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IN THE SUPREME COURT OF THE UNITED STATES
2020 Term

Cause No.

Ron Glick,
Petitioner/Petitioner,

v.

Mara Guiffrida,
Respondent.

Petition for a Writ of Certiorari
Montana Supreme Court

APPEARANCES

Ron Glick
40 1st Avenue West #2
Kalispell, MT 59901
Pro Se

Paul A Sandry
Johnson, Berg & Saxby, PLLP
PO Box 3038
Kalispell, MT 59901
Attorney for Respondent

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QUESTIONS PRESENTED

1. Where the Montana Supreme Court utilized an internal operating procedure to issue noncitable opinions with an evil eye and unequal hand, did the lower court err in invidiously discriminating against Petitioner?

QUESTIONS PRESENTED

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PETITION FOR A WRIT OF CERTIORARI

Ron Glick, the Petitioner herein, petitions for a Writ of Certiorari to review the judgment of the Montana Supreme Court, which judgment affirmed a restraining order entered against Petitioner after gross errors of the Eleventh District Court through use of an internal operating rule of the Montana Supreme Court which unconstitutionally permits the decision to not be cited, published nor serve as precedent.

OPINIONS BELOW

The opinions of the Montana Supreme Court (Pet. App. Exhibits A and B) are not reported.

JURISDICTION

The final mandate of the Montana Supreme Court was entered on December 18, 2019. The jurisdiction of this Court is invoked under 28 USCS Section 1254(1). This Petition is timely filed pursuant to 28 USCS Section 2101(c).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Montana Constitution, Article II, Section 4 provides in relevant part: “No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.”

The Fourteenth Amendment to the United States Constitution provides in relevant part: “Nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction equal protections of the laws.”

SUMMARY

In 2004, after initiating a lawsuit against local corrupt authorities in November, 2003, Petitioner was arrested and subjected to a gross perversion of Montana's criminal justice system to initiate him into becoming a political prisoner within said state, overseen and

empowered by corrupt officials within the Eleventh District Court of Montana.¹ Since 2006, Petitioner has brought seventeen separate complaints of misconduct and deprivation of innate human dignity and civil rights by the lower court to the Montana Supreme Court's attention, and in each instance, said court has ruled against Petitioner. In each instance, said court has either ruled without discussing the underlying legal issues involved or, as is the vast majority of cases, decided the cause under Section 1, Paragraph 3(c) of the Montana Supreme Court's Internal Operating Rules which permits the decision to not be cited, published nor serve as precedent.

It is Petitioner's contention that this process is inherently unconstitutional, as it permits the Montana Supreme Court (or any other court with such a procedure) to act in a prejudicial capacity and to make rulings not only in opposition to standing precedence, but also to defend the entrenched corruption within the court system of Montana. Effectively, it permits said court an unparalleled capacity for abuse of process and fraud upon the court, not to mention an inescapable capacity to apply laws disproportionately to individual citizens, effectively depriving individuals of constitutionally mandated equal protection under the law.

In the instant case, said court utilized the aforementioned rule to not even *discuss* its rationale, and defended what is inescapably an indefensible set of actions by the lower court, and done so for one express purpose: to persecute Petitioner and to continue to

¹ See U.S. Political Prisoner Since 2004 - ISBN#: 1502340364 <http://tinyurl.com/USPP2004>

defend the corrupt actions of the lower court in continuing to hold him as a political prisoner.

STATEMENT

Section 1, Paragraph 3(c) of the Montana Supreme Court's Internal Operating Rules provides the Montana Supreme Court the authority to issue memorandum opinions (previously identified as “unpublished opinions” prior to 2015) in matters where prior precedent or well-settled law exist. The theory behind this practice is to avoid for an over-burdened legal system where it is unnecessary to issue and reissue the same opinions, and where the publication of multiple variations of the same precedential principle would invariably lead to conflicts in the language of such orders. Though the principle could be arguably proper and a boon to an overburdened judicial system, it is intrinsically flawed in that it provides a broad range for abuse of process and deprivation of constitutional due process and equal protection rights of parties subjected to this rule.

In effect, this practice provides a court the unrestrained capacity to abuse its process, to discriminate against disfavored classes or individuals, and to have its own integrity as an authority over law and justice compromised by politics, bias and criminal influence – all because the court adopting this practice is bound by no regard to uphold law, as it can change its opinions based purely upon the preference of the body or head justice of such court without consequence nor review.

In the instant case, Respondent has brought four separate petitions for restraining orders against Petitioner with one central declared purpose: to have the district court dismiss a separate lawsuit brought by Petitioner against Respondent for embezzled business assets.² In each instance, said petition was granted – each under flagrantly unlawful grounds – though Respondent's central demand has never been granted. Instead, the Eleventh District Court of Montana has simply refused to permit said suit to proceed, granting Respondent her requested protection clandestinely as an impermissible shelter from having the suit settled against her. In their order upholding the most recent abuse of process, the Montana Supreme Court did not even bother to discuss its reasonings in dismissing Petitioner's claims – instead offering a misrepresentation of the issues and failing to address a single appellate ground raised, simply blanketly declaring Petitioner's appellate grounds without merit and upholding the lower court's order.

Said court went even further in its order, however, declaring that Petitioner having had the same district court issue similar restraining orders against Petitioner in the past served as validity to impose a new restraining order. In effect, had this order been citable, said court's ruling would have made it legal to convict someone solely upon the basis of a *prior* conviction, ie, simply having had judgments issued against a party in the *past* actually validated imposition of a similar judgment in the *present*, in effect making

² *Glick v Pelton, et al*, Cause No. DV 08-391 (11th District Court of Montana). Notably, said cause has been pending since November, 2007, yet the Eleventh District Court has routinely obstructed this cause through refusing to issue summons, ignoring a statutorily mandated default judgment, and refusing to set a trial date for over twelve years, permitting Respondent to persist in her abuse of process against Petitioner in the interim.

it *impossible* to overcome any prosecution, since guilt in the past would be a deciding factor in any new cause raised against the same defendant.

As an example, if a person were found guilty of burglary, his past conviction would forever be used to justify his guilt of any future charge, making one conviction sufficient to bring an infinite number of convictions for similar prosecutions in the future. In the instant case, the Montana Supreme Court effectively determined that because the lower court had imposed restraining orders against Petitioner in the past, it justified imposition of a new one.³

Specifically, Petitioner raised eight separate appellate claims in his appeal to the most recent petition:

1. Whether Petitioner was denied basic due process pursuant to Montana Constitution Article II, Section 17 and the Fifth and Fourteenth Amendments to the United States Constitution, for refusing to serve notices of judicial decisions upon Petitioner prior to hearings.
2. Whether the district court abused its discretion in not finding Respondent in contempt for failing to produce and actually *deleting* subpoenaed records.
3. Whether the district court's error in refusing to compel Respondent to produce a full record of video surveillance denied Petitioner due process.
4. Whether Petitioner was prejudiced by the district court's error in permitting Respondent to testify to hearsay, speculation and upon material not in evidence.

³ It should be noted, though Judge Heidi Ulbricht of the Eleventh District Court of Montana had issued three separate restraining orders against Petitioner in the past, not a single one was ever based upon a report by law enforcement of any actual offense, nor was any criminal charge ever raised against Petitioner for the allegations raised by Respondent in any of these proceedings, though she alleged specific criminal conduct through each petition. In effect, there was never a burden of proof ever presented against Petitioner of ever having committed conduct sufficient to warrant restraining orders, and each were only based upon the presentation of one person – Respondent – who in each and every claim, openly declared her intent was to use the restraining order to obstruct Petitioner's lawsuit against her, asking the lower court in each instance to dismiss the lawsuit as part of the relief requested.

5. Whether the district court abused its discretion in denying admission of evidence supporting Respondent's abuse by proxy.
6. Whether the district court's order granting an order of protection based upon visiting parties other than Respondent had any lawful foundation.
7. Whether the district court's order violated Petitioner's constitutional freedom of association and liberty interests.
8. Whether the district court abused its discretion in not ruling upon Petitioner's motion for change of venue, rehearing and reconsideration or motion for default ruling.

Though this Court is not being asked to rule upon any of said issues at this juncture, it is fundamental for this Court to understand that in its ruling, the Montana Supreme Court literally ignored *every single appellate claim* raised by Petitioner – unilaterally declaring all issues raised by Petitioner to be without merit without discussion – and instead adopted the defense of Respondent's counsel near-verbatim, as the latter supported its ongoing bias and prejudice against Petitioner. Such was not based upon a rule of law, but instead upon a predetermined prejudice against Petitioner and his vocal opposition to corruption within the courts of Montana.

In effect, the Montana Supreme Court denied Petitioner any pretense of due process, in that ignoring all claims raised by Petitioner amounted to denying his right to be heard (See *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)). Further, the fact that said court is plainly predisposed to decide against Petitioner, regardless his constitutional right to redress, violates the standards of an impartial tribunal, as an impartial decisionmaker is a n essential right in civil proceedings (*Goldberg v. Kelly*, 397 U.S. 254, 271 (1970)).

“The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law... At the same time, it preserves both the appearance and reality of fairness... by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him” (*Marshall v. Jerrico*, 446 U.S. 238, 242 (1980); *Schweiker v. McClure*, 456 U.S. 188, 195 (1982)).

Had the order adopted been citable, the Montana Supreme Court effectively ruled that any party could be deprived due process, tamper with evidence, defy subpoenas, violate rules against hearsay and refuse evidentiary production. Further, said court's order would have created a legal foundation for any party to restrict the associations of friends and associates, to command when and where they can go within normal society, even when such have absolutely no association with an allegedly aggrieved party. Finally, said court's order – if taken at face value – would determine that any party could be forever guilty of any offense simply for the sake of having been ruled against in the past.

Again, said court could not permit their order to be citable as it offended not only basic pretenses of law and order and common law, but would effectively overturn dozens – if not *hundreds* – of prior precedents issued properly and measured under the law of the State and Federal governments. This is why making the order non-citable so offends the constitutions of both state and federal: because it applies a inappropriate rule against one

person that is not applied to a single other citizen within the entire country.

The Montana Supreme Court's decision in this cause, more than any previous, demonstrates that said court is committed to persecuting Petitioner as a political prisoner in the State of Montana, and to deprive him of any opportunity to speak out against his persecutors, who include the members of the Montana Supreme Court itself.⁴ Said court is acting not only in open opposition to the state and federal constitutions, but in fact against its own established precedents – and all to advance a vendetta against a single citizen who persists in speaking out against the very corruption spelled out plainly within their opinions, which actually violates Montana's Constitution which prohibits discrimination against “any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas” (See Montana Constitution, Article II, Section 4).

The Montana Supreme Court's order in this cause is not in defense of law nor justice, but instead represents a decision that is anathema to democracy and freedom of speech, and serves only one purpose: to single out one prisoner of conscience, to disempower his inherent civil liberties and to silence his protests against such abuse.

And this all occurs for two reasons: First, that the Head Justice of the Montana Supreme Court seeks to abuse his position to defend his own prosecutorial record and to deprive Petitioner innate civil liberties and human dignity in order to preserve the status

⁴ Head Justice Mike McGrath was previously the prosecutor for the State of Montana against Petitioner while serving as State Attorney General, yet has refused repeatedly to recuse himself, effectively guiding the decisions of the Montana Supreme Court against Petitioner to defend his own political career.

he prosecuted and defended while Attorney General, and second, in defense of a corrupt judicial system that has imprisoned an innocent man for nearly two decades. In effect, should the Montana Supreme Court endorse the pretense that the Eleventh District Court is prejudiced against Petitioner, it serves as a foundation to attack *all* prior causes overseen by the same district court, including the political imprisonment imposed over Petitioner, which Head Justice Mike McGrath had prosecuted on behalf of the State of Montana.

Having said court's order be non-citable effectively limits this persecution to one person: Petitioner Ron Glick. As it is non-citable, no other party can ever use the judgments made against Petitioner against *anyone* else. In spite of said court's insistence that this order is in compliance with “well settled law”, it would in fact overturn countless prior decisions of said court were it to be citable – which is the only actual reason that said court confined it a non-citable status – to assure that the infringements enacted by its order against civil liberties be limited *exclusively* to Petitioner.

Simply put, the Montana Supreme Court cannot be wielded as a club against one person to deprive him of his rights to free speech, and most especially his right of political free speech, simply because his political opinion, expressed through his right of free speech, is not liked by the seated justices of this Court. To do so infringes upon the Equal Protection Clauses of the Montana and Federal Constitutions.

REASONS FOR GRANTING PETITION

Since the errors in this petition are clear, do not in any way set precedent and represent specific constitutional liberties provisioned by law, they would seem to be normal conditions for simple administrative review. However, Petitioner has been denied such simple review by the appellate court, and therefore must seek such simple remedy from this Court.

I. THE MONTANA SUPREME COURT ERRED IN USING AN INTERNAL OPERATING PROCEDURE TO INVIDIOUSLY DISCRIMINATE AGAINST PETITIONER.

The practice of non-publication (also known as a non-citable rule) violates basic axioms of the nature and judicial powers provided under Article III of the Federal and Article VII, Section 2 of the Montana State Constitutions (For discussion, see *Anastasoff v United States*, 223 F3d 898 (8th Cir, 2000), *vacated as moot* 235 F3d 1054 (8th Cir, 2000) *en banc*). In effect, courts adopting this practice are saying, "'We may have decided this question the opposite way yesterday, but this does not bind us today, and, what's more, you cannot even tell us what we did yesterday.'" (*Anastoff* @ 904).

In the present circumstance, the Montana Supreme Court has charged itself to defy any and all claims brought by Petitioner as part of an ongoing effort to shelter the courts of Montana from claims of corrupt influence. To rule in favor of Petitioner on *any* claim of judicial misconduct would in effect validate that such prejudice *preexisted* the present

claim, as Petitioner has alleged this bias and prejudice since 2003. Therefore, to overturn any order issued against Petitioner for impropriety would substantiate its existence, and could potentially overturn the prosecutorial record of said court's Head Justice, Mike McGrath. As such, the Montana Supreme Court has committed itself to the axiom of "in for a penny, in for a pound"; to grant any relief to Petitioner for claim of judicial misconduct from the lower court would retroactively apply the same measure against *all* prior orders, including but not limited to the faux conviction of Petitioner that has detained him as a political prisoner since 2004.

Therefore, regardless of how grossly repugnant to law and propriety an order from the Eleventh District Court might be, the Montana Supreme Court is committed to defend it – else Petitioner's allegations against the court system of Montana be validated.

However, as the orders issued under this scheme are so in defiance of law, the Montana Supreme Court could not possibly cite them as precedent, and therefore they have misused the internal operating rules of said court to prevent any such rulings to be used to overturn the lawful precedents of the state.

This is gross prejudice and it is clearly being effected for a wicked and unseemly purpose, not for its intended purpose. And it is being committed in order to persecute one, single person: Petitioner Ron Glick.

The Court addressed this form of institutional discrimination in *Yick Wo v. Hopkins*, 118 U.S. 356 (1886). In *Yick Wo*, the Court determined:

“Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution.” *Yick Wo* @ 373-374

The Court determined that a practice that might appear fair and impartial, if it is applied with “an evil eye and an unequal hand”, it is prohibited by the Fourteenth Amendment to the United States Constitution. Further, the states are bound under the Bill of Rights and Fourteenth Amendment (*Gitlow v. New York* (268 U.S. 652 (1925))), and therefore bound by the prohibition expressed in *Yick Wo*.

It is undeniable that the Montana Supreme Court is utilizing its non-citable classification to apply precisely the prohibition forbidden by *Yick Wo* against Petitioner. In this case, Petitioner alone is being subjected to deprivation of civil rights guaranteed to all other citizens, and which are specifically protected by the State and Federal Constitutions. In specific, this Court is applying an evil eye and unequal hand by utilizing its authority to declare its rulings non-citable *only* upon Petitioner in order to suppress complaint against the misconduct of the lower court (and, by extension, their own), and to further persecute Petitioner as a disfavored individual for his political free speech exercised against corrupt officials in this state – including, but not limited to, the Head Justice of said court, Mike McGrath.

In effect, the Montana Supreme Court has misapplied the operating rules of said court with an evil eye and unequal hand to so as practically to make unjust and illegal

discriminations between Petitioner and other persons in similar circumstances, material to his rights, and thereby denying him of equal justice and protection under the law.


Notwithstanding the reasons behind the Montana Supreme Court's actions in this cause, it has nevertheless demonstrated that its practice of non-citable rulings provide an opportunity for prejudicial and invidious discrimination – primarily because there is nothing in law nor practice to prohibit such abuse. Irregardless of whether Petitioner's reasoning is accurate, the fact that the misconduct described herein *could* exist demonstrates that the governing rule is itself unconstitutional on its face.

As the order at issue is abhorrent to the United States and Montana state constitutions, such order and any and all *other and additional orders* entered under similar pretense against Petitioner should properly be struck and new orders acting under authority of *law*, not the personal prejudice of the Montana Supreme Court's Justices, to prevail, should such be appropriate. Further, a declaration that the practice of non-citable opinions as being unconstitutional should be directed by the Court against any and all courts within the United States to prevent such abuse of discretion from occurring again, whether within the State of Montana or elsewhere.

CONCLUSION

Based on the foregoing, Petitioner's petition for writ of certiorari should be granted, the Montana Supreme Court's decisions should be ruled to be struck, and the practice of non-citable opinions should be declared unconstitutional.

Respectfully Submitted,



Ron Glick, Petitioner

Dated: March 13, 2020