

In The 20-1109
Supreme Court of the United States

George C. Chatman

Petitioner

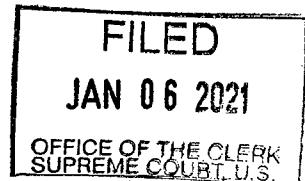
ORIGINAL

v.

Arrowhead Credit Union

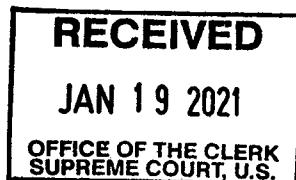
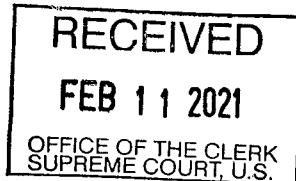
Respondent

On Appeal for Writ of Certiorari to the Court of Appeal
For the Ninth Circuit
Dated October 29, 2020



Petition for Writ of Certiorari

George C. Chatman
2350 Osbun street, Unit 15
San Bernardino, California 92404
Pro-Se



Questions Presented

1

Whether we abide by the laws and the constitution of the United States in protecting our secured property Social security?

2

Whether the requirement of due process of law before conversion of secured property (social security) applicable to this case?

3

Whether the ninth circuit Opinion as insubstantial applicable with regards to federal law 42 USC 407(a) that the right of the Petitioner under that subchapter are not subject to execution, levy, attachment, or garnishment,or other legal process?

4

Whether a judgment of the State Court and the jury violated the rule of law?

5

Whether the judgment is considered Oppression under article 1 section 9 U.S. Constitution Knowingly disregarded the right of the Petitioner secured by our laws?

6

Whether the Respondent acting under color of regulation violated federal law 42 USC section 1983 to the deprivation of the Petitioner's property?

I

Whether the Respondent is liable for violation of the 14th Amendment of the U.S. Constitution because the Petitioner's interest of property is threatened?

Whether a judgment of the State Court or the Opinion of the Ninth Circuit that affected the right of the Petitioner as none existed or insubstantial considered to be a void judgment?

Parties to the Proceeding

George C. Chatman(Petitioner) was the Plaintiff at the California State Superior Court, and Arrowhead Credit Union(Respondent) was the Defendant. Petitioner was the Plaintiff at Federal District Court and the Respondent was the Defendant. The Federal District Court ruled that the appropriate forum for review is the United States Supreme Court.

Related Cases

Petitioner was the Appellant at the 4th Appellate Division 2 and the Respondent was the Appellee. Opinion was entered in favor of the Appellant March 9,2016. The Petitioner was the Appellant, the Respondent was the Appellee. Opinion was entered on August 12, 2019 in favor of the Appellee.

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Petition for a Writ of Certiorari

George C. Chatman petitioned for a Writ of Certiorari to Honorable Supreme Court Justices of the United States for the Ninth Circuit Court of Appeal filed on October 29, 2020.

Opinions Below

The Ninth Circuit Opinion is not published, and the Opinions of the 4th Appellate District Court Division 2 entered on March 9, 2016 and August 12, 2019 is also not published.

Jurisdiction

The Honorable Supreme Court of the United States has jurisdiction to hear this case under 28 USC 1257 and 28 USC 1254.

Constitutional and Statutory Provisions Involved

The Constitution and Federal Law provisions were cited, wilfully and intentionally violated in this case Yes Constitutional and Statutory Provisions were Involved.

Factual Background

On June 9,2014 the Petitioner walked in to the Arrowhead Credit Union (ACU) Branch to withdraw his remaining social security fund from his savings account, he was approached by two ACU employees and handed to him two pieces of documents, the unsigned Order to Withhold Personal Income Tax from the Franchise Tax Board (FTB) and the unsigned Notice of Levy from ACU. The Petitioner was denied access to withdraw his social security fund because ACU turned it over to the FTB without my knowledge, without my consent, without my permission, I argued this illegal action to ACU(Respondent) at the same time and advise them not to do it that it is a violation of federal law and must release my social security fund but the Respondent denied to release my social security fund and said "we have the Order" the Petitioner demanded to be serve due process of law and to present a legal Court Order sign by a judge, and the Respondent replied that the Petitioner do not need due process of law and do not need a Court Order, the unsigned Order to withhold Personal Income Tax is good enough. The Petitioner pleaded again to the Respondent to "release his social security fund because the Respondent is in violation of federal law, and if you don't release my social security fund I will take a legal action against you," the Respondent replied and said "we are sorry Mr. Chatman we have to follow the order" this is an intentional act being the custodian of the Petitioner's property knowing it is a social security fund. The Petitioner left the Branch and returned on June 10, 2014 to release his social security from his

savings account,(APP.A Page 12) but the Respondent denied the Petitioner's pleading. The Respondent entered the room and closed the door, when she came out she told the Petitioner the same thing that "We are sorry Mr. Chatman we have to follow the Order. The Petitioner left the Branch on the morning June 10, 2014 devastated, stressed, sent a letter and affidavit to the Respondent before filing a suit but with no avail. What the Petitioner can only do is litigation of the case.

Procedural Background

On September 5, 2014 the Petitioner filed a lawsuit against Arrowhead Credit Union (ACU) the Respondent for civil right violations and damages at the Superior Court of the State of California County and City of San Bernardino. On October 9, 2014 (CR Court Record) the Respondent filed a demurrer and the complaint was amended. On January 26, 2015 the Respondent filed a demurrer to the Amended complaint and on February 2, 2015 the Petitioner filed his Opposition to demurrer. On March 10, 2015 the State Court sustained the demurrer without leave to amend and the judgment was against the Petitioner (CR). On April 2, 2015 the Petitioner filed his appeal to 4th Appellate District Court Division 2 and the Judges reversed the judgment in favor of the Petitioner and the Opinion stated that the trial court ruling violated the Supremacy Clause, 42 USC 407(a) is an overriding provision of federal law, and that the Respondent was a State Actor, and are deemed to obey federal law that to be of the State. (Opinion March 9, 2016). A Remittitur was sent to the Petitioner, and we went back to the Court for a trial. On August 2, 2016 the

Petitioner filed his second amended complaint but the judge Ordered to amend the complaint to include the Franchise Tax Board (FTB) as Ordered, as the Petitioner did, but only to exonerate the FTB for reason of immunity and leave the Respondent the only one liable for their action, (Reporter's Transcript (RT) October 17, 2017 page 4 line 7) During the trial the Respondent filed a motion to directed verdict and was denied for a reason that the Respondent has no credible evidence to support of their claim, and there was evidence to support that some of Mr. Chatman's money had been taken that did include his social security and thus, there is a basis to support a conversion cause of action. (Reporter's Transcript On Appeal March 12, 2018 page 460 line 22). Leslie Yorston from FTB testified, it was a social security fund FTB received.(APP.B Page.12) overwhelming evidence and facts presented by the Petitioner, the jury which composed of eleven women and one man, in spite of the counsel by the judge to the jury that they should follow the law whether they agree or not, they render a verdict that the Petitioner has no right to possess his social security fund from his savings account, and the trial court ruling agrees with it. And that the Respondent was not a State actor. (CR Notice of Entry of Judgment on Jury Verdict). This is an intentional violation of Federal Constitutional Statutory Right of the Petitioner, a violation of the Rule of Law. On May 2, 2018 the Petitioner filed his second appeal to the 4th appellate District Court Division 2 and affirmed the judgment. (Opinion August 12, 2019). The Petitioner believed that this is a "Void Judgment." and the

Opinion of August 12, 2019 was mailed on August 28, 2019 and received on August 29, 2019, whether this is intentional or not it took 17 days before the mailing and it only took 1 day to receive it. Thus the Petitioner lost jurisdiction to CA. Supreme Court for petition for review. After more than a year had passed, while litigation was going on, the Franchise Tax Board (FTB) sent to the Petitioner \$ 384. Admitting it was a social security fund Which is not the right amount and the petitioner sent it back to the FTB for insufficient, the amount of the social security fund was \$ 390. Arrowhead Credit Union (ACU) turned over to the FTB depriving the Petitioner his right to possess his property and the Petitioner turned to Federal District Court. On November 12, 2019 the Petitioner filed a lawsuit to Federal District Court against the Respondent for violation of Federal Constitutional Statutory Right of the Respondent and by affirming a judgment by the State Court that contradict and in conflict with federal law, the 7th Amendment of the U.S. Constitution Reexamination clause, and the 1789 act of Congress. The federal court dismissed the case under the Rooker Feldman Doctrine and lack of Jurisdiction, and ruled that the appropriate forum for review is the U.S. Supreme Court. The Petitioner filed his Appeal to the Ninth Circuit and ruled insubstantial.

Introduction

The Petitioner believe that the Opinion of the Ninth Circuit is an error of judgment, because under federal law 42 USC 407(a) Assignment of Benefits which states that “ The right of a person to any future payments under this subchapter shall not be transferable or assignable at law or in equity, and none of the monies paid or payable or rights existing under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.” (Reporter’s Transcript (RT) March 12, 2018 page 400 line 18.) The Petitioner claims this right and any violation of his right under this subchapter, will also lead to a violation of federal statutes and the U.S. Constitution. When the federal government deposited the social security fund to the Petitioner’s bank account the legal beneficiary it became the Petitioner’s property, this is a fact and not insubstantial any conversion to any unauthorized agency without the Petitioner’s knowledge, without his consent or permission and without due process of law, is a plain violation of federal constitutional statutory right. This was the Respondent Arrowhead Credit Union (ACU) intentionally committed. A conversion of property under social security act, making ACU liable for their action. The refusal and denial of the Respondent to release the social security fund of the Petitioner lead to the deprivation of property without a legal and signed document from the court. Instead of obeying federal law, the Respondent claim they follow Revenue & Taxation Code (RTC) 18670,18672, and 18674, but these regulations has

nothing to do with conversion of social security to be applied to State Personal Income Tax. " That statute which would deprived a citizen of the rights of person or property without a regular trial according to the course and usage of common law, would not be the law of the land." Hoke v. Anderson 15 nc 15 25 AM DEC677. At the trial, when cross examining the Respondent expert witness if there is anything in that regulations that authorizes or requires ACU to levy or attach including social security, and the Respondent expert witness replied, said No! (RT March 8, 2018 page 300 line 2-15); also the expert witness testified that he was not able to answer the question if the Respondent is required to abide by federal law 42 USC 407(a) but testified that the organizations he belongs to keep him up to date in changes and development of the law. (RT March 8, 2018 page 302 line 2-5, page 281 line 1). The ramification of this unprecedented action is detrimental to the livelihood to social security beneficiaries, it is an abuse of power overriding federal law by a banking institution in this case Arrowhead Credit Union (ACU)Respondent.

Statement of the Case

The Ninth Circuit Opinion of insubstantial seems that a violation of 42 USC 407(a) and the deprivation of property secured by the constitution and laws of the United States was a flimsy argument with no substance, but the law says "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, 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 the equal protection of the laws." 14th Amendment U.S. Constitution. "No provision of the constitution is designed to be without effect, anything that is in conflict is null and void of law." Marjory 5 U.S. 137 1883. The Petitioner's social security fund and his right to possess it was made clear by that federal statute and the constitution, and without due process of law, "Any thing in the constitution or laws of any State to the contrary notwithstanding." Article VI U.S. Constitution. The Petitioner was deprived of the due process of law before conversion of property (social security) that was protected by federal law and the constitution. " The fundamental requisite of due process is the right of the person to give notice and opportunity to be heard." Grannish v. Ordean M4 234 U.S. 385,34 S.CT.719 58 L Ed 1363. The Petitioner has property interest within the 14th Amendment of the U.S. Constitution, has a legitimate claim of entitlement to the benefit, and has a unilateral expectation that it will be available to him as long as the federal government guarantees. Board of Regents v. Roth 408 U.S. 564,569,571. Goldberg v. Kelly 397 U.S. 254 (1970). Perry v. Sindermann 408 U.S. 593 1972. The judgment against the Petitioner was a violation of the rule of law, it threatens the Petitioner's social security future benefit, it sets up a precedent that social security benefits are no longer protected by law, and so goes our federal right, due process are no longer applicable and so goes the constitution. This should not happen if we in a Republic are governed by the rule of law.

Federal Constitutional Statutory Right Violations

The judgment of the State Court and the Opinion of the Ninth Circuit are almost identical, the judgment of the State Court echo to the Opinion of the Ninth Circuit it is an error of judgment. Social Security is a federal matter, it is a federal issue when it comes to conversion under social security act, the Supreme Court made it clear that 42 USC 407(a) is anti-attachment act. *Bennet v. Arkansas* 485 U.S. 395,398. *Philpott v. Essex County Welfare Bd.* 409 U.S. 413, 415, 417. *Washington Dept. of Social Health Service v. Guardianship Estate of Keffler* 537 U.S. 371,379e “When the decision of the State Court is in conflict with the decision by a Federal Court, the decision of the State Court is not valid.” *Ableman v. Booth* 62 U.S. HOW 21 506. The Opinion of the Ninth Circuit that the Petitioner’s claim was insubstantial contradict federal law and the decision of the Supreme Court on this issue of social security and disregard knowingly the right of the Petitioner which is identical to the State Court judgment that the Petitioner has no right to possess his social security from his savings account. The Petitioner viewed this as Oppression, it is a violation of Article1 section 9 of the U.S.Constitution to knowingly disregard the Petitioner’s right.(RT December 21, 2017 page 17, line 19-26) The Respondent intentionally violated the 14th Amendment of the U.S.Constitution, because the 14th amendment requires the provisions of due process when the interest of one’s life, liberty, or property is threatened, and due process of law protects the Petitioner

From the mistaken deprivations of life, liberty, or property. Fuentes v. Shevin 407 U.S. 67, 81 (1972). Marshall v. Jericho Inc. 446 U.S.238, 242 (1980). Board of Regents v. Roth 408 U.S. 564, 569-71 (1972). 42 USC 407(a) is an overriding provision of Federal Law and the Respondent is deemed to obey the law that to be of the State. A conversion of property under Social Security Act exposes the Respondent to liability (RT December 21, 2017 page 11 line 9-19), that also subjected the Respondent for violation of Federal Law 42 USC 1983 for acting under color of Regulations or Statutes to the deprivation of the Petitioner's right. (RT December 21, 2017 page 12 line 12-17), and at the trial the Respondent presented to the jury that the Petitioner has no right to possess his social security from his savings account, this clear revelation showed the intent of the Respondent was to Oppress the Petitioner, wilfully and intentionally violated Federal law. 42 USC 1983 provides remedy in a cause of action for the preservation of constitutional rights, it also creates a cause of action for deprivation under color of law of any federal statutory rights.(RT October 17, 2016 page 6 line 19-24).Maine v. Thiboutot 448 U.S. 1 (1980); Edelman v. Jordan 415 U.S. 651; Lugar vs. Edmondson Oil Co. Inc. 457 U.S. 922. 42 USC 1983 clearly established the right to sue anyone who violates our constitutional rights the constitution guarantees. The evidence is undisputed that the Respondent obey not the federal law but the State and was a State actor, this was confirmed by the District Court 4th Appellate division 2 in the Opinion on March 9, 2016, my first appeal. During the trial, the

Respondent brought another person and claimed to be their support, her name was Laura Robbins an officer and agent of the Franchise Tax Board (FTB) and she always joined with the Respondent and testified but not under oath.(Reporter's Transcript (RT) March 12, 2018 page 391 line 25; page 392 line 10,22; page 393 line 2, 16, 24). "A private person jointly engaged with State officials to prohibit action is acting under color of law. To act under color of law, it is not required that the accused be an officer of the State, it is enough that the accused is a willful participant in joint activity with the State or its agents." *Adickes v. Kress CO.* 398 U.S. 144, 152; *Rendell-Baker v. Kohn* 457 U.S. 830 (1982); *Burton v. Wilmington Parking Authority* 365 U.S. 715 (1961). The Respondent is liable under 42 USC section 1983 which states that: " Every person who under color of statutes, ordinance, regulations, 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 person 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 of law, suit in equity or other proper proceeding for redress." The U.S. Supreme Court in the case of *Maine v. Thiboutot* 448 U.S. 1 stated: " The right of action created by the statute to deprivation under color of law of a right secured by the constitution and laws of the United States, and comes claim which are based solely on statutory violations of federal law and applied to the claim, that claimants have been deprived of their rights in some capacity to which they were entitled."

(100 V. Supreme Court Reports 2502. 65 L Ed 2d 555 (1982). The Respondent until this day 2021 has not returned to the Petitioner's social security fund that the Respondent turned over to the FTB without my knowledge, without my consent and permission in the amount of \$ 390.00 the only amount left available from the account plus interest beginning the month of June 2014 up to the present. Since this case is a constitutional and federal violations issue, it does not require to exhaust State Administrative Remedy as claimed by the Respondent. King v. Smith 392 U.S. 309 (1968); Gibson v. Berryhill 411 U.S. 574-75; Felder v. Casey 487 U.S. 131 (1988); Mcneese v. Board of Education 373 U.S 668 S.CT 480; Patsy v. Board of Regents 102 S.CT. 2557. (RT October 17, 2017,page 5 line 20). The moment the Conversion of social security executed by the Respondent to an agency that has no authority to receive it, and their refusal to release it to the rightful and legal property owner violated the Petitioner's federal constitutional statutory right. And the Petitioner's claim is not insubstantial but facts supported with evidence,& law.

Argument

1). The 7th Amendment of the U.S. Constitution Reexamination Clause:

“ No fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.”Article VII. The re-examination clause is applicable to this case because there is error in the judgment it violated the rule of law. Our justice system which is based on common law does not give anyone to be above the law. “ When the judgment of the State

Court is against the right claimed under the constitution or laws of the United States, a writ of error will lie to bring the judgment of the State Court before this court for reexamination and revisions." Ableman v. Booth 62 U.S. 21 HOW 506 (1858),1789 ACT of Congress sec. 25. Judgment cannot be rendered if it violates the constitution or laws of the United States either to convict or to exonerate a person. Under this clause, if there were no facts presented, if the evidence is insufficient, and if the judgment is in conflict with the law, there is error on the judgment such as in this case, it will be reexamined and revisions. No jury in collaboration with the State Court is above the law; U.S. v. Lee 106 U.S. at 220, 1 S.CT. at 261(1882). to render a verdict that the Petitioner has no right to possess his social security while the Petitioner has every legal right according to the law to possess his property, is to set themselves above the law, even the State Court ruled that there is evidence to support the Petitioner's claim.(RT March 12, 2018 page 460 line 21-26; page 461 line 1). I do agree with the decision of the lower Federal Court that the appropriate forum for review of this case is the United States Supreme Court.

2). Void Judgment: Although the lower Federal Court cannot review the decision of the State Court under the Rooker Feldman Doctrine, the Ninth circuit and the State Court cannot abrogate the right of the Petitioner secured by the constitution and laws of the United States. Miranda v. Arizona 384 U.S.436, 86, S.CT. 1602 16 L Ed 694 1966. The Opinion of the Ninth Circuit, the jury verdict in collaboration with the State Court judgment, strikes the very heart of the right of the Petitioner

As none existed. This is contrary and in conflict with the law, this is a "Void Judgment." A void judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded, or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal binding force or efficacy for any purpose or at any place, it is not entitled to enforcement. All proceedings founded on the void judgment are themselves regarded as invalid. 30A AM JUR judgments 44, 45." Evidence clearly showed that the Opinions and the judgment has affected the right and interest of the Petitioner. Underwood v. Brown 244 S.W. 2d 168 1951; Earl v. McVeigh 91 U.S. 503 23 L Ed 398; Fritts v. Krugh Supreme Court of Michigan 92 N.W. 2d 604, 354 Mich 97(19/13/58).

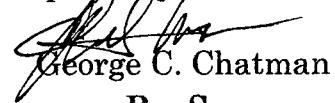
Reasons for granting a Writ of Certiorari

A conversion of property without due process of law under the Social Security Act violates federal constitutional law. A judgment may not be rendered in violation of constitutional protections. Earl v. McVeigh 91 U.S. 503 23 L Ed 398. We are instructed by law that no man or woman so high and mighty is above the law and that we are all creatures of the law and we are bound to honor it. U.S. v. Lee 106 U.S. at 220 1 S.C.T. at 261(1882). The Opinion and the judgment is an error of law and violation of the rule of law and abuse of authority by abolition of his right. The Petitioner has the right federally and constitutionally to possess his social security, has a legitimate claim of entitlement to the benefit. Certiorari must be granted.

In Conclusion

In our Republic we the citizens are not governed by the will of men, but by the rule of law. It is a guarantee clause of Article IV section 4 of the constitution, and no judgment should be rendered in violation of the rule of law to convict or exonerate or to abolish and deny a person's right without defending himself in the court of law or, before conversion of his or her property takes place secured by laws of the United States without incurring consequences of criminal act. *Olmstead v. United States* 277 U.S. 438 1928. On February 5, 2018 the Petitioner received a letter, offer to compromise from the Respondent in the amount of \$20,000 this is admission of their guilt, the Petitioner rejected the offer for the following reasons; Almost 4 years the Petitioner suffered and was denied of his right tossed to and fro to fight for his right why waited for all this years to make an offer after the Petitioner won on the first Appeal? And the Petitioner demand to pay for the interest incurred beginning Day 1 up to the present and to pay for the punitive damages for deprivation and for intentional violation to disregard his right secured by the constitution and laws of The United States. I humbly ask this Hon. Court to reverse the judgment and grant The Petitioner the relief that he asked for it.

Respectfully Submitted By:



George C. Chatman
Pro-Se

Dated: January 4, 2021

Appendices:

Appendix A: Declaration of Ann Wadagnolo Page 3 Line 1

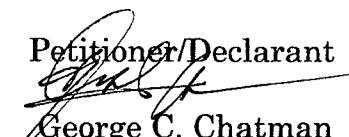
Ann Wadagnolo was a Senior Vice President and Chief Risk Officer for Arrowhead Credit Union and worked for Arrowhead for 26 years and have been designated as a custodian of records for the Credit Union for over fifteen years, and declared that records do indicate that Mr. Chatman visited the Del Rosa Branch on June 10, 2014.

**Appendix B. Testimony of Leslie Yorston under oath during the trial:
Reporter's Transcript On Appeal March 12, 2018 Page 400 Line 1.**

Leslie Yorston was a classification and principal compliance representative and a specialist with the collection advisory team of the Franchise Tax Board, testified that after reviewing the Petitioner's bank statement, she was instructed to return the funds as they were social security.

Certificate of Word Count

I, George C. Chatman certifies and declares as follows: I am the Petitioner of Certiorari and the word count was prepared on Microsoft Office Word Processing Program using 12 point Century School. I have determined the word count of this petition is 5194 including the Appendix and without footnotes which is less than the rule of Court requires.


Petitioner/Declarant
George C. Chatman
Pro-Se

Dated: January 4, 2021.