

19-8829

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JUN 17 2020

OFFICE OF THE CLERK

ANASTASIA PURNELL
— PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEAL FOR THE NINTH CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

ANASTASIA PURNELL

(Your Name)

4443 AVALON AVE APT 10@

(Address)

Fresno Ca. 93722

(City, State, Zip Code)

(559) 722 2571

(Phone Number)

RECEIVED

JUN 24 2020

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

SHOULDENT A COURT BE HELD RESPONSIBLE FOR ITS ABUSE OF DESCRETION WHEN IT FAILS TO FOLLOW THE RULE OF LAW AS IT IS WRITTEN???

SHOULDENT A RULE OF LAW BE INTERPRETED AS WRITTEN, BY ALL COURTS IN THE NATION?

SHOULDENT THE LANGUAGE OF THE FEDERAL RULES OF CRIMINAL PROCEEDURES 41(g) BE PROPERLY APPLICABLE TO "ANY PERSONS AGGREIVED" AS IT IS WRITTEN, RATHER THAN ONLY TO PERSONS PROCEEDING IN CRIMINAL PROCEEDINGS AS BOTH LOWER COURTS HAS HELD TO DENY PETITIONER THE RETURN OF HER VEHICLE???

SHOULDENT A PETITIONER PROCEEDING IN PRO PER BE GIVEN THE BENEFIT OF ALL DOUBT ALONG WITH TO BE EXCUSED FROM ALL TECHNICAL PROCEEDURAL MATTERS?

In addressing these questions petitioner invites this honorable court to view the rule itself "Federal rules Of Criminal proceeedures Rule 41(g)" in conjunction with arguements presented by petitioner in the lower court followed by that court's opinion attached hereto this petition within Appendix "A".

In addressing these questions, petitioner also respectfully request this honorable court to view the contents of Appendix "B" attached which contains petitioner's briefs filed in the United States Court Of Appeal for the Ninth Circuit, along with that court's opinion as well affirming the lower court's opinion denying petitioner the return of her vehicle.

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:

TABLE OF CONTENTS

OPINIONS BELOW.....	6.....
JURISDICTION.....	7.....
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	8.....
STATEMENT OF THE CASE	9-9a.....
REASONS FOR GRANTING THE WRIT	10.....
CONCLUSION.....	11.....
PROOF OF SERVICE	12

INDEX TO APPENDICES

APPENDIX A ALL LOWER COURT'S PLEADINGS BY BOTH PARTIES RESPECTIVLVL, ALONG WITH ALL LOWER COURT'S OPINIONS DENYING PETITIONER RELIEF.

APPENDIX B BOTH PARTIES PLEADINGS PRESENTED TO THE NINTH CIRCUIT COURT OF APPEAL ALONG WITH THE NINTH CIRCUIT COURT OF APPEAL AFFIRMING THE LOWER COURT'S DENIAL OF RELIEF REQUESTED.

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Federal Rule Of criminal Procedured Rule 41(g)	3

STATUTES AND RULES

Federal Rules Of Criminal procedures Rule 41(g)	3
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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

For cases from **federal courts**:

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

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

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

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**: **None**

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

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

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

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 14th, 2020.

No petition for rehearing was timely filed in my case.

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

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

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

For cases from **state courts**: None

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

THE RIGHT TO THE ILLEGAL SEIZURE AND FORFEITURE OF LEGALLY GAINED AND OWNED PROPERTY.

STATEMENT OF THE CASE

Plaintiff's declaration attached immediately here, with the addition of:

Plaintiff filed a timely motion to the lower court's regarding the return of this property to lower court, where respondents opposed. resulting in the lower court's denial of the relief requested, which was to have her property returned to her.

(See appendix "A" attached)

Petitioner appealed, and filed opening and reply briefs. Respondent's filed answering brief. The ninth circuit court of appeal affirmed the lower court's denial of the return of petitioner's property. (see appendix "B" attached) It is from these denials this petition is being filed.

DECLARATION OF MOVANT ANASTASIA PURNELL WITH REGARDS TO THE FACTS OF THIS CLAIM:

I, Anastasia Purnell declares as follows:

1. I am the owner of the property at issue here, namely the Chevrolet Silverado (Year 2015), licence NO: 68914H2, Vin NO: 3GCPCREC4FG173943 which was seized by Federal Officers (ATF) at Fresno California on the date August 2nd, 2018. (See Exhibit "A" attached) This Pardoning petition was filed by me 10/9/2018.
2. To my knowledge, this vehicle was not directly involved in any type of criminal activity pending before any court.
3. This vehicle was my sole transportation to and from the school I am presently attending in future hopes to become a more productive citizen.
4. Since the date of this seizure, means of transportation to and from the school I am presently attending, has born me tremendous hardships, because I now have to depend on family members to give me rides to school, and friends there to give me rides from school. This has weighed heavily upon my family members and friends because they have their own agendas, and lives to live, which is now causing my learning skills to diminish due to these worries.
5. I have never encountered these worries, hardships and fears durring the times I was in posession of my vehicle.
6. Im afraid that if my vehicle, for which I had absolutely nothing to do with it being seized, is not returned to me soon, I would never recover from the depressions I am presently suffering due the drop in my grades, and the reactions Im receiving from my family, and friends which has built up since the seizure of my vehicle. No Forfeiture proceedings has commenced to date.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 06/11/2020

Declarant: AP

Anastasia Purnell
4443 Avelon Ave. Apt 102
Fresno Ca. 93722

REASONS FOR GRANTING THE PETITION

Petitioner proceeding with this matter initially in pro per personia, was deprived not only of the use of her vehicle, but also by the lower courts for the return of it where she employed the rule as is written for any person aggrieved, for which Federal Rules Of Criminal procedures applies. Because both lower courts had descretion to resolve the matter and refused to, for this reason, along with all stated in petitioner's pleadings within appendixes "A" and "B" attached, this court should respectfully grant this petition setting the stage for petitioner according to the applicable rule of law to have her vehicle 2015 Chevy Silverado returned to her forthwith. This is petitioner's final avenue in having her rights to the use of her vehicle restored.

IF THIS COURT DOES NOT INTERVENE, PETITIONER AND ALL OTHER PETITIONERS SIMILARLY SITUATED, ESPECIALLY IN PRO PER, WOULD SUFFER THE SAME INJUSTICE PERPETRATED UPON PETITIONER BY ALL LOWER COURTS IN THE NATION. BECAUSE THE BUCK STOPS HERE WITH THIS COURT, IT NOW BECOMES THE BURDEN OF THIS COURT TO ACT AGAINST SUCH INJUSTICE, IN THAT AN INJUST ANYWHERE CONSTITUTES AN INJUSTICE EVERYWHERE.

CONCLUSION

The petition for a writ of certiorari should be granted.

I the undersigned and petitioner in this matter declares under penalty of perjury that the foregoing are true and correct.

Respectfully submitted,


Anastasia Purnell
4443 Avalon Avenue
Apt 102, Fresno Ca. 93722

DATE: June 11, 2020