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20-115

IN THE
SUPREME COURT OF THE
UNITED STATES

CHARLES G. KINNEY, Esq.
Admitted to the bar of the Ninth
Circuit: August 30, 1995
Petitioner,

v.

UNITED STATES COURT
OF APPEALS FOR THE
NINTH CIRCUIT,
Respondent.

On Petition For Writ Of
Certiorari To The
Ninth Circuit Court of Appeals

Ninth Circuit
Case No. 15-80090

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

30+ states have *mandatory* or integrated state bar associations who mostly use temporarily-inactive attorneys serving as "judges" to impose discipline on attorneys. The DOJ and FTC have tried to get Texas (2nd in GDP) and Florida (4th in GDP) to comply with *Dental Examiners*, but failed. The biggest problem is still in California (1st in GDP).

This state bar does not have an independent state supervisor (i.e. one not in the legal profession) to review discipline recommendations. Voluntarily-inactive attorneys are considered "active member participants" by the FTC [see 2015 staff report].

California argues [as many do] that: (1) its state bar judges are "inactive" attorneys [which ignores the FTC report]; and (2) its rules are equivalent to an affirmatively-stated and clearly-articulated state policy because its rules are "so detailed and prescriptive" that they "remove" all "discretion".

California's discipline adversely impacts the legal services market. Anti-trust violations by the Cal. State Bar and Cal. Supreme Court occur when petitions for review are denied so that the State Bar's ***un-reviewed*** "recommendation" becomes a "final judicial determination" [CRC Rule 9.16(b)]

Why was Kinney's motion to vacate his "reciprocal disbarment" denied given that *Dental Examiners* was ignored by the Cal. State Bar (2015); Cal. Supreme Court (2016); and Ninth Circuit (2017)?

PARTIES TO THE PROCEEDINGS

The parties to this proceeding are those appearing in the caption to this petition.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Charles Kinney requests that a writ of certiorari issue to review the "final decision" by the Ninth Circuit on April 7, 2020 [Ninth Circuit Case #15-80090, Dk #29]. That order denied Kinney's motion to vacate the Ninth Circuit's June 28, 2017 "reciprocal disbarment" order against then-attorney Kinney [Ninth Circuit Case #15-80090, Dk #23].

As before, there should have been an independent review of the record, but that was not done. See *In re Rosenthal, In re Kramer*, Fed.R.App.P. 46.

As occurred before (see SCOTUS #17-510), the Ninth Circuit agreed to what the Cal. State Bar and the Cal. Supreme Court said and did, even though there had *never* been compliance with the Feb. 2015 *Dental Examiners* decision. There was no review and no written report with findings by an independent state supervisor, and there had never been a state policy about disbarring government or judicial corruption whistle-blowers like Kinney. North Carolina State Bd. of Dental Examiners v. FTC, 135 S.Ct. 1101, 1109-1117 (2015) which further explained the two-prong test found in Cal. Retail Liquor Dealers Ass'n. v. Midcal Aluminum, Inc., 445 U.S. 97 (1980).

At this point, a "*time-line*" would be instructive.

On May 21, 2015, the Ninth Circuit started its own "reciprocal disbarment" investigation in #15-80090 [Dk #1] during which Kinney provided extensive testimony and many documents to the Ninth Circuit.

By Oct. 2015, the FTC issued its Staff Guidance on Active Supervision of State Regulatory Boards

Controlled by Market Participants. The FTC made it clear that an independent state supervisor could not be a temporarily-inactive attorney (but that is precisely what the Cal. State Bar and Cal. Supreme Court contains [i.e. voluntarily-inactive attorneys who make disciplinary decisions against active attorneys]).

It is assumed the Ninth Circuit got this document at this time. The Calif. Supreme Court referenced this 2015 FTC document in Sept. 2017.

In Sept. 2016, the "state action defense" was explained in detail by the Federal Trade Commission ("FTC") and the Department of Justice, Antitrust Division ("DOJ") in a joint Amicus Curie brief [filed in Teladoc, Inc. v. Texas Medical Board, US Court of Appeals, Fifth Circuit, Appeal #16-50017] as *"entirely distinct"* and *"qualitatively different from ... immunities"* [e.g. 11th Amendment immunity that was used by the Ninth Circuit to dismiss Kinney's Sherman Act appeal #16-16689 in 2017 (see SCOTUS #18-509)].

On Sept. 26, 2017, the Calif. Supreme Court issued its Sept. 2017 State Bar Antitrust Policy (Adm. Order 2017-09-20) in which it cited the Oct. 2015 FTC Staff Guidance report, but argued that its Calif. Rules of Court ("CRC") and statues were so precise that those removed any "discretion" from State Bar decisions (which appears to be a false characterization long before 2014; see SCOTUS #16-252). Kinney provided that reference in his motion to vacate.

On March 12, 2018, the DOJ filed a Statement of Interest in the TIKD Services v. The Florida Bar case, US District Court, So. Dist. of Florida, Miami Div., Case #1:17-cv-24103-MGC [Dk #115]. The DOJ stated that a state regulatory board is not "sovereign" (see pg.

6). The DOJ describes the Florida State Bar as an "arm" of the Florida Supreme Court, which is the same as in Calif. since the Calif. State Bar is an "arm" of the Calif. Supreme Court (see pg. 4). Kinney provided that reference in his motion to vacate.

The Supremacy Clause requires the Ninth Circuit (and the Calif. Supreme Court) to abide by federal anti-trust law which prohibits anti-competitive orders (e.g. a reciprocal disbarment order that is a group boycott of government-corruption-whistle-blowers like Kinney). Ex Parte Young, 209 U.S. 123, 159-160 (1908); Sperry v. Florida ex rel. Florida Bar, 373 U.S. 379, 384 (1963); Goldfarb v. Virginia State Bar, 421 U.S. 773, 790-792 (1975); Bates v. State Bar of Arizona, 433 U.S. 350, 353-362 (1977); Hoover v. Ronwin, 466 U.S. 558, 560-572 (1984); N.C. State Bd. of Dental Examiners v. FTC, 135 S.Ct. 1101, 1110-1117 (2015); Parker v. Brown, 317 U.S. 341, 350-368 (1943); Columbia v. Omni Outdoor Advertising, Inc., 499 U.S. 365, 374 (1991); Klor's, Inc. v. Broadway-Hale Stores, Inc., 359 U.S. 207, 212-213 (1959); 15 U.S.C. Secs. 1 and 2 (Sherman Act).

As of April 7, 2020, the Ninth Circuit knew all of that, but it still denied Kinney's motion to vacate [App. A], even though it didn't apply the *Dental Examiners* reasoning to its "reciprocal disbarment" investigation in #15-80090 at which Kinney provided testimony and documents.

BACKGROUND

Since 2008, Kinney has been repeatedly denied his right to appeal in state courts because Kinney has been falsely labeled as a vexatious litigant twice (once in Nov. 2008 and once in Dec. 2011).

When Kinney attempted to go to federal court to pursue civil rights violations, *Rooker-Feldman* was used to dismiss his cases even though Kinney was precluded from conducting state court appeals. The Ninth Circuit summarily affirmed the dismissals.

The Cal. State Bar initiated disbarment proceedings based on unverified 2009 complaints of 2 private citizens under the fiction that Kinney's losses must mean he is filing meritless lawsuits. The Cal. State Bar "proved" its case-in-chief by judicial notice (rather than by clear and convincing evidence) and, in Dec. 2014, it "recommended" Kinney be disbarred.

The 2009 complaints to the Cal. State Bar were done in retaliation for Kinney's Aug. 2008 success in 165 Cal.App.4th 1344 involving removal of obstructions in public rights of way built by neighbors including his next-door neighbor and LA City-employee Carolyn Cooper. That case was Kempton and Kinney v. City of Los Angeles, and it required the City to force the private property owners to remove their obstructions.

It is time to "***fast forward***" to the 2017-2020 period.

The public nuisances *per se* trees and fences built by Cooper and Harris still exist on public rights of way that abut Kinney's Los Angeles house and property.

In 2016, the FTC and DOJ filed a joint brief in Texas to further explain the *Dental Examiners* ruling.

In 2017, the City of Los Angeles agreed to repair and eliminate ADA barriers in the public right of way (like Cooper's fence and trees) as part of a $3 billion ADA class action settlement, but it has ignored Kinney's requests to remove those obstructions.

In 2017, some City employees were named in an ongoing FBI investigation regarding corruption in the Dept. of Public Works (which is now in the news). One named employee is Joel Jacinto, and he is one of the people responsible for sidewalks and removal of obstructions on sidewalks. It is believed that Carolyn Cooper will also be named since she was a high-level employee in the CAO office. Cooper has received special treatment by the City and Dept. of Public Works including a ADA non-compliant sidewalk [with a rough river-rock surface] in the public right of way in front of her house at 3531 Fernwood Ave., Los Angeles, all of which was built without permits.

In 2018, the DOJ filed a brief in Florida to further explain the *Dental Examiners* ruling.

When this Court decided the *NC Dental Examiners* case, that ruling required the Cal. State Bar and the Cal. Supreme Court to have: (1) an independent state supervisor who was not an attorney [active or temporarily-inactive]; (2) an independent review by that supervisor of any State Bar "recommendation"; (3) a written report with findings by that supervisor, and (4) a clearly-articulated and affirmatively-expressed state policy about disbarring government-corruption whistle-blowers like Kinney. None of that existed in Feb. 2015; and none of that exists now.

Kinney's disbarment and vexatious litigant labels were an abuse of power by the government including the City of Los Angeles and certain judicial officers. For example, this abuse has resulted in numerous violations of bankruptcy law; see *Kinney v. Clark*, 12 Cal.App.5th 724 (Cal. 2017) and 11 U.S.C. Sec. 524.

This abuse of power can adversely affect 250,000+ lawyers in California and their clients {including corporations}, and adversely affect many of the 1 million civil cases filed each year.

Special rules have applied to Kinney from 2008 onward. Kinney was sanctioned in 2008 and 2011 when he was just the attorney, not a litigant.

Had the Ninth Circuit actually done an "independent review" of the record, the misstated facts and law about Kinney, and his cases would have become obvious since most the "facts" are shown by dockets, documents, surveys, photos, videos, and admissions by the wrongdoers (e.g. Cooper's often-repeated but false statement that there are "no sidewalks" in the Silver Lake area of Los Angeles).

The records before the Cal. State Bar and the Ninth Circuit showed that Kinney's cases and arguments had merit, and each was supported by applicable law.

The Calif. Supreme Court intentionally ignored its job in 2016 by denying Kinney's petition for review without addressing the *Dental Examiners* criteria.

The "reciprocal disbarment" process requires specific fact finding and application of proper law, neither of which was done by the Ninth Circuit in 2017 or 2020.

The Ninth Circuit has many times used unsupported facts, dicta and false facts in making adverse rulings against Kinney (e.g. as opposed to obtaining the true facts from dockets, documents or photos). It then applied the wrong or inapplicable law to Kinney.

For example, incorrect dates were used to justify adverse rulings against Kinney (e.g. as to the Oct. 27, 2008 tentative ruling that required a signed order, but that did not occur until Nov. 19, 2008 which was 12 days after Kinney dismissed himself as a party).

Often, the distinctions between a party (who could be made a vexatious litigant if he was a self-represented litigant, and could dismiss himself) and the attorney (who could not be a vexatious litigant, but who could not dismiss himself because he wasn't a party) were intentionally blurred (e.g. even though Kinney was never joined in any of Kempton's cases).

Other times, the wrong law was used (e.g. as to improperly-placed boundary line fences which could not give rise to adverse possession because property taxes weren't paid and the fence locations were not adverse because oral permission was given VS. public nuisance per se fences obstructing a public right of way which can never be granted adverse possession rights but which still remain to benefit neighbors Cooper and Harris).

Kinney's legal practice had been blemish-free until a few rogue judges and justices started fabricating facts about Kinney from 2008 onward and entering rulings as to Kinney in the complete absence of all subject matter jurisdiction and, sometimes, with a complete lack of personal jurisdiction over Kinney as a "party" to a case or appeal (e.g. *In re Kinney*).

Given the 2008, 2011, and 2017 vexatious litigant rulings against Kinney in the state courts, it is clear these rogue judges and justices wanted an expanded vexatious litigant law that could include all clients and attorneys, not just the self-represented litigants.

The Calif. Legislature did not allow that expansion via Senate Bill 603 (2011-2012 Reg. Legis. Sess.), so this was judicially created over the last 9 years by improperly characterizing Kinney's cases and his status, and then using judicial "inherent authority" powers to overrule the Calif. Legislature (which violates the separation of powers doctrine).

I. Summary of Misstated Facts and Law

Some of the main points in Kinney's favor that were ignored by the Ninth Circuit's "independent review" (even though these facts and law exist in the dockets, documents, photos, video, and surveys) include:

A. *The Fernwood Cases*

i. *Cooper's and Harrises' cases*

1. Cooper had built a boundary line fence in the wrong place (with oral permission from Clark), but got adverse possession of 57 square feet of Kinney's land without paying property taxes as required in Cal. Code of Civil Procedure Secs. 318 and 325. The law requires a boundary-line fence to be relocated by survey, but Calif. Judge Grimes ignored that law.

2. Cooper, a high-level City employee, built a public nuisance per se fence in the public right of way of Cedar Lodge Terrace which abutted Kinney's land. Cooper was cited by City of Los Angeles for a nuisance in Nov. 2006, but that obstructing fence remains. The law requires the fence's removal, but the City refuses to enforce the law.

3. Neighbors Harris built a public nuisance per se fence in the public right of way which abutted

Kinney's land, and they were cited by the City for nuisance. That fence remains and the City refuses to enforce the law.

4. Kinney prevented Cooper from gaining control of over 400 more square feet of his land, but Kinney was not given the status of a prevailing party.

5. It doesn't matter how many cases Kinney filed against Cooper (e.g. because she kept violating Kinney's rights) but the number of Kinney's losses kept increasing because the deck was stacked (e.g. by Judge Grimes' false statements).

6. It is false to say that a "written agreement" existed between Kinney and Cooper, or between Cooper and Clark. No such written agreement exists and the Ninth Circuit knows this.

7. Judge Grimes ignored Kinney's success, so it is incorrect to say Kinney "lost" the fence suit against Cooper." For a misplaced boundary line fence, it doesn't matter if it is "open and notorious"; that doesn't mean Cooper gets adverse possession of Kinney's land since Cooper placed the fence in its current location with oral permission from Clark in 1991 and since Cooper never paid any property taxes as to that land.

8. Kinney lost his fence case against Harris as to a long-ago established easement, but the record shows this was an unjust result because deeds prove a predecessor-in-title owned both lots, and built his garage on Kinney's lot with a driveway across Harris' lot), so this is an easement by grant.

9. It is false to say that there is no public or private nuisance created by Copper's fence on Cedar Lodge Terrace since photos and surveys show encroachment into the public right of way for which Cooper was cited for a nuisance by the City in Nov. 2006.

10. It is false to say that there is no public or private nuisance created by the Harrises' fence on Cedar Lodge Terrace since photos and surveys show encroachment into the public right of way for which Harris were cited for a nuisance by the City in Nov. 2006.

11. Calif. Judge Grimes' 2007 order misstated the facts since Kinney did not bring "baseless" litigation against the City (i.e. 165 Cal.App.4th 1344) since both Cooper and Harris had built public nuisance per se fences in the public right of way on Cedar Lodge Terrace, and since Cooper obtained adverse possession of Kinney's land without paying the property taxes and without her possession being adverse since Clark had given oral permission for the boundary line fence in 1991. *Kempton v. City of Los Angeles* at 165 Cal.App.4th 1344 defined a public nuisance per se, holds the City must take steps to remove it, and agrees Kinney and Kempton have standing, but the lower court failed to follow the law of the case and those public nuisances per se still exist. Judge Grimes ignored Cooper's public nuisance per se and ignored Kinney's success at repelling Cooper's attempt to get 400 more square feet of his land, and ignored Kinney's right to protect the $719,000 investment (i.e. the 2005 purchase price from Clark), so Kinney was not a "relentless bully". Rather, Cooper is the "bully" for using her employment with the City to ignore the Nov. 2006 citations to abate nuisances issued to her and Harris

(after they all had a secret meeting with the City in Dec. 2006). [The City has been conducting a Safe Routes to School ("SRTS") campaign to benefit children who have no sidewalks and thus must walk in the streets going to school due to obstructing fences like Cooper's and the Harris'.]

12. Kinney prevailed on his main litigation objective as to Cooper (e.g. since Kinney protected 400 sq. ft. of his property, but only lost 57 sq. ft. to Cooper), but Kinney was not declared the prevailing party.

13. Kinney prevailed on his main litigation objective as to the Harrises (e.g. since they stopped harassing him now that they knew Kinney's video had caught them in acts of vandalism in the middle of the night), but Kinney was not declared the prevailing party.

ii. *Clark's cases*

14. Seller Clark intentionally concealed adverse development restrictions "unilaterally imposed in 1991 by the Harrises during the Sept. 2005 purchase negotiations with buyers Kempton and Kinney for which Kinney has never had his day in court. As tenant-in-common buyers, they are business partners for which the "privity" rules do not apply when Kinney is not joined as a party.

15. Kinney's filing of a large number of lawsuits is not frivolous or vexatious. The large number of cases results from the large number of defendants who are violating Kinney's rights.

16. Clark declared bankruptcy on July 28, 2010 but that created an automatic stay (e.g. on any state

court summary judgment orders in favor of her real estate brokers), which the state courts have ignored.

17. Clark and her attorneys Marcus et al have continued to file state court motions for attorney's fees based on unenforceable pre-petition contracts (e.g. the 2005 purchase contract with Kinney, and the 2007 hourly-fee retainer with attorneys Marcus that contains an attorney's lien or charging lien), which certain judges in the federal courts and the Ninth Circuit refuse to stop even though it violates bankruptcy law. Both the state and federal courts have resorted to misstating prior appeals to justify their positions (e.g. as to ignoring bankruptcy fraud).

18. None of the state court attorney fee "cost" orders from 2007 onward are valid against Kinney since Clark's attorneys Marcus failed to comply with state law as to their 2007 hourly-fee retainer with a charging lien (e.g. the *Mojatehdi, Brown* and *Fletcher* cases), and since they failed to prove the existence of a secured lien in federal court from 2010 onward.

19. All state court vexatious litigant orders against Kinney were prohibited by explicit statutes, but the state and federal courts ignored those laws (e.g. Cal. Civil Code Secs. 391 et seq; and Sec. 581). For example, the Ninth Circuit repeated the fiction (e.g. as shown by the dockets) that Kinney was a party when the Nov. 19, 2008 vexatious litigant order was issued, that Kinney was a party in *In re Kinney*, and that Kempton was Kinney's puppet (contrary to the State Bar's findings after a "trial").

20. Calif. Justice Boren again created confusion by retroactively making Kinney a party in the Clark case in Sept. 2014 and granting pre-petition attorney

fees against Kinney (which were owed by bankruptcy debtor Clark to her own attorneys Marcus as listed in Clark's 2010 bankruptcy schedules). The lower court then refused to follow the law of the case by vacating Kinney's Nov. 7, 2008 dismissal and allowing Kinney to post $20,000 in security to proceed with his fraud-in-the-inducement case against Clark. Additional confusion was created by Clark and her bankruptcy attorney Takeuchi by adding attorney fees in the repeatedly-amended bankruptcy schedules based on unenforceable pre-petition contracts for which Clark no longer has any obligation (e.g. so Clark cannot incur attorneys fees under Cal. Civil Code Sec. 1717).

iii. *City of Los Angeles' cases*

21. Kinney and Kempton prevailed in the Court of Appeal as to their case against City of Los Angeles for failing to have Cooper's and the Harrises" public nuisances per se fences removed from the public right of way (see 165 Cal.App.4th 1344). That result is directly in line with the federal *Fortyune* case, but the state court refused to follow the law of the case and ruled for the City after the appeal.

22. Kinney also prevailed in the driveway case since the City allowed Kinney to reconstruct the wide driveway as originally permitted.

B. *The Smedberg cases*

23. Smedberg sued Toste in 2006, so the Tostes were defendants (e.g. so the vexatious litigant law did not apply to Toste or Kinney).

24. Smedberg could only grade their "driveway" on property on the other side of Toste's fences because

an El Dorado County 2006 grading plan (i.e. a "permit") said so. However, Smedberg concealed that "permit" from Toste (as did El Dorado County). It didn't matter that easements existed on both sides of Toste's fences because the 2006 grading "permit" didn't allow Smedberg to grade Toste's land. Gerald Toste was entitled to abate a nuisance under Cal. Civil Code Sec. 3502, but the state and appellate courts ignored that because they too did not know of the concealed 2006 grading "permit". Gerald Toste was sentenced to 60 days in jail, but only served about 2 days because Judge Proud failed to properly issue that contempt order (which was based on Gerald's attempts to abate an illegal driveway being built by Smedberg in 2006) since that "driveway" was built before the Smedberg's 2007 state court trial in a way to preclude Toste's use of their own land.

25. Toste has not been allowed to pursue El Dorado County for its extrinsic fraud due to its willful concealment of the 2006 grading plan "permit" for the benefit of Smedberg during the 2007 state court trial, and for its refusal to enforce its 2006 permit against that nonconforming "driveway".

C. *The vexatious litigant rulings*

26. The Oct. 27, 2008 vexatious litigant tentative ruling did not have the required 5 losses in 7 years by a self-represented litigant (e.g. Kinney was NOT a party in the 2001 Van Scoy case, the 2001 Luc case, or the 2006 Payne case; and both the 2001 Van Scoy and 2001 Luc cases were more than 7 years old), and the tentative ruling required a signed order. Once Kinney was no longer a party, Judge Lavin could not issue a "sanction" against him under the vexatious litigant law.

27. The actual vexatious litigant order was issued on Nov. 19, 2008 after Kinney was no longer a party in that case via CCP Sec. 581 on Nov. 7, 2008 (e.g. so it is incorrect to say "Kinney was declared a vexatious litigant". Cal. Justice Boren then ***unilaterally*** dismissed Kinney's appeal in Jan. 2009, contrary to Cal. Const., Art. VI, Sec. 3, which requires a majority of a 3 justice panel, as he did to Kinney's appeals thereafter.

28. The 2011 vexatious litigant order was issued by Cal. Justice Roger Boren based on his unsupported dicta that co-buyer and business partner Kempton was a "puppet" of Kinney [*In re Kinney*, 201 Cal.App.4th 951]. However, no facts supported Justice Boren's finding, and no hearing was ever held. (Later, the State Bar found Kempton was NOT the puppet of Kinney; so which decision is correct – the one without any hearing or testimony, or the one with a hearing and testimony?) There were other factual errors in *In re Kinney* including errors about the Toste case and the Laguna Beach cases (e.g. as clearly shown by the dockets). As of Dec. 8, 2011, Senate Bill 731 did not yet give any vexatious litigant power to Calif. Adm. Pres. Justice Roger Boren (who suddenly retired in Feb. 2017 with 2 years left on his tenure) and, even if some power existed for Justices to so rule, ***those powers did NOT extend to attorneys*** in 2011 [e.g. since the Cal. Legislature refused to pass Senate Bill 603 which would have expanded the vexatious litigant law to attorneys even though they passed Senate Bill 731; ***and*** since that was contrary to John v. Superior Court, 63 Cal.4th 91, 93-98 (Cal. 2016)].

29. The 2017 vexatious litigant order was issued against Kinney even though he had an attorney,

William Rubendall, at all times, so there is no subject matter jurisdiction for that opinion (12 Cal.App.5th 724). This opinion included attorney Nina Ringgold even though she was not in this case or appeal. This shows "power" (e.g. a broad vexatious litigant law) is like crack cocaine to this "Gang" – they have to have it (e.g. since the Cal. Legislature refused to allow that expansion via SB 603). The courts and the Ninth Circuit have refused to address the First Amendment and anti-trust violations (e.g. refusal to allow an appeal of an adverse ruling to be filed or to proceed, and then applying the *Rooker-Feldman* doctrine to an un-appealed adverse lower state court ruling); or to address the unconstitutionally-vague and overbroad California vexatious litigant ("VL") law. Johnson v. United States, 135 S.Ct. 2551, 2557-2563 (2015).

D. *The State Bar matters*

30. The 2012 State Bar matter was not a State Bar investigation (i.e. by a bar association) because, if it was, it would have a "SBI" designation. Rather, it was based on a complaint filed by Cooper and a complaint filed by Smedberg. Both complaints were unverified as required by Cal. Bus. & Prof. Code Sec. 6108, so the State Bar never had subject matter jurisdiction over Kinney to initiate these disbarment proceedings regardless of who "prepared" the charges.

31. The State Bar allegedly proved its case-in-chief by requesting judicial notice of court files, but that does not prove the truth of the matter as stated in those court files, and it does not meet the State Bar's burden of proof of wrongdoing by clear and convincing evidence. The facts as stated in court documents cannot be accepted for the "truth of the

matter" via requests for judicial notice, so those are not "relevant' evidence under state or federal law. These were also disputed by the dockets, documents, surveys, photos, videos and/or admissions by Cooper and Smedberg. Cal. Evidence Code Secs. 450 et seq. ("reasonably subject to dispute"); Cruz v. County of Los Angeles, 173 Cal.App.3d 1131, 1134 (Cal., 1985); Beckley v. Reclamation Board, 205 Cal.App.2d 734, 741-742 (Cal. 1962); In re Marriage of Eaddy, 144 Cal.App.4th 1202, 1209 (Cal. 2006); Fed.R.Evid. 201; Taylor v. Charter Med. Corp., 162 F.3d 827, 829-832 (5th Cir. 1998).

II. The Ninth Circuit Knew About All of This

Most of these issues were briefed in the numerous responses and filings by Kinney in the Ninth Circuit reciprocal disbarment matter, No. 15-80090, and at the hearing before the Appellate Commissioner for which Kinney had the orally recorded transcript transcribed on paper and then provided to the Ninth Circuit.

These issues have also been briefed in Ninth Circuit appeals on many occasions by Kinney, and noted in filings in the reciprocal disbarment proceeding. For example, past Ninth Circuit matters include in no particular order: (1) Kinney v. State Bar of California, Ninth Circuit Appeal No. 15-55329 [civil rights violations; currently SCOTUS #17-219]; (2) Calif. Supreme Court v. Kinney, Ninth Circuit Appeal No. 15-16184 [civil rights violations]; (3) Kinney v. Lavin, Ninth Circuit Appeal No. 14-17357 [exceptions to judicial immunity; previously SCOTUS #15-5260]; (4) Kinney v. Clark, Ninth Circuit No. 13-55126 [2012 remand in spite of Clark's 2010 bankruptcy, previously SCOTUS #15-5942]; (5) Kempton v. Clark, Ninth

Circuit Appeal No. 15-55546 [2015 remand in spite of Clark's 2010 bankruptcy]; (6) Kinney v. Chomsky, Ninth Circuit Appeal No. 14-56757 [extortion based on unenforceable pre-petition contracts]; (7) Kempton v. Clark, Ninth Circuit Appeal No. 14-60081 [Clark's 2010 bankruptcy without any relief-from-stay order, no reaffirmation or assumption; bankruptcy fraud by falsely amending schedules as to unenforceable prepetition contracts]; and (8) Toste v. County of El Dorado, Ninth Circuit Appeal No. 14-17025 [long-time concealment of County's 2006 grading plan to benefit Smedberg in 2007 state court trial against defendants Toste and attorney Kinney].

There have been additional Ninth Circuit appeals by Kinney since the reciprocal disbarment proceedings started in 2015. These include in no particular order: (1) Kinney v. State Bar, Ninth Circuit Appeal No. 16-16689 [Sherman Act violations by the State Bar]; (2) Kinney v. Gutierrez, Ninth Circuit Appeal Nos. 16-56735 and 16-56750 [improper refusal to rule on Kinney's counterclaim in regards to Kinney's removal of Clark's state court motion for more attorneys fees based on unenforceable pre-petition contracts after her 2012 bankruptcy discharge]; (3) Kinney v. Takeuchi, Ninth Circuit Appeal No. 16-56733 [intentionally-false amendments of Clark's Chapter 7 bankruptcy schedules under penalty of perjury based on unenforceable pre-petition contracts, which is bankruptcy fraud under 18 U.S.C. Secs. 152 and 157]; (4) Kinney v. Clark, Ninth Circuit Appeal No. 16-56162 [attempts by unsecured creditors of Clark to collect on unenforceable pre-petition contracts from Kinney after Clark's 2012 bankruptcy discharge which violates the FDCPA]; (5) Kinney v. Clark, Ninth Circuit Appeal Nos. 16-55343 and 16-55347 [attempts by Chapter 7 debtor Clark and her

unsecured-creditor attorneys Marcus to obtain state court attorney fee orders against Kinney based on unenforceable pre-petition contracts for which attorneys Marcus never satisfied state law requirements for enforceability as to their retainer]; (6) Kinney v. Clerk of Cal. Court of Appeal, Ninth Circuit Appeal No. 17-55081 [improper and ongoing refusal to assign an appellate case number to Kinney's 2012 appeal as a "defendant" for ongoing ocean pollution nuisance case in Laguna Beach, and one of the matters falsely characterized in *In re Kinney*]; (7) Kinney v. Three Arch Bay Comm. Serv. District, Ninth Circuit Appeal No. 17-55899 [Clean Water Act case for ongoing ocean pollution in Laguna Beach, and one of the matters falsely characterized in *In re Kinney*]; and (8) Kinney v. Rothschild, Ninth Circuit Appeal No. 17-56356 [vexatious litigant ruling by Cal. Court of Appeal against represented appellant Kinney, contrary to limitations in that Calif. statute, Code of Civil Procedure Sec. 391 etc].

III. Request for Judicial Notice

As to all the Ninth Circuit appeals, judicial notice is requested of the SCOTUS petitions filed by Kinney regarding these appeals and matters alleged therein.

The above do not include SCOTUS petitions filed by Kinney as to improper state court rulings (e.g. by Cal. Justice Boren when he issued a $175,000 security order against represented appellant Kinney, contrary to the vexatious litigant statute).

OPINIONS TO BE REVIEWED

On April 7, 2020, the Ninth Circuit denied Kinney's 2020 motion to vacate its 2017 reciprocal

disbarment order against Kinney [App. A, pg. 1, and App. B, pg. 2, respectively]

For over 31+ years, Kinney was an attorney who was required to be a "member" of the "unified" California State Bar, but who was never before subjected to discipline during his legal career.

Given his long legal career, Kinney had a vested property right in his legal practice and his law license, for which he was entitled to due process if that right was being revoked. Laisne v. Cal. State Board of Optometry, 19 Cal.2d 831, 835 (Cal. 1942).

During his long legal career, Kinney has engaged in interstate commerce [e.g. granted *pro hac vice* status in Colorado regarding his family's mineral interests which is an ongoing interstate enterprise; see Keith v. Kinney, 961 P.2d 516 (Colo. App. 1997); Kinney v. Keith, 128 P.3d 297 (Colo. App. 2005); Keith v. Kinney, 140 P.3d 141 (Colo. App. 2006)].

Kinney's extensive involvement with interstate commerce triggers protection under the Sherman Act, Commerce Clause, and other federal statutes as to the failures to act by a state "judicial" court in "support" of the anti-competitive acts by a state administrative agency that controls the right of an attorney to practice law.

Respondent made decisions that have violated Kinney's "federal" constitutional rights (e.g. First Amendment) and that eliminates any sovereign immunity. Fitzpatrick v. Bitzer, 427 U.S. 445, 448 (1976); Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 102-106, 123 n. 34 (1984); Patrick v. Burget, 486 U.S. 94, 101-104 (1988); Pennsylvania v.

Union Gas Co., 491 U.S. 1, 57 (1989); F.T.C. v. Ticor Title Ins. Co., 504 U.S. 621, 631-638 (1992).

Respondent has ignored requirements under the Sherman Act, the Commerce Clause and the civil rights laws, and in particular ignored US Supreme Court decisions in Goldfarb v. Virginia State Bar, 421 U.S. 773 (1975) ["*Goldfarb*"]; F.T.C. v. Phoebe Putney Health Systems, Inc., 133 S.Ct. 1003 (2013) ["*Phoebe Putney*"]; and State Board of Dental Examiners v. F.T.C., 135 S.Ct. 1101 (2015) ["*Dental Examiners*"].

OPINIONS BELOW

The judgment(s) sought to be reviewed (in reverse chronological order) are:

1. The April 7, 2020 "final" order by the Ninth Circuit which denied Kinney's 2020 motion to vacate the 2017 "reciprocal disbarment" order ***even though NO state bar or court satisfied*** the 2015 *Dental Examiners* requirements [App. A, 1][1]; and

2. For the Court's convenience, the June 28, 2017 order by the Ninth Circuit which adopted the April 25, 2017 Report and Recommendation as prepared by the Appellate Commissioner and ordered the reciprocal disbarment of Kinney [App. B, 2].

These decisions preclude Kinney's attempt to petition the government for redress of his grievances under the First Amendment of the US Constitution (e.g. especially as to Kinney's right to appeal which has been precluded, denied or summarily dismissed),

[1] Citation method is Appendix ("App."), exhibit letter, and sequential page number.

impose excessive fines and penalties on him, and violate his federal constitutional and due process rights.

JURISDICTION

The jurisdiction of this Court is invoked under the provisions of Title 28, United States Code, Secs. 1254(1), 1257(a), and 2101(c).

The Ninth Circuit did not follow the law before deciding on a 2017 reciprocal disbarment of Kinney or Kinney's 2020 motion to vacate that prior order [Apps. A and B]. In re Kramer, 193 F.3d 1131, 1132 (9th Cir. 1999); In re Kramer, 282 F.3d 721, 722-725 (9th Cir. 2002) [need "independent review of the record"]; American Railway Express Co. v. Levee, 263 U.S. 19, 20-21 (1923); Cohen v. California, 403 U.S. 15, 17-18 (1971); Michigan-Wisconsin Pipe Line Co. v. Calvert, 347 U.S. 157, 159-161 (1954).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This Court has jurisdiction to address violations of state and/or federal law by the state judicial courts (e.g. Calif. Supreme Court), by state administrative agencies (e.g. Calif. State Bar), by the district courts, and/or by the Ninth Circuit.

The federal courts have exclusive and original jurisdiction under 28 U.S.C. Sec. 1331, 1441, and/or 1443 to consider reciprocal disbarment and/or violations of the Sherman and Clayton Acts (15 U.S.C. Secs. 1 et seq and 12 et seq) and violations of the Commerce Clause.

The federal courts have exclusive and original jurisdiction under 28 U.S.C. Sec. 1331, 1441, and/or 1443 to consider violations of the civil rights acts (e.g. under the Civil Rights Act of 1866 ("CRA") which applies because Kinney is a direct lineal descendant of Irish immigrants who were subjected to the Civil War draft in 1863, and for whom the CRA was enacted even though they were "white" citizens).

STATEMENT OF THE CASE

This petition involves the failure of the Ninth Circuit to conduct an independent review and apply *Dental Examiners* when considering a 2020 motion to vacate its own 2017 "reciprocal disbarment" order. In re Kramer, 282 F.3d 721, 722-725 (9th Cir. 2002).

This petition is also about preventing Kinney from pursuing and protecting his federal rights (e.g. to his First Amendment rights; to his due process rights) and his state rights (e.g. to a properly conducted disciplinary process that follows state law, due process procedures, and *Dental Examiners*).

As noted, there have been other petitions filed in this Court ("SCOTUS"). These include: (A) No. 15-5260, Kinney v. Lavin et al, regarding unauthorized state court rulings made in the complete absence of subject matter jurisdiction against Kinney; (B) Nos. 15-6896, 15-6897 and 15-7133, Kempton v. Clark and her attorneys Marcus et al, regarding ongoing bankruptcy fraud both before and after debtor Clark was discharged as to unenforceable pre-petition contracts; (C) No. 16-252, Kinney v. Cal. Supreme Court et al; regarding violations of Kinney's federal rights by the Cal. State Bar and others, and Kinney's removal of that matter to the federal district courts;

(D) No. 17-219, Kinney v. State Bar regarding civil rights violations by the State Bar and others; and (E) No. 17-510, Kinney v. Ninth Circuit as to its 2017 reciprocal disbarment decision.

SUMMARY OF LOWER COURT PROCEEDINGS

Kinney provided a detailed background in SCOTUS #17-510 which he incorporates by reference and requests judicial notice of those matters.

> On May 21, 2015, the Ninth Circuit commenced reciprocal disbarment proceedings in #15-80090 by filing the Cal. State Bar's Dec. 12, 2014 opinion.
>
> On June 4, 2015, the Ninth Circuit issued an order to show cause as to reciprocal disbarment proceedings against Kinney.
>
> On July 8, 2015, the Ninth Circuit stayed the reciprocal disbarment proceedings.
>
> On Nov. 9, 2015, the Ninth Circuit ordered that Kinney file a further status report.
>
> On May 25, 2016, the Cal. Supreme Court denied Kinney's petition for review, sent him a notice of disbarment, and imposed over $25,000 in costs.
>
> On May 27, 2016, the Ninth Circuit lifted the stay on the reciprocal disbarment proceedings, and confirmed

that *In re Kramer* was applicable to this proceeding.

On July 27, 2016, the Cal. Supreme Court denied Kinney's petition for rehearing.

On Jan. 1, 2017, the Ninth Circuit advised Kinney of his right to a hearing.

On April 25, 2017, the Appellate Commissioner for the Ninth Circuit filed a Report and Recommendation that would reciprocally disbar Kinney.

On April 25, 2017, the Ninth Circuit said the Report and Recommendation should be served on Kinney and advised of his right to file an objection, which Kinney did.

On June 28, 2017, the Ninth Circuit adopted in full the Report and Recommendation and disbarred Kinney [App. B, 2].

To date, Cooper and Harris have never apologized for their obstructing fences which still block the public right-of-way and abut Kinney's property, or had the City recall the 2006 abatement notices.

To date, Clark has never apologized for concealing development restrictions during contract negotiations in 2005 which she and her real estate brokers knew about *before* that house was listed

for sale (e.g. because, in 1991, Harris recorded development restrictions on the house and detached garage, which the brokers discovered in a title search prior to listing the property).

To date, the City of Los Angeles has never apologized for failing to enforce the public's rights of way.

To date, Smedberg has never apologized for building a non-permitted road in the 100 foot buffer zone for Toste's perennial stream in El Dorado County. The 2006 county grading "permit" issued to Smedberg clearly showed he built part of his road in the wrong place, but he never apologized. It was later learned El Dorado County had concealed Smedberg's county grading permit for years, but El Dorado County has never taken steps to have illegal parts of that road removed (e.g. it is still a nuisance).

As to the nuisances caused by Cooper, Harris and Smedberg, they could have each avoided all the "aggravation" by simply removing their nuisances.

As to the fraud-in-the-inducement by Clark, she avoided a trial by declaring bankruptcy in 2010 which resulted in prepetition contracts (i.e. 2007 hourly-fee retainer and 2005 purchase contract) becoming unenforceable in state court as a matter of federal bankruptcy law.

As Kempton's lawyer, Kinney could not miss deadlines or not proceed with her cases simply because he was a vexatious litigant. Kinney's only choice was to ask permission to file a case or appeal *in pro per* (which he did many times), but "attorney" Kinney still had to timely file Kempton's cases and appeals if the court delaying or denied permission. That explains why Kinney had to timely file Kempton's case or appeal when it took "too long" for him to get permission.

It should be noted that not once did opposing counsel interplead or join Kinney into a case or appeal in which Kempton was the only plaintiff (e.g. on the grounds that Kinney was an indispensible party because he was a co-owner of the LA property and business partner of Kempton). Had opposing counsel done that, Kinney would have been labeled as a "defendant" and not required to post security, so that is why opposing counsel never tried to join Kinney as a party. However, now that the state cases have concluded, opposing attorneys Marcus et al for Clark argue that Kinney is still somehow a "party" in LASC BC374938 as does Justice Boren by his Sept. 2014 opinion.

This petition is being filed to address the failure of the Ninth Circuit to vacate the 2017 "reciprocal disbarment" order against Kinney based on its and California's continuing failure to comply with the Feb. 2015 *Dental*

Examiners ruling (as explained in detail by the DOJ and FTC from Oct. 2015 to March 2018).

STATEMENT OF FACTS

A. Summary Of Statutory Provisions

The courts may not exercise jurisdiction inconsistent with the Constitution of the United States, with the California Constitution, or with applicable statutes.

Kinney was subjected to discipline by the Cal. State Bar, Cal. Supreme Court, and Ninth Circuit based on misstated facts; non-verified complaints by 2 complaining persons; "void" Nov. 19, 2008 vexatious litigant orders; and a "void" 2011 *In re Kinney*.

The Cal. State Bar failed to follow state law and its rules, and ignored the *Dental Examiners* ruling, resulting in anti-competitive decisions that were never reviewed by an independent state supervisor and that never followed a state policy.

The Ninth Circuit failed to follow the *Dental Examiners* ruling for its "reciprocal disbarment" proceedings and denial of Kinney's motion to vacate.

B. Brief Statement of the Facts

Petitioner Kinney has been a "member" of the "unified" or integrated Cal. State Bar since 1975.

On Dec. 12, 2014, the Review Department of the State Bar recommended disbarment of Kinney.

In May 2015, the Ninth Circuit started "reciprocal disbarment" proceedings against Kinney.

On May 25, 2016, the California Supreme Court denied Kinney's petition for review.

On July 27, 2016, the California Supreme Court denied Kinney's request for rehearing, and Kinney was disbarred and "fined" over $25,000 for the State Bar's "costs" in the disciplinary process.

On April 25, 2017, the Appellate Commissioner for the Ninth Circuit filed a Report and Recommendation. On June 28, 2017, the Ninth Circuit adopted the Report and Recommendation and reciprocally disbarred attorney Kinney [App. B].

In March 2020, Kinney filed a motion to vacate the Ninth Circuit's "reciprocal disbarment" based on his *discovery* of the 2016 DOJ/FTC filing, the 2017 State Bar Antitrust Policy, and the 2018 DOJ filing.

On April 7, 2020, the Ninth Circuit denied Kinney's motion to vacate [App. A. pg. 1].

REASONS FOR GRANTING THE WRIT OF CERTIORARI

Certiorari Should Be Granted Because The Ninth Circuit Continues to Violate, and Allow the Calif. State Bar and Calif. Supreme Court to Violate, the *Dental Examiners* ruling, to Violate The Sherman Act, and to Violate Kinney's First Amendment and Due Process Rights; And The Method and Application of Alleged Due Process by the Ninth Circuit Severely Impairs Meaningful Review of Important Questions of

Federal Law, And Severely Impairs Rights Guaranteed Under The First, Fifth, Eighth And Fourteenth Amendments; And Is In Conflict With Decisions Of This Court And Other United States Court Of Appeals.

In considering Kinney's motion to vacate, the Ninth Circuit failed to conduct an independent review of the record and ignored Kinney's explanation of the record, contrary to the duties imposed upon the Ninth Circuit as explained in *In re Kramer* [Apps. A and B].

The Cal. State Bar and the Cal. Supreme Court engaged in anti-competitive activities against Kinney from 2009 to 2016, and other courts continue to do so.

The Ninth Circuit adopted what the Cal. State Bar and Cal. Supreme Court said rather than engage in an independent review of the record as required.

Moreover, the Ninth Circuit has clear evidence that the disbarment of Kinney was part of a plan to judicially-expand the vexatious litigant law to include attorneys (contrary to state statute and federal law); and to retaliate against Kinney for his 2008 published opinion against the City of Los Angeles.

As a result, that is subject to review by the US Supreme Court. Sherman Act [15 U.S.C. Secs. 1 et seq.]; Clayton Act [15 U.S.C. Secs. 12 et seq.]; Goldfarb v. Virginia State Bar, 421 U.S. 773, 777-792 (1975); F.T.C. v. Phoebe Putney Health Systems, Inc., 133 S.Ct. 1003, 1015 (2013); State Board of Dental Examiners v. F.T.C., 135 S.Ct. 1101, 1110-1112 (2015).

The events here were based on discriminatory retaliation (e.g. via *In re Kinney*) directed at Kinney's

legal advocacy, his clients, and/or his racial-minority clients' pursuit of equal federal civil rights. Civil Rights Act of 1866 (founded on the Thirteenth Amendment, US Constitution); Sullivan v. Little Hunting Park, Inc., 396 U.S. 229, 234-240 (1969) [can pursue clients' rights]; McDonald v. Santa Fe Trail Transp. Co., 427 U.S. 273, 278-285 (1976) [applies to whites and non-whites]; 42 U.S.C. Sec. 1983 (founded on the Fourteenth Amendment, US Constitution).

The Civil Rights Act of 1866 has not been subsumed by federal statutes. Upon a careful review of State of Georgia v. Rachel, 384 U.S. 780 (1966) and other cases, no case ever says that Act was replaced, modified, or rendered moot by any other statute.

The Ninth Circuit's orders [Apps. A and B] were designed to continue to restrict Kinney's First Amendment rights, to restrict his fair access to the courts, and to retaliate against him. Hooten v. H Jenne III, 786 F.2d 692 (5th Cir. 1986); United States v. Hooten, 693 F.2d 857, 858 (9th Cir. 1982).

The Ninth Circuit record contains many examples of retaliation against Kinney, which gave rise to additional federal claims. Sloman v. Tadlock, 21 F.3d 1462, 1470 (9th Cir. 1994); Soranno's Gasco, Inc. v. Morgan, 874 F.2d 1310, 1313-1320 (9th Cir. 1989); Lacey v. Maricopa County, 693 F.3d 896, 916 (9th Cir. 2012); Civil Rights Act of 1866.

Kinney has rights "to petition the Government for a redress of grievances" that includes a right to a review by appeal (which is being routinely denied to Kinney in both state and federal courts); and that First Amendment Right is "one of the most precious of the liberties safeguarded by the Bill of Rights". BE

& K Constr. Co. v. NLRB, 536 U.S. 516, 524 (2002) [quoting United Mine Workers v. Illinois Bar Assn., 389 U.S. 217, 222 (1967)].

A standard of strict scrutiny should be applied to procedural barriers made by rule or statute, as applied in the state appellate courts, which chill or penalize the exercise of First Amendment rights, and act to limit direct review by a higher court. "The consideration of asserted constitutional rights may not be thwarted by simple recitation that there has not been observance of a procedural rule with which there has been compliance in both substance and form, in every real sense." NAACP v. Alabama ex rel. Flowers, 377 U.S. 288, 297 (1964).

Fundamental to the Fourteenth Amendment's right to due-process of law is the opportunity to be heard. Grannis v. Ordean, 234 U.S. 385, 394 (1914).

When a person is deprived of his rights in a manner contrary to the basic tenets of due process, the slate must be wiped clean in order to restore the petitioner to a position he would have occupied if due process had been accorded to him in the first place. Peralta v. Heights Medical Center, Inc., 485 U.S. 80, 86-87 (1988).

Although a particular state is not required to provide a right to appellate review, procedures which adversely affect access to the appellate review process, which the state has chosen to provide, requires close judicial scrutiny. Griffin v. Illinois, 351 U.S. 12 (1956).

An appeal cannot be granted to some litigants and capriciously or arbitrarily denied to others

without violating the federal Equal Protection Clause. Smith v. Bennett, 365 U.S. 708 (1961).

Certiorari should be granted to provide guidance on the method and manner in which both the federal and state courts apply the disciplinary process to attorneys (e.g. under VL laws).

An appearance of impropriety, whether such impropriety is actually present or proven, weakens our system of justice. "A fair trial in a fair tribunal is a basic requirement of due process. In re Murchison, 349 U.S. 133, 136 (1955).

While claims of bias generally are resolved by common law, statute, or professional standards of the bench and bar, the Due Process Clause of the Fourteenth Amendment "establishes a constitutional floor." Bracy v. Gramley, 520 U.S. 899, 904 (1997).

This Court has repeatedly held that due process requires recusal not only where there is proof that a judge is actually bias, but also where an objective inquiry establishes a probability of bias. Given prior rulings by the Ninth Circuit, it can be argued that the entire Ninth Circuit is biased against Kinney on these matters. Caperton v. A. T. Massey Coal, Co., Inc., 129 S.Ct. 2252, 2259-2263, (2009); Tumey v. Ohio, 273 U.S. 510, 532 (1927); Aetna Life Ins. Co. v. Lavoie, 475 U.S. 813, 825 (1986); Withrow v. Larkin, 421 U.S. 35, 47 (1975).

The Ninth Circuit ignored that the 2008 and 2011 VL orders were "void" (e.g. as shown by the dockets), but void orders cannot support any subsequent decisions and can be collaterally attacked in any court at any time. Sinochem Intl. Co. v.

Malaysia Intl. Ship Corp., 549 U.S. 422, 430 (2007); Plaza Hollister Ltd. Ptsp v. Cty of San Benito, 72 Cal.App.4th 1, 13-22 (Cal. 1999); Airlines Reporting Corp. v. Renda, 177 Cal.App.4th 14, 19-23 (Cal. 2009).

The Ninth Circuit ignored the anti-competitive nature of state court rulings against Kinney ***and of its own rulings against Kinney,*** all of which is subject to review by this Court. 15 U.S.C. Secs. 1 et seq.; 15 U.S.C. Secs. 12 et seq.; Goldfarb v. Virginia State Bar, 421 U.S. 773, 777-792 (1975); State Board of Dental Examiners v. F.T.C., 135 S.Ct. 1101, 1110-1112 (2015).

CONCLUSION

This petition should be granted.

Dated: June 30, 2020

By: _____/s/_____
Charles Kinney, Petitioner in pro per