

Supreme Court, U.S.
FILED

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1
No. 20-1188
OFFICE OF THE CLERK

Supreme Court of the United States

Marilynn Thomason

Petitioner, pro se

v.

Beneficial Financial I, Inc.,

Respondent.

On Petition for a Writ of Certiorari

To the Supreme Court of the United States

From the Idaho Supreme Court, No. 46509-2018

AMENDED PETITION FOR A WRIT OF CERTIORARI

From a Civil Action

Marilynn Thomason

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QUESTIONS PRESENTED

Petitioner's request for a Writ of Certiorari comes from a dismissal of an appeal, before briefing could be properly completed and through the direct acts of the Chief Justice of the Idaho Supreme Court refusal to recuse, with cause for illegal acts and bias towards Petitioner, culminated in his direct act to ignore its own rules of appeal, thereby facilitating in directly causing the lower court's refusal to provide timely requested and paid for court records and indexes.

The questions presented are:

Whether any State Supreme Court, state appellate court, state district court and/or any clerk of such court has the constitutional and statutory authority to arbitrarily deny a party their legal rights to a full and complete disclosure of timely requested and paid for court records pertinent to an appeal that directly and deliberately prevents and denies a party from being able to complete its briefings and denying a party the ability to submit a brief with the required citations to lower court filing indexes?

PARTIES TO THE PROCEEDINGS

Original Plaintiff:

BENEFICIAL FINANCIAL I Inc.

Appellant:

MARILYNN THOMASON, unserved named defendant

Claimed named Defendants:

The Unknown Heirs, Assigns and Devisees of BYRON T,

MADISON COUNTY, IDAHO,

JOHN BAGLEY,

TERRENCE BAGLEY,

BEARD ST. CLAIR GAFFNEY PA,

GREG V. THOMASON,

DIANA THOMASON,

W. BRENT EAMES,

LIBERTY PARK IRRIGATIONS CO (*),

RIGBY, ANDRUS & RIGBY CHARTERED,

ABUNDANT LAND HOLDINGS, LLC,

THOMAS C. LUTHY,

LAURA B. LUTHY,

FORSBERG LAW OFFICES, CHTD,

R. SAM HOPKINS,

DOES 1 – 20.

(*)Liberty Park Irrigation Co. appeared in the lower action only to request to be dismissed via a stipulation. No other party appeared in the lower action or appeal.

RELATED PROCEEDINGS

Madison County, Idaho 7th District Civil Court No.
CV-2018-74.

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CONSTITUTIONAL PROVISION INVOLVED

United States Constitution First Amendment ensures all are protected from being denied their rights to have grievances addressed against the Governments of the United States and United States Constitution Fourteenth Amendment, Equal Protection Clause and Due Process Clause further guarantees all shall be treated equally in the administration of those rights, laws and rules, free from arbitrary application of the laws and rules within the United State and when such acts occur no party shall be charged nor denied of any legal rights without full due process under the laws.

Constitutional Authority and Provisions

Appellant's Writ of Certiorari rests on guarantees rights allowed all for redress of deprivation of Constitutional Rights under the US Constitution 1st Amendment and the 14th Amendment Equal Protection and Due Process Clauses.

There are no Constitutional Authorities that can be cited for the Idaho Supreme Court did not issue any orders supported by any authority.

Miscellaneous Authorities

Appellant's Writ of Certiorari also is supported on 28 USC §§1251; 1651 [All Writs Act] and 1956 [Money Laundering]; the United States Constitution, First Amendment [...petition of redress...], as well as, under issues for review of direct violations of such guaranteed rights under the 14th Amendment – Due Process Rights, Bill of Rights, violations under US Constitution Article VI, Clause 2 and federal statute violations directly involving and facilitating in money

laundering activity under 18 USC § 1956(a), (a)(1) and (s)(2), P.L. 99-570), *in aliis exitibus*.

OPINIONS BELOW

All orders from the Idaho Supreme Court are provided herein, in full. (App.,*infra* A through F, pages 18-36).

At no time had the Idaho Supreme Court (ISC) issued any opinion, memorandum or citation of authority as to the reasoning or logic behind (ISC)'s final orders to dismiss and deny reconsideration: Including (ISC)'s denials of Petitioner's Motion to Recuse for Cause; Motion to Compel Service of District Court's Record of Actions as required under Idaho Appellate Rules 28, *inter alia*; Nor has the (ISC)'s clerk provided required docket number references upon documents served upon Petitioner (App.,*infra* A through F); Also, the (ISC) clerk's refusal to provide to Petitioner the requested certified Appeal's Record of Action (AROA) that identifies each filing made during the 25 plus month appeal process, with filing captions and/or docket numbers, so Petitioner could direct the Supreme Court of the United States (SCOTUS) to during this Petition for Writ of Certiorari;

STATEMENT of JURISDICTION

Order denying Petitioner's Motion for Reconsideration (App. F4-5, pp. 36:2-3) to (ISC)'s 'Dismissal of Appeal' was issued on July 23, 2020.

Under COVID-19 Guidance Order dated April 15th, 2020, No, 589 U.S. the filing of Petition for Writ of Certiorari was extended from 90 days to 150 days from date of Denial of Reconsideration.

Supreme Court of the United States [SCOTUS] has original jurisdiction in this matter under Article III, sections I and II of the Constitution of the United States; 28 USC §§1251; 1651 [All Writs Act] and 1956 [Money Laundering]; the United States Constitution, First Amendment [...petition of redress...], as well as, under issues for review of direct violations of such guaranteed rights under the 14th Amendment – Due Process Rights, Bill of Rights, violations under US Constitution Article VI, Clause 2 and federal statute violations directly involving and facilitating money laundering activity under 18 USC § 1956(a), (a)(1) and (s)(2), P.L. 99-570), *in aliis exitibus*.

STATEMENT

The Idaho Supreme Court issued dismissal of appeal in violations of its own well established statutes and rules pertaining to how lower and higher court clerks are to prepare hard copy Records of Actions (ROA), the required indexes to each record for the purpose of ensuring documents are cited correctly in briefings and that all such ROA's are duly certified, which did not occur in the appellate action 46509-2018.

Petitioner's request for a Writ of Certiorari is one of great public interest and concern rising from precedential direct actions before the Idaho Supreme Court has begun, that will have national significance in each state and territory, where court filings by petitioner evidenced who, when, how and where repeated acts of money laundering via illegal court proceeding laundered real and personal property deeds and titles to alleged plaintiffs without threshold standing or court personal or subject matter jurisdiction for personal friends and political contributors of the district court's sitting judge.

Judicial acts of falsifying court records, acting without personal and subject matter jurisdiction, denying petitioner access and service of properly and duly requested and paid for appeal court exhibits with required document indexes that directly and ultimate facilitated in a money laundering scheme within the United States of America for and in behalf of foreign countries, businesses and foreign individuals. These acts, via lower court proceeding culminate in petitioner being requested by US-DOJ to file a criminal complaint with evidence to the Idaho Attorney General's office and the United States Attorney General – DOJ and FBI, et aliis, in which the Idaho 7th District sitting judge retaliated against petitioner by illegally and wrongfully filing a vexatious action against petitioner, without cause or due process in failing to follow's established rules on vexatious litigant procedures (*Idaho Court Administrative Rules, (I.C.A.R. 59)*). Also, deliberately denying petitioner proper and legal due process and equal protection under the United States and Idaho's Constitution 14th Amendment, Statutes and Rules denying Petitioner to go forward with an appeal by further denying petitioner timely access to court records and indexes which are essential to the completion of opening and further briefing in the appeal process.

The Petition for a Writ of Certiorari comes from the Idaho Supreme Court's arbitrary application of its own appeal rules, including I.A.R. 28 (App. H) and its bias and arbitrary dismissal of petitioner's appeal before the Idaho Supreme Court as a direct result of the 7th Judicial District of the State of Idaho's court inability to reconstruct a true and correct court docket (records) in its district court action CV-2015-74 (Action), which the Idaho Supreme Court Clerk

evidenced on December 19, 2019 the lower court clerk only filed with the Idaho Supreme Court claimed court orders within the ACTION, but refused to file any supporting requested and paid for exhibits requested at the time of filing each appeal by Marilynn Thomason (THOMASON) or any required indexing as required under Idaho Appellate Rules (I.A.R. 28 (a, b(1),(3)) (App. H) after (THOMASON) evidenced within the Action, court officers refused to produce or grant to (THOMASON) her timely requested and needed hearing transcripts, as well as, evidencing court officers were removing filings, after the fact and without due process, from the court's docket and non-served documents were being added into the court docket in direct violation of Equal Protection and Due Process guaranteed under the United States 14th Amendment, directly affecting and denying (THOMASON) of being guaranteed any true or just redress of the wrongs being done to (THOMASON)'s legal rights, under the First and Fourteenth Amendments of the United States Constitution.

On December 30, 2019 a timely request by (THOMASON) objecting to the lower court's required R.O.A. which lacked the lower court's required indexing to each exhibit and its lack of certification evidencing the ROA was in direct violation of I.A.R. 28 (App. H pages 54-59).

On December 9, 2019 District Court Clerk took (THOMSON)'s timely payment for clerk's claimed requested completed court records, at which time the clerk (Angie Wood) informed (THOMASON) that "...hopefully within 30 to 45 minutes (Angie Wood) would be able to hand deliver the records to (THOMASON), which (THOMASON) was not able to wait for, so requested (Angie Wood) to mail the

records to the required address. When (Angie Wood)'s mailing arrived it caused (THOMASON) to file a timely Objection to the records delivered for not being in compliance to I.A.R. 28

(THOMASON)'s Objection hearing date for February 2020, upon Clerk's calendar openings. (THOMASON)'s Objection Hearing was rescheduled at the request of the District Court Clerk (Angie Wood) only to have (THOMASON)'s Objection Hearing indefinitely postponed by the 7th Judicial District Court due to COVID-19 lock downs of all Court Civil Proceedings in Idaho.

(THOMASON) filed a motion to compel with the Idaho Supreme Court (I.S.C.) to have a court order requiring the lower court clerk to prepare the requested and paid for R.O.A and its required indexes and certifications, to conform to Idaho Appellate Rules I.A.R. 28 (APP.H).

On April 21, 2020 (APP. D, pt. no. 2) the Idaho Supreme Court deny all (THOMASON)'s motions, which directly resulted in (THOMASON) being denied the right to a fair, just and bias free appeal process and directly violating (THOMASON) Constitutional Rights under the First Amendment's right to ("... petition the Government for redress of grievances...) and Fourteenth Amendment-Equal Protection Clause and Due Process, which only expanded the violations to (THOMASON)'s rights to Due Process and Equal Protection that occurred in the lower court action:

On February 12, 2015, (THOMASON), was a named party in a lower court action (CV-2015-74), but was never served any summons, complaint or alleged supporting exhibits, at any time during its five (5) plus years of litigation;

Upon evidencing in the court an amended certificate of service was fraudulent and no timely or duly service was ever made upon (THOMASON), (THOMASON) only made appearances in the lower court action to place the court on notice that plaintiff, Beneficial Financial I Inc., (Beneficial) did not have any threshold standing; Did not hold any chain of title or possession of any mortgage nor any note; The court lacked all subject matter and personal jurisdiction; All claimed debt, due and owning, was paid in full more than five (5) years before action was commenced; (Beneficial)'s action was barred by Idaho's five (5) years statutes of limitation; (Beneficial)'s action against the sole note signer was barred by Idaho testate statutes of limitation; Idaho lower District Judge Gregory Moeller (MOELLER) refused to recuse, for cause, when evidenced (MOELLER) was laundering real and personal property deeds and titles to his personal friend and supporters, including one (William Forsberg) and known drug cartels in the United States through (MOELLER)'s position as a lower District Judge and through his former law firm and law partners; Evidenced in the court records that (MOELLER) not only threaten (THOMASON) that if she did not go along with a plan to launder real property deeds and watershare certificates through (MOELLER)'s orders, including those by Idaho's Justice Burdick and Appellate Judge's support under the Idaho Judicial system, (THOMASON) would pay.

(THOMASON) evidenced in the court records that in fact (MOELLER) followed through with his direct threat against (THOMASON); Evidenced (Beneficial)'s legal counsel (STODDARD) had been filing pleadings and documents with the court that were not what (STODDARD) was mailing to

(THOMASON), including evidence that (MOELLER) was instructing (STODDARD) on what (STODDARD) was to create and file with the court, including the one and only alleged accounting of any claimed debt owning, in which (STODDARD) witnessed upon the evidenced that (STODDARD) in fact self-created the alleged accounting from his personal acts to create the accounting 14 plus years after alleged events occurred and before (STODDARD) became knowledgeable of any proceedings and becoming a legal counsel for (Beneficial);

The first appeal was filed on September 27, 2018 after (THOMASON) evidenced the direct fraud upon the court in the lower court action noted above in which (MOELLER) instructed (STODDARD) to prepare a vexatious motion and order to have (THOMASON) deemed a vexatious litigant, as (MOELLER)'s act of retaliation against (THOMASON) for not going along with the deal to launder money/deeds via (MOELLER)'s court decisions and for reporting the illegal activity to the Idaho Attorney General and the US-Attorney General, DOJ and FBI;

Three months later, January 2019 (MOELLER) was made the new Justice for the Idaho Supreme Court;

The second appeal (first amendment to the first appeal) occurred on June 17, 2019;

(THOMASON)'s motion was filed for recusal July 29, 2019 of two Justices and one Appellate Judge which was solely addressed by the court clerk without any Jus;

The third appeal (second amendment to the first appeal) occurred on July 26, 2019);

The fourth appeal (third amendment to the first appeal) occurred on September 3, 2019);

The fifth appeal (fourth amendment to the first appeal) occurred on November 8, 2019, with each appeal filed by (THOMASON) specifically detailing the exact documents that are to be included in the lower district court's Certified Record of Action (CROA) and paying the clerk's demanded fees for the recreation of the court's docket with indexes;

The lower district court had been ordered to prepare the (CROA) on November 26, 2018 with a due date of January 28, 2019;

On February 26, 2019 the (CROA) had not been served nor filed and the (CROA) due date was reset for March 26, 2019 and not (CROA) that conformed with I.A.R. 28 (App. H) was ever delivered or served upon (THOMASON);

On December 19, 2019 the lower court only sent to the Idaho Supreme Court the lower court orders, but did not provide any requested/paid for exhibits.

On December 30, 2019 (THOMASON) filed an first objection to the clerk's second (ROA) which was also not a certified record of the court dockets nor did it comply with Idaho Supreme Court's Rules (I.A.R. 28 (App H) with a Notice of Hearing set in the lower court that was rescheduled at the court clerk's request only then to have COVID-19 hit and the Idaho Courts closed, and as of this filing, the lower court's clerk had never rescheduled (THOMASON)'s hearing on the Objection Motion;

(THOMASON) filed a motion with the Idaho Supreme Court to grant a court order to comply the lower court clerk to correct the court's ROA and include the required index per I.A.R. 28 (App. H) so (THOMASON) could complete her opening brief with the required citation to the ROA's indexes.

On June 3, 2020 (APP. E.2) the Idaho Supreme Court denied relief to have the lower court's ROA and Indexes to be completed in accordance to I.A.R. 28 (App. H) directly preventing (THOMASON) from including the Idaho Supreme Court's required direct citations to the lower court's indexes, detailing page number references, as well as, denying all (THOMASON)'s motions, including for recusal;

This Petition for Writ of Certiorari comes after Idaho Supreme Court refused to ensure the lower court timely and duly prepared the required court records with required indexing of the documents, deliberately impeding (THOMASON) from completing her required opening brief, in direct arbitrary acts by the Idaho Supreme Court Justices to violate (THOMASON)'s 14th Amendment Rights of Equal Protection, including rights of Due Process and in direct violations to their I.A.R. 28 requirements

REASON FOR GRANTING THE PETITION

The legal issues to be presented and addressed in the requested Writ of Certiorari are of great matters of public concern and interest to any and all litigants, their legal counsels and any person or business within the United States or any of her Territories that hold title to any real or personal property, which will ultimately create chaos within business, real property and patient rights within the United States if the Supreme Court of the United States does not address these issues directly, opening the United States to physical territorial takeovers of United States businesses, real and personal property, including patent and intellectual property.

Therefore, the granting of a Writ of Certiorari is necessary to resolve the conflicts being currently enforced in the Great State of Idaho in the procedural

requirements within any appeal and the abolishment of facilitating money and property laundering through state's lower and appellate court proceedings that ultimately require denying persons of their Due Process and Equal Protection Rights under their respectful state's and the United States' Constitution and Statutes. Failing to have the Supreme Court of the United States to ensure Petitioner is not being denied fair and equal treatment under Idaho laws and rules by the Justices of the Idaho Supreme Court, it is imperative a review is had and Petitioner is granted the legal rights to have disclosure and immediate access to the required Idaho Court Records under I.A.R. 28, and without the Supreme Court of the United States immediate intervention and review, Petitioner's rights, as well as, tights of other future litigants will be denied and justice will not be served.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted,

Marilynn Thomason, pro-se

2-16-2021

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December 14, 2020

\$300 fee enclosed

I, Marilynn Thomason, under penalty of law, declare I have filed and served this Amended filing on February 16, 2021, per SCOTUS order.

Marilynn Thomason, pro-se