No. 19-7859

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
FEB 25 2020
OFFICE OF THE CLERK

In re, ~~PETITIONER~~ m.b.
~~(Your Name)~~ m.b.

~~VS.~~ m.b.

Marlon Blacher, ~~RESPONDENT(S)~~ m.b.

ON PETITION FOR A WRIT OF CERTIORARI TO

"IN THE SUPREME COURT OF CALIFORNIA"
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Marlon Blacher
(Your Name)

c/o post office box 5002
(Address)

Calipatria, the State of California "92233"-9998
(City, State, Zip Code)

N/A
(Phone Number)

QUESTIONS PRESENTED

1. Is it not true that in light of the matters brought to be heard (See APPENDIX C 4-12.) the court's summary denial is unreasonable and issuance of an order to show cause/evidentiary hearing is warranted?

2. Is it not true that Cal. courts not mentioned by Cal.'s Const., nor the statutes that express jurisdiction for such courts, are without lawful/valid jurisdiction?

3. Is it not true where courts of the State fail to file and hear pleadings presented by the Petitioner than the Petitioner's right to petition is unlawfully abridged?

4. Is it not true that where Marlon Blacher, hereinafter "Petitioner", is held (vi et armis) deprived of liberty: by means of engagement of war notwithstanding that the Petitioner is neutral, civilian, and a National of the United States of America; beyond the statutorily expressed time for enforcement of such deprivation; whereby constitutionally and statutorily stipulated exempt property of the Petitioner is unduly attached to accomplish said deprivation; fraud infect the presentment upon which said deprivation transpire; and said deprivation transpire simultaneously with continuing summary seizure of the Petitioner's financial/economic items, then such deprivation transpire to violation of the Constitution/laws/treaties of the United States?

5. Is it not true that imposition of a trust account upon the Petitioner, without the Petitioner's consent, is unlawful?

6. Is it not true that The Penal Code § 2085.8 which: is used to justify the taking (vi et armis) of 100% of a monetary item rendered to the Petitioner and notwithstanding that such item is necessary for the support of the Petitioner; single out disfavored people/persons

QUESTIONS PRESENTED (cont.)

for such seizure, accomplished without a hearing, for past misconduct; execute simultaneously as the aforesaid deprivation of the Petitioners liberty; and that execute where the Petitioner has no representation, executed by persons that never have to answer to the Petitioner but engage unlawful war against the neutral, civilian, Petitioner, and execute for the benefit of a class the Petitioner is directly excluded from participating, does not accord with the Const./laws/treaties of the United States?

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

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

- STATE OF CALIFORNIA;
- CDCR;
- Xavier Becerra, Cal. Attorney Gen.;
- Gavin Newsom, Cal. Gov.;
- W.L. Montgomery, CALIPATRIA STATE PRISON warden; and
- Ralph Diaz, CDCR director

RELATED CASES

THE PEOPLE OF THE STATE OF CALIFORNIA v. MARLON BLACHER, IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF CONTRA COSTA, No. 05-080631-5, 2007-2009

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES CITED

I. United States

a) Cases

b) Constitution provisions

c) Statutes

TABLE OF AUTHORITIES CITED

TABLE OF AUTHORITIES CITED

TABLE OF AUTHORITIES CITED

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 A 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 OF APPEAL" court appears at Appendix B 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 ______________________.

[ ] 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 Jan. 2, 2020. A copy of that decision appears at Appendix A.

[ ] 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. § 1251(b)(3); 1257(a); 1651(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- Article I § 10 clauses 1 and 3 Const. of the United States.
- Article VI clause 2 id.
- Amendment I id.
- Amendment IV id.
- Amendment VIII id.
- Amendment IX id.
- Amendment XIII id.
- Amendment XIV § 1 id.
- Title 18, United States Code, section 1581
- Title 28, United States Code, sections 1257(b)(3), 1257(a), and 1651(a).
- Title 42, United States Code, sections 1981, 1982, and 1994.
- Cal. Const. Art. I §§ 1, 3(a), 5, 6, 7, 13, 17, 24, 26
- " " Art. II § 1.
- " " Art. III §§ 1 and 3.
- " " Art. VI
- " " Art. XX § 3
- The Civil Code §§ 1458, and 3344.
- The Code of Civil Procedure §§ 487.010; 487.020(b) and (c); 683.020; 720.210
- The Government Code § 240
- The Penal Code §§ 187, 189, 2085.8, 630, 654, and 1214.
- Uniform Commercial Code §§ 1201(35), and 9102(a)(74).

and

- Cong. Globe, 39th Cong. 1st Sess. 358, 359 (1865).

STATEMENT OF THE CASE

Marlon Blacher, i.e. "Petitioner", is One living, sentient, free-born, neutral man ~~known as~~ who on the 6th day of December, 1976, is born-alive on the portion of "the land" (Article VI, clause 2, Const. of the United States.) where the Union state known as "Illinois" is located, whereby since such birth to the present the Petitioner has maintained civil, physical, political, and social existance where such existance do not cease throughout such time. The aforesaid birth circumstances evince that the Petitioner is a National of the United States of America and in light of established law of the State of California (see an act approved September 28, 1850, Volume 9, Statutes at Large, page 521.) the Petitioner has standing as One of "The People" (The Government Code §240.); which include political and civil citizens, both electors and non-electors. (see Lyons v. Cunningham 66 Cal. 42.) Regarding the government of the State of California (see an act approved September 28, 1850, id.) it is settled: "All political power is inherent in the people. Government is instituted for their protection, security, and benefit, ..." (Cal. Const. Art. II § 1.)

STATE OF CALIFORNIA, which evidenced by the brazenly contrary to positive law manner by which it operate it cannot possibly be One and the same as the aforesaid State of California (see an act approved September 28, 1850, id.), presently act to deprive the Petitioner of enjoyment of the Petitioner's "Inalienable Rights" (Cal. Const. Art. I § 1.), by means of its CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, hereinafter "CDCR", based on some unduly imposed right to attach order/writ, that is infected by fraud. It is settled that an act approved September 28, 1850, Volume 9, Statutes at Large, page 521, does not at all mention an all-capital-letter State, nor does Volume 9, Statutes at Large, page 452 but the aforesaid all-capital-letter entity/person/corporation/association/whatever it is that unduly act to impose the aforesaid deprivations re the Petitioner's inalienable rights continuously impersonate the Union state referenced in said Volume 9, which evinces more fraud.

"Fraud will vitiate any transaction and an asserted title to property founded on it is void" (40 U.S. 518, 40 U.S. 518, The Amistad, (U.S. Conn. 1841).), and public documents of government "are open to be impugned for fraud." (Id.) The aforesaid all-capital-letter STATE OF CALIFORNIA, which presently impose the aforesaid deprivations re the Petitioner's inalienable rights, fraudulently impersonate the Union state, i.e. the State of California (See an act approved September 28, 1850, id.), evincing absence of jurisdiction to impose said deprivations; otherwise, such fraudulent impersonation vitiate any title said all-capital-letter STATE OF CALIFORNIA could possibly assert upon said inalienable rights (see The Amistad, id.); such fraudulent impersonation is also evidenced in that Cal. Const. Art. III, namely the sections therein, are without mention of any all-capital-letter matter.

Cal. Const. Art. 1 § 26 establish that the provisions expressed throughout such Constitution are mandatory/prohibitory, and among such provisions is:

> "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy." (Cal. Const. Art. 1 § 1.)

It is settled that the phrase "inalienable right" bear the meaning: "A right that cannot be transferred or surrendered; esp., a natural right such as the right to own property." (Black's Law Dictionary 1437 (9th ed.)); of course, the Petitioner does not consent, but object, to any transfer/surrender of the Petitioner's enjoyment of the Petitioner's life and liberty, therefore, the aforesaid STATE OF CALIFORNIA is without lawful jurisdiction/standing to such deprive the Petitioner.

The aforesaid unduly imposed right to attach order/writ create a continuing deprivation of the Petitioner's enjoyment of life and liberty for a time of

STATEMENT OF THE CASE

25 years-to-life, which violate the rule against perpetuities. Regarding California it is settled: upon the adoption of the common law in this State, the courts became subject to all its provisions both as to their powers and the mode of procedure, except insofar as the statutes worked a change in the common-law rules (See Read v. Eldredge (1865) 27 Cal 346.); and, the rule against perpetuities, at all events the whole of it except that portion which allowed nine months for an infant en ventre sa mere, became part of the law of California at least from the date of the act adopting the common law of England "as the rule of decision" (Estate of Hinckley (1881) 58 Cal. 457.), whereby such rule against perpetuities is part of the law of California when said right to attach order/writ is entered, which evinces that such is entered outside the bounds of due process of law. There is no statute in California with respect to authority or procedure for recovering assessment erroneously held, but where consideration for levy was wholly failed, absence of statute will not deprive claimant of his remedy, as common law furnishes relief (See Grimes v County of Merced, 96 Cal App 76.) and where the aforesaid levy upon the Petitioner's life and liberty is imposed in absence of lawful/valid jurisdiction, and where fraud infect the imposition, remedy, be it common law or statutory, is due to the Petitioner. (See id.)

Any act that exceed the defined power of a court in any instance, whether that power be defined by constitutional provision, express statutory declaration, or rules developed by the courts and followed under the doctrine of stare decisis, are in excess of jurisdiction. (See Abelleira v. District Court of Appeal, Third Dist. 17 Cal. 2d 280; and Perry v. Superior Court 7 Cal. App 3d 236.) Whenever "it is manifest that justice has been disregarded, the court is bound to treat the decision as a matter of no value and no substance." (Price v. Dewhurst, 8 Sim 279, 302 (1837).)

The action wherein the aforesaid right to attach order/writ is entered is brought against some all-capital-letter defendant (See APPENDIX D, EXHIBIT "A", at 6-7, therein.) but the Petitioner is unduly substituted, without the Petitioner's informed consent, for said all-capital-letter defendant and notwithstanding that said right to attach order/writ is entered against said all-capital-letter defendant (See id.) but the Petitioner is substituted, without the Petitioner's consent, for imposition of such. It is settled that a judgment in California may not generally be entered either for or against one who is not a party to the proceeding and any judgment which does so is void to that extent (See Fazzi v. Peters (1968) 68 Cal 2d 590.) but the aforesaid right to attach order/writ (See APPENDIX D, EXHIBIT "A", at 6-7, therein.) is entered against the aforesaid all-capital-letters defendant, not the Petitioner, but such is unreasonably imposed against the Petitioner, evincing that such is void as a matter of law. (See Fazzi, id.)

Further, the aforesaid right to attach order/writ assert conviction of murder and cite The Penal Code § 187 (See APPENDIX D, EXHIBIT "A", at 6-7, therein.) but the record of the action from whence said right to attach order/writ stem clearly reflect that the trial court unduly relieve the prosecuting party of proving malice aforethought, an included element of the statute that The Penal Code § 187 is based, to the jury beyond a reasonable doubt. It is settled that in order for a valid conviction to transpire the elements of the statute underlying the crime charged must be proven to the jury and beyond a reasonable doubt (See In re Winship 397 U.S. 358; Jackson v. Virginia 443 US 307; People v Borchers 50 Cal 2d 321; and People v. Hudson 45 Cal. 2d 121.) and where such proof is not established, as is the case here, the conviction cannot stand. (See id.) Such evinces further fraud that infect the aforesaid right to attach order/writ. (See APPENDIX D, id.)

A presentment which stem from the aforesaid right to attach order/writ name same all-capital-letter person, that is not the Petitioner (See e.g. APPENDIX D EXHIBIT "E", at 2, therein.), to "be delivered to the reception center designated by the director of the California Department of Corrections" (Id. EXHIBIT "A", at 6-7, therein.) but in fact such "delivery" (Id.) is imposed (vi et armis) upon the Petitioner, and not said all-capital-letter person, whereby the Petitioner is One living, sentient, free-born, neutral man and not Merchandise, nor an Object of commerce to be delivered, which such inaccuracies evidence more impermissible fraud (see The Amistad, id.) that infect the title asserted by STATE OF CALIFORNIA to impose its aforesaid deprivations of life and liberty upon the Petitioner. The purported purpose for the aforesaid delivery that is unduly imposed (vi et armis) upon the Petitioner, and that unduly continue to the present, is safely keeping the Petitioner committed to the custody of the Secretary of Corrections and Rehabilitation (see e.g. Cal. Code Regs. tit. 15 § 3276.) but this also is a fraudulent pretense.

On the flag poles at every CDCR prison used to deprive the Petitioner of enjoyment of life and liberty there are three (3) different flags attached and displayed: 1) the flag of United States; 2) the flag of California Republic; and 3) the Prisoners of War flag, whereby at certain of such prisons (e.g. "CSP-CMC EAST") said Prisoners of War flag is unlawfully at the most elevated position, of the three, on the flag pole but in light of "law of the flag" (Black's Law Dictionary 966 (4th ed.); see also McCulloch v. Marineros de Honduras, 372 US 10.) it become evident that CDCR is used by STATE OF CALIFORNIA as an instrument to engage silent, undeclared, and unlawful war against the neutral, civilian, Petitioner and is contrary to safe keeping/custody. Supplemental to the aforesaid law of the flag evidence is the manner in which CDCR's so-called "Correctional Peace Officers" habitually and routinely appear on the grounds of CDCR prisons, whereby such "Officers" wear brown/beige boots, of similar manner/fashion/type as those worn by members of U.S. Armed Services during the war engagement referenced "Desert Storm", along with military type flak vest (that are in some instances equipped with several visible grenade type devices) which some of said "Officers" walk around/are positioned with projectile launchers/assault rifles and weild such weapons threateningly/menacingly toward the civilian, neutral, peaceable, unarmed, Petitioner and said "Officers" habitually and routinely speak via military, not civil/civilian, language by customarily saying "report to ..."; "be advised", and using reference to time such as "1600" as opposed to its "4 O'clock" civil/civilian import; such circumstances evince military, not civil, authority/jurisdiction. All the foregoing circumstances transpire in time of peace and evidence STATE OF CALIFORNIA unduly affecting to render the military independent of and superior to the civil power (See The Declaration of Independence (Adopted in Congress July 4, 1776.).) and unduly keeping the aforesaid "Correctional Peace Officers" as troops of war in time of peace (See Art. 1, § 10, cl. 3, Constitution of the United States.), further evidencing the thorough unjustness of the aforesaid deprivation of the Petitioner's life and liberty that STATE OF CALIFORNIA unduly impose (vi et armis.).

Cum adsunt testimonia rerum, quid opus est verbis? (When the proofs of facts are present, what need is there of words?) Specifics incidents transpiring under the aforesaid unjust war engaged against the civilian and neutral Petitioner include the aforesaid so-called "Correctional Peace Officers": perpetration of a street gang manner of physical attack upon the Petitioner that include imposition of a prohibited chokehold (See e.g. Cal. Code Regs. tit. 15 § 3268 (c) (3).) upon the Petitioner which take the Petitioner to the brink of unconsciousness (See Blacher v. Villamarin, et al., the United States District Court (hereinafter "USDC") for the central district of California, the Complaint/FAC.); perpetration of a street gang manner of physical attack upon the Petitioner that result in physical injury to the Petitioner (See Blacher v. Talley, et al., id.); of the color of rank "Sgt." asserting that the Petitioner has no rights and no power while such "Officers" have "all the rights and power", and further bragging of his ability to go home everyday while the Petitioner "stay stuck [in prison] surrounded by green", while imposing retaliatory punishment, including extrajudicial imposition of involuntary servitude/slavery, upon the Petitioner in consequence of the Petitioner's exercise of the right to free speech (See Blacher v. Dieball, et al., id.); unlawfully abridge the

the Petitioner's religious exercise (See Blacher v. Wilcox, id.; and Blacher v. Valenzuela, K. Cox, id.); routinely impose PREA (see 42 U.S.C. §§ 15601 et seq.; see also The Penal Code § 2636.) violating strip searches upon the Petitioner and in a manner that plainly violate even CDCR's formally adopted regulations on the matter (See Blacher v. S. Johnson, et al., Complaint / FAC, USDC eastern district of California); and perpetration of theft against the Petitioner's belongings / possessions, perpetration of mail crimes (See 18 U.S.C. §§ 1701, 1702, and 1703.) upon the Petitioner's mail, and unlawfully interfere with the Petitioner's medically prescribed meals (See Blacher v. Kernan, et al., id.), all of the foregoing perpetrated with unduly extended impunity to the perpetrators, whereby the persons that staff STATE OF CALIFORNIA's office of the Attorney General, whom are bound by the obligations "to see that the laws of the State are uniformly and adequately enforced" (Cal. Const. Art. V § 13.) and to support and defend U.S. and Cal. Const. against all enemies (see id. Art. XX § 3.), aid and abet such continuing criminal conspiracy by acting to conscious disregard / deliberate indifference, establishing a selective / discriminatory enforcement system where state staffing persons are positioned above and unaccountable to the law while such persons enforce such laws vigorously against private, disenfranchised, people such as said state staffing persons perceive the Petitioner to be. Therefore, contrary to custody / safe keeping (see Cal. Code Regs. tit. 15 § 3270.) the entire STATE OF CALIFORNIA apparatus is used, by collusive malfeasance / misfeasance of a cartel of persons that staff it, to deprive the Petitioner of enjoyment of life and liberty, to deprive the Petitioner of property, settled rights, privaleges, and immunities, and to coerce / intimidate the neutral, civilian, peaceable Petitioner into subservience under the private state staffing persons supremacy political creed that said state staffing persons firmly hold and publicly act based upon.

The Petitioner is deprived, via the aforesaid pretend safe keeping / custody presently imposed upon the Petitioner, of access to safe drinking water and such deprivation plainly conflict with Cal.'s Safe Drinking Water Act (See e.g. The Water Code § 13851.), whereby the drinking water made accesible to the Petitioner has an odd smell, color, and taste, and because the Petitioner suffer kidney disease (a matter that is noted in the files CDCR keep pertaining to the Petitioner) such deprivation impose and pose actual/imminent threat to the Petitioner's health, which seem to be by design of the aforesaid state staffing person cartel. Such engagement of war against the civilian, neutral, peaceable Petitioner, and with knowledge that the Petitioner is a National of the United States from Illinois, must constitute treason but surely evidences absence of legitimacy re the aforesaid pretend custody/safekeeping STATE OF CALIFORNIA arbitrarily and fraudulently impose upon the Petitioner, and the aforesaid war unduly engaged against the civilian, neutral, peaceable Petitioner violate the international laws governing wars. (See e.g. Kellogg-Briand Pact; Law of the Hague; Lieber Code; and neutrality law(s). See also Title 22, United States Code, sections 441-457.)

On or about the 2nd day of August, 2019, the Petitioner present Notice and Motion, to be heard before the constitutionally mentioned superior court (See Bank of Woodland v. Oberhaus (1899) 125 Cal 320.), to obtain recourse and remedy regarding the aforesaid unlawful and fraudulent safe keeping /custody STATE OF CALIFORNIA impose upon the Petitioner (See APPENDIX D EXHIBIT "F" therein.) but the court arbitrarily decline to file and hear said Notice and Motion and such declining is irrefutably unlawful. (See Arizona v. Washington 434 US 497; Kreling v. Superior Court (1944) 25 Cal 2d 305; and Voit v. Superior Court 201 Cal. App. 4th 1285.) Throughout the more than a decade, continuously, that STATE OF CALIFORNIA impose the aforesaid pretend custody/safe keeping upon the Petitioner the courts of the State have declined, in multiple instances, to file and hear matters (which clearly concern due process considerations) presented by the Petitioner and combined with the previously detailed state sponsored conspiracy against the rights of the Petitioner it is clear that the Petitioner is without means of recourse/remedy, at the state level, re the aforesaid continuing deprivation of life and liberty, with the Petitioner's safety, happiness, and privacy also unlawfully obstructed by STATE OF CALIFORNIA.

In conjunction with the aforesaid deprivations CDCR also continuously impose some trust account upon the Petitioner notwithstanding that the Petitioner decline consent to imposition of said account, and while imposing said trust account upon the Petitioner CDCR staffing persons arbitrarily decline

STATEMENT OF THE CASE

to render disclosure regarding what specific type of trust (e.g. express, bond, common law, etc.) said account is. The aforesaid trust account bear some all-capital-letter infringement of the Petitioner's name.

It is settled:

> "Any person who knowingly uses another's name, voice, signature, photograph, or likeness, in any manner on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of products, merchandise, goods or services, without such persons prior consent, ... shall be liable for any damages sustained by the person or persons injured as a result thereof..." (The Civil Code § 3344.)

The aforesaid and unduly imposed so-called trust account use some all-capital-letter infringement of the Petitioner's name, and also the Petitioner's signature, even on its so-called "I.D. card" product which unduly bear a photograph of the Petitioner, without the Petitioner's consent, to use for multiple commercial purposes (both partially disclosed and undisclosed) and whereby the Petitioner does not consent to any of it such uses are plainly unlawful. (See The Civil Code § 3344; and The Penal Code §§ 630 et seq.) The Petitioner has sustained a loss to the sum certain of $7,500.00 (such loss will be detailed by the following matters) via the aforesaid unlawful use of the Petitioner's name, signature, photograph and likeness, therefore, STATE OF CALIFORNIA/CDCR shall be liable for said $7,500.00. (See The Civil Code § 3344.) Multiple CDCR staffing persons brashly assert that the Petitioner's consent is not necessary for establishment and operation of the aforesaid trust account and in addition to the aforesaid statutes that prove contrary to such assertion the courts have decided contrary to such (see e.g. Emmanuel v. Sichofsky 148 Cal 713; and Smith v. Morse 2 Cal 524.) and where CDCR staffing persons unanimously hold belief so plainly contrary to clearly established law it is evident that legitimate law enforcement is neither the aim, nor objective, nor purpose for CDCR but continual coercion, intimidation, oppression, repression upon the Petitioner, to further and promote the state staffing persons' supremacy (neo-communism) private political ideology held collectively by STATE OF CALIFORNIA staffing persons, is the present aim and purpose, accomplished by collusive manipulation of the State's instruments, of CDCR.

On or about the 17th day of October, 2018, the Petitioner initially obtain receipt of some notice that make known 100% of funds rendered to the Petitioner, by means of settlement in a § 1983 case (see Blacher v. S. Johnson, et al., no. "1:12-cv-01159-EPG (PC)", USDC for the eastern district of California.), in the amount/sum certain of the aforesaid \$7,500.00, are unduly withdrawn from the aforesaid trust account whereby said \$7,500.00 is deposited and immediately following \$7,142.86 is withdrawn and redirected elsewhere, and \$357.14 is withdrawn and redirected to CDCR for its "administrative fees" (APPENDIX D EXHIBIT "H", at 1, therein.), so that the entire \$7,500.00 is taken (vi et armis) from the Petitioner. The Petitioner is not a resident of STATE OF CALIFORNIA, the Petitioner does not enjoy any representation in STATE OF CALIFORNIA, the Petitioner does not consent to any taxation STATE OF CALIFORNIA impose upon the Petitioner, STATE OF CALIFORNIA staffing persons (which include CDCR staffing persons) are positioned (vi et armis) as some manner of nobility over the Petitioner and never have to answer to the Petitioner, the Petitioner has no voice re the aforesaid withdrawals, said withdrawals are compelled for an object/the benefit of a class which the Petitioner is directly excluded from participating, and STATE OF CALIFORNIA staffing persons generally and consistently act as belligerents toward the civilian, neutral, peaceable Petitioner, capriciously and habitually perpetrating crimes against the Petitioner seemingly for no other reason than to intimidate/coerce the Petitioner into performance based upon the aforesaid private neo-communism political ideology that said staffing persons manipulate instruments of the State to make public policy de facto.

STATEMENT OF THE CASE

CDCR hasrecently begin gradually reducing the amount of food rendered to the Petitioner, via its so-called "Food Services" (Cal. Code Regs. tit. 15, Article 4.), to a point below "the Recommended Dietary Allowances and Dietary Reference Intakes as established by the Food and Nutrition Board of the Institute of Medicine, National Academy of Science" (Id. § 3050 (a).) so that because of such state imposed malnutrition the Petitioner frequently suffer headaches and stomach pain, CDCR continuously decline to provide adequate amount of soap for showering/cleaning dirty clothes (and the one small bar of "PIA" soap render per 7 day week is without anti-bacterial composition so that such soap does not provide any real means for disenfecting the Petitioner's hands) and does not provide any anti-perspirant/deodorant to manage body bacteria/odor, and CDCR decline to provide any means of income to the Petitioner so that the Petitioner may purchase the aforesaid items, therefore, it is clear that the aforesaid $7,500.^{00}$ sum certain is necessary for the support of the Petitioner. As a matter of clearly established law property that is necessary for the support of the Petitioner is exempt from attachment/levy/lien (see The Code of Civil Procedure § 487.020 (b)/(c).), so that the aforesaid withdrawals, re the $7,500.^{00}$ sum certain, is clearly unlawful.

The court before which Howard Jarvis Taxpayers' Assn. v. Fresno Metropolitan Projects Authority, 40 Cal. App. 4th 1359, 1388, is heard express:

> As we have noted in setting California Constitution, article XI, in its historical context, prior to the advent of that constitutional provision there was legislative intrusion into local matters. Individual private entities and designated groups were given the power to control street projects, railroad access, etc. Concomitant with this grant of authority was the power to impose fees, assessments, and bonds to fund these projects. However, the responsibility to pay these fees fell upon the local populace, who did not have a voice in the issue. In general terms, it was taxation without representation. In this regard the fundamental principles of democracy come to the fore.

The circumstances brought for consideration before the present court involve the responsibility to pay the aforesaid CDCR administrative fees falling upon prisoners, and specifically here the Petitioner, who do not have a voice in the issue, evincing that taxation without representation is unduly imposed upon the Petitioner. As previously declared, the Petitioner has no representation in STATE OF CALIFORNIA, nor in CDCR, and "representation should go with taxation" (Cong. Globe, 39th Cong. 1st Sess. 358, 359 (1865); see also Gordon v. Holder, 721 F.3d 638, 648.), again, the aforesaid withdrawals are plainly unlawful, and if nothing else the aforesaid administrative fees imposition is definitely unlawful. Where the burden of a tax falls on those who have no representation in the government which lays the tax and fixes its amount, whereby the authorities who fix the tax will never have to answer to those who pay it, such taxation is plainly unjust (See Independent Warehouses, Inc. v. Scheele, 331 US 70, 94-95.) with no representation in the government of STATE OF CALIFORNIA, nor CDCR, the aforesaid quasi-nobility STATE OF CALIFORNIA grant its staffing persons, coupled with the collusive effort of such staffing persons to convert STATE OF CALIFORNIA and CDCR recourse/remedy processes into sham/show processes, ensures that those who impose the aforesaid withdrawals never have to answer to the Petitioner making it plainly unjust. (See id.)

The power of taxation is authorized for the benefit of the tax-payer, and taxation cannot be justly compelled for an object or for the benefit of a class in which the tax-payer is directly excluded from participating. (See Hughes v. Ewing 93 Cal. 414.) The aforesaid administrative fees are compelled for the benefit of CDCR staffing persons, which is a class granted nobility by STATE OF CALIFORNIA and which the Petitioner is directly excluded from participating, a class that act adversarially against the Petitioner.

Attempting to justify the aforesaid withdrawals, which are arbitrary attachment/levy/seizure of the Petitioner's lawfully obtained monetary consideration, CDCR cite The Penal Code § 2085.8 (a) (See APPEN-
DIX D EXHIBIT "H" therein.), and which relate to the aforesaid right
to attach order/writ unduly imposed upon the Petitioner (See id. at
EXHIBIT "A", 9-10, therein.), but the Petitioner hereby challenge such
statute as unconstitutional by multiple considerations as applied
re the circumstances brought for review here. To begin with the afore-
said Penal Code ("Pen. C.") § 2085.8 unduly single out disfavored people/
persons, i.e. "any inmate" (Pen. C. § 2085.8 (a).), for meting out summary

punishment for past conduct/inflicts deprivation on named or described persons or groups without a hearing. At issue here, the Petitioner is wholly deprived of the aforesaid $7,500 sum certain that is rendered to the Petitioner via the aforesaid § 1983 case (see Blacher v. Johnson, id.), during the year 2018, in consequence of the aforesaid right to attach order/writ entered in a state criminal action during the year 2009 (see APPENDIX D EXHIBIT "A", at 9-10, therein.), and such deprivation clearly violate the constitutional prohibitions against bills of pains and penalties.

It is settled that a legislative act is an unconstitutional bill of attainder if it singles out an individual or narrow class of people/persons for punishment without a judicial proceeding (see Amaur v. Gates, 759 F. 3d 317.) and here such legislative act, evidenced by the aforesaid Pen. C. § 2085.8, single out a narrow class of people/persons, i.e. "any inmate" (Pen. C. § 2085.8 (a).), to deprive of monetary sum awarded via court action and without a hearing for such imposed forfeiture/seizure; and such "inmate" (Pen. C. § 2085.8(a).) race/ethnicity/nationality/disability/religion/gender/sexual orientation/political class/whatever it specifically is STATE OF CALIFORNIA impose (vi et armis) upon the Petitioner at the time of the taking the entire aforesaid $7,500.00, without a hearing, which must amount to operation of an unconstitutional bill of attainder. Bill of attainder is a generic term embracing both bills of attainder and bills of pains and penalties. (see Drehman v. Stifle (1870) 75 US 595, 5 Wall 595.) Of course, the Constitutions prohibit the passing of any bill of attainder [or bill of pains and penalties]. (See Art. 1 § 10 cl. 1, Constitution of the United States; and Cal. Const. Art. 1 § 9.)

Legislation which inflicts deprivation on named or described persons or groups constitutes bill of attainder whether its aim is retributive, punishing past acts, or preventive by discouraging future conduct (see Crain v. Mountain Home (1979 CA 8 Ark) 611 F.2d 726.) and here the infliction is upon inmates exclusively (not parolees, probationers, etc.) with retributive aim, imposing summary punishment for the past act(s) of which one is imprisoned and, therefore, must be a bill of pains and penalties. (See Crain, id.) State act depriving defendants

STATEMENT OF THE CASE

of existing right for past misconduct and without judicial trial is subject to constitutional inhibition against passage of bill of attainder. (See Pierce v. Carskadon (1873) 83 US 234, 16 Wall 234.) Thus, use of the aforesaid Pen. C. § 2085.8 to deprive (vi et armis) the Petitioner of the aforesaid $7,500.00 monetary sum, that is awarded by settlement in a § 1983 case, based on a past conviction from a separate State criminal action and without judicial trial, is clearly undue imposition of a bill of pains and penalties.

The punishments at issue here involve continuing deprivation of liberty for a term of 25 years-to-life (See APPENDIX D EXHIBIT "A", at page 6-7, therein.) and while such punishment is imposed a separate punishment of summary attachment/levy/seizure of any monetary consideration the Petitioner receive while undergoing said deprivation of liberty transpire (See id. at page 9-10.) and because the separate punishments execute simultaneously the Constitutional prohibitions against double punishments (See Amendment V Constitution of the United States; Cal. Const. Art. 1 § 15.) are violated. Further, to attach/levy/seize the entire $7,500.00 monetary sum from the Petitioner must constitute an excessive fine in violation of the prohibition against cruel / unusual punishment. (See Amendment VIII Constitution of the United States; Cal. Const. Art. 1 § 17.)

When hearing Timbs v. Indiana, 203 L.Ed. 2d 11, the Supreme court held: protection against excessive punitive economic sanctions secured by Amendment VIII's excessive fines clause is both fundamental to the scheme of ordered liberty and deeply rooted in this nation's history and tradition. The aforesaid Timbs court also reasons:

> Under the Eighth Amendment, excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Taken together, these clauses place parallel limitations on the power of those entrusted with the criminal-law function of government. The phrase "nor excessive fines imposed" limits the government's power to extract payments, whether in cash or kind, as punishment for some offense. The Fourteenth Amendment incorporates this protection.

The payment at issue here is extracted simultaneously while the Petitioner's liberty is extracted for a term of 25 years-to-life and at a rate of 100%, Surely such extraction must be excessive; cruel, and unusual.

The Petitioner make effort to petition the government for a redress of grievances, by means of a Petition for a writ of mandate, regarding the aforesaid right to attach order/writ (see APPENDIX D EXHIBIT "I" therein.) and the Petitioner bring such Petition to be heard before the constitutionally prescribed superior court (see id.) but pursuant to the set pattern of Amendment I insurgency perpetrated by the State Courts some all-capital-letter court (Cal. Const. does not prescribe jurisdiction to an all-capital-letter court (see Bank of Woodland v. Oberhaus, id.)) interfere in such effort and unduly decline to file said Petition (see id. at EXHIBIT "J" therein.); whereby to reply to such undue abridging the Petitioner's right to access the court the Petitioner present Notice and Application for Remedy (see id. at EXHIBIT "K" therein.) and to the date of the present Petition for a writ of certiorari no reply, whatsoever, to said Notice and Application has issued. A matter included in the aforesaid Petition for a writ of habeas corpus (see APPENDIX D) is that the time for enforcement of the aforesaid right to attach order/writ has expired and its present enforcement is plainly unlawful.

It is settled that where a defendant is ordered to pay restitution such restitution order is deemed a money judgment (see The Penal Code § 1214.) and its collection is subject to the same rules as money judgments (see In re Fishman, 109 Cal. App. 2d 634.), and the aforesaid right to attach order/writ, whereupon the aforesaid undue deprivation of 100% of the Petitioner's monetary sum execute, is based on a restitution order, i.e. a money judgment. (see id.) Regarding money judgments, as a matter of established law enforcement of money judgments shall cease at/beyond the expiration of ten (10) years subsequent to the entry of such (see The Code of Civil Procedure § 683.020.), and all enforcement procedure(s) stemming from such money judgment shall cease and any lien created by such enforcement procedure(s) is extinguished (see id.); whereby the particular money judgment at issue here is entered during the month of July, 2009 (see APPENDIX D EXHIBIT "A", at 9-10, therein.) and, therefore, it is presently non-enforceable.

STATEMENT OF THE CASE

The fiction/fraud court, asserted by the Petitioner as such because of its absence of mention from Cal. Const. Art. VI (See Bank of Woodland, id.), that enter the aforesaid money judgment express:

> "On August 5, 2019, the court received defendant's motion requesting, pursuant to Code of Civil Procedure §683.020, that the court relieve him of the 'money judgment' against him. That law is inapplicable to defendant's case." (APPENDIX C 1.)

The aforesaid fiction/fraud court very noticeable fail to articulate any established precedent that support its that "law is inapplicable" (Id.) conclusion, while the Petitioner present a statute and established precedent to support the Petitioner's claim for relief but such transpire in a long train of abuses such court impose upon the Petitioner. The issue of jurisdiction of a trial court may be raised when "lack of jurisdiction appears" (Unemployment Reserves Commission v. St. Francis Home S. Assn. 58 Cal. App. 2d 271.) and because Cal. Const. Article VI is completely without mention of an all-capital-letter court lack of jurisdiction re the aforesaid fiction/fraud court is apparent.

"Where personal property has been levied upon under a writ of attachment, a writ of execution, a prejudgment or post judgment writ of possession, or a writ of sale, a third person claiming a security interest in or lien on the personal property may make a third-party claim under this chapter if the security interest or lien claimed is superior to the creditor's lien on the property." (The Code of Civil Procedure §720.210.) "'Security interest' means an interest in personal property or fixtures which secures payment or performance of an obligation" (The Uniform Commercial Code 1201(35).) and no special form is necessary to create or provide for a security interest, it is sufficient if the parties use language which leads to the conclusion that it was their intention that a security interest be created. (See Komas v. Future Systems, Inc., 71 Cal. App. 3d 809.), whereby "'Security agreement' means an agreement that creates ~~has the meaning~~ or provides for a security interest." (The Uniform Commercial Code §102 (a)(74).)

The right to attach order/writ at issue here (See APPENDIX D EXHIBIT "A", at 6-10, therein.) place levy/lien/encumbrance: 1) upon the Petitioner's life, liberty, safety, happiness, and privacy; and 2) upon any monetary consideration the Petitioner obtain receipt of. Regarding the

STATEMENT OF THE CASE

first of the two, when adopting The Declaration of Independence (Adopted in Congress July 4, 1776.), which deem life, liberty, and the pursuit of happiness unalienable rights, in conjunction with enacting the statute cited by Title 42, United States Code, section 1981, Congress create a "Security Agreement" (The Uniform Commercial Code 9102 (a)(74).) for the Petitioner enjoyment of such Unalienable rights and it is plainly evident that the Petitioner's "security interest" (Id. at 1201 (35).) in such security agreement is superior to any creditor party to the aforesaid right to attach order/writ.

When enrolling the Petitioner into its Social Security program United States create a security agreement to provide for a security interest regarding any potential disability that the Petitioner may suffer and the disability pertinent here is STATE OF CALIFORNIA's encumbrance/levy/lien attached to the Petitioner's life, liberty, safety, happiness, and privacy, which the Petitioner has vested ownership of (see The Declaration of Independence, id.; and Cal. Const. Art. 1 §1.), and the Petitioner's security interest, created by such security agreement is clearly superior to any creditor that assert said encumbrance/levy/lien. Therefore, the Petitioner can, and in fact does, hereby make a valid third-party claim to redemption/repossession of the Petitioner's life, liberty, safety, happiness, and privacy.

On or about the 15th day of Nov., 2019, the Petitioner bring the foregoing matters to be heard before the constitutionally prescribed Supreme Court and without issuance of an order to show cause or a hearing some non-constitutionally mentioned all-capital-letter court, i.e. "IN THE SUPREME COURT OF CALIFORNIA" (APPENDIX A.), summarily deny the Petition (see APPENDIX D.) by which the Petitioner bring said matters, and such denial order merely express, "The petition for writ of habeas corpus is denied" (APPENDIX A.), notwithstanding that it is settled an "order only declaring the petition to be 'denied' is insufficient" (see Cal. Rules of Ct. 4.551 (g).) and because the allegations of the Petition must be taken as true (see In re Singer, et al., on behalf of Singer, 134 Cal. App 2d 547.) it is evident that such denial imposing court act to excess of lawful jurisdiction. Because due process of law, in the context of California involve common-law provisions both as to their powers and mode of procedure (See Reedy id.) the Habeas Corpus Act of 1679 is pertinent and the aforesaid summary denial does not comport with the matters established by said Act. Also pertinent is the petition of right establishing that "no man be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament" (3 Car. I (1628).) and where the Petitioner assert that STATE OF CALIFORNIA compel (vi et armis) the Petitioner to yield enjoyment of the Petitioner's life, liberty, safety, happiness, and privacy, and to yield monetary consideration that is necessary for the support of the Petitioner (see APPENDIX D.) it is evident that the aforesaid summary denial (see APPENDIX A.) exceed lawful jurisdiction.

Further, to "none will we sell, to none deny or delay, right or justice" (Magna Carta Art. 40 (1215).) but state courts here consistently deny the Petitioner right or justice"; and no "freeman shall be taken, or imprisoned, ... save by the lawful judgment of his peers or by law of the land" (Id. Art. 39.) but the Petitioner, while a freeman, is taken and imprisoned whereby malice aforethought, an included element of the crime charged; and, if "any one shall have been disseized by us, or removed, without a legal sentence of his peers, from his ..., liberties or lawful right, we shall straightway restore them to him" (Id. Art. 52.) but the Petitioner is presently disseized of liberty, safety, happiness, and privacy, deemed "Inalienable Rights" (Cal. Const. Art. I § 1.), without an element of the charged crime having been proven; and, all "fines imposed by us unjustly and contrary to the law of the land, and all amerciaments made unjustly and contrary to the law of the land shall be altogether remitted" (Magna Carta Art. 55 (1215).) but $52,209.02 worth of fines to be collected while a sentence of 25 years-to-life is imposed upon the Petitioner and such collection transpire in a manner where 100% of the Petitioner's monetary sum is taken. The foregoing matters evidence: the Petitioner is presently deprived of liberty; such deprivation is unlawful; appeal is unavailable or otherwise is not an adequate remedy under the circumstances; the state courts act without or in excess of lawful jurisdiction and fail to act as prescribed by positive law; no plain, speedy, and adequate remedy at law, save for writ of certiorari, is available to the Petitioner; and the Petitioner is beneficially interested re issuance of a writ of certiorari and accordingly the Petitioner hereby seek such issuance.

REASONS FOR GRANTING THE PETITION

The matters presented here, by means of the present Petition for a writ of certiorari involve: deprivation of access to the courts to violation of the holdings pronounced ~~by~~ in Bounds v. Smith 430 U.S. 817; police power of the state exercised out of subordination to provisions of the Constitution of the United States, to violation of matters pronounced ~~by~~ in Gulf, C. & S.F. R.C. Co. v. Hefley (1895) 158 US 98.); multiple forms and manner of state perpetrated/sponsored fraud to violation of the principles established/reiterated ~~by~~ in 40 U.S. 518, The Amistad, (U.S. Conn. 1841); State imposed deprivation of multiple forms of the Petitioner's property, including that which the Petitioner has vested ownership of, to violation of the matters pronounced in Grosjean v. American Press Co. (1936) 297 US 233.); undue use of a race or ethnicity/Nationality/disability/gender/religion/political group classification to subject the Petitioner to unequal treatment to violation of the matters pronounced in Adarand Construction Co. v. Pena 515 U.S. 200, 224, and other acts that are contrary to decisions held and pronounced by this Supreme Court; and restoration of STATE OF CALIFORNIA to subordination under the Constitution of the United States, the laws of the United States made in pursuance thereof, and treaties made under the authority of the United States, concern a matter of public importance. The evident war STATE OF CALIFORNIA engage against the civilian, neutral, peaceable Petitioner who is a National of the United States of America is contrary to the matters established by Art. 1, § 10, clauses 1 and 3 Constitution of the United States, challenges National peace and security, and the settlement of such is of public importance.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Marlon Blacher, All Rights Res.

Date: the 25th day of Feb., 2020.