

19-8498
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Winnie Diggs — PETITIONER
(Your Name)

Chief Neil Gallucci vs. Carlsbad Police
Department of Motor Vehicle
Jean Shiimoto / Legal Division — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court, U.S.
FILED

DEC 09 2019

OFFICE OF THE CLERK

United States District Court, San Diego CA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Winnie Odette Diggs
(Your Name)

1511 N. Elizabeth St
(Address)

Pueblo Co., 81003
(City, State, Zip Code)

760-338-8046
(Phone Number)

2044 MINNESOTA LAW REVIEW [100:2043-2044 Supreme Court jurisprudence.

In a foundational Minnesota Law Review article, Legitimizing Racial Discrimination through Antidiscrimination Laws: A Critical Review of Supreme Court Doctrine, by scholar Alan D. Freeman reviewed 25 years of U.S. Supreme Court jurisprudence...

The disjuncture between the statutory and constitutional prohibition of racial discrimination and the continuing subordination of racial minorities?... Courts typically address violations of antidiscrimination principles rather than remedies and focused principally on perpetrator conduct rather than the conditions of victims.

Former President Johnson frames the concept underlying Affirmative Action

asserting that “civil rights laws alone are not enough to remedy discrimination!!”.

People seek not just freedom but opportunity—not just legal equity but hope and pride in our justice system—not just equality as a right in theory, but equality in fact, practiced”.

IV. QUESTIONS ON REVIEW-Death by Inequality, Poverty, Racism are Killing

Americans...: A new report concludes 600,000 children have died in the United States in the last 20years. Needless death caused by “Race coded” Legislation that produces and maintains tragic outcomes. Whites elect the unethical to create and uphold laws, that Legitimize Racial Discrimination practices.

V. LIST OF PARTIES and RELATED CASES

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

1. Respondent: Police Chief Neil Gallucci, of Carlsbad Police Department Ninth Circuit case; 19-55687
2. Respondent: Department of Motor Vehicle, Director Jean Shiimoto and Legal Division, Department of Motor Vehicle; Ninth Circuit case no. 19-55587

Related cases

- United States Trial, Criminal Division v Winnie Diggs, CN356542, 325 S Melrose Dr, Vista CA., 92081, Judgement entered, 07/12/16 (Related case, not for review.)
- Winnie Odette Diggs v United States Court of Appeals Superior Court of California, County of San Diego, North County Division, 325 S Melrose Dr, Vista CA., 92081. This case arises from the same trial court case as the case in this Court (The Appeal of false charges, Racially motivated charges of a DUI by Carlsbad police department; conviction was overturned. Supporting petition for dismissal and expungement order Granted August 17, 2018. (background on the cases.)
- United States District Court, San Diego; CA Winnie Odette Diggs v Carlsbad Police Chief Neil Gallucci, Carlsbad Police Department, case No. 3:18-cv-02683-JLS-KSC, judgement entered 04/24/19
- United States District Court, San Diego, CA, Winnie Odette Diggs v Jean Shiimoto, Department of Motor Vehicle, DMV Legal Division, case No 3:18-cv-02683-JLS-KSC, 04/24/19.
- Ninth Circuit Court, Order, September 16 2019; Mandate Oct., 08 2019; Police Chief Niel Gallucci , case No. 19-55587
- Ninth Circuit Court, order September 19, 2019; Mandate Oct., 11, 2019, Department of motor Vehicle Director Jean Shiimoto/ DMV Legal Division; 19-55687

VI. THE TABLE OF CONTENT

INDEX OF APPENDIX-----	4
TABLE OF AUTHORITY-----	5
OPINIONS BELOW-----	8
JURISDICTION-----	9
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED-----	11
STATEMENT OF THE CASE-----	13
REASONS FOR GRANTING THE WRIT-----	25
CONCLUSION-----	35

VII. INDEX OF APPENDICES

Appendix A

- *Ninth Circuit Court, Order – September 19 2019; Mandate – Oct. 08 2019; Police Chief Niel Gallucci , case No. 19-55687*
- *Ninth Circuit Court, Order – September 16 2019; Mandate– Oct. 08 2019; Department of Motor Vehicle and Legal Division, case NO. 19-55587*

Appendix B

- *United States District Court, opinions of the United States magistrate judge. 14.1(i) civil action No. 18cv2593-JLS(KSC); April/24/2019 judgement in a civil case;*
- *United States District Court, opinions of the United States magistrate judge. 14.1(i) civil action No. 18cv2683-JLS(KSC) April /24/2019; Judgement in a civil case.*
- *Mail tampering caused the non delivery of the first two Summary Judgements to the district court, not to be received by the district court clerk's office. The third Summary Judgement I addressed to the District court clerk manager and filed 3/13/19, over a month before the case was dismissed 4/24*
- *Certified Receipts for appeal document; both mailed May 20, and received on May 22.*
 - *The Superior Court Central division mailed DMV appeal documents but Superior Court Central division security held back Gallucci's appeal documents; and required remailing by petitioner*
 - *Gallucci's second mailing of the appeal package,*
 - *Briefs Mailed, receipts for both defendants*
 - *Certified Mail receipt, no return receipt was received*
- *“Report of Clerks Pursuant to low number rule” combining the two cases, some clerks refused to follow the judges' order.attached in appendix [B]*
- *complaint form from Carlsbad police department, and a letter explaining harassment by Carlsbad police was delivered by me to Carlsbad police department, date 2/16/16 before the DUI*
- *A n email of communications before I filed my Complaint, for Civil Rights Violations and Neglegence, at the United States District Court, against Police Chief Galucci and Jean Shiomoto; Racially motivated Harrassment and*

Discrimination by Carlsbad police department and residents of Carlsbad.
Also is the original complaint letter that was attached to the original
complaint filed with the United States District Court.

Appendix C

- United States Court of Appeals, Superior Court of California, County of San Diego, North County Division, 325 S Melrose Dr, Vista CA., 92081, The Appeal of a DUI; false charges; Racially motivated charges of the DUI by Carlsbad police department. attached as background on the cases; conviction was overturned, Supporting petition for dismissal order Granted August 17, 2018.

Appendix D

- United States Superior Court, DUI Trial, Criminal Division, 325 S Melrose Dr, Vista CA., 92081, verdict of guilty was entered, for DUI. Document (attached as background on the case).

VIII. TABLE OF AUTHORITIES

All Americans should have the opportunity to get ahead, and opportunities abound
in the U.S. market economy when it is allowed to function freely.

<https://www.heritage.org/poverty-and-inequality/report/big-government-policies-hurt-the-poor-and-how-address-them> Page 3, 17

The Changing Meaning of Affirmative Action | The New Yorker

Jan 20, 2020 - According to Nicholas Lemann's history of meritocracy, "The Big Test," the ... "Do something" is still one of the meanings of "Affirmative Action" today. ... The United States upheld the constitutionality of Title II under the commerce clause. ... And the reason we need Affirmative Action is that we once had slavery. ..."Pages 1

White extremist and Terrorism | Slavery By Another Name ...www.pbs.org > tpt > slavery-by-another-name > themes > white-supre... Watch videos explaining white extremist, the belief that white people are superior due to race and how after Reconstruction, white extremist were able to form Page 1-31

The Prerequisite For Control By-Laws. The Prerequisite For Control By-Laws is published to better understand, political, economic and social issues of today...

<https://www.smashwords.com/books/view/164269> **<https://psmag.com/social-justice/taking-freedom-modern-day-slavery>** Pages 16, 21

Approved by the Inter-American Commission on Human Rights on November 26, 2018. p. ; cm. (OAS. Official records ; OEA/Ser.L) ISBN 978-0-8270-6823-0 1. Human rights. 2. Police misconduct--United States. 3. Race discrimination-- United States. 4. African Americans--Civil rights. 5. Racism --United States. I. Title. II. Series. OEA/Ser.L/V/II. Doc.156/18. page 1, 29

Cover Art Concept The IACHR report concludes that the United States has systematically failed to adopt preventive measures and to train its police forces to perform their duties in an appropriate fashion... Cover design: Pigmalión / IACHR Citations of the official and unofficial reports from the district Court. page 17,22

<https://www.britannica.com/event/Reconstruction-United-States-history>

The purpose of the conspiracy theory is to scare white people,^[29] and justify a commitment to a white nationalist agenda^[33] in support of increasingly successful calls to violence. Proponents have killed hundreds and injured several hundred more since 2011. page 21

"Constitutional Rights Violation Cases | § 1983 Claims... <https://sinasdramis.com> › michigan-personal-injury-attorney › constitutional-United States law allows an individual who believes that his or her constitutional rights have been violated to bring a civil action against the government to recover the damages sustained as a result of that violation. Specifically, 42 USC §1983 "provides a cause of action for the deprivation of any rights, privileges, or immunities secured by the Constitution and laws by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory." Gomez v Toledo, 446 US 635, 638 (1980)"; a principle broadly stated in the Administrative Procedures Act of 1946 pages 3-31 "

In 1868, the 14th Amendment to the Constitution gave blacks(African Americans) equal protection under the law. pages 1

*****Are most police officers behind the gang stalking of targeted individuals in the United States?** Paul Wimmer, Plaintiff-appellant, v. Suffolk County Police Department and Peter F. Cosgrove, commissioner of Suffolk County Police 1999 U.S. Code § 242. Deprivation of rights under color of law-Summary: Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. Aug 6, 2015 <https://caselaw.findlaw.com/us-2nd-circuit/1391172.html>

pages 1-4

Police and Domestic Abuse of the Elderly (Washington, D.C.: AARP, 1988)

Chief's Counsel: Negligent Supervision and Executive Liability

Police Chief Magazine|Columns|Chief's Counsel| pages 2, 14,17

Chief's Counsel: Negligent Supervision and Executive Liability Martin J. Mayer, General Counsel,

<https://www.policechiefmagazine.org/negligent-supervision-and-executive-liability>. pages 3, 4, 15 ***

New York Times-**The 1619 Project is an ongoing initiative from The New York Times Magazine that began in August 2019, the 400th anniversary of the beginning of American slavery.** "Democracy's founding ideals was false when they were written", Democracy was not founded in defense of liberty and equality against the monarchy; and hypocritically ignoring the major questions of slavery", which was masked by highfalutin' rhetoric about "universal freedom."

<https://www.nytimes.com/interactive/2019/08/14/magazine/black-history-american-democracy.html> page 1,2, 3, 16 *****

https://en.wikipedia.org/wiki/White_genocide_conspiracy_theory: The theory was popularized by white extremist, neo-Nazi, and convicted felon David Lane around 1995, and has been leveraged as propaganda in Europe, North America, South Africa, and Australia." pages 22, 24

History and guilt

<https://www.facinghistory.org/resource-library/teaching-holocaust-and-human-behavior/concept-race> Contrasts Germany's response to the Holocaust with America's response to slavery and centuries of racial discrimination. Her concern is not "comparative evil" -which event is worse — but "comparative redemption," pages 15, 16

https://www.researchgate.net/publication/316334105_Inside_the_nation's_large_mental_health_institution_A_prevalence_study_in_a_state_prison_system Inside the nation's largest mental health institution: a prevalence study in a state prison system Tala Al-Rousan,¹ Linda Rubenstein,² Bruce Sieleni,³ Harbans Deol, and Robert B. Wallace page 22, 23

Author information Article notes Copyright and License information **Disclaimer.**

This artical has been cited by other articles in PMC; "The United States has the highest incarceration rate in the world which has created a public health crisis. Correctional facilities have become a front line for mental health care. Public health research in this setting could inform criminal justice reform ". page 15, Slavery and Prison – Understanding the Connections [www.historyisaweapon.com > defcon1 > gilmoreprisonslavery](http://www.historyisaweapon.com/defcon1/gilmoreprisonslavery) <https://psmag.com/social-justice/taking-freedom-modern-day-slavery>. pages, 16, 17, 18

MEMORANDUM May 4, 2012 Subject: Legal Issues Related to the Lethal Targeting of U.S. Citizens Suspected of Terrorist Activities. For the purpose of this memorandum, "targeted killing" refers to a state sponsored premeditated use of lethal force directed at an individual or group of individuals specifically.... "Charter generally prohibits member states from using or threatening to use force... right of individual. pages, 14, 16, 17

IX. OPINIONS BELOW

[X]The opinion of the United States Ninth Circuit Court of Appeals has not been published. appears at Appendix to the petition and

[X] has not been published in the U.S. Courts for the Ninth Circuit, P.O. Box 193939, San Francisco, CA 94119-3939, (415) 355-8800 CN 19-55687 and 19-55587; Order for both respondents; mandate for both respondents. Decision, reported appear in Appendix [A]

[X]The opinion of the United States District court of appeals has not been published.reported at *the District Court of Southern California, 333 west Broadway #420, San Diego CA 92101 CN 3:18-cv-02683-JLS-KSC* Judgement in a civil case, dated 4/24/2019; and CN: 3:18-cv-02593-JLS-KSC Judgement in a civil case, dated 4/24/2019. Documents to review and Decision, reported appear in Appendix [B]

[X] The opinion of the Superior Court of California County Of San Diego has not been published appears at Appendix to the petition and is

[X] reported at Superior Court of California, County of San Diego North County Division, 325 S Melrose Dr, Vista CA 92081 CN:356542; Petition for Dismissal__

FYI___no review is requested. Decision, reported appear in Appendix [C]

X. JURISDICTION

[X] For cases from federal courts: The date on which the United States Court of Appeals, Ninth Circuit decided my case was October 8 2019 for case No. 19-55587.

[X] No petition for rehearing was timely filed in my case.

[X] For cases from federal courts: The date on which the United States Court of Appeals, Ninth Circuit decided my case was October 11 2019 for case No. 19-55687

[X] No petition for rehearing was timely filed in my case

[X] Personal jurisdiction) and jurisdiction over the subject matter; Racism and Discrimination, Slavery, todays oppression, needing Affirmative Action

[X] Under Rule 12.4 “[w]hen two or more judgments are sought to be reviewed on a writ of certiorari to the same court and involve identical or closely related questions, a single petition for a writ of certiorari covering all the judgments suffices.”

[X]The Supreme Court established a procedural requirement; that for a federal court to take jurisdiction; the issue of federal law regarding discrimination and racism, is clearly presented in the plaintiff's complaints on appeal of a DUI charge to filing a Complaint in the District Court of Civil Right Violations; include police harassment, targeting, and assaults, false arrest, mail tampering...

*[x] Personal jurisdiction) and jurisdiction over the subject matter.

*[X] In the District Court, San Diego CA; Plaintiff” bought a Complaint against Carlsbad Police Chief Neil Gallucci and Department of Motor Vehicle Jean Shiomoto, for Neglecgence and Violations of Civil Rights Involving Discrimination Racism ...,

- mail tampering illegal targeting; in Carlsbad C
- Rule 12.4 The United States District Court dismissed my case without review of missing documents, pictures..or investigating mail tampering in the court...
- In the District Court, Plaintiff’s “request for document” was ignored...
- The Summary judgement I mailed from Pueblo CO., to the United States District court San Diego; the first was lost according to clerks; the second was returned to California City address instead of my local address;
- I filed complaints with the clerk manager at the District Court about mail

delivery, pacer's censored document, and the missing support document and pictures.

- The 9th Circuit Court of Appeals,
- 9th Circuit Appeals Court, San Francisco never received Documents requested from the San Diego District Court. and the Appeal case was dismissed.
- Starting in the 1920s, the Supreme Court held that the Fourteenth Amendment "incorporated" select provisions in the Bill of Rights to protect citizens against actions of state governments.
- [x]The 1954 decision in *Brown v. Board of Education* , which ordered the desegregation of public schools, signaled the courts' increased willingness to defend Fourteenth Amendment equal rights under the law for African Americans.
- In *Maine v. Thiboutot* in 1980, the Supreme Court ruled that Section 1983 actions were not limited to civil rights laws, but also extended to violations of all federal laws, such as alleged discrimination in state implementation of federal programs; i.e.,
- The Department of Labor Standards in Employment, San Diego CA did not deliver a court ordered settlement. Two other cases were dismissed with no review.
- federal cause of action could be missing so long as an important national interest would be served by allowing the jurisdiction
- this is a request that the Supreme Court ordered a lower court to send up the record of the case for review ...
- The documented proof and pictures of my claims that I filled was withheld from evidence; documents did not show on "pacer" along with the original Civil Rights, and Negligence complaint, docket # 8 dated 2/01/18.

<https://www.uscourts.gov> › activity-resources › supreme-1. see in appendix [B]

XI. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendments

1st-freedom of speech

5th-due process of law

6th-rights related to criminal prosecution through the due process clause of the 14th Amendment that applies to states.

7th

- Not allowed a fair trial, crucial evidence was withheld, by court, DA, Court appointed attorney, police department, and Department of motor vehicle; Criminal prosecution started 6months before the trial, by DMV, OHS, Carlsbad police department.
- Statutes provide that the supreme Court shall have appellate Jurisdiction over the following
 - Complaint of Civil Right Violation and Neglegence; racially motivated harrassment, Targeting and Discrimination,
 - Court's/Clerks indiscretions in censoring submitted evidence on pacer.gov
 - failure to combine case, per court order (report of clerk pursuant to low number rule) see documents in Appendix B
 - failure to disclose submitted evidence on pacer.gov and failure to docket and/or file significant evidence; See dockets attached in appendix [B]
 - *Petitioner was forced to file an amended complaint when there was no response to the original Complaint. Original complaint in Appendix [B];*
 - *While at the Encinitas library the librarian watched while the petitioner was tased twice on the right side by "dangerous stalkers"; Options for places to go and work on the amended complaint was successfully cut off.*
 - DMV, neglected removing suspension from their computer which allowed Carlsbad police to tow the Hyundai I bought to take a job with the census, and to replace the Volvo.
 - Police allowed townspeople/mechanics to disable my Volvo, June of 2017;

- and during the christmas holidays of 2017 physical attacks started on me
- I am targeted according to the FBI San Diego CA, and San Diego Urban League, terrorist torcher and torment me, still today.

8th-I am before my trial and currently being assaulted by unknown assailants.

- Police and hospitals accost and/or detain me if I speak of attacks; not able to get proper treatment from hospitals i.e., three times a sis was found in my left breast where there has been continuous trauma from assaults. 10/24/2019 A biopsy was ordered by Parkview medical...no report from my doctor today is 04/04/2020. Filed a complaint with Medicare. The hospital would not allow me to speak with executive staff.

9th-The right to communicate to state and federal departments public concerns, without suffering abuse through targeting and terrorist acts on me and my personal properties.

STATUTORY PROVISIONS INVOLVED

March 6, 1961 Executive Order 10925 makes the first reference to "Affirmative Action" President John F. Kennedy issued Executive Order 10925, which created the Committee on Equal Employment Opportunity and mandates that projects financed with federal funds "take affirmative action" to ensure that hiring and employment practices are free of racial bias.

July 2, 1964 Civil Rights Act signed by President Lyndon Johnson. **The most sweeping civil rights legislation since Reconstruction, the Civil Rights Act prohibits discrimination of all kinds based on race, color, religion, or national origin**

Plaintiff is suing under Bivens- The ninth Amendment-Human Rights retained by the people, that are not specifically enumerated in the constitution; right to liberty, justice, right to pursue happiness, the right to expect fair treatment, the right to communicate to state and federal departments public concerns, without suffering abuse through violations of 'targeting', and terrorism; All are violations of Human Rights.

XII. STATEMENT OF THE CASE:

I ask, how and why American history is still negatively affecting African Americans' survival in the Evolutionary adaptation of forced migration? that "the Social Construction of "Whiteness" is Racism by intent" and Racism by Consequence. When Under Jim Crow, African Americans were relegated to the status of second class citizens. The indigenous population see it as part of their deculturalization and genocide. African Americans and Natives of the Americas could be owned according to laws created through criminal legislation. In 1712; Willie Lynch (a white man), illustrated to other whites ways to bring under domination Africans and Natives of the Americas using the newly revised, "king james version of the bible.

2015 A Job assignment brought me to Carlsbad California, I saw 0-2 African Americans for weeks at a time. Some have said the people/the police in Carlsbad CA are extremely racist. Most believe Carlsbad is a place where police/agents (stalkers) victimize the homeless, seniors, African Americans, and Native Americans; we are claimed to be delusional, by some hospitals and Some police because of talking about the terrorist attacking us. For example, look at the mental health caseload in places like New York prisons where torturing inmates is very common; where the population increased by 73 percent since 1991". I believe, Racist reasons lead Carlsbad police to harass me (I had no record). I was followed and harassed by townspeople. I was Accused of a DUI, and found guilty, forced to pay sanctions before my trial. The video proving my innocence was withheld by officers of the court. Historic and current writings shows that racism grew directly out of slavery in America. Some say that slavery was the beginning of EVOLUTIONARY Adaptive changes; changes for African Americans, Natives of the Americas and Whites. Evolutionary changes that are adapted in "inheritable physical and behavioral traits...; www.nas.edu. Most believe Whites' inheritable behavioral traits are; chronic evil intentions, and greed. Slavery represents seeding for America's white bulk wealth today. When the investments of over 400 years of slavery and oppression sprouted white millionaires throughout this county. Slavery was the ecomerce of todays Meretocracy. Slavery provided income to whites, to afford education, gaining degrees/occupations and wealth. Some Say that today, over 400 years later prisons are afforded by free labor from majority African Americans, and still

economic exclusion through racism and discrimination.

A Pew study in 2017 showed that the median income of white households was \$171,000 – 10 times that of black households (\$17,100).

Some say equal Opportunity Act 1972 has expanded and extended platforms for racism, economics, and employment discrimination. Equal Opportunity was a practiced policy for over 20 years when it replaced Affirmative Action in 2008.

African American were already experiencing 26 years, with 1/2 percent of the African American race having below poverty income. Negative credit scores- no degrees afforded, and government control poverty, are the prominent conditions. Racism and discrimination are endemic and systemic of government-sponsored interventions that continue to reproduce white middle-class economic advantages which encourage racism and Discrimination by whites.

President John F. Kennedy on March 6, 1961 signed Affirmative Action to enforce personal growth for victims of social and economic abuse. Most believe, the idea of "white victimhood"/"Reverse Discrimination" is absurd. Which is central to the debate, why did Affirmative Action end? When evil, supported by whites extremists in government, still lurks in the shadows of our Democracy? Some say Affirmative Action ended because it was working. Others have said Affirmative Action is an equalizer that supports the intervention of just and fair laws. I've witnessed the corruption inside the courts. I have suffered through injustice when fighting for a fair trial. This type of evil is not going to just go away. Most believe Affirmative Actions helps Americans to come together, to have a voice. "Our democracy's founding ideals were false when created; African Americans are still fighting to help make them true"; "Good Americans are targeted then failed by the criminal justice system, is sadly all too common today"!!!

Most believe Affirmative Action theology and practices do not rain glory according to race. Affirmative in the nature of God, is all inclusive. Americans don't need or want privileges that give way to oppression for any race anywhere. Instead, Affirmative opportunities in solidarity with the world's people ; who fight and die to preserve our Constitutional rights to speak against corruption and the racist indiscretions in government, states, districts, communities, business.... If you need to cover up your actions and hide behind lies and other deceptions..., we are

opposite. “ Things are not getting worse, they are getting uncovered. We must hold each other tight, and pull back the veil.” where evil lurks; from yesterday's kkk to today's kkk.

My Case started before I arrived in Carlsbad, it followed me from 400 years ago; during the transAtlantic journey across the Atlantic Ocean. That still use legislation to justify oppression;

“In 1982 a practiced policy in economically challenged communities; and in 2013 Sequestration in law, is the act of removing, separating, or seizing anything from the possession of its owner. Under process of law for the benefit of creditors or the state”. Racism puts Amaeicans in proverty and discrimination keeps them there;

According to a condoning white News reporter “every other race HAS recovered from the 2000 recession, BUT African Americans (“Blacks”), he laughed”. The host of the 700 club, in a 2008 broadcast said to the cameras “Mr President, pull the plug and let things fall where they may”, and sequestration happened. Apparently he was not concerned about the people already struggling; Winnie Diggs v Comcast; Comcast executives had four attorneys, I could afford none; Comcast shut down my business. In 2011 Wacovia sold my mortgage to Fannie Mae; and my home was foreclosed; as a result of Wacovia extending the qualifying time for the “Mortgage Modification process”; Not allowing me to pay any mortgage payments for 2years, long enough to use up the equity in the home. As planned, ALL of the progress I made was successfully reversed; multiply my experience by 2,000,000 Americans.

In 2011-2014; After my home was taken, I Drove from Mobile Alabama to California City California, to Bakersfield, to San Diego and did not see African Americans working; In San Diego, I could get a job as a caregiver for white households; (house slave). Everything leads to us giving up our properties. During my assignments in Carlsbad, two fix-it tickets got me in the Carlsbad database. Each ticket was sent to collections after I appeared in court, with an attached cost of \$600.00 ea; I filed a complaint with the court clerks supervisor; I informed the judge at the traffic court; “he saw no reason why the warrants were in my file”. (No record found) was headed for criminal felonies and jail time. The night the Police officers pulled

behind my car with no lights on, not even head lights or siren. just the opposite of what their report said. They arrested me for being safely and legally parked in my car. He said I ran a stop sign, when I had been asleep according to my phone for over 30 min. I went to the Carlsbad police department; to file another complaint for Harrassment, Discrimination and racism.

I filed a petition, Pro SE, for Appeal in the DUI case. General information (misdemeanor) PC 1203.4 OR 1203.4a1; with the Superior Court of California. My Emotional meltdowns (grayed my hair at the top front. I provided Documented evidence of financial devastation because of the false arrest; and extortion by government departments, DMV, and OHS, DLSE. My intellectual properties were stolen off my computer. I subpoenaed the video in the DUI case. Prosecutors and defense attorneys alike discriminated, the Carlsbad police report was a lie, the judge is a racist, the DA held back significant evidence that would have proved my innocence. My court appointed attorney, and DMV Karen James Thomas, knew about the video and did nothing.

<https://www.latimes.com/politics/la-pol-ca-police-misconduct-rules-changed-20180930-story.html>.

I filed another petition with The Superior Court of California, County of San Diego, based on the interest of justice; the declaration stating reasons why dismissal is appropriate is attached (Appendix [B]), a Petition for Dismissal-Order was Granted. The *erroneous* DUI charge, five years probation was overturned, plaintiff's record was expunged, and court cost was waived on Aug 17, 2018 by the Superior Court, Honorable, Judge/Commissioner...

During the holidays of 2017 the emotional attacks escalate to physical assaults on me and my personal properties; *My Volvo's siding was removed, tires were destroyed, the gas pedal cable and hood cable was cut, the latch on the driver side was broken, the car had been broken into several times, pills was put in my drinking water, door locks had several holds next to them from forced entry.. I filed police reports for each incident. Copies of police case numbers are available; including copies of litters I sent to; "Police Neil Gallucci. Email was sent to Police Chief Neil Gallucci, Lieutenant Pete Pasco and internal Affairs; as well as the Department of Motor Vehicle and DMV legal Division. An Email sent to Carlsbad police department Jan 1, 2018 when Terrorist attacks*

escalate to pain and debilitating physical assaults; Denny's manager called paramedics. I wrote several emails, and made calls to Carlsbad police Chief Niel Gallucci, asking for help. The Chief's personal assistant told me "the emails were given to the investigation department" and when I asked Pete Pascoe of the Carlsbad Internal affairs and Professional Standards department about the investigation, he said he "answers to the Police Chief Gallucci and Mayor Faulconer" of San Diego. "I sent an Urgent email to Gov Brown's office 9/12, 2018; before he resigned.

I was fighting for a fair trial; now I am fighting for my life. Millions have paid the cost, and are forced to do time for no crime and/or the same crime over and over. That's why there are over 2,000,000 incarcerated in state prisons today. African Americans are overrepresented in jails across this country; and African Americans are astoundingly under represented in the workforce. Discrimination and Racism is in every aspect of life; in America, especially for African Americans.

American leaders; Conspiracies; in Legislation, judicial, executive branches conspiring, and supporting injustice WHY? to create a venue of 400 more years of free labor?

11/13/2018 I filed a complaint for "violations of Civil Rights" and Negligence in the U.S. District Court of Southern California, 333 west Broadway #420, San Diego CA 92101; I filed one for Director of Motor Vehicle, Jean Shoimoto, DMV Legal Division Case 3:18 cv-2593. I filed documents and attachments to the complaint, 32 pictures showing imprints left on my body from physical attacks(I filed the original pictures, the clerk told me she could not take the disk or the complaint for negligence) I filed license plates of cars , most with illegally blacked out windows. - On 12/26/2018 I filed a complaint for "violations of Civil Rights and Negligence against Carlsbad Police Department Police Chief Niel Galucci, I filed with both cases, attachment 1, cdp and dmv, the support documents for each claim, and at least 32 pictures. (I waited to file Chief Gallucci's documents because I was hoping we could meet regarding his officer's indiscretions, my original goal, I wanted to attempt mediation "talking". 12/08/2018 the two cases were made one. "Attachment 1" was censored, a 22 page document was censored on pacer with black out information over most of the testimony. An Ambush; I was required to file an amended

complaint 2/4/19, by a clerk, and as “the clerk planned” the amended complaint, was incomplete; I was forced to write in most information; 2/5/19 I was followed to the Encinitas library, tazed in my right side, my Dell computer was crashed with viruses and was not able to be repaired. 2/10/2019 I purchased a google chromebook to complete a summary judgement; I filed by mail when I got to Colorado.

2/24/2019, I reported mail tampering; my summary judgement was returned, the second one was not received by the court, and the third I had delivered to the Court Clerk Supervisor Jamie Ponzio a written date of delivery 4/19/19. My cases were dismissed 4/24/2019. There was no response to my complaints filed by either defendant.

I completed an appeal according to the instructions on the District Court website; Via USPS I filed a request for documents” I requested copies of my filed documents at the district court to be sent to the Ninth Circuit court of Appeals, San Francisco. On May 20, 2019, I mailed from USPS in Colorado; two certified packages, each package contained two appeal notices, (one for each defendant) a request to proceed Pro Se, fee waiver, another request for documents, and appellant's notice designating record on appeal...one each for each defendant was in the Certified mailed packages. As instructed by the District Court website; One certified package was mailed to the United States Superior Court of California, County of San Diego, Central Division, County Courthouse. The other certified pkg went to the District Court, 300 West Broadway. According to the return receipt both were delivered at their prospective location May 22. The signature on the District Court return receipt was not legible and the date was written instead of stamp (copies are attached in the Appendix B). The certified delivery to the United States Superior Court of California, County of San Diego, Central Division, County Courthouse was signed for by Roy Meno. Because my documents are coming up missing or being returned by the District Court, I made numerous calls; I was finally able to speak to court clerks; Sharon, Andrea and supervisor Yalanda at the United States Superior Court of California. After several calls the Manager Carey, told me, “The Department of Motor Vehicles Jean Shiimoto appeals documents, was sent from there to the 9th Circuit Court, San Francisco California and arrived on May 22, 2019, (two days before the deadline), and that the Appeal documents of Police Chief Neil Galucci was held by

their security?" I was told by the 9th Circuit Court in San Francisco to redo the Appeals package for Police Chief Neil Galucci, but this time to "send it directly to the 9th Circuit Court in San Francisco. I Certified mailed Police Chief Neil Galucci's package (second pkg) on May 30, 2019 and it was received June 3. (copy of certified mail receipts and return receipts are attached appendix B). The Department of Motor Vehicles Jean Shoimoto case was signed for at the 9th Circuit Court May 22, 2019, two days earlier than the filing due date of May 24th 2019.

Tampering with significant documents inside the courts has happened to me during the legal processes and I am sure that even with attorneys clients' cases are tampered with, returned for whatever reason, discarded... according to courts/clerks indiscretions; and especially with African Americans cases. Two other Packages I sent to the 9th Circuit court; one dated July 16, 2019; the other dated July 30, 2019. I did not receive the proof of delivery receipt ; copies of proof of mailing certificates are attached in the Appendix (B)

I am not involved in terrorist activities, unless writing letters to government departments or talking about racism and discrimination is criminal; The CIA need to make whites practicing racism and discrimination targeted... Instead I am assaulted by white criminals, junkies, diviates and sociopaths; with instructions to harm me... "MEMORANDUM May 4, 2012 Subject: "Legal Issues Related to the Lethal Targeting of U.S. Citizens Suspected of Terrorist Activities; For the purpose of this memorandum, "targeted killing" refers to a state sponsored premeditated use of lethal force directed at an individual or group of individuals specifically identified as....."African Americans"... " I am targeted. I most definitely question the integrity in the states' legislators, Judicial and executive branches! Racial oppression Discrimination is institutionalized, and internalized exploitations. The United States' history consists of five primary forms of racial oppression including genocide, geographical displacement/ forced migration, slavery, second-class citizenship and non-citizen labor. I am targeted, I write about the built in hypocrisy. I believe our government sets the tone that currently finds this country in a state of extreme uncertainty, and lack of order. So why not deal with the source? Our

Government, the legislators, and the executive branches.

African

Americans have fought and died for laws that no longer apply to African Americans; Civil Rights laws that currently apply to LGBT community (white men and white women). Affirmative Actions helps to put in place avenues of grievances, As you can see, you can not always depend on the courts. I

Complained of the Racism and Discrimination in San Diego CA. Racist individuals singled me out to be "targeted", which means everything I have is in jeopardy including my life. I am tortured with electronics and apps on cell phones; I am awakened with pain from swollen limbs, bruises, and electric currents that cause severe dehydration, anxiety and headaches, my back look like I have been whip; Police accost me when I call for help, and hospital attendees when I've gone to hospitals to get help; I get threatened with detainment saying I am delusional. The amazing thing is, these people claim that I am delusional, with the same look on their face; as if possessed by evil.

Reconstruction would have changed African American's evolutionary disadvantages of today. Then just like now, Whites fought against Reconstruction. Justice is the concept of moral rightness based on ethics; and should be "The Prerequisite For Control By Laws"

For hundreds of years

White are allowed by laws, to force a race to repress their given name, heritage, ancestry, language, religious beliefs, all ethnicity of belonging. Humans; are void of hope, stripped of dignity, not allowed to grieve, show anger, nor retaliate. Forced to work, and to be entertainment; i.e., A "picnic" would be suggested for after church; "Apparently, a black person was randomly "picked" hanged and/or tortured for the entertainment of whites. African American children; girls were raped by groups of grown men (so not to be able to identify or be associated with the child). Young boys were beaten into submission at puberty as a ceremony; whites called this entertainment too.

Putting a bandaid on a CANCER: The 1776 Declaration of Independence included the statement that "all men are created equal. BUT still at the forefront of the racial terrorism of the 2020 is the Ku Klux Klan, and the social malevolent that are still deputises agents of corrupt law enforcement". Corrupt law enforcement will murder our good Law enforcement many nationalities including whites are among

America's fallen advocates who chose to protect American ideals.
https://en.wikipedia.org/wiki/Lynching_in_the_United_States.

Lynching is the practice of murder by a group of "white" people through "EXTRAJUDICIAL ACTION" (Such actions are carried out by state authority). Tulsa's 'Black Wall Street' Flourished as Self-Contained African American communities: The 1954 bombings of African American Communities, by American forces, murdered families, destroying hundreds of homes, business, schools, churches,...stole millions in savings from the community banks/ a African American) was accosted by a white women, he was beaten to death, while whites/Police blocked exits out of town; imprisoned young and old adults, purposely leaving homeless children in the wake of ruin.

Today there are more than 22000 homeless children in New York alone from historical murder rampages by whites. White people can't be that profoundly immoral and wicked? yes they are! I was told by my dad's aunt, she watched as a pregnant woman was tied to a tree; her child cut out of her belly and whites instructed their children to stomp the infant. That is Satan's practices through his spans

Race-based legislation in the North - PBS.org "Northern racism grew directly out of slavery and the ideas used to justify the institution with "laws"

<https://www.pbs.org/wgbh/aia/part4> ;

The concepts of "black" and "white" did not arrive with the first Europeans and Africans, but grew on American soil. Classism and ethnic prejudices, racism and injustice still exist among whites and have a tremendous impact on people's lives".

There is also White American history:

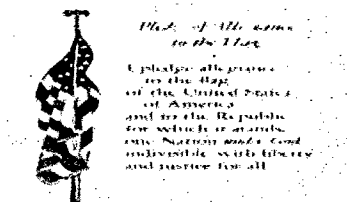
<https://www.britannica.com/event/Reconstruction-United-States-history>

American "History of Racism, Immigration, and forced migration: Timeline Key Events in the Struggle for Racial Equality. 1790: Naturalization Act, Citizenship restricted to free Whites. 1819: Congress passes Civilization Act of 1819, this law provided U.S. government funds to convert Native Americans to Christianity. 1827; Freedom's Journal, the first

African American newspaper. The Cherokee Republic formed in an attempt to avoid forced removal. 1830: Congress passed the Indian Removal Act, legalizing removal of all Indians east of the Mississippi to lands west of the river. 1831–1838: Indian tribes forcibly resettled to the West in the Trail of Tears. As part of Andrew Jackson’s Indian removal policy, the Cherokee nation was forced to give up its lands east of the Mississippi River and to migrate to an area in present-day Oklahoma. The Cherokee people called this journey the “Trail of Tears,” because of its devastating effects. The migrants faced hunger, disease, and exhaustion on the forced march. Over 4,000 out of 15,000 of the Cherokee died. 1835–1842: Seminoles resist removal in the Second Seminole War. 1845: U.S. government annexes Texas. 1846: U.S. government declares war on Mexico. 1848: U.S. defeats Mexico and “purchases” for \$15 million over one-third of the Mexican nation. The land includes the future states of California, Texas, Utah, New Mexico, Arizona, Nevada, and parts of Colorado and Wyoming. The Treaty of Guadalupe Hidalgo cedes Mexican territory in Southwest to the U.S. Congress refuses to pass Article X, which stipulated the protection of the ancestral lands of Mexican people. Instead, Congress requires them to prove, in U.S. courts, speaking English, with U.S. lawyers, that they have legitimate titles to their lands. Arrival of large numbers of Chinese laborers to the West Coast to work in the mining and agricultural industry. Many of these laborers also help build the Transcontinental Railroad. 1849: The Hounds, a white vigilante group in San Francisco, attacks a Chilean mining community, raping women, burning houses, and lynching men. 1850: The California legislature passes the Foreign Miners Tax, which requires Chinese and Latin American gold miners to pay a special tax on their holdings, a tax not required of European American miners. Congress passes the Fugitive Slave Law allowing federal marshals to capture runaway slaves and enlist the assistance of other Whites; also makes it possible for a black person to be captured as a slave and solely on the sworn statement of a white person with no right to challenge the claim in court. 1855: California requires all instruction to be conducted in English. 1857: Dred Scott v. Sanford endorses southern views on race in the territories when Dred Scott, a slave who followed his owner to a free state, sued for his freedom. The Supreme Court ruled that Scott was still a slave. 1859: White abolitionist John Brown leads raids on Harper’s Ferry arsenal to get weapons for arming slaves to resist slavery. Most of his men were killed, and he was tried for treason and hanged. 1862: President Lincoln signs the Homestead Act allotting 160 acres of western

land — Native American land — to “whites” who could pay \$1.25 and cultivate it for five years. European immigrants and land speculators bought 50 million acres. Congress gave another 100 million acres of Indian land free to the railroads. Since the Homestead Act applied only to U.S. citizens, Native Americans, Blacks and non-European immigrants were excluded. 1863: President Lincoln issued the Emancipation Proclamation as the nation approaches the third year of bloody civil war declaring “that all persons held as slaves” within the rebellious states “are, and henceforward shall be free.” It applied only to states that had seceded from the Union, leaving slavery untouched in loyal border states; and also exempted parts of the Confederacy that had already come under Northern control. Thus the freedom it promised depended upon Union military victory. 1864: Ratification of the 13th Amendment to the U.S. Constitution abolishing slavery. The U.S. army massacres 300 Cheyenne Indians in the Sand Creek Massacre. 1866–1877: Reconstruction tried to bring Southern states back into the union and build a non-slave society with full civil rights for former slaves. Black and white teachers from the north traveled south to build schools and teach former slaves eager to become literate. African Americans earned (after 300 years of free labor) the protection of the 13th, 14th, and 15th Amendments and the Civil Rights Act of 1866, African Americans participated in politics, voted, and used public accommodations. The former confederates fought against reconstruction and eventually eroded the newly gained rights of African Americans. 1866: Congress passed the Civil Rights Act of 1866. In Ohio, the state constitution of 1802 deprived blacks of the right to vote, to hold public office, and to testify against whites in court.” under the protection of “separation of state”.

Affirmative Action; is for people who want to build relations rather than abuse relations; Making our country strong with leaders who have regard for the American Creed; “with Liberty and Justice for All” Our ancestors created a sustainable path of liberty for us all to follow; we are still growing.



In September 2017, Grant No. RMDO12220A, SAVE (Social Advocates Voices for Education) completed and submitted to the Small Business Administration, a business plan; SAVE's Mentor/Trainee OJT; program is to recover Historically Underutilized Business (HUB) zones; creating jobs and an economic base in underserved communities. Workers will use their new skills to afford higher education and earn a degree(s), A foreseeable reparation. The Mentor/Trainee OJT program is creating hope, a sense of pride in accomplishments. For the Epidemiology/ Epigenetic Research study we will uncover ways to create positive gene expressions. The observational studies are allowing opportunities to "TALK". The research, the investigation and the Mentor/Trainee OJT program create resources of healing, brings about innate gene expressions and healthy communities. In Franchising the program; SAVE's Research is providing procedural context for data development; SAVE's unique insignia; "SAVE" Mentor/Trainee OJT" name using "concept" as defined in ISO/IEC 11179; The Facility operation/brand, giving pattern(s) of collection, patterns to formalize facts and statistics collected together to reference and analyze data. We need to reevaluate and implement changes; in ways of interpreting justice and other social mechanisms. We question, argue and explore options to ELIMINATE social barriers. SAVE "Mentor/Trainee OJT, facilities will increase America's tax base, leverage neighborhood restoration and inspire representation for all communities...

Director Winnie Odette Diggs,
Founder CEO SAVE (Social and Student Advocate Voices for Education)

Affirmative Action is needed from all of us. Today's cover-ups are the same covert practices that tarnishes white people's past. Looking at current events, it's not difficult for me to see these covert norms as an interlocking system, operating at the personal, interpersonal, institutional and cultural levels. injured several hundred more since 2011." https://en.wikipedia.org/wiki/genocide_conspiracy_theory. Whites American History; is Hatred and destruction

VIII. REASONS FOR GRANTING THE WRIT “ Our legislators, judicial and executive branches, continue to give rise to the devil’s spon. White extremist psychosis will assure you get everything you deserve. To face up to and repair the terrible reality of whites produced current day evils. When you have spent the last hundred years setting us up for another four hundred years, metaphorically in chains. You should give the U.S. the tools we need to correct your wrongs. Affirmative Action with avenues of communication leveraging vague discretionary interpretations that lead to violence.

1. Affirmative Action allows interventions to protect, Children Rights, Economic Justice, it helps with Criminal Justice Reform, Race, the Death Penalty and much much more: American Civil Liberties Union <https://www.aclu.org/other/race-and-death-penalty>
2. Affirmative action can support fulfilling America’s ideals. An agenda that will create affordable housing;
3. Affirmative Action supports manufacturing bases in historically Underutilized Business zoned communities; It helps to free up funding for such a program and to create Jobs to sustain affordable housing. In the interest of justice, Affirmative Action will help to leverage the already four hundred years and counting of preferential treatments; with socioeconomic opportunities for all Americans.
4. Civil Rights and The Constitutions of the United States of America that were put in place by our Forefathers, is to never have a reason to forbid progress of the American dream. Affirmative Action will help build our legacy in the footprints of sustainability with positive growth.
5. Affirmative Action will support values and self-reliance. Even more contentious is Affirmative Action for all Americans, throughout all of the US and gives the U.S. the opportunities to do better for the next four hundred one years.
6. In addition to core values, the code of ethics is based on ethical responsibilities to children, families, colleagues, community, society...our country
7. There is evil that has been allowed to form an alliance against the US hoping

that Americans will collapse from emotional, physical and financial hardships. The writ of Certiorari should be granted to protect the US from; legislation, judicial, and executive branches of indiscretions that we face; still today 2020.

Without Affirmative Action, most are faced with exclusion, slander, extortion, i.e.,

a class action suit for mesothelioma in Alabama, 90% of the crew working in the hull of the ship were African American _ a class action suit for “Encumbered property by CSX Railroad” judge Shrokin; _ the “Gulf Oil Spill of 2004 settlements”, all excluded 90% African Americans from any Alabama settlements amounts. The entire story told in “Prerequisite For Control By Laws (Bi Laws)

1. 2005 - my son suffered damages from a racist and egregious administrative staff, at San Benito High School CA, who altered his grades to keep him from getting a scholarship to college. The entire story is in the book published by Winnie Odette Diggs 2012. The Prerequisite for Control By Laws (BI Laws)
2. In 2008, a student loan balance of 5,000 turned into a 60,000 student loan debt after being sold to financial institutes several times, even though the loan was being paid. I contacted the Department of Education, about the difficulties of young African American men, getting a job after getting a degree.

Below are more recent examples of reasons why Affirmative action is needed: I am a Senior Citizen, on disability, I still have to work. Sequestration caused all benefits to be cut, some I can't qualify for i.e., unemployment, EBT... my total income is \$790 per month. Racism and Discrimination is like a cancer, it spreads. It has taken over our body of laws that is suppose to restrain exclusion and protect the US from abuse , instead living has become a challenge with being treated unfairly, "being told I don't qualify", being estorted, being treated with neglegence, being punished for a crime I did not commit, Targeted by local authorities and threatened with incarceration to a mental ficility If I talk about the reoccurring racism and discrimination; in loosing

credibility because I do talk about...; Senior abuse, especially with African Americans is epic; most laws fell to follow through; We have no avenue of grievances...i.e.,

1. Senior abuse, extortion and negligence, false advertising; In Feb 2019 I contacted Greenhaven Apts, Pueblo CO, to rent a “newly renovated” one bedroom apt, at \$625 rent per month (false advertising). Just getting in from San Diego, and on move in day, the same apartment changed to a leased for \$720, (while I was completing forms to move in.)+ mandatory renters insurance, an extra \$25 per month + a \$300 cleaning deposit, fees of \$255 was added when I withheld the over charge of rent (\$95 on the six month), to force the manager to let me talk to the owner. I was told by this estorcianist “I will take you to court if you break the lease”. The apartment was in disrepair and filthy. I had to clean the apartment, shampoo the carpet twice, and replace an air conditioner that blows warm air. I complained about the broken toilet, the shower that runs hot or cold water, and recently the heat that is off during the day in the winter; I am not the only senior in the building, and making me sweat at night. There was a laundry list of repairs needed when I did the walk thru. “Negligent repair” caused me to hurt my left knee in July; still swollen, when the lid to the toilet slid between the toilet and the tub. the owner of the complex said, “I’m not a doctor”. I have not been reimbursed for the work I did or my injuries, my insurance said to bill the owner; A total of six complaint letters given to the manager and owner
2. Oct. 2019, Parkview Hospital Pueblo CO: from whom I’d recently received patient services; and a referral to have an ultrasound and mammogram because of a sis in my left breast. I was scheduled for a second ultrasound and mammogram to include a biopsy; troma to my left breast turned to a sis. A few days before the biopsy I was awakened by throbbing pain in my left breast, and noise from the patio door one floor down opening and slamming closed; about 3:am in the morning. The police dispatcher sent two officers. One asked if I had drugs and/or alcohol in my system. I opened a drawer, inside was papaya, licorice enzymes, vitamin D, milk thistle, Ricola, spirulina and I showed them the blood pressure medication that was sitting on the

counter in the kitchen. The paramedics, called by the officers, told me my blood pressure was "stroke level". I was forced to go to the hospital, the officer left but did not check the automobile that was sitting in the parking lot with park lights on or the noise from the patio doors. The emergency room attendees were told by the officers "I was delusional". For African American Seniors (multiply what's happening to me by (600,000,)). Negligence; Alternating attendees inserted needles, a total of ten times for an I.V. to draw blood. One attendee, while escorting me "to a better room," told me my test came back negative? My blood pressure was no longer an issue, the doctor was intending to retain me for "mental evaluation" when I was taken to a cell with a security guard standing beside the door. My purse and my shoes were taken from my possession, my purse was searched (everything was moved) there was a bed with no sheet and I was given two blankets. I sat for hours. A person came to the cell "I am going to recommend you be detained for a mental evaluation". I told her I want to talk to the person you are recommending this to; more hours passed. No one asked about my blood pressure (the reason I was brought to the emergency room). I was released the next day after being forced to sign forms stating I requested emergency room treatment, and a psychological evaluation, before I could leave. Parkview Hospital and the police profiled, slandered, acted with negligence, tortured, tormented me, and charged well over \$25,000,00 that included a cat scan that I did not receive. The hospital refused my attempts to meet with executive staff, refused to return my medical records I gave to my primary doctor, and refused me copies of the records from the nightmare of being accosted when I called the police for help. I filed a complaint with Medicare, I went to the police department and filed a complaint; no response today is 1/20/20, nothing

3. My being targeted" is a bi product of racism and discrimination, racism and discrimination is a bi-product of being African American who complained to California Governor and Mayor, of Racism and Discrimination in San Diego.

Modern racists, have “taken off their white hats, white-sheeted robes and put on police uniforms or are hospital attendees, and doctors, apartment managers and owners, some of them are employer, some are teachers and administrators of schools, some of them have jobs with courts with the ability to put false charges in your files, some racist have put on shirts and ties as policymakers, and work for government departments, some are creating laws to govern our country, some of them are pillars of communities, some of them are old, some are young, some of them have put on robes as judges... HAVE YOU SEEN A CHILD HUNG BECAUSE OF THE COLOR OF HIS SKIN, AND TRYING TO PROTECT HIS SISTER FROM BEING RAPED? This happened in Mobile Alabama, the boy was left hanging from a swing, about 4 or 5 blocks from where I lived in Toulminville, is a demonic evolution that still needs correcting. Inside the nation’s largest mental health institution: a prevalence study in a state prison system. Consumption of psychoactive substances in prison: Between initiation and improvement, what trajectories occur after incarceration? COSMOS study where every aspect of life is created to deprive humans of rights. Social, economic and environmental *challenges are still justified by laws.*

Plaintiffs looking to survive an early motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). Petitioner has filed claims that contain "sufficient factual matter, Petitioner is stating that "petitioner's claim for relief is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "Petitioner's claim has "facial plausibility", "the petitioner is pleading "factual content" that allows the court to draw the reasonable inference that the respondents are liable for the misconduct alleged." *Id.*

"Petitioner factual allegations are stated to make the Petitioner's claim plausible." *Id.* at 189. The court is required to proceed 'on the assumption that all the [factual] allegations in the complaint are true[,'] [e]ven if their truth seems doubtful." *Id.* at 185 (court's emphasis) (quoting *Twombly*, 550 U.S. at 556). Because the plaintiff is entitled to the benefit of the doubt, "it is not the province of the court to dismiss the petition on the basis of the court's choice among plausible alternatives"; rather, "the choice between or among plausible interpretations of the evidence is in writing, supported by documentations" that petitioner "can cite as evidence sufficient to support petitioner's factual allegations." *Id.* at 190.

Petitioner delivered evidence sufficient to support petitioner's factual allegations to the District Court when filing petitioner's "Complaint for Violations of Civil Rights" and Negligence; on 11/13/2018 for District Court case #3:18-cv-02683-JLS-KSC. and on 11/28/2018 for District Court case # 3:18-cv-02593-JLS-KSC

STATUTES AND RULES ON EVIDENCE

Evidence: The Petitioner cites as documented evidence sufficient to support petitioner's factual allegations(*Id.* at 190) as follows : the following supporting documents were delivered to the District court by the Petitioner: Warrants and collections placed in petitioner's file by respondent's agents working at the Vista Traffic Court erroneously and anonymously for fix-it tickets that was bought before a judge in a timely manner at the Vista Traffic Court; warrants and delinquent notices placed in petitioner court file by respondents' agents after petitioner's appearances in court at the Vista Criminal Court; letters of complaint delivered to the court, and to Carlsbad Police Department, and to court clerk supervisor; Certified Receipt of delivery for money order sent to DMV dated April 2, 2016 for the review of the video that proved

petitioner's innocence; the hearing Notice dated March 23, 2016 stating "Petitioner will have the opportunity to challenge the evidence in the department records and to present evidence on petitioner's behalf"; "DMV review rights" requesting \$120 dated March 29, 2016; DMV "Notice of Decision, Department Review", stating "...this action is independent of any other action taken by the courts or this department" dated April 8th 2016, over three months before the trial; Returned certified mail sent to attn., Jean Shiimoto, office of the Director Department of Motor Vehicles, 2415 1st Ave., Mail Station F101, Washington DC, 20001, dated Jan 9, 2018, the letter was found in petitioner's P.O. box at the Rancho Bernardo branch Post office never mailed out, and with a label over the address; Returned mail sent to Xavier Becerra, State of California Attorney General, 1102 Q street, Sacramento, CA 95811, dated Jan 9, 2018, was also never mailed; John Becker, manager at the Rancho Bernardo, CA, post office where petitioner had a P.O. Box and from where petitioner mailed the letters, sent Petitioner an email, "dated Oct 5, 2017, "hoping you continue your services"; another email from John Becker, manager at United States Post Office sent Petitioner "via email-od.com", dated April 11, 2017 appoloizing for the mistakes made during services (mail tampering) by his office, John Becker, manager at the Rancho Bernardo Post office, on my next visit Mr Becker had been replaced; I received a case number from postmaster general **but nothing was done**; I bought the Hyundai 6/7/17 to replace my Volvo, on 6/14/2017 I was tracked down by Carlsbad Police after a group of people from the community saw me driving the Hyundai, the Hyundai was towed 06/14/17 my driver's license, even though physically current on its face and no restriction on the back, showed expired in DMV database; DMV discovered "some one" "neglected" did not remove the suspension from my record, the ticket given to me by the Carlsbad police officer that day indicated the license I gave to him was good, the good license was sent to me in April before the DUI trial; On 7/09/18 a court order from San Diego Superior Court, North County, the DUI case was dismissed, charges expunged from my record; Pictures of three different driver licenses taken at different times, proving DMV sent a non restricted licence, the same one DMV said was suspended (the decal on the face of the license was currently used, two older ones had the retired decal); Documents from the Census, dated January 11, 2017, Los Angeles Regional Office, a job offer, the reason I bought the Hyundai; a letter from DMV dated Nov, 8, 2017, from Noreen Ayala, the clerk did not address the

loss of my car, but she sent a letter requesting a mandatory “mental evaluation” in an attempt to cover DMV's negligence causing my Hyundai to be taken. The completed “Driver Mental Mandatory Evaluation was faxed back to the DMV from my doctor’s office”, the DMV evaluation was cancelled the day of the appointment; I have a copy of “non operated vehicle notice” where Carlsbad police, agents and mechanics “friends of the police” destroyed the Volvo, gas pedal cable cut, hood cable cut, siding removed, seats covered with oil and grease, tires deflated, driver’s side door latch broken, all four locks compromised(holds showing forced entry), I used the Volvo to keep my cloths and to sleep in waiting for Carlsbad police department to finish their investigation;

A “AAA ” tow record where I had to get a tow over a half dozen times before the Volvo was stopped by mechanics in Carlsbad CA. I had to add two extra tows within one year; A financial declaration completed by me to get help with repairs to the Volvo dated June 7, 2017. denied by San Diego Superior Court. I have 15 receipts from local mechanics for repairs, “friends of the police” according to Lael's International Auto Service; Pictures of the Volvo being towed off of the Denny's parking lot, before I left Carlsbad (I donated to local charity); dozens of calls not returned, it was obvious there was no investigation going on, with Carlsbad police department. Pictures I took of my 1982, limited edition, classic Volvo being towed from the Denny’s parking lot; Police reports of theft of my computers, receipts for repairs of my computers and purchases of replacement computers. Police reports of vandalism, terrorist attacks, hackers.....a document showing the DMV still suspending my license after my record was expunged in August of 2018, and the case was dismissed. Registration and license for petitioner’s town and country van in Pueblo CO. Pictures of Carlsbad’s insane terrorist who followed me to Pueblo Colorado, license plate numbers and pictures of people who followed me to Pueblo and pictures of current terrorists.

I have copies of business cards, with incident numbers from the Carlsbad Police Department. Pictures of the current vehicle were scared, scratched and dented, before I left Carlsbad report number 47151 5467, 6/27/18. Copies of letter responses from, Senators, congressmen, department of Justice ...where I also sent pictures; they could not help (separation of responsibility). Tickets before DUI, when “no record found went to criminal” in 5-7 months. The complaint form given to me when I went to Carlsbad police department to complain of harassment, with letter attachment “ that I filed with

Carlsbad police department and with Vista Court. Letters I sent to "Police Neil Gallucci after my Hyundai was taken; Email I sent Jul 23, 2017 addressed to Police Chief Neil Gallucci, Lieutenant Pete Pasco, Internal Affairs. Email sent to Carlsbad police department Jan 1, 2018 when Terrorist attacks escalate to physical attacks. Urgent email sent to Gov Brown 9/12, 2018. Email sent to chief Gallucci 7/14/17. Email sent to Governor Edmund G Brown c/o State Capitol, Suite 1173, Sacramento, CA 95814. I filed the hard copies of all the documents listed above and 32+ pictures with the United States District Court, Southern District of California, supposedly filed, but was not mentioned in analysis of Petitioners case.

STATUTORY RULES PROCEDURE "AUTHORITY FOR PROMULGATION OF RULES

- **Legislation. ...**
- **Advance Notice of Proposed Rulemaking. ...**
- **Proposed Rule. ...**
- **Public comment. ...**
- **Final Rule. ...**
- **Judicial review. ...**
- **Effective date. ...** Authority for Promulgation of Rules. (a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrates thereof) and courts of appeals.

CONCLUSION;

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Name: Winnie Odette Diggs Date: 03/19/2020

