

CASE No. 20-1227

Supreme Court, U.S.
FILED
JAN 29 2021
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IN THE UNITED STATES SUPREME COURT

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WASHINGTON, DC 20543-0001

DAVID LOUIS WHITEHEAD,

PETITIONER,

v.

US COURT OF APPEALS FOR NINTH CIRCUIT
CASE NUMBER 19-55905

US DISTRICT COURT FOR CENTRAL DISTRICT OF
CALIFORNIA CASE NUMBER 2:19-CV-05500

NETFLIX, INC, ET AL.

RESPONDENTS,

On Petition For A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT OF
CALIFORNIA


DAVID LOUIS WHITEHEAD

1906 SCOTT ST.
BOSSIER, LOUISIANA 71111

318-820-5029 (CELL)

EMAIL: DAOUDDAVIDLOUIS@YAHOO.COM

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JOHN DOES, 1-10; MARVEL ENTERTAINMENT LLC; WALT DISNEY
COMPANY; VIACOM; MARVEL STUDIOS LLC; BUENA VISTA HOME
ENTERTAINMENT, INC; PARAMOUNT PICTURES, INC.; SONY HOME
ENTERTAINMENT, INC.; MGM, INC.; LIONSGATES HOME
ENTERTAINMENT; **COMCAST**; CBS, INC; JP MORGAN; BANK OF
AMERICA; VERIZON COMMUNICATIONS, INC.; CIRQUE DU SOLEIL;
AMAZON STUDIO; AMAZON BOOKS; DOES, UNNAMED RANDOM HOUSE
PUBLISHER, UNNAMED COLONY CAPITAL; UNNAMED DEWAYNE
WICKHAM; UNNAMED TYLER PERRY; UNNAMED TOM CRUISE AND
PAULA WAGNER; JOHN DOES 1-15

I

QUESTIONS PRESENTED FOR THE HIGH COURT

- WHETHER THE 9TH CIRCUIT COURT HAD FULL JURISDICTION OF THE APPEAL, HAVING NO NOTICE OF APPEAL FILED BY PETITIONER IN THE CENTRAL DISTRICT COURT UNTIL 1 YEAR AND 6 MONTHS LATER, DECEMBER 7, 2020, AND THE CIRCUIT COURT RULED ADVERSELY ON DECEMBER 10, 2020.
- WHETHER THE 9TH CIRCUIT COURT COULD ASSIGN THE APPEAL 19-55905 WHITEHEAD V. NETFLIX, ET AL., CASE PRIOR TO NOTICE OF APPEAL BEING FILED WITH THE DISTRICT COURT, MOUNTING TO FRAUD ON THE COURT AND CONFUSION INVOLVING A PRO SE LITIGANT AND THE COURTS.
- WHETHER THE 9TH CIRCUIT COURT COULD DECIDE ON MERITS OF CASE AFTER THE NOTICE OF APPEAL FILED WITH DISTRICT COURT 1 YEAR AND 6 MONTHS LATER WITHOUT AFFORDING THE PRO SE LITIGANT TO AMEND HIS PLEADINGS, VACATING THE COURT'S TAINTED EARLIER ORDERS OR ASSIGNING A NEW CASE NUMBER MOUNTING TO FRAUD ON THE COURT AND CONFUSION INVOLVING A PRO SE LITIGANT.
- WHETHER THE 9TH CIRCUIT COURT COULD CONSOLIDATE THE FRAUDULENT APPEAL 19-55905 WITH THE ORIGINAL NOTICE OF APPEAL FILED WITH THE DISTRICT COURT ON DECEMBER 7, 2020, WITHOUT VACATING EARLIER ORDERS AND WITHOUT ASSIGNING A NEW CASE NUMBER TO THE ORIGINAL FILED NOTICE OF APPEAL: DECEMBER 7, 2020.

- WHETHER DISTRICT COURT AND MAGISTRATE JUDGES SHOULD BE RECUSED DISQUALIFIED FROM THE CASE DUE TO HAVING BOTH PECUNIARY INTEREST IN **COMCAST** APPELLEE, JUDICIAL BIAS AND PERSONAL BIAS AND INTEREST IN THIS CASE. 28 U.S.C. SECTION 455 A, B1, B2, B3, B4.
- WHETHER THE MAGISTRATE JUDGE FAILED TO RECUSE HIMSELF IN A TIMELY MANNER AFTER ADMITTING THAT HE WAS A PARTNER WITH OPPOSING COUNSEL OF MSK LLP (MITCHELL SILBERBERG & KNUPP LLP). THE COURT (MAGISTRATE ETCK) WAS ASSIGNED CASE WITH CHIEF JUDGE CHRISTINA SNYDER AND THEN WITH JUDGE JOHN F. WALTER (RULING COURT).
- WHETHER THE CIRCUIT COURT'S ACTS VIOLATES THE PETITIONER'S CONSTITUTIONAL RIGHTS TO FAIR HEARING (5TH AND 14TH) AMENDMENTS), LACKING JURISDICTION OVER THE CASE WITH NO NOTICE OF APPEAL FILED IN THE LOWER COURT PRIOR TO DECEMBER 7, 2020.
- WHETHER DISTRICT COURT JUDGE AND MAGISTRATE JUDGES SHOULD RECUSE THEMSELVES FROM HOLLYWOOD CASE HOLDING PECUNIARY INTEREST IN **COMCAST AND AT&T APPELLEES** AND HOLLYWOOD LENDERS.
- WHETHER THE TEXAS JUDGES SHOULD HAVE RULED ON THEIR RECUSALS INSTEAD OF TRANSFER OF CASE TO CENTRAL DISTRICT COURT, HAVING NO WAIVERS. "Failure to comply with the procedural requirements for disclosure under section 455(e) for waiver of disqualification can result in reversal. In Barksdale v. Emerick, 853 F.2d 1359 (6th Cir. 1988). Further, section 455(e), the Sixth Circuit reversed, noting that "[t]here is no disclosure 'on the

record' and therefore no properly obtained 'waiver.' The court went on to say that section 455(e)'s disclosure and waiver requirements "must be strictly construed. See Id. Accord United States v. Murphy, 768 F.2d 1518, 1538–39 (7th Cir. 1985) (disclosure must be on record).

- WHETHER THE PREFILING COURT HAVING PECUNIARY INTEREST IN THE PREVIOUS LITIGATION WHICH ISSUED THE PREFILING ORDER CAN PROHIBIT THIS CASE FROM GOING FORWARD ON THE MERITS OF THE ALLEGATIONS AND CLAIMS. IN OTHER WORDS, CAN THE JUDGE ISSUE A PREFILING ORDER HAVE PECUNIARY INTEREST WHILE ISSUING THE PREFILING ORDER. THE SAME JUDGE RECUSED HIMSELF IN THIS ACTION REASSIGNED TO ANOTHER COURT HAVING PECUNIARY INTEREST.

II

PARTIES TO PROCEEDINGS AND RULE 29.6 STATEMENT

PETITIONER IN THIS COURT, IS DAVID LOUIS WHITEHEAD;

RESPONDENTS IN THIS COURT, DEFENDANT-RESPONDENTS ARE
NETFLIX, INC., JOHN DOES, 1-10; MARVEL ENTERTAINMENT
LLC; WALT DISNEY COMPANY; VIACOM; MARVEL STUDIOS LLC;
BUENA VISTA HOME ENTERTAINMENT, INC; PARAMOUNT PICTURES,
INC.; SONY HOME ENTERTAINMENT, INC.; MGM, INC.;
LIONSGATES HOME ENTERTAINMENT; **COMCAST**; CBS, INC; JP
MORGAN; BANK OF AMERICA; VERIZON COMMUNICATIONS, INC.;
CIRQUE DU SOLEIL; AMAZON STUDIO; AMAZON BOOKS; DOES,
UNNAMED RANDOM HOUSE PUBLISHER, UNNAMED COLONY CAPITAL;
UNNAMED DEWAYNE WICKHAM; UNNAMED TYLER PERRY; UNNAMED TOM
CRUISE AND PAULA WAGNER; JOHN DOES 1-15

STATEMENT OF CASE

PETITIONER ARGUES THAT IN 2019 HE HAD NOT FILED A NOTICE OF APPEAL IN THE DISTRICT COURT, BUT FILED A WRIT OF MANDAMUS WITH THE 9TH CIRCUIT APPEALS COURT, AND FILED AN AMENDED WRIT OF MANDAMUS WITH THE CIRCUIT COURT. FROM THESE FILINGS, 9TH CIRCUIT COURT CREATED TWO DIFFERENT APPEAL CASES, ONE OF WHICH INVOLVES FRAUD AND/OR MISTAKE. FOR INSTANCE, THE NINTH CIRCUIT COURT CREATED APPEAL ON MANDAMUS AS WHITEHEAD V. DISTRICT COURT OF LOS ANGELES, 19-71906. APPELLANT FILED AN AMENDED WRIT OF MANDAMUS WHICH WAS CONVERTED BY THE CIRCUIT COURT INTO A SECOND APPEAL CASE ON THE MERITS: 19-55905. IN SHORT, THE NINTH CIRCUIT COURT CREATED A SECOND APPEAL ON THE MERITS ASSIGNED AS CASE 19-55905 WITHOUT ANY NOTICE OF APPEAL FILED IN 2019 IN THE DISTRICT COURT. THIS CASE ASSIGNMENT 19-55905 WHITEHEAD V. NETFLIX INC, ET AL., WAS BASED ON FRAUD OR INTENTIONAL FRAUD AND/OR MISTAKE DUE TO FACT THERE WAS NO 2019 NOTICE OF APPEAL FILED IN THE DISTRICT COURT RELATING TO THIS CASE.

THE US SUPREME COURT ISSUED A MISCELLANEOUS CASE RELATING TO 19-55905 AS NUMBER 20M4 WHITEHEAD V. NETFLIX, ET AL. HOWEVER, PETITIONER DID NOT PAY THE \$300 FEES TO THE HIGH COURT AFTER DISCOVERING THE SERIOUS FRAUD OR MISTAKE. AS STATED, IN 2019, PETITIONER HAD NOT FILED A NOTICE OF APPEALS ON THE MERITS OF THE CASE IN THE CENTRAL DISTRICT COURT FOR CALIFORNIA, ASSIGNED BY 9TH CIRCUIT COURT AS 19-55905. RULE 60 B 3, 60 B 6 (CASE ASSIGNMENT) FRAUD ON THE COURT.

DUE TO THE FRAUD OR MISTAKE, IN DECEMBER 2020, PETITIONER FILED HIS ORIGINAL NOTICE OF APPEAL ATTEMPTING TO CORRECT THE FRAUD OR MISTAKE RELATING TO 19-55905. THE CLERK'S OFFICE FOR THE 9TH CIRCUIT DID NOT REASSIGN ANOTHER APPEAL NUMBER, BUT IT APPEARS THAT THE COURT HAVE CONSOLIDATED THE PETITIONER'S DISTRICT COURT'S NOTICE OF APPEAL (DEC. 7, 2020) WITH THE NON-NOTICE OF APPEAL 19-55905.

IN ADDITION PETITIONER'S CASE WAS ORIGINALLY FILED IN EASTERN DISTRICT OF TEXAS, AND IMPROPERLY TRANSFERRED TO CENTRAL DISTRICT OF CALIFORNIA WITHOUT THE COURT RULING ON RECUSAL MOTIONS. ALTHOUGH PETITIONER AGREED TO TRANSFER TO CALIFORNIA COURT, DURING THE

HEARINGS, PETITIONER BELIEVES AND ASSERT THAT HE ASKED FOR THE CASE TO BE TRANSFERRED TO THE NORTH DISTRICT OF CALIFORNIA.

NONETHELESS, THERE WAS NO WAIVER REQUESTS, AND THE JUDGES IN THE TEXAS COURT HAD A DUTY TO RULE ON THE PENDING RECUSAL MOTIONS IN THE RECORD, PRIOR TO TRANSFER TO CENTRAL DISTRICT OF CALIFORNIA. IN ADDITION, PETITIONER HAD PREVIOUSLY REQUESTED TRANSFER OF THE CASE TO NEW YORK, WHERE WITNESS ACTOR WESLEY SNIPES RESIDES. IN SHORT, THE TEXAS COURT JUDGES FAILED TO RULE ON THEIR RECUSALS BASED ON RECUSAL MOTIONS FILED BEFORE TRANSFER OF CASE TO CALIFORNIA.

EVEN THOUGH THE PETITIONER AGREED TO THE TRANSFER, CASE LAW STATES THAT A WAIVER WAS REQUIRED BY PARTIES, RELATING TO PENDING RECUSAL DECISIONS OF THE TEXAS COURT. MOREOVER, THE STATUTES STATES THAT WHEN DISQUALIFICATION REQUESTS ARE MADE, FULL DISCLOSURE SHOULD BE PROVIDED TO THE PARTIES BY THE COURT, AND THEREFORE, THE HIGH COURT SHOULD SEND THE CASE TO THE CIRCUIT COURT ON THE ALLEGED FRAUD ON THE COURT, IMPROPER TRANSFER FROM TEXAS TO CALIFORNIA, HAVING THE JURISTS IN THE TEXAS COURT RULE ON THEIR RECUSALS, WHICH WERE PENDING BEFORE TRANSFER ORDER TO CALIFORNIA. SEE WHITEHEAD V. NETFLIX INC, ET AL., 18-cv-460, E.D. TEXAS, DOCKET NUMBER 111, FILED JUNE 24, 2019. ALSO SEE CASE AND STATUTES ON WAIVERS: "Failure to comply with

the procedural requirements for disclosure under section 455(e) for waiver of disqualification can result in reversal. In re: Barksdale v. Emerick, 853 F.2d 1359 (6th Cir. 1988). Further, section 455(e), the Sixth Circuit reversed, noting that "[t]here is no disclosure 'on the record' and therefore no properly obtained 'waiver.'" The court went on to say that section 455(e)'s disclosure and waiver requirements "must be strictly construed. See Id. Accord United States v. Murphy, 768 F.2d 1518, 1538-39 (7th Cir. 1985) (disclosure must be on record). In short, there were no disclosure on records by the Texas judges, requiring reversal of the case, to be sent back to the Texas court to address disqualification of the jurists, who failed to rule on the recusal motions. 28 U.S.C. Section 455 a, b1, b2, b4.

Grounds for Reversal

1. Texas Jurists failed to rule on their recusals prior to transfer to California. Further noting there can be no waivers relating to pending recusal motions before the Texas court prior to transfer to Central District of California, without full disclosures of the court's pecuniary and organizational interests. Recusals motions must be answered before transfer from Texas to California. Further, Noting Texas jurists in this case held pecuniary and organizational interest and had prior knowledge of the case as material witnesses. *Liteky v. U.S.* 510 U.S. 540 (1994); Moreover, the jurists failed to rule on unsealing the federal probe (FBI) prior to transfer, which is causation pertaining to the fraud in both Texas and Louisiana. See *Lloyd v. CVB Fin. Corporation*, 811 F.3d 1200 (9th Cir. 2016) (Federal probe data can be used for causation in civil action). Circuit Judge Johnnie B. Rawlinson and Judge Barry G. Silverman denied injunctive relief, lacking jurisdiction due to fact there was no notice of appeal filed with the district court to create case assignment 19-55905, activating possible relief due to fraud on the court. Judge Rawlinson's spouse was employed by appellees in Las Vegas, and the court receives her late spouse's pension from his

employment with appellee. 3c1c, 28 U.S.C. Section 455 a, b1, b4, b5 i,ii,iii, iv. Judge Silverman's 2018 financial statement shows pecuniary interest in the litigation. 28 U.S.C. Section 455 a, b1, b4.

2. The 9th Circuit Court lacked Jurisdiction to rule on the case due to fact in 2019 when there was no Notice of Appeal filed in the Central District Court relating to some of the Circuit Court's decisions in 19-55905 Whitehead v. Netflix, and this honorable court's Miscellaneous assignment case of the Supreme Court. See *Appling v. State Farm Mut. Auto Ins. Co.*, 340 F.3d, 769, 780 (9th Cir. 2003). *Hazel-Atlas Glass Co. v. Hartford-Empire Co*, 322 U.S. 238, 244, 64 S. Ct., 997, 88 L. Ed. 1250 (1944). Also see *Baltic Air Lines Inc, v. Trans Management, Inc*, 98 F. 3d 640 (D.C. Cir. 1996) (Attorneys knowledge of the fraud and perjury involving bribery of the court).

For instance, Magistrate Judge Charles Eick was a partner with opposing counsel: MSK LLP (Mitchell Silberberg & Knupp LLP). Moreover, the Magistrate admits in his extremely late recusal that he was a personal friend of MSK LLP Attorney Karin Pagnanelli, who represents appellees in this case. In addition, Netflix Senior Counsel Suzanne Steinke a former partner with MSK LLP (Mitchell Silberberg & Knupp) gives the appearance of fraud with the case reassignments involving Magistrate Eick, to MSK LLP

opposomg counsels Emily Evitt and Karin Pagnanelli and others from the law firm. 28 U.S.C. Section 455 a, b1, b2, b4, Also see Accord Stringer v. United States, 233 F.2d 947, 948 (9th Cir. 1956); Rules 60 b 6, United States v. Beggerly, 524 U.S. 38, 46, 118 S. Ct. 1842, 141 L. Ed. 2d 32 (1998) (quoting Hazel-Atlas Glass Co v. Harford-Empire Co, 322 U.S. 238, 244, 64 S. Ct. 997, 88 L. Ed. 1250 (1944)).

Magistrate Eick finally recused himself after three reassignments of the case to Judges Snyder, Robert Klausner, and Judge Walter. Magistrate Eick recused himself during the reassignment of petitioner's cases from Chief Judge Synder to prefiling Judge Klausner to Judge Walter. Judge Klausner recused himself from this case due to his earlier prefiling order in Whitehead v. Millennium Films, et al., 2:15 cv-03564) holding pecuniary interest in Verizon Communications. This too is a serious violation. The court holds pecuniary interest in the case issues a prefiling order against the Pro se litigant in the case. 28 U.S.C. Section 455 a, b1, b4. In addition, Judge Stephen V. Wilson participated in the case along with his former law clerk Linda Burrow and Judge Klausner, noting that Attorney Burrow is now employed for Netflix.

The court, Judge Wilson and his former law clerk Attorney Burrow are associated with Judge Klausner's prefiling order against the petitioner. Judge Wilson having pecuniary interest in the petitioner's case participated with Judge Klausner during the adverse rulings of Judge Klausner. Ms. Burrow of Netflix was opposing counsel after clerking for the court. Judge Wilson's former law clerk Attorney Burrow was opposing counsel in petitioner's case before Judges Klausner and Wilson. This too is a serious violations of ethics and the rules of law.

The above captioned case was reassigned from prefiling Judge (Klausner) to ruling Judge (Walter), with both jurists having pecuniary interest in the outcome of the litigation. Both Judges Klausner and Walter knew each other and the case reassignment interferes with the administration of justice and integrity of the court. The court had prior knowledge of the petitioner's cases and each judge knew of their conflicts of interest in this Hollywood matter. See Liteky v. U.S, 510 U.S. 540 (1994); also see Toscano , 441 F.2d 934, quoting England v. Doyle, 281 F.2d 304, 309 (9th Cir. 1960); See 28 U.S.C. Section 455 a, b1, b4. See also Applying v. State Farm Mut. Auto Insurance, 340 F.3d 769, 780 (9th Cir. 2003); Also see Preston v. United States, 923 F.2d 731; Accord Stringer v. U.S., 233 F.2d 947, 948 (9th

Cir. 1956; Latshaw v. Trainer Wortham & Co, Inc, 452 F.3d 1097, 1102 (9th Cir. 2006). Also see United States v. Beggerly, 1998, giving plaintiff the constitutional right to sue in equity over Judge Klausner's tainted decision with the court holding pecuniary interest in the litigation and issuing a fraudulent prefiling order to protect the court's financial interest. 28 U.S.C. Section 455 a, b1, b4. The petitioner believes and assert that the United States FBI report will conclude Judicial RICO and ongoing association tied to petitioner's copyright cases and the courts. There has been about 5 (Five) prefiling judges involved with the petitioner's cases, with all of the prefiling courts having financial conflicts of interest as follows:

a. Deborah Chasanow, financial interest in home loan (First Union bank) (represented by White & Case LLP associated with Judge Paul L. Friedman. During this time span, Judge Friedman was a General Partner with White & Case LLP and associates in Wallpark LLC. See 9th Circuit ruling in re: Randolph Wolfson v. Colleen Concannon Louis Frank Dominguez, et al., No. 11-17634. The Randolph decision makes it extremely clear that federal judges are prohibited to be partners with law firms and other attorneys, while serving on the bench. According to this decision, a judge can only be business partners

with family members. Judge Friedman, White & Case LLP and Wallpark Investors LLC knew this, although spouses were involved in this organization as a scheme and disguise. Ms. Elizabeth Friedman also a partner in White & Case LLP and Wallpark Investors operation violates the statutes and law. Judge Friedman dismissed 11 of petitioner's cases for his and spouse and law firm's pecuniary interest. This high court address these types of matters as ongoing associations in RICO acts. See Boyle v. US, 556 US 938 (2009); also see US v. Turkette, 452 U.S. 576 (1981). Judge Chasanow had serious conflicts of interest, and the court even met with Judges at the Georgetown University Law Seminar prior to her adverse ruling. 28 U.S.C. Section 455 a, b1, b4.

b. Judge Anthony Trenga, financial interest in General Electric, in 2009, parent company to NBC Universal Pictures. The court is on record (Judicial Misconduct matter), that he didn't know that General Electric was parent to defendant NBC Universal Pictures, sold to Comcast in 2013 in part. Universal Pictures, a defendant in petitioner's case before Judge Trenga was associated with General Electric. Judge Trenga is on record admitting that he owned the financial stocks in General Electric, parent to defendant

Universal Pictures. See Whitehead v. Paramount Pictures, et al., 08cv792, (Judges Trenga, Cacheris, and Hilton). Judge Cacheris and Hilton recused themselves holding General Electric financial interest. The judicial interest of this case for this honorable court is the fact that Attorney Trenga settled a case against General Electric in 1996, associated with Judges Cacheris and Hilton, and therefore the court should have known that General Electric owned NBC radio and Television. Fourth Circuit Chief Judge Gregory who participated in appellant's cases before Judges Cacheris and Trenga, failed to recuse himself in Judge Trenga's misconduct case. See Rice v. McKenzie, 581 F.2d 1114 (1978); Moreover, the Fourth Circuit Judicial Council failed to issue an investigation and impeachment inquiry. It's unclear who is a member of the panel for the Fourth Circuit Court. A litigant should be able to acquire knowledge who were the ruling jurists in this matter for further determination of due process of law.

- c. Judge Richard Roberts. Financial interest in Comcast and Level 3 Communications. The court had Prior knowledge of petitioner who wrote the screenplay on former and late District of Columbia Mayor Marion S. Barry, who the Judge as a practicing Department of Justice prosecutor prosecuted Mr. Barry. 28 U.S.C. Section 455 a, b1, b2, b4.
- d. Judge Richard T. Haik, financial interest in Verizon Communications, associated with Verizon FIOS and Hollywood. Moreover, the court had conflicts with his relative (Sister) Attorney Suzanne Haik Terrell and her law firm representing appellees as clients. 28 U.S.C. Section 455 a, b1, b4, 3c1c. In addition, Judge Haik had pecuniary interest conflicts with his Community Housing association known as COLONEL J. George & S. Saloom Community Home, Inc, tied to his partner Maurice Hannie of Keller Williams Realty. Bank of America and JP Morgan are defendants in the petitioner's case before Judge Haik. Keller Williams is associated with these lending institutions (Bank of America and JP Morgan chase and JP Morgan) defendants in petitioner's case before Judge Haik tied to Mr. Hannie, agent for Keller Williams. 28 U.S.C. Section 455 a, b4. See 3c1c, also see Liljeberg v. Health Svcs, Acq, Corp, 486 U.S. 847

(1988). Tramonte v. Chrysler Corp, 136 F.3d, 1025-1029-1030 (5th Cir. 1998); see also US v. Beggerly, 524 U.S. 38, 46, 118 S. Ct. 1862, 141 L. Ed. 2d 32 (1998) (quoting Hazel-Atlas Glass Company v. Hartford-Empire Co, 322 U.S. 238, 244, 64 S. Ct. 997, 88 L. Ed. 1250 (1944)).

- e. Judge Robert Klausner, held financial interest in Verizon Communications tied to Verizon FIOS and Hollywood and prefiling the pro se petitioner, which violates the statutes and laws of the United States Judiciary. 28 U.S.C. Section 455 a, b1, b4. See U.S. v. Sineneng-Smith, 590 U.S. _____ 2020; Also see Greenlaw v. United States, 554 U.S. 237, 2008.

In short, before the high court, are questions and judicial ethics presented on whether prefiling courts and judges having pecuniary interest should issue Prefiling Orders in the litigation? One Texas Attorney on review the case for legal representation labeled this case as Judicial RICO CONSPIRACY. Whereas several judges having pecuniary interest issued prefiling orders against petitioner violating his constitutional rights (5th and 14th amendments) due process of law. Also see 18 U.S.C. 1962 as amended. Rules 60 b 3, 60 b 6.

3. Both Judge Walter and Magistrate Eick held Comcast financial interest. Comcast is a defendant-appellee in this case. In addition, Judge Walter recused himself in case Optimum Productions et al., v. Home Box Office, et al., 2:19cv01862, admitting to holding AT&T financial interest. AT&T is parent to DirectTV (Hollywood Cable) company. Judge Walter should have recused himself from petitioner's case holding Comcast and AT&T financial interest requiring disqualification. See Latshaw v. Trainer Wortham & Co, Inc, 452 F.3d 1097, 1102 (9th Cir. 2006); also see 28 U.S.C. Section 455 a, b1, b4.
4. The Supreme Court recently ruled that jurists must be fair and impartial in cases before them. See U.S. v. Sineneng-Smith, 590 U.S. _____ 2020; Also see Greenlaw v. United States, 554 U.S. 237, 2008. Also see Disqualification Section 455(b) (1) requiring a judge to disqualify himself or herself "[Where he or she has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding." The standard for determining disqualification is "Whether a reasonable person would be convinced that the judge was biased." "Recusal under Section 455 (b) (1) ` is required only if actual bias or prejudice is proved by compelling

evidence.” See in re: Murchinson, 349 U.S. 11, 14, 1954; Aetna Life Insurance Company v. Lavoie, 475 U.S. 813 (1986), Dred Scott v. Sandford, 60 U.S. 393 reversed by 13th and 14th amendments of the Constitution; Plessy v. Ferguson, 163 U.S. 537 (1986) and Brown v. Board of Education of Topeka, 357, U.S. 483 and Obergefell v. Hodges, 576 U.S. 644 (2015). Petitioner as a Professor argues the Dred Scott case was wrongly decided due to fact, in part citizenship was tagged to the African slaves (included) with the founding fathers’ “Three Fifth Compromise” for representation purposes. Nonetheless, 13th and 14th amendments reversed the Taney decision in Dred Scott.

5. Currently, pending before the 9th Circuit Court is petitioner’s most recent Notice of Appeal (December 7, 2020) filed in the District Court, and rehearing petition filed by petitioner appears to be consolidated with the fraudulent case.

Request and Resolution

6. Petitioner request the high court to return case to the 9th Circuit for determination, on Texas court failure to rule on their recusal motions pending in the court.
7. Petitioner request the high court to return case directly to lower courts to send case back to the Texas Court for determination on recusal decisions."Failure to comply with the procedural requirements for disclosure under section 455(e) for waiver of disqualification can result in reversal. In re: Barksdale v. Emerick, 853 F.2d 1359 (6th Cir. 1988). Further, section 455(e), the Sixth Circuit reversed, noting that "[t]here is no disclosure 'on the record' and therefore no properly obtained 'waiver.'" The court went on to say that section 455(e)'s disclosure and waiver requirements "must be strictly construed. See Id. Accord United States v. Murphy, 768 F.2d 1518, 1538-39 (7th Cir. 1985) (disclosure must be on record).
8. Petitioner requests the high court to Order 9th Circuit Court to address the lack of jurisdictional allegations in 2019 to December 6, 2020, prior to petitioner filing his original notice of appeal on December 7, 2020, in this case for further review.

9. Petitioner requests the high court to order the 9th Circuit Court to vacate all of its rulings in part due to case 19-55905 in part lack of jurisdiction in 2019 and part of 2020 court decisions. For instance, earlier circuit court decisions were tainted due to lack of jurisdiction, no notice of appeal filed in the district court in 2019 but case assignment 19-55905 was created by Circuit Court.

10. Petitioner requests the high court to Order the 9th Circuit Court to address the posture of the most recent original filing of Notice of Appeal filed On December 7, 2020, in Central District Court and the Circuit Court's adverse decision on December 10, 2020, without affording pro se litigant with any leave to amend his pleadings and arguments of fraud on the court.

In short, petitioner argues that District Court Judges in both Texas and California held pecuniary and organizational interest and conflicts requiring disqualification. The transfer Magistrate judge in 2018 held pecuniary interest in Appellee JP Morgan Chase, with **JP Morgan as defendant**, and California District Court Judge and Magistrate Judges in 2018 held **Comcast** and AT&T financial interest with **Comcast as defendant-Appellee in the case**. 28 U.S.C. Section 455 a, b1, b4.

Magistrate Judge Eick in California presided on the case from Judges C Snyder to Judge John F. Walter, as a former partner with opposing counsel MSK LLP. See attached exhibit list and description of those exhibits. Neither California and Texas courts would rule on motion to unseal federal (FBI) investigation which points to causation. See Lloyd v. CVB Fin. Corp, 811 F.3d 1200 (9th Cir. 2016). Nonetheless, the high court has discretion to also reinstate the Writ of Mandamus to unseal the federal probe due to fraud on the court, or mistake by the Circuit Court assigning the case without any foundation (Notice of Appeal) filed in the Central District Court in 2019 and in part 2020. The Circuit Court's decisions in 2019 and in part in 2020 are tainted with fraud and conflicts of interest. The Circuit Court Judge Jacqueline Nguyen has serious conflicts with the petitioner's related case 19-71906, failing to recuse herself due to the following grounds:

- The court's father was an Intelligence Officer for the Government of South Vietnam, working for CIA during the Vietnam War, involving the United States. CIA is involved in this case, whereas, the 1996 film and novel Mission:Impossible was filmed at CIA Headquarters, where petitioner's manuscript was reviewed by CIA's Publication Review Board (PRB). Mission Impossible film and novel project

are highly likely part to FBI probe relating to petitioner's copyrighted book on his life at CIA sold by Amazon Books without any compensation to petitioner. The Circuit Court's adverse ruling denying the FBI probe pertains to fraud and judicial bias, giving this honorable court discretion to unseal probe.

- The court's spouse is a practicing Attorney representing the Hollywood studios involved with this case. The court participated in denying the FBI report from being unsealed, which possibly show massive copyright thief and infringement of petitioner's copyrights.
- The court was employed by the Department of Justice US Attorney Central District of California, possibly receiving information about this case (Judge Norma Holloway Johnson and Judge Friedman) and petitioner. See *Liteky v. US*, 510 U.S. 540 (1994).
- The court was appointed by President Barrack Obama, who is currently employed by respondent Netflix. Both Michelle and Mr. Obama works for Netflix as producers. This association provides UNDUE Influence relating to Ms. Obama's visit to the Western District of Louisiana, where, the Obamas legal representatives Williams and Connolly LLP were named as defendants in petitioner's case in

Western District of Louisiana. See Ty Inc. v. Softbelly's Inc., 517 F.3d 494, 498 (7th Cir. 2008). The matter was referred by Department of Justice Criminal Chief Mary J. Mudrick, to FBI. Also see Bauman v. U.S., 557 F.2d 650 (9th Cir. 1977); There are multiple conflicts of interest including pecuniary interest relating to this case requiring the court to grant certiorari. See In re Cement and Concrete Antitrust Litigation, 515 F. Supp, 1076, 1079 (D. Ariz. 1981); Also see In re Van Dusen, 654 F.3d 838, 840 (9th Cir. 2011) (quoting Ex parte Fahey, 332 U.S. 258, 259-260 (1947)).

Moreover, Circuit Judge John Owens participated on related case in the 9th Circuit of the petitioner associated with opposing counsel O'Melveny & Myers, before Judge Paul L. Friedman in petitioner's cases.

11. The merits of the petitioner's cases never are heard due to fact that prefiling order of Judges Robert Klausner, Richard T. Haik, Deborah Chasanow, Richard Roberts, and Anthony Trenga, all having pecuniary conflicts of interest. The prefiling Judges in Louisiana, Virginia, Maryland, District of Columbia and California held serious conflicts of interest tied to the ruling judge's pecuniary interest.

For instance, Louisiana Judge Dee D. Drell relying on Judge Haik's tainted prefiling order filed a false statement in petitioner's related Parish of Caddo case. In 2017, Judge Drell in the Caddo Parish related to Netflix case stated that that the court did not have interest in so called Hollywood studios or lenders. See Whitehead v. Parish of Caddo, et al, 17cv-306, W.D. Louisiana. To the contrary, the court held financial interest in Hollywood studios and lenders. See 18 U.S.C. Section 1001. The court's 2017 financial disclosure statements show that in 2017 the court held Walt Disney pecuniary interest. Judge Drell also held Apple Inc, linked to Apple TV. The court also held Hollywood lender's interest, in which the court denied. For instance, the court held Capital One bank and Vanguard financial interest associated to Hollywood and lenders banking interest. 28 U.S.C. Section 455 a, b1, b4. These financial banking entities are associated with the Hollywood lenders and practices.

In 2017-2018, this high court did not hear petitioner's petition for Writ of Certiorari inNetflix case involving Judge Drell. The Supreme Court and parties lacked knowledge of the court's financial interest and false statements in petitioner's personal injury case related to the Netflix case. Judge Drell's 2017 financial disclosure

statements were not available when this high court denied petitioner's Petition for Writ of Certiorari (October 1, 2018, in re: Whitehead v. Netflix, Inc, 139, 225, 225, (2018). However, in 2018, after the court's decision, petitioner finally obtained Judge Drell's 2017 financial disclosure statements showing that the court held Walt Disney and Apple Inc, financial interest and Capital One and Vanguard Hollywood lender interest, contrary to the court's statement in related case Whitehead v. Parish of Caddo, et al., 17-306 W.D. Louisiana.

This honorable court previously commented on fraud on the court, "justified the historic power of equity to set aside fraudulently begotten judgments' on the basis that 'tampering with the administration of justice... involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public'", see in re: Levander, 180 F. 3d 1114, 1118, (9th Cir.1999) (quoting Hazel-Atlas Glass Co. v. Hartford-Empire Co, 322 U.S. 238, 244, 64 S. Ct. 997, 88 L. Ed 1250 (1944); The fraud and conflicts of interest involved in this litigation is enormous, requiring judicial review, granting certiorari, and unsealing the federal investigation due to causation. Also see US v. Beggerly, (1998), allowing petitioner to refile his case against Netflix relating to fraud on the court.

The California Judge and Magistrate Judges held **Comcast** pecuniary interest, with **Comcast** as a defendant in this case. 28 U.S.C. Section 455 a, b1, b4. The Committee on Financial Disclosure has not provided petitioner with the California and Texas court's 2019 financial disclosure statements showing interest. Petitioner filed a motion with the 9th Circuit Court for injunctive relief relating to rehearing and Committee on Financial Disclosure has failed to provide him with 2019 financial disclosure statements of the Judge Walter and others, including the Texas Court Judges. Factual evidence filed with the 9th Circuit Court on rehearing clearly show that Judge Walter held Comcast financial stocks since 2003-2018, and Magistrate Judge Eick also holds Comcast financial interest. Comcast is a defendant-appellee in this action. Again, Magistrate Eick is associated with MSK LLP opposing counsel in this action. See *Liljeberg v. Health Svcs Acq. Co*, 486 U.S. 847 (1988). The court Magistrate Judge Eick had a mandatory duty to immediately recuse himself instead of traveling with the reassignment committee for adverse rulings against petition by conflict judges.

Merit of the Case

Petitioner believes and argues that Attorney Doug Coggins submitted his copyrighted script "Batman Blackman" to actor Wesley Snipes agent at United Talent Agency (UTA). See attached exhibit contract and letter to UTA from Attorney Coggins. Mr. Snipes was scheduled to star as Black Panther and he also had an interest to star as Batman Blackman in petitioner's work. In short, access has been established with Marvel Entertainment of Walt Disney having interest with Mr. Snipes starring as Black Panther. Mr. Snipes was indicted and convicted for tax evasion, and the Black Panther project was given to actor Chad Bozeman, material witness who has recently died. Petitioner's Batman Blackman involves the takeover of Black Harlem by Joker Force. Whereas, Joker and his forces takeover the Harlem Museum involving high level dignitaries, the same occurs in Black Panther whereas there is a hostage takeover in the British African Museum with Kilmonger, Klaue and others. Klaue character comes across as The Joker. The dialogue in Black Panther continue to use the word "Freeze", "Don't Freeze" and there are plot scenes where certain tribe members actual freezes from the cold weather in the mountainous Wakanda region escaping the new King Kilmonger. In contrast, plots in "Batman Blackman"

dialogue of Mr. Freeze freezing Harlem, New York, New York and the World relating to temperature (cold) like the cold freezing temperature in Africa. Petitioner also can show the court striking similar scenes, dialogue, events, sequences of events and infringement of script Batman Blackman, using soundtrack for the work with songs by Michael Jackson, sampled by Kendrick Lamar (Black Panther soundtrack). See side by side list of similarities between Black Panther and Batman Blackman. Appellees can show that Black Panther and Lion King are similar, involving plots of father and son, and Kings, however, when adding Klaue as the Joker, the dialogue including words "Don't Freeze", "Freeze", "I will never Freeze" in Black Panther compared to character plot of Joker Force with Mr. Freeze freezing the world's oceans and people in Batman Blackman, and then there's the tribal fights in water and and music infringement (Kendrick Lamar), with petitioner's expert Dr. O.D. Alexander stating "WOW" after reviewing the similarities between Michael Jackson music within petitioner's Batman Blackman script and Black Panther's Kendrick Lamar's sampling Michael Jackson music used by the petitioner, observers can determine that Black Panther is also based on Batman Blackman, especially with the confusion of (1) Kilmonger killing Klaue and basically

becoming the joker, trying to take over the world using Vibranium money, resources and weapons and (2) later, Kilmonger becomes King of Wakanda, with the killing T-Challa, and later Kilmonger is killed, by T-Challa, who appeared to be dead, but survives the hundred foot drop in the water, returns to revenge his death and the takeover by the new King, Kilmonger. Later in the plot T-Challa speaks to the United Nations near the end of the film which points to similarities of the US President speaking to dignitaries at the Harlem Museum in the beginning of Batman Blackman. Moreover, T-Challa's father T-Chaka speaks to the United Nations in the beginning of Black Panther storyline. The Batman Blackman and Black Panther's plots are the strikingly the same relating to Joker and Joker Force demanding all of the gold in Fort Knox, and release of all of the world's prisoners, compared to Klaue and later Kilmonger demanding for Vibranium moneys, resources and weapons for World Revolution and takeover by Wakanda forces using the valuable Vibranium resources: money and weapons. Then there are the signals of light in the sky, with Batman sign-Flashes, in Batman Blackman compared to Light flashes in the sky of mysterious plane in Black Panther. In addition in Black Panther is the major plot about a necklace which is discussed in Batman Blackman

script. There is similarity in the character Suri, whose on a spy mission, high technology guru, which reflects mood in Batman Blackman technology. Clearly, this case involves a classic Jury question, determination on the merits of the alleged infringement, and not conflict judges who hold pecuniary interest in the outcome of this litigation, involving a pre-filing order preventing the plaintiff from proceeding with his case. The court and jury will definitely find out what are the plots and/or blended sub-plots relating to Black Panther and petitioner's intellectual property Batman Blackman. This court's decision in United States v. Beggerly, 524, U.S. 38, 46, 118 S. Ct. 1862, 141 L. Ed. 2d 32 (1998) (quoting Hazel-Atlas Glass Co. v. Hartford-Empire Co, 322 U.S. 238, 244, 64 S. Ct. 997, 88 L.Ed. 1250 (1944) affords petitioner to proceed with his case. Access has been established, petitioner has a copyright with Library of Congress copyright number for script Batman Blackman as and there's copying of Batman Blackman script. See Reg. #Au-689-458 dated September 17, 2002.

In short, it is extremely unfair to bar and/or prohibit petitioner from having access to the court by jurists having pecuniary interest and making false statements. Moreover, it is outrageous to create a fraudulent appeal case without having a Notice of Appeal filed by petitioner in the District Court prior to December 7, 2020. See attached exhibits and description list showing side by sides similarities between Black Panther and Batman Blackman. Other copyright infringement should also be allowed should the FBI report states that petitioner's copyrights were massively infringed and stolen and that over 140 judges participated in the massive infringement due to their pecuniary and organizational interest, tied to several Prefiling orders. One attorney examined the case and called it Judicial RICO and Conspiracy. 18 U.S.C. 1962.

Judge Walter stated in his dismissal order that petitioner brought the same claims filed in Judge Klausner's court. That's not true. There are different claims in this case. However, nonetheless, case law Rule 60 b 6, allows petitioner to challenge rendering decisions involving fraudulent opinions based on "Extraordinary Circumstances", which must be present to justify the use of the all catch provision to vacate judgment. See e.g. Gonzales v. Crosby, 545 U.S. 524, 535-36, 125 S. Ct. 2641, 162, L. Ed. 2d 480

(2005) (Citing Ackermann v. U.S. 340 U.S. 193, 199, 71 S. Ctr. 209 95 L. Ed. 207 (1950)). The Ninth Circuit in re: **FDIC v. Aaronian**, 93 F.3d 636 (9th Cir. 1996) ruled that "Registering Courts generally prefer litigants to bring motions for post judgment relief in the rendering court, "but it concluded that it was proper for a registering court to entertain a challenge to a rendering court's judgment on the ground that the judgment was unconstitutional and therefore, void." Rule 60 b 6 exists so that courts may "vacate judgments whenever such action is appropriate to accomplish justice." Also see **Klapprott v. U.S.** 335 U.S. 601, 614, 69 S. Ct. 384 93 L. Ed. 266 (1949); In case First Beverages Inc v. Royal Crown Cola, 612 F.2d 1164 (9th Cir. 1980) reports that "The proper approach to seeking from judgment because of a change in the factual circumstances surrounding this case would be directed in the first to the district court." Id at 1172: **Budget Blinds Inc v. White** 536 F.3d 244 (3rd Circuit 2008) requires reversal of the decision of the 9th Circuit Court, tied to fraudulent appeal case 19-55905 without a original filed notice of appeal in 2019.

Last, Attorney Alan Pesnell submitted a solicited 30 film proposal to Netflix. After receiving petitioner's proposal for 30 films, Netflix rejected

the proposal. In a recent decision before the US Supreme Court, the high court stated in case In re: Comcast v. National Association of African American Owned Media, 589 U.S. ____ 2020, involving Byron Allen's racial discrimination claims on potential contracts. Doc. No. 18-1711, that Racial Discrimination must be shown to prevail. Here, is another classic jury question and not for jurists having pecuniary interest, to allow litigants to go forward on their claims for relief (Citing in equity independent action, US v. Beggerly, 524, U.S. 38, 118, S. Ct. 1862 141 L. Ed. 2d 32 (1998). Judge Drell's 2017 financial disclosure statements and the court's 2017 order in Whitehead v. Parish of Caddo, 17cv306, W.D. Louisiana, clearly show fraud on the court with the court's false statement. 18 U.S.C. Section 1001. This act gives petitioner standing before the court.

In conclusion, petitioner prays that the Supreme Court will grant his petition for certiorari.

Respectfully,

A handwritten signature in black ink, appearing to read "David Louis Whitehead", written in a cursive style.

David Louis Whitehead

1906 Scott St.

Bossier, Louisiana 71111

(Word count 6,602).

January 27, 2021

CASE No. _____

IN THE UNITED STATES SUPREME COURT

OFFICE OF THE CLERK

WASHINGTON, DC 20543-0001

DAVID LOUIS WHITEHEAD,

PETITIONER,

V.

US COURT OF APPEALS FOR NINTH CIRCUIT
CASE NUMBER 19-55905

US DISTRICT COURT FOR CENTRAL DISTRICT OF
CALIFORNIA CASE NUMBER 2:19-CV-05500

NETFLIX, INC., et al.

RESPONDENTS,

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED SUPREME COURT



David Louis Whitehead

1906 Scott St.

Bossier, Louisiana 71111

318-820-5029 (cell)

Email: DAOUDDAVIDLOUIS@YAHOO.COM

PETITION FOR WRIT OF CERTIORARI REQUESTING THE HIGH COURT TO UNSEAL DEPARTMENT OF JUSTICE—FBI INVESTIGATION RELATING TO FRAUD ON THE COURT AND REFER THE CASE TO THE CONGRESS OF THE UNITED STATES FOR A VOTE DUE TO CONFLICTS OF INTEREST WITH SUPREME COURT

COMES Now Petitioner David Louis Whitehead with his PETITION FOR WRIT OF CERTIORARI REQUESTING THE HIGH COURT TO UNSEAL DEPARTMENT OF JUSTICE—FBI INVESTIGATION RELATING TO FRAUD ON THE COURT AND REFER THE CASE TO THE CONGRESS OF THE UNITED STATES FOR A VOTE DUE TO CONFLICTS OF INTEREST WITH SUPREME COURT

GROUND FOR RELIEF

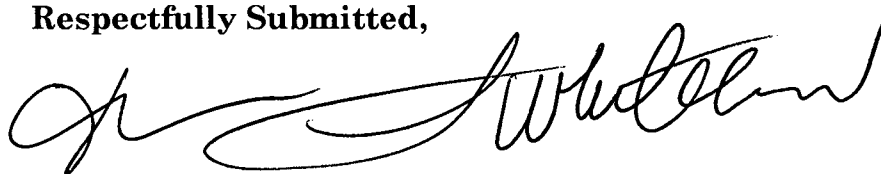
- 1. Petitioner David Louis Whitehead believes and assert that he has been subjected to serious and massive fraud on the court and officers of the court in the lower court, relating to over 140 judges protecting Judge Paul L. Friedman and others. This fraud should afford the Supreme Court to lift sanctions and allow petitioner to proceed as a Pro Se litigant. See case law: Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 244 64 S. Ct. 997 , 88 L. Ed. 1250 (1944); Also see**
- 2. The great Justice John Paul Stevens voted to hear Petitioner’s case in Whitehead v. Wickham, et al., 05-5734.**
- 3. Most recently, the high court assigned a miscellaneous case regarding related matters, however, in 2019, there was no Notice of Appeal filed in the Central District Court for California to generate Appeal No. 19-55905 by the Circuit Court.**

4. **Petitioner recently on December 7, 2020, filed a Notice of Appeal with the Central District Court related to this case. In short a fraud was activated against the courts and pro se petitioner regarding the assignment of case 19-55905. Further, noting on December 10, 2020, the court ruled adversely against the petitioner with Jurist participation involving the 2019 assignment of 19-55905.**

5. **Petitioner is a Veteran of the United States Navy and Army Reserves, and he is a former member of the US Intelligence Agency (Central Intelligence Agency) (“CIA”). Supreme Court Rule 40 Veteran status affords petitioner’s proceed without cost. Moreover, petitioner argues that Rule 40 should support petitioner’s request to vacate sanctions against him, NOTING THAT one (1) Supreme Court Justice voted to hear his case. See paragraph 2 (Justice John Paul Stevens).**

In conclusion, the fraud on the court matter and Rule 40 (Veteran status) should allow petitioner to proceed in this Petition for Certiorari. Prays that court grants Petitioner for Certiorari.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David Louis Whitehead". The signature is fluid and cursive, with a large initial "D" and "W".

David Louis Whitehead

1906 Scott St.

Bossier, Louisiana 71111

January 25, 2021