

19-8685
No. _____

Supreme Court, U.S.
FILED

JUN 03 2020

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

In re Gigi Fairchild-Littlefield — PETITIONER
(Your Name)

VS.

Kyle Niki Cox Shaffer, et. al. — RESPONDENT(S)

JURISDICTIONAL STATEMENT AND
ON PETITION FOR EXTRAORDINARY WRIT OF HABEAS CORPUS

Pursuant To: 28 USC 1651(a); 1651(b)

42 USC 1983

28 USC 2254; 2241; 2251; 2244

USSC RULE 18

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

Superior Court of California, County of Riverside
Case INFO45012 violated state and Constitutional law
There have been denials but no rulings on the MERITS of
This case and it was not dismissed as barred by the Favorable
Termination Rule.

ON PETITION FOR
JURISDICTIONAL STATEMENT and WRIT OF HABEAS CORPUS

(Your Name)

Gigi Fairchild-Littlefield
X27638 507-27-4L

(Address)

P.O. Box 1508
Chowchilla, CA 93610-1508

(City, State, Zip Code)

N/A

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1.) When a State Attorney General has been granted admission to The Bar of This Court, and has signed an oath or affirmation to support the Constitution of The United States; Does The attorney have a duty to follow The Rules of Court? If an attorney is served with a NOTICE of the filing and docketing of a writ of habeas Corpus in The USSC, Does The Court and The Petitioner have a "Right" to a Response as outlined in Rule 20.3(b) and Rule 15?

2.) When a State Attorney General, as The Respondent's attorney of record, has previously returned a Waiver of The Respondent's Rights, in a Certiorari review (14-9527) and is subsequently given NOTICE of the filing and docketing of a writ of Habeas Corpus (18-5128) in The USSC, and does not file any brief or brief in opposition and instead returns a Waiver That clearly states "Certiorari" on it; Does This constitute "deliberate indifference" and/or "failure to respond"?

3.) At what point is a State responsible for failure to release a habeas Corpus petitioner That clearly has a right to be released; and for whose release no objections or opposition have been filed whatsoever, having been given numerous opportunities to do so?

4.) The Petitioner claims The Court's jurisdiction under 28 USC § 2241 and alleges That Rights secured by The Constitution and laws of The United States were violated and That The alleged violations were committed by persons acting under The color of State law and That The previous

QUESTION(S) PRESENTED (Cont.)

denial of habeas corpus (18-5128) was not an adjudication on the merits and asks: Since h.c. proceedings except in capital cases are ex parte; will this Court docket this application for exceptional writ of habeas corpus based on the ex parte failure to respond and/or deliberate indifference?

5.) Is there an "Actual Innocence" exception to denials of authorization to file second or "successive" h.c. petitions in the federal district courts?

6.) May a h.c. petition be based on civil rights violations? and Does Rule 18 apply if appeal is from interlocutory decree of specially constituted district court statement which put service of 42 USC 1983 on defendant's, on hold indefinitely?

7.) Can the 14th Amendment tolerate a state criminal conviction predicated on deliberate deception? Such as untenable alternative theories? Are those charged with upholding the law prohibited from deliberately fabricating evidence? Including evidence used to direct verdicts of guilt for untenable alternative theories? After both sides have rested? Including manipulation of trial transcripts, jury verdicts, orders, etc., which deny due process appellate rights?

8.) Is a jury verdict that acquits a citizen - of the charged crime - proof of the prior criminal proceeding terminating in favor of the accused? Even if it has been fraudulently manipulated? In a malicious prosecution?

9.) Can the USSC tolerate a citizen being held in state custody - on a criminal conviction predicated on deliberate deception by those charged to uphold the law - after the jury found person NOT guilty of the

QUESTION(S) PRESENTED (Cont.)

Charged Criminal offense?

10.) In The above Circumstances will The United States Supreme Court, Grant a Petition for Extraordinary Writ of habeas Corpus and Order The release of a State Prisoner from illegal and unconstitutional State Custody? and if it is necessary will The Court appoint Counsel? or Order Response; Rule Nisi; etc.?

and/or

Can The Court or This Justice issue a decree for the petitioner's release that will become absolute unless The adversely affected party Shows The Court why it should be Set aside within a Specified amount of Time?

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:

Kevin Richard Vienna, Supervising Deputy Attorney General
Warden, Central California Women's Facility
Mickie REED, State Appointed Defense
Traci CARRILLO, District Attorney (Tried to Protect Petitioner's Rights)
D.A. Investigator LEDERMAN, Jeffery
Marc Melanson, Palm Springs Police Department
Riverside County Superior Court Justice Richard Erwood
Riverside County Superior Court Justice James S. Hawkins

RELATED CASES

United States District Court for the Eastern District of California
42 U.S.C. 1983 (State Prisoner) CIVIL RIGHTS COMPLAINT :
DEPRIVATION OF RIGHTS / FALSE IMPRISONMENT
Case # 1:19-cv-00499-NONE-JDP

USSC Habeas Corpus (18-5128)

9th Cir. C.O.A. Permission to File Successive DENIED 7-14-2017
Case # unknown.

USSC Certiorari (14-9527)

ED-CV-10-1601-AG (PJW)

Superior Court of California, County of Riverside
Case INFO45012

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APPENDICE C - Civil Docket for Case 1:19-cv-00499-NONE-JDP

MOTION TO CORRECT DOCKET ENTRY #18

Partial Docket - events since last full update

given through internet due to prison lockdown due

to COVID-19

Pursuant to USSC Rule of Court 18.5 Plaintiff's

Proffer of Stipulation(s) with District Court

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BY MAGISTRATE JUDGE

Note: Court Clerk can you please have District Court clerk
certify and send entire case file 1:19-cv-00499-NONE-JDP
in The United States District Court for the Eastern District
of California?

Due to COVID-19 and other circumstances beyond control
I did file OBJECTIONS but do not have a copy, and
I have not included entire file in Appendices. Thank you.

REQUEST FOR RECONSIDERATION BY THE
DISTRICT COURT OF MAGISTRATE JUDGES
RULING and Proof of Service.

Previous SCOTUS Clerk Correspondence(s)
regarding prior deficiencies in petition
dated April 13, 2020 and May 5, 2020

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Alabama v U.S., 279 U.S. 229, 49 S.Ct. 266, 73 L.Ed 675 (1929) app after remand, 42 F 2d 469 (D. Ark 1930)	
West v Atkins, 487 U.S. 42, 48, 108 S.Ct. 2250, 101 L.Ed 2d 40 (1988)	
Felker v Turpin, 518 U.S. 651, 660-61, 116 S.Ct. 2333, 135 L.Ed 2d 827	
Heck v Humphrey, 512 U.S. 477 (1994)	
Dryer v Lee, 488 F.3d 876, 884 (11th Cir. 2007)	
Bivens	
Wallace v Kato	

STATUTES AND RULES

USSC RULES OF COURT

28 USC 1651(a); 1651(b)
42 USC 1983
28 USC 2254
28 USC 2241
28 USC 2251
28 USC 2244

OTHER

OPINIONS BELOW

There have been no rulings, by any Court, on The MERITS; and The only Court to have an OPINION was The Superior Court of California, County of Riverside, That violated all The Petitioner's Due Process Rights at Trial, and on Direct Appeal and which manufactured False Evidence, in The form of a Statement Against Interest, to direct a Verdict of guilt, for an untenable alternative Theory, Submitted to The jury as Stipulation #56, which was admitted to The jury after both sides had rested and was put into The Context That it was something The Plaintiff / Petitioner / Defendant had said. The Petitioner's Due Process Rights on Direct Appeal and initial Federal habeas Corpus were denied by fraudulent manipulation of The Trial Transcripts, motions, orders, etc., and The fraudulent manipulation of The jury verdict That acquitted The Petitioner of The charged Crime with The addition of "SPECIAL ALLEGATION" when, in fact, The ONLY "Special Allegation" was That The Petitioner had "PRIORS".

The Declined Magistrate Judge, in The district Court in which The District where The Petitioner is held opined That Petitioner's case should be barred under Heck and That to rule in favor of The Petitioner's 42 USC 1983 and serve The Defendant(s) would imply That The Plaintiff's underlying conviction is invalid, which is The point of This petition and The Civil Rights Complaint alleging DEPRIVATION OF RIGHTS / FALSE IMPRISONMENT.

JURISDICTIONAL STATEMENT

28 U.S.C. 1651 (a) The Supreme Court and all Courts established by Act of Congress may issue all writs necessary or appropriate in aid of Their respective jurisdictions and agreeable to The usages and principles of law.

42 U.S.C. 1983 Civil Action for Deprivation of Rights / [False Imprisonment]

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other persons within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

United States Supreme Court Rule 18

Appeal is from interlocutory decree of specially constituted district court. *Alabama v. United States*, 279 U.S. 229, 49 S.Ct. 266, 73 L.Ed 675 (1929); *app. after remand*, 42 F.2d 469 (D. Ala. 1930).

28 U.S.C. 1651 (b) an alternative writ or rule nisi may be issued by a judge or justice of a Court with jurisdiction.

28 U.S.C. 2254 State Custody; remedies in Federal Courts (a) in State custody pursuant to the judgment of a State court that was in violation of the Constitution, laws and treaties of the United States [and basic human decency.]

JURISDICTIONAL STATEMENT (Cont.)

Jurisdiction under 28 U.S.C. 2241

To state a claim under 42 U.S.C. 1983 a plaintiff must allege 2 essential elements:

(1) That a right secured by the Constitution or laws of the United States was violated and

(2) That the alleged violation was committed by a person acting under the color of state law

See *West v Atkins*, 487 U.S. 42, 48, 108 S.Ct. 2250, 101 L.Ed 2d 40 (1988)

28 U.S.C. 2241 POWER TO GRANT WRIT

(a) Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions. The order of a circuit judge shall be entered in the records of the district court of the district wherein restraint complained of is had.

(b) The Supreme Court, any justice thereof, and any circuit judge may decline to entertain an application for writ of habeas corpus and may transfer application for hearing and determination to the district court having jurisdiction to entertain it.

(c) The writ of habeas corpus shall not extend to a prisoner unless-

(1) He is in custody under or by color of authority of the United States or is committed for trial before some court thereof; or

(3) He is in custody in violation of the Constitution or laws or treaties of the United States.

28 U.S.C. 2244(b)(3)(E) does not repeal the Supreme Court's authority to entertain original habeas petitions and 28 U.S.C. 2244(b)(1) and (2) apply under 28 U.S.C. 2254 (*Felker v Turpin*,

JURISDICTIONAL STATEMENT (CONT.)

518 U.S. 651, 660-61; 116 S.Ct. 2333; 135 L.Ed 2d 827.)

28 U.S.C. 2251 Stay of State Court Proceedings

(a) In general. Pending 42 USC 1983

REASON FOR NOT MAKING APPLICATION TO THE DISTRICT COURT OF THE DISTRICT IN WHICH HELD

The petitioner has exhausted all state habeas corpus remedies, multiple times. The 9th Circuit Court of Appeals previously denied her authorization to file a second or successive habeas corpus petition in the District Court(s) on 07-14-2017.

The petitioner, then made application to the USSC for an extraordinary writ of habeas corpus and the case was docketed as (18-5128).

AID OF COURT'S APPELLATE JURISDICTION

In April 2020, the 9th Circuit Court of Appeals approved the Judicial Emergency in the U.S. District Court for the Eastern District of California. (please see APPENDIX B) So this writ aids the appellate jurisdiction that hasn't any judges available;

and it also aids the Court's Appellate Jurisdiction in that, there is an assumption by the District Court that a "ruling [that the Civil Rights Action should proceed] would imply that her underlying conviction is invalid" (F & R @ pg. 2, lines 16-19) However, the CIVIL RIGHTS COMPLAINT is that the

AID OF COURT'S APPELLATE JURISDICTION (CONT.)

The Conviction is invalid. For Heck to apply, "it must be the case that a successful §1983 suit and the underlying conviction be logically contradictory." *Dryer v Lee*, 488 F.3d 876, 884 (11th Cir. 2007) (Please see F&R APPENDIX F)

Therefore, The Petitioner, believes that this writ would be in aid of the Court's Appellate Jurisdiction on whether or not the jury verdict acquitting the Plaintiff/Petitioner of the charged crime is proof of the underlying conviction being previously invalidated and as to whether or not the Favorable Termination Rule in Heck applies or not.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FOURTEENTH AMENDMENT

DUE PROCESS RIGHTS TRIAL and Direct Appeal

ACTUAL INNOCENCE

STATE MANUFACTURED FALSE EVIDENCE

False Evidence To Convict

False Evidence to deny Appellate Procedures

Falsification / Fraudulent Manipulation of
Trial Transcripts, Orders, Jury Verdicts, etc.

False Evidence to Convict admitted to jury after
both sides had rested.

DEPRIVATION OF RIGHTS

FALSE IMPRISONMENT

Deliberate Indifference by State Attorney General

Failure to Respond

USSC Rules of Court

STATEMENT OF THE CASE

The Plaintiff/Petitioner, Gigi Fairchild-Littlefield, was, under The 14th Amendment, deprived of liberty, without due process of law, by officer(s) of The State, acting under color of State law.

In The absence of arguable probable cause, however, qualified immunity will not protect on a malicious prosecution or false imprisonment claim.

No interest is of any more obvious importance to someone in confinement than being released. The failure to release a prisoner who has a clear legal right to be set free, therefore, is not protected by qualified immunity.

Equally important, prison officials will not be protected by qualified immunity if They are deliberately indifferent to a pre-trial detainee's claim of false imprisonment. See *Bivens*. See *Wallace v Kato*

The Plaintiff/Petitioner, is petitioning for release from her illegal and unconstitutional, status as a State Prisoner, and her illegal and unconstitutional confinement, in The State prison, Central California Women's Facility (CCWF).

The Supervising Deputy Attorney General, for The California Department of Justice / office of Attorney General, Kevin Richard Vienna, Respondent's attorney of Record, and also Defendant B in Plaintiff/Petitioner's Civil Rights Action for Deprivation of Rights / False Imprisonment, as a member of The Bar of The Supreme Court of The United States, has The necessary qualifications required for admission and has presumably signed an oath or affirmation to conduct himself uprightly and according to law, and to support The Constitution of The United States [and The Supreme Court Rules.]

STATEMENT OF THE CASE (CONT.)

The above named Supervising Deputy Attorney General, has been served reliable, credible evidence of The Plaintiff / Petitioner's false imprisonment, by officer(s) of The State, acting under Color of State law. On multiple and numerous occasions, since he became The Respondent's, attorney of record, in USSC Certiorari (14-9527).

Most recently, in USSC habeas Corpus (18-5128) wherein, in deliberate indifference to The Plaintiff / Petitioner stating at least one valid Constitutional Claim and her Claim(s) having been exhausted in The State Courts. When The Supervising Deputy Attorney General, attorney of record, for The Respondent's, received Notice of petition for writ of habeas Corpus (18-5128) filed in The Supreme Court of The United States on November 6, 2017, and placed on The docket July 5, 2018, The Respondent's attorney of record, returned a Waiver That stated, "I DO NOT INTEND TO FILE A RESPONSE TO The petition for a writ of certiorari unless one is requested by The Court."

Respondent's attorney had previously filed a Waiver stating the same in USSC Certiorari (14-9527), and The two (2) other papers served to The Respondent's attorney, clearly stated habeas Corpus and NOTICE IS HEREBY GIVEN That a petition for writ of habeas Corpus in The above entitled Case Gigi Fairchild-Littlefield (Petitioner) v. Warden, CCWF (Respondent) to Kevin Richard Vienna Counsel for Respondent. (Please See APPENDIX E PLAINTIFF'S CAUSE SHOWN WHY THIS CASE IS NOT BARRED BY THE FAVORABLE TERMINATION RULE)

The Plaintiff / Petitioner claims that EXCEPTIONAL CIRCUMSTANCES warrant The exercise of The Court's discretionary powers, and That adequate relief cannot be obtained in any other form or from any other Court; in answer to The QUESTION(S) PRESENTED herein

STATEMENT OF THE CASE (CONT.)
EXCEPTIONAL CIRCUMSTANCES

and in light of The claims made previously on h.c. (18-5128) and reiterated herein, through statement at page 1, OPINIONS BELOW and APPENDIX D which contains Supporting FACTUAL POSITIONS / Discoverable Information previously submitted in habeas corpus (18-5128) and in support of The Plaintiff's 42 USC 1983 which appear mistakenly on The docket for 1:19-cv-00499-NONE-JDP, in The U.S. DISTRICT COURT for The Central District of California as "MOTION For Discovery" and The MOTION to Correct The Docket which The Magistrate Judge would deem moot, along with other motions for Consideration.

RELIEF BEING SOUGHT

Release of Plaintiff/Petitioner from illegal and unconstitutional STATE CUSTODY as State Prisoner by Granting of Petition for writ of habeas Corpus in an absence of opposition to this Petition.

Ruling on the merits of whether or not the Civil Rights Action under 42 USC 1983 for DEPRIVATION OF RIGHTS / FALSE IMPRISONMENT Case 1:19-cv-00499-NONE-JDP is barred by the favorable termination rule in Heck; and Ruling on whether the case will be heard by the USSC in aid of the appellate jurisdiction in which the Plaintiff/Petitioner is currently being held and in light of the current judicial crisis therein.

Plaintiff/Petitioner also seeks return of the (\$10,000.00) Ten Thousand dollars she has paid on RESTITUTION FINE Case # INFO45012 to be ORDERED RETURNED at the time of her RELEASE from the Central California Women's Facility, State Prison, to facilitate her return to society.

WHY ADEQUATE RELIEF CANNOT BE OBTAINED FROM ANY OTHER COURT IN ANY OTHER FORM

The Plaintiff/Petitioner has exhausted all other forms of relief, in all other courts, and is in illegal state custody,

1 Contrary to The laws of The United States and The
2 Constitution.

3 4 REASONS FOR GRANTING THE PETITION

5
6 Upholding The Civil Rights of a U.S. Citizen
7 That has been wrongfully and unconstitutionally
8 incarcerated in a State prison due to a malicious
9 prosecution by state officer(s) acting under The
10 Color of authority in violation of The laws, and
11 Constitution of The United States and The 14th
12 Amendment; after a jury found her NOT GUILTY
13 of The Charged offense.

14 15 CONCLUSION

16 The Plaintiff/Petitioner, Gigi Fairchild-Littlefield,
17 Prays This Court will file, docket, and grant This
18 petition for extraordinary writ of habeas corpus.

19
20 Respectfully submitted,

21 

22 Gigi Fairchild-Littlefield

Date: May 14, 2020

23 in pro per

24 attorney of record

25
26 (attachments) APPENDICES A Through F

27 Proof(s) of Service