

19-7466

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ORIGINAL

8 **SUPREME COURT OF THE UNITED STATES**

9 **In re:Ricardo Jose Calderón López**)

10 **et, al.**)

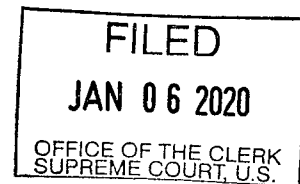
11 **Appellant/Petitioner(s)**)

12 **V.**)

13 **Sunset Housing Solutions, L.P.**)

14 **Appellee/Respondent**)

Case No.:



15 **Petition for Writ of Mandamus in**
16 **Aid of Jurisdiction**
17 **28 U.S.C. § 1657(a), (b)**
18 **28 U.S.C. § 1367(c)**
19 **18 U.S.C. § 3127(2)(A)(i)**

20
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Petition for Writ of Mandamus
in Aid of Appellate Jurisdiction

ISSUE(S) PRESENTED FOR REVIEW:

- I. In Aid of its Appellate Jurisdiction, this Hon. Court is empowered to Compel the District Court to decide excessively delayed cases.**
- II. Appellate Review has been futile; on-going discriminatory conduct from Courts in the State of California-refuse to follow regulation or case law; thus, maintaining the Corp. fiction for personal reason(s).**
- III. On-going Prejudice from the Central District Court-refuses to recognize advances of the Corporate structure; therefore, it erred; engaging in-Reversible error.**
- IV. The Office of the Clerk at the U.S. Supreme Court-discriminated; did not follow regulation 28 U.S.C. § 2111; Infringing Petitioner Rights-denying its Writ of Certiorari on harmless Error-immaterial principle**
- V. The Office of the clerk-failed to follow regulation; not docketing petitioner-timely emergency application to Stay the courts Mandate**

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1 **HONORABLE SUPREME COURT:**

2 Per Rule 21.1¹ & pursuant to 28 U.S.C. §§§ 1651(a)²; 1631³ & 2111⁴ the
3 *Pro Se* petitioner, in the above captioned action-moves the Hon. Supreme Court of
4 the United States, seeking writ of Mandamus in Aid of its Appellate jurisdiction,
5 caused by on-going un-Constitutional conduct; prejudice from the central district
6 court of C.A.-establishing personal policies *See Schweiker V. Chlicky*, 4587 U.S.
7 412 (1988); denying petitioner-protected Constitutional Rights 42 U.S.C. § 1983.
8 *See Cheney V. U.S. District Court for D.C.*, 542 U.S. 367 (2004)

9
10 **¹Rule 21. Motions to the Court:**

1. Every motion to the Court shall clearly state its purpose and the facts on which it is based and may present legal argument in support thereof.

11 **²§1651. Writs:**

12 (a) The Supreme Court and all courts established by Act of Congress may issue all writs
13 necessary or appropriate in aid of their respective jurisdictions and agreeable to the
usages and principles of law. *Stern V. South Chester Tube Co.*, 390 U.S. 606 (1968);
Taylor V. Social Sec. Admin., 842 F.2d 232, 233 (9th Cir.1988).

14 **³§1631. Transfer to cure want of jurisdiction:**

15 Whenever a civil action is filed in a court as defined in section 610 of this title or an
16 appeal, including a petition for review of administrative action, is noticed for or filed
with such a court and that court finds that there is a want of jurisdiction, the court shall,
if it is in the interest of justice, transfer such action or appeal to any other such court in
which the action or appeal could have been brought at the time it was filed or noticed.

17 **⁴Rule 61. Harmless Error.**

18 Unless justice requires otherwise, no error in admitting or excluding evidence—or any
19 other error by the court or a party—is ground for granting a new trial, for setting aside a
verdict, or for vacating, modifying, or otherwise disturbing a judgment or order. At
every stage of the proceeding, the court must disregard all errors and defects that do not
affect any party's substantial rights. On the hearing of any appeal or writ of certiorari in
20 any case, the court shall give judgment after an examination of the record without regard
to errors or defects which do not affect the substantial rights of the parties.

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1 On September 3, 2004 prejudice from the assigned State court-Paul Gutman
2 not to follow Regulation⁶ or case law⁷-deprived petitioner of its Const. Right(s)-to
3 defend its own action, define under 28 U.S.C. § 1654 *See Reshard V. Britt*, 839
4 F.2d 1499 (1988); maintaining the Corporate fiction *Haddock V. Haddock*, 201
5 U.S. 562, (1906) for personal reason(s); thus, on Sept. 7, 2004 erroneously-
6 dismissing petitioner-separate Corporate personalities from the action.

7
8 ⁶See Government Code § 68630(a) "Our Legal system cannot provide "equal justice
9 under the law" unless all persons have access to our courts without regard to their
10 economic means. California law and court procedures should ensure that court fees are
11 not a barrier to court access for those without insufficient economic means to pay those
12 fees. (b) the fiscal responsibility should be tempered with concern for litigants'
13 rights to access the judicial system. The procedure for allowing the poor to use court
14 services without paying ordinary fees must be one that applies rules fairly to similarly
15 situated persons, is accessible to those with limited knowledge of court processes, and
16 does not delay access to court services.

17 ⁷The corporation is an entity separate and distinct from the component person
18 even though under exceptional circumstances the corporation may be disregarded when
19 it is only the double or alter ego of the person composing it. *See California Emp. Com.*
20 *V. Butte County etc. Assn.*, 25 Cal. 2d 624, 636 [154 P.2d 892]; *Miller V.*
21 *McColgan*, 17 Cal. 2d 432, 436 [110 P.2d 419, 134 A.L.R. 1424]; *King V. New*
22 *Masonic Temple Assn.*, 51 Cal. App. 2d 512, 515 [125 P.2d 559].

*An organization or other entity set up to provide a legal shield for the person
actually controlling the operation. *See Judelson V. American Metal Bearing Co.*,
[89 Cal. App. 2d 259]

*One proper proof that a corporation is but the instrumentality through which an
17 individual, who is the sole owner of the capital stock, for convenience, transacts
18 his business, together with a showing that as a result of the double relationship
19 fraud or injustice will inure to a third person, not only equity, looking through
20 form to substance, but the law will hold the corporation bound as the owner of the
21 corporation might be bound. It must be "upon proper showing" that there is "unity
22 of interest and ownership" which makes them one. *Llewellyn Iron Wks. V. Abbott*
Kinney Co., 172 Cal. 210, 214 [155 P. 986]; *Wenban Estate, Inc. V. Hewlet*, 193
Cal. 675, 696 [227 P. 723.]

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1 Fast forward 7 years later, on October 21, 2013 respondent in a similar way-
2 breaching the agreement with petitioner Corp. personality-Starlight Entertainment
3 Enterprises, Inc.-the tenant-intruding in private property-forcing petitioner to exit
4 its dwelling; thus, on December 6, 2013, per the *erie doctrine* the tenant moved
5 the U.S. District Court-Central District of California, filing claim of a breach of
6 contract. *See Starlight Entertainment Enterprises, Inc. V. Sunset Housing*
7 *Solutions, L.P.*, No. CV13-9025 ODG (AGR)

8 However, prejudice from district judge Ottis D. Wright II-not being
9 objective-refused to reverse pierce the corporate veil of a one person Corporation;
10 therefore, subjective to archaic L.R. 83-2.2.2; conspiring 18 U.S.C. § 241 with
11 court personnel 28 U.S.C. § 2671(1), servicing the Office of the clerk § 2671 in
12 the central district, and 9th Cir. appellate court-not following reg.- denying Const.
13 Right of I.F.P. status 28 U.S.C. § 1915(a)⁸. *See Starlight Entertainment*
14 *Enterprises, Inc. V. Sunset Housing Solutions, L.P.*, No. CV13-9025 ODG

15 “§ 1915 manifest no single purpose that would be substantially frustrated by limiting the
16 statutory reach to natural persons. *Wilson V. Omaha Indian Tribe*, 442 U.S. 653 (1979);
17 *United States V. A & P Trucking Co.*, 358 U.S. 121 (1958).”

18 ⁸A "person" who may be authorized to proceed in forma pauperis under §1915(a) may be
19 an "association" under the Dictionary Act, 1 U.S.C. § 1, which in relevant part provides
20 that "in determining the meaning of any Act of Congress, unless the context indicates
21 otherwise" " 'person' " includes "associations" and other artificial entities such as
22 corporations and societies. *Rowland v. California Men Colony, Unit II Men Advisory*
Council, 506 U.S. 194 (1993).

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Relief Sought:

Per **Judicial Code § 262⁹** and pursuant to **§ 1651(a)**, petitioner respectfully requests declaratory relief and injunction-issuing Writ¹⁰ of Mandamus in aid of the courts-appellate jurisdiction; directing the U.S. District Court-Central District of C.A.-Los Angeles Courthouse to transfer case ***Ricardo Jose Calderon Lopez et, al. V. Sunset Housing Solutions, L.P.***, No. CV18-01098 ODG (AGR)¹¹ to this Court, for want of jurisdiction **§ 1631¹²**; related to district case in review in this court-pending a final decision. **See U.S. Supreme Court, case *Calderon Lopez V. Berryhill*, No. 19-6702.**

⁹The broad power conferred upon the federal courts by **§ 262** of the Judicial Code includes the power to issue a writ of mandamus either in exercise of appellate jurisdiction or in aid of appellate jurisdiction. ***United States v. District Court*, 334 U.S. 258 (1948)**

¹⁰The All Writs Act grants the power to all courts established by Act of Congress to issue all writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages and principles of law. **See *FTC V. Dean Foods Co.*, 384 U.S. 597 (1966).**

¹¹See 9th Cir. Case, ***Ricardo Calderon Lopez et, al. V. Sunset housing Solutions, L.P.***, No. 18-55266, See (ECF No. 16.)-Motion to Stay the Mandate; the trial court, engaged in misconduct-committing reversible error.

*The status of allowing IFP appeals provides language appropriate for incorporation in a affidavit; the one who makes this affidavit-exposes himself "to the pains or perjury in a case of bad faith. **See *Pothier V. Rodman*, 261 U.S. 307, (1923).**

¹²**28 U.S.C. § 1631-Transfer to cure want of jurisdiction:**

Whenever a civil action in a court in section 610 of this title and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action to any other such court.

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Introduction:

A writ of mandamus is a “drastic and extraordinary” remedy, reserved for extraordinary causes *Ex Parte Fahey*, 332 U.S. 258, 259-260 (1947); where, as is, in this case-exceptional circumstances amount to an abuse of discretion *Bankers Life & Casualty Co. V. Holland*, 346 U.S. 379, 383 (1953) from the originating-Central District Court of California, justifies petitioner invocation of extraordinary remedy. *Will*, 389 U.S., at 95.

The movant, seeks vindication from the denial of fundamental-deprivation of Constitutional Right(s) § 1983-having priority disposition 28 U.S.C. § 1657(a), (b); conspiracies § 241 from Federal personnel § 2671(1), servicing the agencies 28 U.S.C. § 2671-Social Security Adm., and U.S. District Courts in the counties of Los Angeles, C.A. and San Francisco with respondent personnel § 2671(1)-injured the movant; evidence pointing to Federal personnel § 2671(1) being the only co-conspirator.

Consequently, Constitutional-prejudicial error(s) vitiate all findings *See Sullivan V. Louisiana*, supra, 508 U.S. 275 (1993); reversal per se *See Chapman V. California*, 386 U.S. 18 (1967).

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1 On September 27, 2017 Petitioner filing its second *Bivens Type*¹³ action on
2 a sanctuary jurisdiction (8 U.S.C. § 1373)-State of California for the Deprivation
3 of Right(s), pursuant to 42 U.S.C. §§ 1983; 1985(3); establishing own policies
4 *Schweiker V. Chlicky*, 4587 U.S. 412 (1988), abusing their position, while on
5 official duties, under color of State Law¹⁴. *See Monroe V. Pape*, 365 U.S. 167
6 (1961)¹⁵.

7 On April 9, 2018 per F.R.A.P. 21(a)(1) petitioner moving the 9th Cir. Court-
8 filing extraordinary Writ of Error-Coran Nabis¹⁶; caused by on-going deprivation
9 of Const. Rights 42 U.S.C. § 1983 from the Central District, and reviewing 9th

10 ¹³*Bivens V. Unknown Name Agents of the Federal Bureau of Narcotics*, 403 U.S. 388,
11 (1971). *See* N. Cal.-San Jose Courthouse, *Lopez V. Enberg et, al.*, No. CV17-5601 LHK;
12 9th Cir. No.: 18-70726-Writ of Mandamus in Aid of Jurisdiction (ECF No. 1.). *See*
Monroe V. Pape

13 ¹⁴Under Government Code § 815.2, public entities are vicariously liable for their
14 employees Common law negligence; the duty and breach analysis focuses on the
15 employee not the entity. *See Zelig V. County of Los Angeles*, (2002) 27 Cal. 4 1112
16 [119 Cal.Rptr.2d 709, 45 P.3d 1171]-Local Government agencies can be sued directly
17 under § 1983 for monetary, declaratory, or injunctive relief where the unconstitutional
18 action implements or executes a policy statement, ordinance, regulation or decision
19 officially adopted; or was committed pursuant to a governmental custom.

20 ¹⁵*See* N. Cal.-S.F. Courthouse, *Lopez V. Silberman et, al.*, No. CV18-00747 MMC;
21 9th Cir. No. 18-15449.

22 ¹⁶*See* Central District of C.A., *Ricardo Jose Calderon Lopez et, al V. Sunset housing*
Solutions, L.P., No. CV13-9025 ODG (AGR); 9th Cir. No.: 13-57153.

*Only a party to the judgment or one in privity to him can prosecute the writ *See*
Calloway v. Nifong, 1 Mo. 223 (1822); *State ex rel. Potter V. Riley*, 219 Mo.
667,118 S.W. 647 (1909).

See Central District *Starlight Entertainment Enterprises, Inc. V. Sunset Housing*
Solutions, L.P., No. CV13-9025 ODG (AGR); 9th Cir. No.: 13-57153 (ECF No. 6.)

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Petition for Writ of Mandamus
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1 Cir. appellate court; not following regulation or case law¹⁷-pointing to prior 9th
2 Circuit Court of Appeals¹⁸ cases 13-57153, 14-55055, 15-56398 & 18-55266¹⁹.

3 Thus, per **Judicial Code § 239** having jurisdiction *See Griggs V. Provident*
4 *Consumer Discount*, 459 U.S. 56 (1982) to entertain a new action *United States*
5 *V. Julius Mayer*, 235 U.S. 55 (1914); the movant, requesting reversal of the orders
6 issued by judges **TROTT, PAEZ, BEA, GOULD, BYBEE & WATFORD**.

9 ¹⁷*See Judelson V. American Metal Bearing Co.*, An organization or other entity set up to
10 provide a legal shield for the person actually controlling the operation separate and
11 distinct from the component person even though under exceptional circumstances the
12 corporation may be disregarded when it is only the double or **alter ego** of the person
composing it. *See California Emp. Com. V. Butte County etc. Assn.*; *Miller V.*
McColgan; *King V. New Masonic Temple Assn.*

13 ¹⁸An Application to a circuit Court of Appeals for a Writ of Prohibition is an original
14 proceeding *See United States V. Julius Mayer*. In absence of statute providing otherwise,
15 the general principle obtains that a court cannot set aside or alter its final judgement after
16 the expiration of the term at which it was entered, unless the proceeding for that purpose
17 was begun during that term; however, there are exceptions, in the case of courts of
common law—the court at a subsequent term has the power to correct the inaccuracies in
mere matter of form, or clerical error, and in, civil cases, to rectify such mistakes of facts
that were reviewable on writ of error coram nobis, or coram vobis, for which the
proceeding by motion is the modern substitute. *Pickett V. Legerwood*, 7 Pet. 144, 148, 8
L. ed. 638, 639; *Murphy V. Stewart*, 2 How. 263, 281, 11 L. ed. 261, 268; *Bank of*
United States V. Moss, 6 How. 31, 38, 12 L. ed. 331, 334; *Bronson V. Schulten*, 104 U.S.
410 (1882).

18 ¹⁹On April 26, 2018 petitioner-timely filed its opening brief (**ECF No. 11.**), augmenting
19 that the judge-Ottis D. Wright II-deprived petitioner of Constitutional-Due Process Rights
20 (5th Amend) *Sua Sponte* dismissing the action; petitioner pointing to **intrinsic and**
extrinsic FRAUD and MISREPRESENTATION, as reason of the unlawful judgement-
requesting a new trial.

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This Hon. court has Mandamus jurisdiction to review Un-Const. order **(Appendix A & B)**, in which the originating-Central District Court of C.A. and 9th Cir. Court of Appeals-deny petitioner Constitutionl Right(s) of equal protection. *See Califano V. Torres*, 435 U.S. 1, 4 n.6 (1978)(Per Curiam); *United States V. Clark*, 445 U.S. 23 (1980); *Califano V. Yamasaki*, 442 U.S. 682 (1979); *New York City Transit Authority V. Beazer*, 440 U.S. 568 (1979)²¹; *United States V. Gaudin*, 515 U.S. 506 (1995).

²¹The Equal Protection Clause of the Fourteenth Amendment provides that no State shall "deny to any person within its jurisdiction the **equal protection** of the law." The Clause announces a fundamental principle: the State must govern impartially. *See New York City Transit Authority V. Beazer*; *Carrasco V. Secretary of Health, Education and Welfare*, 628 F.2d 624 (1980); *Becker V. Harris*, 493 F. Supp. 991 (E.D. Cal. 1980).

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Statement of the Case:

Central District case *Ricardo Jose Caderón López et, al. V. Sunset Housing Solutions, L.P.*, No. CV18-01098 ODG (AGR) was filed by the movant; pursuant to **FRCP, Rule 59** and **L.R. 59-1.4** requesting a new trial, caused by on-going un-fair business practices from the respondent-retaining the tenants security deposit (**Appendix C**)²², in violation of **Cal. Civil Code §1 950.5(a)**²³ & **§ 3300**²⁴.

²²Notice how the check was payable to the Landlord-Sunset Housing Solutions, L.P.; However, it was cashed by its **Parent Co.-Xenon Investment (FRAUD)**; on appeal respondent legal Rep. certifying to the 9th Cir. Court-Corporate Disclosure Statement (**Appendix D**) that it has no parent Company. ***See 9th Cir. Calderon Lopez V. Gumuahyan et, al.*, No. 15-56398; U.S. Supreme Court case No. 15-7620. (Appendix E)**

²³**§ 1950.5. (a)** This section applies to security for a rental agreement for residential property that is used as the dwelling of the tenant. (b) As used in this section, "security" means any payment, fee, deposit, or charge, including, but not limited to, any payment, fee, deposit, or charge, except as provided in Section 1950.6, that is imposed at the beginning of the tenancy to be used to reimburse the landlord for costs associated with processing a new tenant or that is imposed as an advance payment of rent; also see **§ 1950.7(a)**.

***Cal Civil Code. § 1950.7(c):**

(c) The landlord may claim of the payment or deposit only those amounts as are reasonably necessary to remedy tenant defaults in the payment of rent, to repair damages to the premises caused by the tenant, or to clean the premises upon termination of the tenancy, if the payment or deposit is made for any or all of those specific purposes. See District case *Starlight Entertainment Enterprises, Inc. V. Sunset Housing Solution, L.P.*, No. CV13-9025 ODG-AGR (ECF No. 17.)

²⁴**Cal. Civil Code § 3300:**

For the breach of an obligation arising from a contract, the measure of damages, except where otherwise expressly provided by this code, is the amount which will compensate the party aggrieved for all the detriment proximately caused thereby, or which, in the ordinary course of things, would be likely to result therefrom.

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1 Per *L.R. 59-1.4*, pursuant to **Rule 59(a)(2)**²⁵; **60(b)(3)**²⁶; **(b)(6)**²⁷; **(d)(1)**²⁸
2 and **(d)(3)**²⁹ of the **Fed. R. Civ. P.**, the complainant per § **(b)(6)** requesting for a
3 new trial-pointing to intrinsic and extrinsic factors § **60(b)(3)**, alleging-Fraud and
4 **misinterpretation** from the court and respondent § **60(d)(3)**, including an
5 application to proceed **I.F.P. (ECF No. 3.)**, indicating prejudice from the court-
6 denying-protected Constitutional Rights of equal protection of the law-not granting
7 its **I.F.P.** application nor its Right(s) of Self Rep. **28 U.S.C. § 1654** *See Wilson V.*
8 *Omaha Indian Tribe; Denton V. Hernandez*, **504 U.S. 25,31 (1992)**; *Judelson V.*
9 *American Metal Bearing Co.; Haddock V. Haddock*; maintaining the Corporate
10 fiction.

11 ²⁵**(a) IN GENERAL.**

12 (1) Grounds for New Trial. The court may, on motion, grant
13 a new trial on all or some of the issues—and to any party(2) Further Action After a
14 Nonjury Trial. After a nonjury trial, the court may, on motion for a new trial, open the
judgment if one has been entered, take additional testimony, amend findings of fact and
conclusions of law or make new ones, and direct the entry of a new judgment.

15 ²⁶**Rule 60. Relief from a Judgment or Order**

16 (b) **GROUND FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR**
17 **PROCEEDING.** On motion and just terms, the court may relieve a
party or its legal representative from a final judgment, order, or
proceeding for the following reasons:(3) fraud (whether previously called intrinsic or
extrinsic), misrepresentation, or misconduct by an opposing party;

18 ²⁷**Rule 60(b)(6)-any other reason that justifies relief.**

19 ²⁸**(d) OTHER POWERS TO GRANT RELIEF.** This rule does not limit a
court's power to:(1) entertain an independent action to relieve a party from
a judgment, order, or proceeding

20 ²⁹**(3)** set aside a judgment for fraud on the court.

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1 On February 27, 2018 petitioner-timely seeking appellate review, from the
2 9th Circuit Court of Appeals; however, on-going conspiracies § 241 from court
3 clerks § 2671(1)-intruding in the case, also deny its I.F.P. application (ECF No.
4 4.)³⁰;

5 Congress intention in enacting the federal IFP statute being "to guarantee that no
6 citizen shall be denied an opportunity to commence, prosecute or defend an action
7 civil or criminal in any court of the United States, solely because poverty makes it
8 impossible.....to pay or secure the cost of litigation". *Denton V. Hernandez*,
9 (quoting *Adkins V. E.I. Dupont de Numours & Co.*, 335 U.S. 331, 342 (1948).

10 However, on July 13, 2018 pursuant to 28 U.S.C. § 1915(e)(2) the panel of
11 judges CANBY, FLETCHER and CALLAHAN issuing un-Constitutional order
12 (ECF No. 15.)-deeming petitioner appellate review as frivolous; therefore,
13 dismissing the action.

14 Consequently, on July 29, 2018 petitioner-timely sought stay of the mandate
15 (ECF No. 16.); however, on the October 11, 2018 the above referenced panel of
16 judges issued order (ECF No. 17.) denying the movants request for stay [16.].

17
18 ³⁰On April 26, 2018 petitioner-timely filed its opening brief, indicating that The
19 originating court conspired-depriving the movant-indigent Government Code § 68630(a)
20 of basic Rights to pursue its claim, regulation 1 U.S.C. 1 See *Rowland v. California Men*
21 *Colony, Unit II Men Advisory Council*-allowing a citizen from the State of Inc. to seek
22 IFP status. See *Louisville, C. & C.R. Co. V. Letson*

*§ 68630(a) "Our Legal system cannot provide "equal justice under the law" unless
all persons have access to our courts without regard to their economic means."

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REASONS WHY THE WRIT SHOULD ISSUE

I. In Aid of its Appellate Jurisdiction, this Honorable Court is Empowered to Compel the District Court to Decide Excessively Delayed Cases.

“[S]upervisory control of the District Courts is necessary to proper judicial administration in the federal system.” *La Buy V. Howes Leather Co.*, 352 U.S. 249 (1957). Accordingly, “[t]he writ of mandamus has traditionally been used in the federal courts . . . ‘to compel a [district court] to exercise its authority, when it is its duty to do so.’” *In re United States*, 598 F.2d 233, 236 (D.C. Cir. 1979) (quoting *Roche V. Evaporated Milk Ass’n*, 319 U.S. 21 (1943)).

Furthermore, “[I]t is the function of the district judge, in a non-jury civil case, to decide dispositive issues of fact and law genuinely disputed by the party.” *In re Bituminous Coal Operators’ Ass’n*, 949 F.2d 1165, 1169 (D.C. Cir. 1991); this court recognizing the authority of higher courts to compel inferior district court actions through mandamus³¹.” *See Telecommunications Research & Action Center V. FCC (“TRAC”)*, 750 F.2d 70, 76 n.28 (D.C. Cir. 1984)³²

³¹Also See N. Cal-San Jose Courthouse, *Lopez V. Enberg et, al.*, No. CV17-05601 LHK; 9th Cir. No.: 18-70726 (ECF No. 1)-Petition for Writ of Mandamus.

³²Also see *Ex Parte Bradstreet*, 32 U.S. (7 Pet.) 634 (1833); *Ex Parte Crane*, 30 U.S. (5 Pet.) 190, 191 (1831).

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1 **II. Appellate Review has been futile; on-going discriminatory conduct from**
2 **Courts in the State of California-refuse to follow regulation or case law-**
3 **maintaining the Corp. fiction for personal reasons-defying Congressional**
4 **Action.**

5 A Corporation is a natural person 1 U.S.C. § 1³³, citizen from the State of
6 Incorporation³⁴ *See Marshall V. Baltimore & Ohio R. Co., 57 U.S. 314 (1853)*³⁵;
7 government code § 68630(a) of the State of C.A., indicates “ Our Legal system
8 cannot provide “equal justice under the law” unless all persons have access to our
9 courts without regard to their economic means. Moreover, California law and
10 court procedures should ensure that court fees are not a barrier to court access for
11 those without insufficient economic means to pay those fees”. § 68630(a)

12 Furthermore, **Government Code § 68634.5(e)** indicates that a “fee waiver
13 application shall be determined without regard to the substance of any other paper
14 filed by the applicant; the court to (1) Grant the application if the information

15 ³³A “person” may be authorize to proceed in forma pauperis under § 1915(a), it may be
16 an“association” under the Dictionary Act, 1 U.S.C. § 1, which in relevant part provides
17 that “in determining the meaning of any Act of Congress, unless the context indicates
18 otherwise”“person” includes “associations” and other artificial entities such as
19 corporations and societies. *Rowland V. California Men Colony, Unit II Men Advisory*
20 *Council.*

21 ³⁴The corporation is an entity separate and distinct from the component person
22 even though under exceptional circumstances the corporation may be disregarded when
it is only the double or alter ego of the person composing it. *See California Emp. Com.*
V. Butte County etc. Assn.; Miller V. McColgan; King V. New Masonic Temple Assn..

³⁵See also *Louisville, C. & C.R. Co. V. Letson*, 2 How. 497, 558, 11 L.Ed. 353 (1844),
indicating “a Corporation is “capable of being treated as a citizen of [the State which
created it], as much as natural person.

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1 provided in the application establishes that the applicant meets the criteria for
2 eligibility and application requirements set forth in §§ 68632 and 68633.

3 Moreover, Congress intention in enacting the federal IFP statute was "to
4 guarantee that no citizen shall be denied an opportunity to commence, prosecute or
5 defend an action civil or criminal in any court of the United States, solely because
6 poverty makes it impossible.....to pay or secure the cost of litigation". *See Denton*
7 *V. Hernandez*, 504 U.S. 25 (1992), (quoting *Adkins V. E.I. Dupont de Numours*
8 *& Co.*, 335 U.S. 331 (1948).

9 Therefore, a Corporation being a separate character of individuality *Society*
10 *for the Propagation of the Gospel in Foreign Parts V. Town of Pawlet*, 29 U.S.
11 480 (1830) of its founder and sole member- natural person § 1 for legal purposes
12 *Northern Nat. Life Ins. Co. V. Riggs*, 203 U.S. 243 (1906); having Const. Rights
13 *Pembina Consolidated Mining Co. V. Pennsylvania*, 125 U.S. 181 (1881); *Santa*
14 *Clara County V. Southern Pacific Railroad*, 118 U.S. 394 (1886), protected by
15 law *See Washington V. Davis*, 426 U.S. 229 (1976)³⁶ to also proceed I.F.P..

17 ³⁶One proper proof that a corporation is but the instrumentality through which an
18 individual, who is the sole owner of the capital stock, for convenience, transacts his
19 business, together with a showing that as a result of the double relationship fraud or
20 injustice will inure to a third person, not only equity, looking through form to substance,
but the law will hold the corporation bound as the owner of the corporation might be
bound. It must be "upon proper showing" that there is "unity of interest and ownership"
which makes them one. *Llewellyn Iron Wks. V. Abbott Kinney Co.*; *Wenban Estate, Inc.*
V. Hewlet.

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1 **III. On-going Prejudice from the Central District Court and 9th Cir. Court of**
2 **Appeals-abstain to recognize State Law or Fed. Regulation, or advances**
3 **in the Corporate structure; therefore, engaging in Reversible error**

4 On December 6, 2013 petitioner Corporate personality-the tenant *Starlight*
5 *Entertainment Enterprises, Inc.* moved the U.S. District Court-Central District of
6 California, per the *Erie doctrine*³⁷, seeking compensation, caused by a breach of
7 contract by its then landlord-*Sunset Housing Solutions, L.P.* intruding on private-
8 leased property. *See district case, Starlight Entertainment Enterprises, Inc. V.*
9 *Sunset Housing Solutions, L.P., No. CV13-9025 DMG (AGR)*

11 ³⁷On May 25, 2004 petitioner lodge its initial Racketeering-Breach of Contract-invasion
12 of privacy complaint, against its former landlord-Howard M. Kausner, d/b/a Amor Arm
13 Apt.'s, and a group of individuals and entities-including the Fed. agency Social Security
14 Administration-SSA 28 U.S.C. § 2671; located throughout the county of Los Angeles,
15 C.A. in State Superior Court, Los Angeles Courthouse; experiencing substantial
16 discriminatory conduct from court personnel & prejudice from the assigned judge-Paul
17 Gutman-not recognizing petitioner action as its own-denying the movant to proceed *Pro*
18 *Se*-defending its own action 28 U.S.C. § 1654; thus, on Sept. 7, 2004 judge Paul Gutman-
19 unlawfully dismissed the Corporate plaintiff(s). *See Ricardo Jose Calderon Lopez V.*
20 *Howard M. Kausner, et, al., No. BC316239 (On Jan. 18, 2005 the SSA removed the*
21 *action to fed. jurisdiction-U.S. District Court, assigned No. CV05-00397 NM (VBK))*

22 *On February 3, 2006 petitioner filed-separate claim against its former employer-
Finlay Fine Jewelry, Inc. at Santa Monica Superior Court-transferred to Beverly
Hills Court-Small Claims; seeking compensation for wrongful termination;
however, on Sept 6, 2006 a conspiring § 241-Lisa Hart Cole, court *Sua Sponte*
issued discriminatory order-deeming the movant a vexatious litigant; therefore,
impeding the movant to file *Pro Se* in State of C.A. Court. *See Ricardo J.*
Calderon Lopez V. Finlay Fine Jewelry, Inc., No. SC088518. Thus, pursuant to
the *erie doctrine*, the Central Court having original jurisdiction to entertain the
action. *See Erie R.R. V. Tompkins, 304 U.S. 64 (1938).*

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1 On January 14, 2014 per *L.R. 55* and Rule 55 of the FRCP, the complainant
2 filing motion for default on judicial summons (ECF No. 16.), indicating that the
3 defendant had failed to answer-judicial summons; therefore, admitted the facts that
4 constitute the filed action. *See Travelers Indemnity Co. V. Rubin.*

5 However, fraud from the assigned courts-not following regulation *See Gov.*
6 **Code § 68630(a)**³⁸; § 1³⁹, or case law⁴⁰-denied basic Const. Right(s) to proceed

9 ³⁸See Government Code § 68630(a) "Our Legal system cannot provide "equal justice
10 under the law" unless all persons have access to our courts without regard to their
11 economic means. California law and court procedures should ensure that court fees are
12 not a barrier to court access for those without insufficient economic means to pay those
13 fees. (b) the fiscal responsibility should be tempered with concern for litigants' rights to
14 access the judicial system. The procedure for allowing the poor to use court services
without paying ordinary fees must be one that applies rules fairly to similarly situated
persons, is accessible to those with limited knowledge of court processes, and does not
delay access to court services. The procedure for determining if a litigant may file a
lawsuit without paying a fee must not interfere with court access for those without the
financial means to do so.

15 ³⁹A "person" may be authorize to proceed in forma pauperis under § 1915(a) may be an
16 "association" under the Dictionary Act, 1 U.S.C. § 1, which in relevant part provides
17 that "in determining the meaning of any Act of Congress, unless the context indicates
otherwise" "person" includes "associations" and other artificial entities such as
corporations and societies. *Rowland V. California Men Colony, Unit II Men Advisory*
Council.

18 ⁴⁰The corporation is an entity separate and distinct from the component person
19 even though under exceptional circumstances the corporation may be disregarded when
20 it is only the double or alter ego of the person composing it. *See California Emp. Com.*
V. Butte County etc. Assn., 25 Cal. 2d 624, 636 [154 P.2d 892]; *Miller V.*
McColgan, 17 Cal. 2d 432, 436 [110 P.2d 419, 134 A.L.R. 1424]; *King V. New*
Masonic Temple Assn., 51 Cal. App. 2d 512, 515 [125 P.2d 559].

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1 I.F.P. § 1915(a) and self representation § 1654, *See Haddock V. Haddock*⁴¹;
2 failing to supervise the court clerk⁴² § 2671(1) who in own frolic-divested the
3 court of jurisdiction-unlawfully initiating appellate review of a non-final order
4 (ECF No. 6.)⁴³; removing jurisdiction from the district court to act further.
5 *Seedman V. U.S. Dist. Ct.*, 837 F.2d 413, 414 (9th Cir. 1988); the court conspiring
6 § 241 with opposing counsel-assisting in the filing of documents; on Jan. 8, 2014
7 issuing order (ECF No. 24.)-staying the case, in favor of a party who hadn't
8 established standing. *See Brewer V. Lewis*, 989 F.2d 1021, 1025 (9th Cir. 1993).

14 ⁴¹Fiction is a poor ground to change substantial rights *See Haddock V. Haddock*; also see
15 *Reshard V. Britt*.

16 ⁴²On April 14, 2014 pursuant to the Federal Tort Claim Act, petitioner presented to the
17 responsible agency-USDC-Central District of C.A. a USDOJ-Form 95; making
18 referenced to the default from the clerk-unlawfully initiating appellate review of a non-
19 final order, on petitioner- timely filed notice of appeal- FRAP 4(a)(1). *See McNeil V.*
20 *United States*, 508 U.S. 106, 112 (1993). See U.S.D.C.-D.C., case *Ricardo Jose calderon*
21 *Lopez V. United States of America*, No. CV19-03542 (UNA)

22 ⁴³See 9th Cir. *Starlight Entertainment Enterprises, Inc. V. Sunset Housing Solutions,*
L.P., No. 13-57153. On January 24, 2014 the movant, per FRAP 42(b) filed motion-
voluntarily dismissing the appeal (ECF No. 3.), making referenced to the default from the
clerk.

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1 Therefore, per Rule 52(a)(1)⁴⁴ of the FRCP, a reviewing court may not set
2 aside a judgement unless is clearly erroneous *See McAllister V. United States*, 348
3 U.S. 19 (1954); on-going discriminatory conduct from the central district court-
4 conspiring § 241; not following regulation⁴⁵ or case law⁴⁶; establishes unlawful
5 precedent-dismissing with prejudice⁴⁷ a meaningful claim.

6
7 ⁴⁴**Rule 52. Findings and Conclusions by the Court; Judgment on Partial Findings:**
(a) FINDINGS AND CONCLUSIONS. (1) In General. In an action tried on the facts
8 without a jury or with an advisory jury, the court must find the facts specially and state its
9 conclusions of law separately. The findings and conclusions may be stated on the record
after the close of the evidence or may appear in an opinion or a memorandum of decision
filed by the court. Judgment must be entered under Rule 58.

10 ⁴⁵**See C.A. Corporation code §103-**"Every Corporation under the laws of this State, any
other State of the United States or the District of Colombia or under an act of the
11 Congress of the United States, all of the capital stock of which is beneficially owned by
the United States, an agency or instrumentality of the United States or any corporation
12 the whole of the capital stock of which is owned by the United States or by an agency
and instrumentality of the United States and is entitled to all privileges and immunities
13 to which the holder of all of its stock are entitled as agency of the United States. Also
see **BPC, Article 1, §§ 16200-16205.**

14 ⁴⁶An organization or other entity set up to provide a legal shield for the person actually
controlling the operation. *See Judelson Y. American Metal Bearing Co.*; One proper
15 proof that a corporation is but the instrumentality through which an individual, who is the
sole owner of the capital stock, for convenience, transacts his business, together with a
16 showing that as a result of the double relationship fraud or injustice will inure to a third
person, not only equity, looking through form to substance, but the law will hold the
17 corporation bound as the owner of the corporation might be bound. It must be "upon
proper showing" that there is "unity of interest and ownership" which makes them one.
18 *Llewellyn Iron Wks. Y. Abbott Kinney Co.; Wenban Estate, Inc. Y. Hewlet.*

19 ⁴⁷With prejudice is a harsh remedy to be utilize only in extreme situations *Moore*, 90 Nev.
at 393, 528 P.2d at 1021. It must be weighted against the policy of law favoring the
20 disposition of cases on the merits. *Id.* "Because dismissal with prejudice is the most
severe sanction that a court may apply...it must be tampered by a careful exercise of
21 judicial discretion." *Id* at 394, 528 P.2d at 1021 (Alterations in original)(Internal

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1 Consequently, where a court has persistently, and without reason refused to
2 adjudicate the case before it; this court has authority to issue a writ, to exercise
3 jurisdiction of review provided by law; otherwise its appellate jurisdiction could
4 be futile, and the purpose of the statute allowing the writ will be thwarted by
5 unauthorized action of the district court-abusing its discretion. *See Will V. Calvert*
6 *Fire Ins. Co.*, 437 U.S. 655 (1978) (citations and internal quotation marks
7 omitted); *See Thermtron Prods. V. Hermansdorfer*, 423 U.S. 336 (1976).⁴⁸

8
9 **IV. Court personnel, servicing the Office of the Clerk at the U.S. Supreme**
10 **Court-are not doing what they're employed to do-not following Reg.**
11 **28 U.S.C. § 2111-impending Petitioner Right(s)-to access the Court**
12 ***See Bounds V. Smith*, 430 U.S. 817 (1977) and effectively communicate,**
13 **denying its Writ of Certiorari on harmless Error-principles (Appendix F)**

14 On March 20, 2019 petitioner-timely sought writ of certiorari, caused by on-
15 going un-Constitutional conduct from the originating-central district of California
16 court-maintaining the Corp. fiction for personal reasons-not following Regulation
17 or case law-denying the movant of Const. rights to defend its own action-define
18 under § 1654 *See Reshard V. Britt* impending the movants Corporate personalities

19 quotations omitted). *See In re: Hunter V. Gang* (Nev. App., 2016).

20 ⁴⁸See USDC-District of Columbia, *Calderon Lopez V. Johnson et al.*, No. CV18-1451
21 (UNA); D.C. Cir. No.: 18-7129; pending a timely filed petition for rehearing and re-
22 hearing *En Banc* (ECF No. 9.). Also see U.S. Supreme Court, *City of Palo Alto V.*
Ricardo Calderon Lopez, No. USCA9 No. 17-15930.

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1 to seek **I.F.P.** status.

2 “§ 1915 manifest no single purpose that would be substantially frustrated by
3 limiting the statutory reach to natural persons. *Wilson V. Omaha Indian*
4 *Tribe; United States V. A & P Trucking Co.*. Federal courts authorized to
5 favor any “person”⁴⁹ meeting its criteria with a series of benefits, including
6 dispensation from the obligation to prepay fees, costs, or security for
7 bringing, defending or appealing a lawsuit. *See Rowland v. California Men*
8 *Colony, Unit Ii Men Advisory Council.*

9 Furthermore, Congressional action allows the movant-indigent to present a
10 claim-showing that its finances make it impossible to pay and secure the costs of
11 litigation⁵⁰. *See Denton V. Hernandez, (quoting Adkins V. E.I. Dupont de*

12
13 ⁴⁹A "person" who may be authorized to proceed in forma pauperis under §1915(a) may be
14 an "association" under the Dictionary Act, 1 U.S.C. § 1, which in relevant part provides
15 that "in determining the meaning of any Act of Congress, unless the context indicates
16 otherwise" " 'person' " includes "associations" and other artificial entities such as
17 corporations and societies. *Rowland v. California Men Colony, Unit Ii Men Advisory*
18 *Council.*

19 ⁵⁰*See Government Code § 68630(a)* “Our Legal system cannot provide “equal justice
20 under the law” unless all persons have access to our courts without regard to their
21 economic means. California law and court procedures should ensure that court fees are
22 not a barrier to court access for those without insufficient economic means to pay those
fees. (b) the fiscal responsibility should be tempered with concern for litigants’ rights to
access the judicial system. The procedure for allowing the poor to use court services
without paying ordinary fees must be one that applies rules fairly to similarly situated
persons, is accessible to those with limited knowledge of court processes, and does not
delay access to court services. The procedure for determining if a litigant may file a
lawsuit without paying a fee must not interfere with court access for those without the
financial means to do so.

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1 *Numours & Co.*).

2 In addition, Supreme Court case law *Louisville, C. & C.R. Co. V. Letson*,
3 indicates “a Corporation is “capable of being treated as a citizen of [the State
4 which created it], as much as natural person.”⁵¹”

5 Therefore, on-going un-Constitutional conduct from inferior courts, as well
6 as court personnel § 2671(1)-denied the complainant to access the court-basing
7 their decision on immaterial reason(s). *See United States V. Gaudin*, 515 U.S. 506
8 (1995); also U.S. Supreme Court, *City of Palo Alto V. Ricardo calderon Lopez*,
9 No. USCA9 17-15930. (See Appendixes G & H)

10
11 **V. On-going discrimination from court personnel, servicing the Office of the**
12 **clerk-failed to follow regulation-failing to docket petitioner-timely filed**
13 **emergency application to Stay the courts Mandate**

14 Ever since petitioner-Constitutional Tort action reached the nations highest
15 Court, the movant it has experienced difficulties in presenting its arguments to the
16 Court.

17 On February 4, 2019 petitioner sought writ of certiorari-seeking review of
18 on-going un-Constitutional conduct from the 9th Circuit Court of Appeals-allowing

19 ⁵¹Also see *Marshall V. Baltimore & Ohio R. Co.*, “those who use the Corporate name,
20 and exercise the faculties conferred by it”, should be presumed conclusively to be citizens
21 of the Corporation’s State of incorporation.

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1 inferior courts (Central and Northern district of California) to deprive petitioner of
2 Right(s) of Due Process (5th Amend); *Sua Sponte* dismissing the Northern District
3 of California case, after having conspired § 241 with the Oakland Courthouse and
4 opposing counsel-unlawfully transferring an action *Ricardo Jose Calderon Lopez*
5 *V. Tigran Gumushyan et, al.*, No. CV16-07236 KAW⁵² to San Francisco Court.

6 Thus, Mag. judge Laurel Beeler, on its own motion-created a new action in
7 San Francisco Court; consequently, in own frolic-dismissing the fed. defendant(s)
8 28 U.S.C. § 2671(1). *See Ricardo Jose Calderon Lopez V. Tigran Gumuahyan*
9 *et, al.*, No. CV16-07236 LB.⁵³

10 On June 4, 2019 petitioner-timely filing emergency application to stay the
11 courts mandate (Appendix I), indicating that inferior courts had conspired § 241-
12 denying Rights of due process, allowing the central court to conspire § 241 with
13 court officials § 2671(1) and respondent personnel § 2671(1) to deprive petitioner
14 of its disability benefits-erroneously alleging substantial gainful activity-denying
15 the claimant of-protected Constitutional Rights to defend its own action § 1654
16 *See Haddock V. Haddock.*

18 ⁵²See Central District-Const. Tort action *Ricardo Jose Calderon Lopez V. Tigran*
19 *Gumushyan et, al.*, No. CV15-3063 DSF (AGR)

20 ⁵³On April 15, 2019 the U.S. Supreme Court, issued order-denying petitioner writ.
21 (Appendix J); on the 25th the movant-timely seeking rehearing (The action active).

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1 Thus, maintaining the Corporate fiction for personal reason(s); unlawfully-
2 terminating its SSA benefits for not attending a forced-hearing by ALJ. **Goldberg**
3 **V. Kelly, 397 U.S. 254 (1970).**

4 **Wherefore**, for the above stated reasons, petitioner request the Honorable
5 Supreme Court **18 U.S.C. § 3127(2)(A)(i)**⁵⁴, investigating the offenses-to grant the
6 movants petition, enforcing its appellate jurisdiction on the central district court;
7 having supplemental jurisdiction § 1367(a)⁵⁵ of an action-pending in this court;
8 per the all writs act-issuing writ of mandamus on related case-pending in the
9 Central District Court-Los Angeles Courthouse; recognizing that a dismissal of an
10 action that could be brought elsewhere is "time- consuming and justice-defeating.
11 **See Goldlawr, Inc. V. Heiman, 369 U.S. 463 (1962).**⁵⁶

12
13 ⁵⁴§ 3127. Definitions for chapter;(2) the term "court of competent jurisdiction" means-(A)
14 any district court of the United States (including a magistrate judge of such a court) or
15 any United States court of appeals that-(i) has jurisdiction over the offense being
16 investigated. See also 28 U.S.C. § 1631, *Taylor v. Social Sec. Admin.*, 842 F.2d 232,
17 233 (9th Cir.1988).

18 ⁵⁵Although § 1367 doesn't expressly references the U.S. Supreme Court as the court with
19 original jurisdiction; per § 3127(2)(A)(I) this Court of competent jurisdiction should be
20 allowed to have supplemental jurisdiction § 1367(a). *See Ex parte Republic of Peru*, 318
21 U.S. 578 (1943).

22 ⁵⁶On June 4, 2019 pursuant to 28 U.S.C. § 2101(f) petitioner sought a Stay on a related
action-pending in th ecentral district *See Ricardo Jose Calderon Lopez et, al., V. Sunset*
Housing Solutions, L.P., No. CV18-01098 ODG (AGR); however, on-going Prejudicial
Const. Error from clerk(s)-not following regulation, once more denying the movant to
access the court, impeding the movant to effectively communicate with the court, filing
case documents-Reversible *Per Se. See Rose V. Clark, 478 U.S. 570 (1986).*

*See D.C. Case *Lopez V. Blalock et, la., No. CV19-01111 (UNA)*;

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

Wherefore, “where legal rights have been invaded, courts may use any available remedy to make good the wrong done”. *See Bell V. Hood*, 327 U.S. 678 (1946)

“The Court has the inherent equitable power “to set aside fraudulently begotten judgments” and restore the parties to the position they would have enjoyed in the absence of the fraud. *See Hazel-Atlas Glass Co. V. Hartford-Empire Co.*, 322 U.S. 238 (1944). *See also Chambers V. NASCO, Inc.*, 501 U.S. 32 (1991); *Universal Oil Products Co. V. Root Refining Co.*, 328 U.S. 575 (1946).”

In Washington, D.C., this 7th day of January 2020

Ricardo J. Calderón López
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Pro Se

5726 U.S.C. § 761(a)(1)—For the Purpose of this subtitle, the term “partnership” includes a syndicate, group, pool, joint venture, or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title a Corporation or a trust or a estate. **(1)** not for the active conduct of a business.

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Reason for Granting the Petition:

On-going discrimination-racial profiling-Un-Constitutional conduct from the originating-Central district court of C.A.-not being objective; remaining tied to an archaic **Local Rule 83-2.2.2.** which for decades hasn't been updated-caused the court to err; refusing to follow Regulation §§§§§§§ 1915(a); 1; 1654; 68630(a); 68632; 68633; 68634.5(e) or case law *See Denton V. Hernandez; Rowland V. California Men Colony, Unit Ii Men Advisory Council.; California Emp. Com. V. Butte County etc. Assn.; Miller V. McColgan; King V. New Masonic Temple Assn.*; engaging in un-Const. conduct *See Haddock V. Haddock* maintaining the fiction for personal reason(s).

Thus, the central and 9th Cir. Court of Appals-engaged in un-Constitutional conduct *Hianes V. Kerner; Estelle V. Gamble; Haddock V. Haddock.*

The Petitioner interest are the only ones present the action; therefore, is the movants own-define under § 1654; the originating and reviewing 9th Cir. court should've allowed the petitioner-indigent to defend its meaningful case-clearly define under § 1654 *See Haddock V. Haddock* granting I.F.P. status. *See Denton V. Hernandez, § 68630(a)*

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1 However, on-going prejudice from the central district judge-Ottis D. Wright
2 II⁵⁸, multiple times-failed to recognize the action as an *alter ego* action-being the
3 movants own separate-lawful aspect of individuality *See Society for Propagation*
4 *of the Gospel in Foreign Parts V. Town of Pawlet* managing its action § 1654⁵⁹;
5 petitioner-lawful business personalitie(s) are define under 26 U.S.C. § 642 (c);
6 citizen of the State of Inc.-California. *See Marshall V. Baltimore & Ohio R. Co.*

7 Therefore, the originating court erred-failing to treat *Pro Se* litigants more
8 favorably than parties represented by lawyers, regarding the standard applied to
9 their pleadings. *Hianes V. Kerner*, 404 U.S. 519, 520 (1972); providing more
10 latitude in their pleadings-not holding them to the rigid standards and formalities
11 impose to parties represented by counsel. *Estelle V. Gamble*, 429 U.S. 97, 106
12 (1976).

13
14 ⁵⁸28 U.S.C. § 1343(a) "The District Court shall have original jurisdiction of any civil
15 action authorized by law to be commenced by any person (3) to redress the deprivation,
16 under color of any State law, statute, ordinance, regulation, custom or usage, of any right,
17 privilege or immunity secured by the Constitution of the United States or by Any Act of
18 Congress providing for equal rights of citizens or of all persons within the jurisdiction of
19 the United States." *See Chapman V. Houston Welfare Rights Organization*, 441 U.S.
20 600 (1979).

21 ⁵⁹Corporations Define under 26 U.S.C. 1361(b)(1)(B); § 542; 15 U.S.C. § 632(f)(1) &
22 15 U.S.C. § 681(a); 26 U.S.C. § 642 (C)-Qualified disability trusts (ii) & 42 U.S.C. §
1396p; partnership-*Starlight Communications* define under § 761(a)(1)

*§ 1396p(c)(2)(B)(iv):

(iv) were transferred to a trust (including a trust described in subsection (d)(4))
established solely for the benefit of an individual under 65 years of age who is
disabled (as defined in section 1382c(a)(3) of this title).

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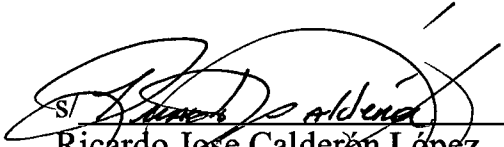
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CERTIFICATE OF COUNSEL

DECLARATION UNDER PENALTY OF PERJURY

I, Ricardo Jose Calderón López declare under penalty of perjury that the foregoing statements and information are true and correct to the best of my knowledge, information, and belief⁶⁰.

Date: January 7, 2020


s/ Ricardo Jose Calderón López
Starlight Consulting Services
<http://www.seeworldwide.net>
Pro Se

⁶⁰28 U.S.C. § 1746. Unsworn declarations under penalty of perjury:

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).

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