Amend. VII, Amend VIII, Amend XI; Calif. Const. Art. I. §11, Calif. Art. I. §15, Cal. P.C. §1473 thru §1509(a), Cal. P.C. §1054.9, Cal. P.C. §141(a) thru (d)). This process clearly concisely supported with State Documents created by State of California Agents describes (Title 18 U.S.C. §242), and its well established as two or more deemed conspiracy to violate a U.S. Citizens of Constitutional Guaranteed Rights ALL While Acting under color of Vested Authority. Pursuant to (Title 18 U.S.C. §04) presentation to this Honorable Court has Original, Exclusive Jurisdiction. Also Duties by Oath to Accept Vested Authority as Duties incumbent upon United States Constitution, Statute, Ratified Treaty as a matter of law, (Legal Federal Question of U.S. Law, Const.).

Now this Case presents issues of Failure by U.S. District Court, U.S. Court of Appeals to perfect duties demanded of U.S. Jurists. "NO U.S. Jurist" has a Grant of Authority to Overrule, Ignore or Violate United States Constitution,



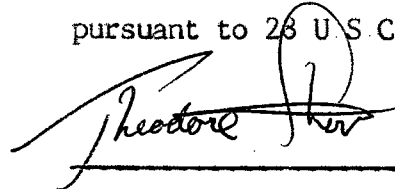
Statutory Law.

**Relief:**

Petitioner is Legally entitled to Relief, Formal Hearing and proper Ruling on Merits, Appointed Counsel Forthwith. Orders of Protection, and Referrals by Court Order to United States Attorney as a Matter of Law. Recievership Referral by This Honorable Court. The Formal Hearing en banc should publish and all Orders to implement Corrections to formally, legally address "Criminal Standard of Practice". Further All Relief this Honorable Court deems necessary to reestablish Constitutional, Statutory, Compliance. It is so prayed, Forthwith.

Respectfully submitted this 1st. day of April, 2020

pursuant to 28 U.S.C. §1746

A handwritten signature in cursive script, appearing to read 'Theodore Shove', is written over a horizontal line.

Theodore Shove  
petitioner pro se.

No. 19-7403

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IN THE  
SUPREME COURT OF THE UNITED STATES

---

Theodore Shove - Petitioner

vs.

Ron Davis, WARDEN, Respondent.

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Petition for Writ of Certiorari  
United States Court of Appeals Ninth Circuit

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Petition for Writ of Certiorari

"DECLARATION"

Motion to Support with Good Faith  
Motion for Rehearing of Writ of Certiorari.

Theodore Shove

G11092 - 2EB65

San Quentin, California 94974

Declaration In Support of Rehearing  
In Good Faith of Writ of Certiorari

I, Theodore Shove, Petitioner in Writ of Certiorari comes before this Honorable Court as a United States Citizen Reporting A Crime to this United States Court Who by United States Constitution Art. III of the Constitution This Court has Original Jurisdiction. Also see (28 U.S.C. §1251), and (U.S. Const. Amend. XI) to Aid in This Honorable Court's Jurisdiction.

Being Sworn to Oath pursuant to (28 U.S.C. §1746), I Come before this Honorable Court to present Legal Undisputable Facts:

- (1.) State of California Created a Capital Case Judgment based upon Felony Criminal Violations by Prosecution, Investigators durring prosecution of this case.
- (2.) This Petitioner as a United States Citizen sought His U.S. Constitutional Right (U.S. Const. Art. I. §9-2) to challenge, This Illegal Judgment by filing a Writ of Habeas Corpus to California Supreme Court per State of California Constitution (Art. I. §11, California Penal Code §1473 thru 1509(a) ). State of California in violation of State Law, Const. and violations of U.S. Constitution "Suspends Habeas Challenge". This by direct refusal to allow Petitioner Meaningful Access to Courts to "Self-Representation" in a Capital Case, and "Refused to Appoint Counsel" pursuant to (28 U.S.C. §2261(a), (b)(1)(2), (L)(1) and 28 U.S.C. §2265). These acts define, describe "Suspension of Habeas Corpus". Further pursuant (28 U.S.C. §2261(e)), State of California, by and through Illegal Action in direct violation of (Cal. Const. Art. VI. §6), Created Illegal Policies, Labeled (Policies 2 - 3). These Policies Prohibit Appointed Counsel in Both Direct Appeal and Habeas

Corpus, from Raising All Issues in Capital Cases. Further they Prohibit Any Issues of Conflict of Interest for Ineffective Assistance of Counsel or Incompetence of Appointed Counsel. (Violation 28 U.S.C. §2261, §2265). The Policies violate State and U.S. Laws, Constitutions, and Legislative Approved Legal Process and procedure. (See Exhibits XX-B, XX-C, XX-D, C-1 thru. C-4).

- (3.) State of California Supreme Court deliberately with foresight and malice Certify Illegal, Unconstitutional Records of Trial Court. This to intentionally act to remove All evidence of State of California Attorney General's and All Subordinates that violated Laws with criminal intent. The Laws, Constitutional Laws to create illegal Judgments of Death. (By State Agents Acting Under Color of Authority). Its Then Accepted by U.S. Courts as a Certified Appellate Record of which U.S. Courts are Bound by, and Prohibited from going "behind Records", as a matter of law. This criminal violation is specifically utilized to Bar U.S. Courts from actual legal review of criminal acts to obtain illegal, unconstitutional Judgments.
- (4.) Further in Constitutionally Prohibited (Policy 2- 3) State of California Supreme Court utilizes to create defaults; by and through Illegal Contracts **prior** acceptance demanded before Appointment to defense Counsel in Capital Cases. (See Exhibit XX-1).
- (5.) I Theodore Shove Acting in compliance to United States Constitution, Statute Law, Treaties Made Thereof, Have Reported these violations to U.S. Court at District, Ninth Circuit Court of Appeals. U.S. District Court Judge Manuel Real Acted to "Suspend Habeas Corpus", Challenge to Illegal Judgment with Knowledge that the Judgment was Fruit of Criminal Violations of Law by State Supervised Prosecutors, L.A. County Sheriffs,

L.A. County Prosecutors, State of California Superior Court Trial Court Judge - "Kathleen Kennedy". Criminal Acts, supported with evidence Filed to U.S. Courts, Judge Manuel Real did comment, "that evidence supports allegations, but Petitioner must exhaust State Remedies First. However, The Records will certify exhaustion was perfected by Habeas Challenge to Illegal Judgment to State of California Supreme Court, Highest State Court. This Filed on 6-4-08, deliberately defaulted by State of California Supreme Court on or before Sept. 4, 2008, prior to Filing to U.S. District Court, Habeas Challenge to Illegal Judgment in October of 2008. Exhaustion Completed by presenting issues, evidence, to State's Highest Court, Who passed on Review. The same U S District Court Judge Manuel Real, Denied for Failure to Exhaust violating Petitioner (U.S. Const. Amnd. XIV), Rights to Meaningful Access to Courts, Denying Constitutionally Guaranteed Rights to Due Process of Law, Equal Protection of Law. ALL Certified by evidence establishing Legal Certified Facts.

- (6.) This Petitioner has been falsly imprisoned for over "15 Years", "12 Years" at San Quentin "Death Row". Records will reflect Petitioner Never Accused of Murder on Anyone! Accused of paying someone, Absolutely NO evidence to support Charges. The only item of evidence utilized was alleged letter to other subject, obtained in search warrant terminated, voided by Issuing Superior Court of California, Filing, Court Record prohibited 2.5 years prior to being utilized to obtain Arrest Warrant. (See Exhibits XX-11, XX-12, XX-15). (See also F-1 thru F-4 on File).
- (7.) Presentation of this Terminated Evidence to Obtain Illegal Judgment of Death. NO Court Filed Records of Search Warrants, NO Conformed Copy. Just the opposite Superior Court Refused to Allow Filing for criminal

violations of State Law. (Cal. P.C. §1523, §1534). Court Ordered the Return of ALL Property to Owner in May of 2002. To this day NO Return of Any property to Petitioner in any "search warrants", only alleged evidence on one search warrant (2002-01012), VOIDED, Terminated by State of California Superior Court. (See Exhibits F-1 thru F-4, XX-12).

- (8.) Specialist Certify the only item alleged as evidence against Petitioner from illegal search warrant, was scanned into the computer, unable to establish when, But it's possible it was within 2.5 years After Violation of search warrant, and terminated by State Superior Court, while in custody of L.A. County Sheriffs'.
- (9.) As a United States Citizen Acting in pro se status I've been allowed to proceed in forma pauperis while in custody. Dismissals by Evidence (Alleged Frivolous or Malicious by Court's Order), as it relates to duties incumbant upon Court's Vestment of Authority to Act as A U.S. Jurist, and Statutory Demanded Directive issued by United States Criminal Code. This raises serious Questions of Federal Law. Evidence raised serious questions to Court Orders! See CV-09-2316-UNA, Shove v. U.S. District Courts, "Dismissed" (Heck v. Humphrey, 512 U.S. 477, 486-87; 114 S.Ct. 2364; 129 L.Ed.2d.383 (1994) ), "Because Petitioner Has Habeas Remedies within Jurisdiction of Custody". Based upon Evidence of California Supreme Court creating (Policies 2-3) by usurpation of Authority, Prohibited by (Cal. Const. Art. VI. §6), and Policies, Not consistant with State or United States Constitutional Demand upon Prohibiting Suspension, Denial of Due Process of Law, Equal Protection of Law, Barring Meaningful Access to Courts, to Challenge Illegal Judgment. This reduces our Court's actions to violate (U.S. Const Amend. VII, Amend. XIII) and Violates United States Constitutional Rights to it's U.S. Citizens.-

Same Ruling in (Shove v. Brown, CV-09-0656-RMW), Raises issues if Our U.S. Courts actually READ "ANY" Filing by pro se petitioners? This raises serious question of Law! (See Attached 1, Filed Whistle Blower Complaint dated August 15, 2013). Now in Reviewing Case No. CV-12-0211-RMW; "This Case dismissed based upon", Younger v Harris, 401 U.S. at 45; "Younger abstention "is warranted"". However Facts certify Legal Standing of this Petitioner being denied fundamental U.S. Constitutional Guaranteed Rights to U.S. Citizens, By a State Court Whose Authority is Granted by Same Constitution Guaranteeing Rights to U.S. Citizen. This clearly Terminates Legal Standing of State Courts, as a matter of U.S. Treaty, Ratified by U.S. Congress, and United States Constitutional Mandatory and Prohibitory Legal Demands of a "State Within Union of United States". (See Court Order Filed Appendix One, Now before U.S. Courts).

- (10.) "This Honorable Court" has a demanded duty to a Serious Legal Question of Law, and United States Constitution. Pursuant to (28 U.S.C. §2261, §2265, 28 U.S.C. §453), This Legal Process of Limiting Constitutional demanded upon State Judgments of Death, has its foundation in providing Competent Counsel at Direct Appeal, post-conviction proceedings. Counsel Who are qualified, competent and effective, Now Review (Exhibit XX-1, Policy 2-3), Created in violation of (State of California Const. Art. VI §6), also violating (U.S. Const. Art. I. §9. cl.2, Const. Amend. XIV, VII, VIII, XIII) to U.S. Citizens in Capital Cases..As a Sworn Officer of Court Acceptances would Terminate Legal Standing of said Attorney. Further Our U.S Attorney Whose Legal Obligation is to Continuously Certify. This State process to qualify for this Limitation, diminish of Constitutional Guaranteed Rights in (A.E.D.P.A.) limiting review.State of California has either acted, to Defraud our United States Courts. Who

are Legal Guardians, Legal Defenders of the United States Constitution per Vested Authority, Or Our U.S. Jurists are acting in "complicity". Legal Question of Law presented to this Honorable Court are "NOT Frivolous" and Facts warrant a demanded response from Legal Guardians, per Sworn Oath at (28 U.S.C. §453). Evidence Certifies Legal Facts which are demanding of this Honorable Supreme Court, to clearly Aid in Your Appellate Jurisdiction, and create Legal precedent of complete compliance. This is directly related to termination of Human Rights of U.S. Citizens, and Rights Guaranteed by United States Constitution.

- (11.) Petitioner is under belief that This U S Court, and ALL Jurist are Bound by (28 U.S.C. §453). These Acts to Report pursuant to (Title 18 U.S.C. §04), "To U.S. Court's, Who Have Jurisdiction and absolute Duty to implement corrections. Clearly A State within Union of United States of America, have utilized Vested Authority, provided by United States Constitution, to implement corrections of, Star Chamber Illegal process and procedure, directly against United States Citizens. U.S. Jurists' Who have been presented evidence, complaints, have created procedural delays, deliberate actions to delay, Refusal to perfect duties incumbent upon Constitution, Statutes, Treaties Made Thereof, By the United States. This Before Another False Ruling by U.S. Jurist in California issued by Fraudulent Records, defaults, and criminal violations by State Agents, to obtain illegal judgments of death. This presentation is certainly in Good Faith, and will provide Aid to this Court's Appellate Jurisdiction.

This Petitioner has Filed Whistle Blowers Complaint, Amended in August of 2013, (See Attached 1), Final Amendment February 2020 incorporating All Evidence in Support. This United States Citizen in exercising U S Constitutional Guaranteed Rights, has been denied post-conviction Appointed Counsel, (On Filed Habeas Cor-



pus with State's Highest Court). Further Petitioner Barred Right to Self-Representation in a Capital Case of Sentence of Death for last "12 Years". This is "Legal definition" of "Suspension of Habeas Corpus", with Criminal Intent to Violate U S Const. Amend. XIV, due process of law, denying meaningful access to Courts, and violating equal protection of law. These actions Violate (U S Const Amend VIII) as Cruel and Unusual punishments and Violate (U.S. Const Amend XIII) creating Slavery by Involuntary Servitude, by False Imprisonment by Criminal Acts of State of California, State Agents Acting Under Color of Vested Authority. (See Title 18 U.S.C. §241, §242).

Pursuant to United States Constitution I have Exhausted and in Good Faith ALL State Remedies. It's Now Time for this United States Supreme Court, "Supreme Law of Land", to Accept Obligations pursuant U.S. Constitution, Grant Legal Review "on merits", Legal Relief prescribed by Constitutional Mandated Duties with full compliance to U S Statutory Laws. This to include Referrals to Federal Agencies Responsible to Compliance to Law of United States, and obligation to this Court in (28 U S C §2261, §2261(b)(1), §2265, §2266 and §28 U S C §453).

This Petitioner made all statements under penalty of perjury as All True Correct to best of Petitioner's knowledge and presented in Good Faith to Aid in Legal Resolution from Illegal, Unconstitutional False Imprisonment. Petitioner also presents, State of California by and through State Attorney General "Xavier Becerra" issued Threats demanding withdrawal of All Petitioner's Filed Complaints before U S Courts. (See Attached 2). This has created permanent physical serious injury to Petitioner. (Still pending before U S Court of Appeals CV-14-02903-JD, Case No 18-17326); See (Attached 3) "perjured", "fraudulent State Generated Documents by Those Acting Color of Law.

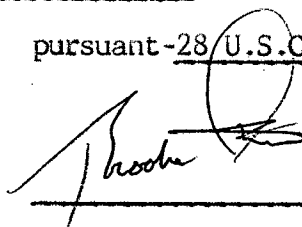
United States Citizen coming before This Honorable Court in Good Faith with Expectations, That the Supreme Court will provide Constitutionally Demanded Relief,

Legal Resolution to it's U S Citizen, Who U S Constitutional Rights provide this Court Access and Duties Owed by U S Constitution, By U S Supreme Court.

All Statements True and Correct to Best of Theodore Shove knowledge. I Theodore Shove not only stand ready to attest to statements before This U S. Court, But Look Forward to it! Certified to Legal Established Facts presented and facts in this declaration under My Oath.. This Complaint will have effect upon Hundreds of cases of illegal judgments, 'in State of California'.

pursuant-28 U.S.C. §1746

Dated March 31, 2020

A handwritten signature in black ink, appearing to read 'Theodore Shove', is written over a horizontal line.

Theodore Shove  
under oath