

No. 19-7483 ORIGINAL

Supreme Court, U.S.
FILED

JAN 22 2020

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Lisa Washington — PETITIONER
(Your Name)

vs.

Diana Deleon, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Lisa Washington
(Your Name)

2342 Shattuck Ave
(Address)

Berkeley Ca. 94704-1517
(City, State, Zip Code)

405 564-3315
(Phone Number)

QUESTION(S) PRESENTED

1. When the United States District Court Northern District of California revokes your forma pauperis status in retaliation for filing and serving a writ of certiorari on respondent is that against the Fourteenth amendment?
2. When the court does not file the summons and compliant for a Petitioner that was granted to proceed in forma pauperis, does it violate Petitioners due Process?
3. When a Federal Court Judge acts in a prosecutorial way, rather than judicial role, does the Petitioner have the right to recuse the judicial officer?
4. Can a Petitioner file a certiorari on a final order if the Appeals Court is denying Petitioner access to the court?

LIST OF PARTIES

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

Mary Oakland, Nona Washington, Amanda Plowman, Gregory D. Pike esq. Jeffrey V. Rocha esq., M. Brett Burns, Michael Barnes, Elizabeth Throne, Rebecca Olsen, Allstate corporation, Knox Ricksen LLP, Dentons US LLP, Everest Leap LLC, University of California The Regents of, Janet Napolitano in her official capacity as President of the University of California Berkeley, Carol T. Christ, in her official capacity as chancellor of the University of California, Berkeley, Transportation Brokerage Specialist Inc., Amazon, Full steam Staffing, LLC, Diana Deleon Doreen Carr, Jehovah's Witnesses National Organization, Watchtower Bible and Tract Society of New York, Union City Congregation of Jehovah's Witnesses, Nora Aung, Mindy Oong, Dose 1 through 25.

RELATED CASES

Alameda County Superior court case	CH156673-6 – H217756-6
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Alameda County Superior court case	HG16799652
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United States District court Northern District of California case	314-CR-02984-CRB
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United States Court Of Appeals for the Ninth Circuit Case	16-15608
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United States District Court Northern District of California case	4:19-CV-02271-JSW
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United States Court Of Appeals for the Ninth Circuit case	19-16457
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<i>United States Court of Appeals for the Ninth Circuit case.</i>	<i>19-17353</i>
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<i>SUPREME COURT OF THE UNITED STATES</i>	<i>19-6829</i>
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Twombly 550 U.S. at 570

American Airline V. Hooker, 302 F3 1092

(9th Cir 2002) *Neitzke V. Williams* 490 US 319

325-327, 1095 et 1827, 1831-1833

STATUTES AND RULES

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

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

☐ reported at _____; or,

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

☐ is unpublished.

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

☐ reported at _____; or,

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

☐ is unpublished.

☐ For cases from **state courts**:

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

☐ reported at _____; or,

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

☐ is unpublished.

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

☐ reported at _____; or,

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

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 30, 2019.

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

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

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

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

☐ For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment
The Fifth Amendment

STATEMENT OF THE CASE

On the course of my court case in Alameda County Superior court, Petitioner has uncovered that Alameda court officials along with federal and others are using the power of the court to conduct two racketeering schemes.

The racketeering schemes includes among other other things, unlawfully colluding to facilitate the operation of a Rico enterprise, jury tampering, embezzling, mail fraud and bribing court officers.

Over the past years, Petitioner has collected documents that verify facts related to this effort. Petitioner has been a direct victim and or witness to most of the events described. However, you will find my accounts of these events to be credible because, in almost all case multiple fact patterns are

Consistent with one another.

Petitioner is deeply concerned that the actions described below constitute a serious of Plagant problems, abuses or violation of the law.

Petitioner is also concerned that these actions pose risks to the very fabric of our democracy and the rule of law.

On or about April 25, 2019, Petitioner filed a complaint in the Northern District of California Court. San Francisco. The case was assigned to Magistrate Judge Joseph C. Spero.

On or about May 3, 2019, Petitioner decline to proceed before a Magistrate Judge. On May 7, 2019, Magistrate Judge Joseph C. Spero of the United State District court issued a report and recommendations.

Judge Joseph C. Spero, stated that Petitioner complaint be dismissed as Frivolous and for Failure to state a claim under U.S.C 1915 (e) 2 (B) with leave to amend. Judge Spero went on to say if Petitioner choose to amend her complaint Petitioner is encouraged to focus on a subset of defendants.

The undersigned also stated that the complaint does not include factual allegations as opposed to mere conclusory statements.

The Federal rule reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that purpose of pleading is to facilitate a proper decision on the merits. *Maty v. Graddell Chemical Co.*, 303 U.S. 197, 58 S. Ct 507, 82 L. Ed. 745.

On May 8, 2019, the case was order reassigned to Judge Charles R. Breyer. After disqualifying himself due to cameras in the court ~~room~~ room. On or about May 10, 2019, the case was assigned to Judge Jeffrey S. White.

On May 21, 2019, Petitioner filed a motion for Judge White to recuse himself. Judge White objected to being recused and adopted the recommendations of Judge Spero.

SERVING THE SUMMONS

Petitioner application to proceed in forma pauperis was approved. The court was to issue the summons and complaint and forward it to the United States

Marshal to be served on the defendant.

According to the United States District Court of California representing yourself in Federal court: A hand book for Pro se Litigants on page 19 it states; if your application to proceed in forma pauperis is approved, then the court will issue the summons and forward it to the United States Marshal to serve on the defendants at no cost to you.

The court never issue the summons to be forward to the United States Marshal, therefore the summons and complaint was never served on defendants. Parties whose rights are to be affected are entitled to be heard. *Mathew v. Eldridge* 424 US 319, 333, (1976)

FIRST AMENDED COMPLAINT

On or about June 24, 2019, Petitioner submitted a FAC along with 26 Exhibits. The FAC cured the defect of the complaint being frivolous, by stating facts and by attaching the exhibits to back the facts up. The FAC also stated a short and plain statement of the claims, showing that the pleading is entitled to relief. (citing *Twombly* 550 U.S. at 570) Rule 8(a)(2) of Federal Rules of Civil Procedure

The Claims that were raised in the FAC were Federal Civil Rico, 18 U.S.C 1962, conspiracy to violate, Federal 18 U.S.C 1962 1(d), Fraud, Civil conspiracy to defraud 18 U.S.C 1341 and 1343, 18 U.S.C 1503 obstruction of Justice 18 U.S.C 1961, Equal Pay Act of 1963, Title VII of the civil rights act of 1968, age discrimination employment act of 1967, meal break Act.

On July 9, 2019, Judge Jeffrey S. White, dismissed the civil Rico claim due to Petitioner allegations are largely conclusory and the facts are not sufficient. Judge Jeffrey S. White granted Petitioner one final opportunity to amend the complaint on conditions.

On or about July 22, 2019, Petitioner, filed a timely appeal in the United States Court of Appeals for the Ninth Circuit.

On or about September 4, 2019, the United States of appeals court circuit Judge Tashima, M. Smith, and Christen reviewed the records and dismissed the appeal due to lack of jurisdiction over the appeal, and because the order challenged in the appeal is not final or appealable.

On or about September 10, 2019, Petitioner spoke to a law clerk at the United States Court of Appeals for the

Ninth Circuit. Petitioner explained to the law clerk that the summons was never served on defendants. The law clerk stated that Petitioner could file a review of the order.

On or about September 11, 2019, Petitioner filed a motion for review of the order. The Petition for review is still pending.

On October 25, 2019, Petitioner, filed a Motion to stay of a pending a Petition for certiorari.

On or about October 25, 2019, the United States District Court issued the final order in the case.

On or about November 20, 2019, Petitioner filed a timely appeal on the final order.

On or about December 3, 2019, Petitioner filed a petition for writ of certiorari. Case # 19-6829. On December 18, 2019, Petitioner served all the ~~defen~~ respondents with the writ of certiorari.

On December 18, 2019, the United States Court of Appeals for the Ninth Circuit issued a referral notice directing

the United States District court to determine whether Petitioner's in forma pauperis status should continue for appeal.

On December 20, 2019, the District court revoked Petitioner forma pauperis status.

On or about December 30, 2019, the United States court of appeals for the Ninth Circuit stayed the appeal. Petitioner within 35 days must file a motion to dismiss the appeal or file a statement explaining why the appeal is not frivolous and should go forward.

The court went on to state if Petitioner submits any response to this order than a motion to dismiss the appeal, the court may dismiss the appeal as frivolous without further notice. (THREAT)

An appeal is in good faith so long as it seeks review of any issue that is nonfrivolous (Hooker v. American Airline, 302 F3d 1091, 1092 (9th Cir. 2002)) "if at least one to proceed in forma pauperis on appeal must be granted for the case as a whole."

An issue is "frivolous" if it has no arguable basis in fact or law. *Cloughlin v. Doe*, 920 F.2d 614, 617, (9th Cir 1990).

Thus, the term "frivolous" embraces not only the inarguable legal conclusion but also the fanciful factual allegations. *Neitzke v. Williams* 490 US 319, 325-327, 109 S Ct 1827, 1831-1833 (1989)

On or about December 19, 2013, Petitioner received a response from C. Don Clay, the presiding Judge of the Superior Court, State of California, County of Alameda, regarding a complaint concerning the racketeering schemes that was going on in Hayward Hall of Justice, and in Petitioner's case.

C. Don Clay presiding Judge, stated that he requested that the supervising Judge to review the matter and advise him on the findings. Petitioner never heard back from Judge C. Don Clay.

Petitioner filed the complaint regarding the enterprise that Marv Oakland, Trina Blackshire, Mona Washington Commissioner Sue Alexander, Commissioner Boyen Hall

Judge Winifred Smith acting as a enterprise to obstructed justices, embezzle money from Alameda County Court appointed attorney program, bribe other court officers, and retaliate against Petitioner for whistle blowing.

The above participated in the enterprise to carry out the direction of the enterprise and are associated in fact.

The enterprise carried out these schemes by bribing and colluded with Petitioners employers, religious leaders, and Alameda County officials, and others.

The above became the spoke that turned the wheel in the enterprise racketeering scheme.

The acts were open-ended and started in 2009 to present. The acts include a specific threat of repetition extending indefinitely into the future.

The above defendant are culpable who willfully, knowingly, malicious committed racketeering activity through a pattern association in fact and effect on interstate commerce. Each defendant violated 18 USC(c) by the acts described below.

The members of the enterprise functioned as a continuous unit with an ascertainable structure & separate and distinct from that of the conduct of the pattern of racketeering activity.

The second enterprise Gregory D. Ake esq. Amanda Plowman, Jeffrey V. Rocha esq. Michael Barnes Allstate Corporation, Elizabeth Throne, Rebecca Olsen, Dentons US LLP.

The above participated in the enterprise by carrying out the direction of the enterprise in a pay to play scheme, by bribing Judge Jo-Lynn Q Lee. The case arises out of a hit and run case. case # CH61679962.

The summons was severed on defendants Allstat corp. and Rebecca Olsen on March 8, 2016. The defendants filed a demurrer to the complaint on April 11, 2016. The demurrer was to be heard on May 25, 2016, the hearing never took place. There was never a first case management conference.

On September 1, 2016, a motion to strike was resered by defendants in department 18, date the hearing was to take place was October 25, 2016, at 3:00pm.

On October 25, 2016, Petitioner appeared in department 18 for the motion to strike. The clerk told Petitioner that

The above had a specific intent to obstruct or interfere with the judicial proceeding in Petitioner case. The defendant knew a proceeding was pending at the time. The obstruct of justice was to further the scheme to defraud.

In fact the Rico statute, itself, provides that conduct relating to prior ~~lit~~ litigation may constitute racketeering activity, 18 U.S.C 1961(1) (B) defining racketeering activity as including an act indictable under 18 U.S.C 1512, which relates to tampering with a witness, victim, or information.

On or about July 1, 2019, there was a jury trial in department 18 Judge Lee presiding. During jury selection Petitioner notice that some of the jurors knew Gregory D. Ake esq. defendants attorney.

Judge Lee became upset with Petitioner when petitioner dismissed Juror number 12. Judge Lee asked, why do you want to dismiss her? Petitioner said, because she does not look right. Judge Lee got mad and told the clerk to pull up the list. Judge Lee resound in the morning.

On or about July 2, 2019, Juror selection continued. Juror number 5 Elise W. Whitehead and ~~Juror~~ ^{Juror} number 7 Mark E. Spencer were selected by Gerory D. Pike. The two were there to swing the jury in Gerory D. Pike favor.

On or about July 5, 2019, the jury got the case. After lunch, Mark Spencer got into the elevator with the Judge in department 19. The two got out of the elevator and ~~past~~ Mark Spencer past the Judge in department 19 a note. I was not the only one how saw this take place.

After the day would end Gerory D. Pike and ~~his~~ the defendant would have ex parte meeting with Judge Lee.

Further, the two enterprise are associated in fact. the acts of racketeering by the respondents are continuous. The enterprise

acts were not limited to the predicate acts and extended beyond the racketeering activity.

Burn Notice

When you are a whistleblower and you exposes activity that is deemed illegal, you can expect retaliation. Nothing in your life is off limits. Your Job, family, friends, were you worship, Bank account, you become black listed. Until you figure it out, you fight.

Surveillance

On or about October 1, 2019, Petitioner moved to 2536 Tulare Ave. in Elvertito Ca. Petitioner rents a room.

On or about October 7, 2019, Petitioner found a surveillance camera in her bedroom, and one camera placed in Petitioner bathroom. When speaking to the home owner Jennifer Wang about the cameras. Jennifer Wang said, they want to know your every move.

Petitioner filed a Police report with the El Cerrito Police department. Report # (JACALA-E130). Also, Gary, a roommate works directly with the enterprises catch and kill team. Gary has been employed to get my back Pack and to monitor Petitioner at night. Police report # (191213103).

Petitioner is on the Alameda County snap program and medical. R. Ramos is Petitioner worker. R. Ramos informed Petitioner that Petitioner benefits would be terminated. Petitioner told R. Ramos that she would appeal that decision. Ms. Ramos put Petitioner on hold to talk with her supervisor F. Selt. Petitioner never received a notice from R. Ramos. G. Ramirez a supervisor in the Fremont ca office was involved in terminating my benefits. These events took place in November 2019.

Labor Commissioner

On or about January 2019, Petitioner filed a wage claims dispute with the labor Commissioner. regarding University of California, Berkeley, Everest Leap LLC and 85°. These Employer held Petitioner Paycheck. Petitioner was harassed by these employers. They want to get into Petitioner back Pack.

REASON FOR GRANTING THE PETITION

Good cause supports this request for this writ of certiorari. The writ of certiorari will ensure the orderly resolution of the important constitutional question presented in this case while avoiding uncertainty for the public and irreparable injury to the commonwealth.


Furthermore, a writ of certiorari is appropriate under this court precedent because this case presents a close question that is a question that very well could be decided the other way. In the absence of a writ of certiorari would likely produce legal uncertainty and confusion.

For the foregoing reasons, this court should grant the writ of certiorari in this case.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 1-21-2020