No. ■ -_____-

IN THE UNITED STATES SUPREME COURT

TRUE HARMONY, et. al.

Petitioner,

v.

STATE OF CALIFORNIA DEPT. OF JUSTICE et al.,

Respondents.

On Appeal from the Denial of Petition for Writ of Mandamus to United States Court of Appeals for the Ninth Circuit to Compel District Court Judge Hon. J. Kronstadt to Recuse Himself [Appellate Case No. 20-72115]

PETITION FOR WRIT OF CERTIORARI

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Petitioner In Propria Persona

QUESTIONS PRESENTED

(1) Whether 28 U.S.C. §455 disqualifies a federal court judge for lack of impartiality to a reasonable observer in a federal civil rights and fraud action because as a state court judge he intentionally and continuously as a pattern or practice violated the automatic stay in bankruptcy of the plaintiffs in the federal action and entered judgments against civil rights and fraud plaintiffs in violation of the automatic stay in bankruptcy in the state court, and thus denied them Due Process of the laws under Federal law and the Federal constitution in the state action?

(2) Whether the due process of the laws clause of the Bill of Rights of the U.S. Constitution

disqualifies a federal court judge from deciding plaintiffs' federal civil rights and fraud action because of the appearance of his actual bias because as a state court judge in a former case he intentionally and continuously as a pattern or practice violated the automatic stay in bankruptcy of the federal action plaintiffs and entered judgment against plaintiffs in the state court action in violation of the automatic stay, and *ipso facto* denied them Due Process of the laws under the Federal law and Federal constitution?

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JURISDICTIONAL STATEMENT

This Court has jurisdiction over this petition for certiorari to the Ninth Federal Circuit's refusal to issue a writ of mandamus to the Central District of California pursuant to the *All Writs Act, 28 U.S.C. § 1651,* to order recusal of Hon. J. Kronstadt, federal judge assigned to action no. 20-cv-00170 in the United States Federal Central District of California . *Exhibit 1, Denial of Petition; Exhibits 2 & 3, Orders Denying Recusal and Reconsideration of Recusal; see, e.g., In re Cargill, Inc. (1st Cir. 1995) 66 F. 3d 1256, 1259.*

Jurisdiction to consider this petition for the writ of certiorari is authorized under *28 U.S.C. §1254(1)*, and it is discretionary. *28 U.S.C. §2101(c)* allows a petition for writ of

certiorari to be filed in this court on or before ninety (90) calendar days from the denial of an appeal in the federal appeals court. This Supreme Court of the United States has extended the period for filing the petition to one hundred and fifty days for rulings during the pandemic emergency. The one hundred and fifty day period began on July 28, 2020 and will expire on December 25, 2020.

RELIEF SOUGHT BY THE PETITIONERS

PETITIONERS, TRUE HARMONY, a registered federal public charity of Compton California under *28 U.S.C. §501(c)(3)*, 1130 SOUTH HOPE STREET INVESTMENT ASSOCIATES LLC, RAY HAIEM, and JEFFREY G. THOMAS, are plaintiffs in TRUE HARMONY et al. v. STATE

DEPARTMENT OF JUSTICE OF THE STATE OF CALIFORNIA et al., case no. 20-cv-00170, United States District Court for the Central District of California (hereafter *"federal action"*), brought under *42 U.S.C. §1983* and state law. PETITIONERS petitioned the Ninth Federal Circuit Court of Appeals, pursuant to *28 U.S.C. § 1651* and *Rule 21 of the Federal Rules of Appellate Procedure*, for a writ of mandamus directing the District Court for the Central District of California to vacate its order denying PETITIONERS' motion for recusal of the Honorable J. Kronstadt, *Order, (Ex. B), at 84 – 86*, and its order denying their motion to reconsider the denial of his recusal, *Order, (Ex. C), at 87*, pursuant to *28 U.S.C. § 455(a)*. On June 22, 2020, Petitioners moved the

court to recuse Hon. J. Kronstadt under *28 U.S.C. §455(a)* and the *Due Process of the Laws Clause* of *Amendment Fourteen to the U.S. Constitution (Dkt. #87*). On June 25, 2020, the court by Hon. P. Gutierrez denied the motion (*Dkt. #92*). The order is attached to the Declaration herein as *Exhibit B*.

Petitioners petitioned for mandamus in the court of appeals to direct the District Court to recuse the Hon. J. Kronstadt from presiding further in this action. The Ninth Federal Circuit Court of Appeals denied this petition on July 28, 2020.

An interim order of suspension of PETITIONERS' attorney at law has been entered by the State Bar Court and relief therefrom denied by its Review Department while PETITIONERS await a decision on the motions to dismiss by Hon. J.

Kronstadt. Despite that the State Bar Ass'n. of California (South) filed an application for Involuntary Inactive Enrollment (IIE) of Mr. THOMAS in a period of abatement because of covid19 and attempted to serve it on Mr. THOMAS by certified mail to the autonomous office of a storage management firm at 201 Wilshire Blvd. during the period of abatement. The accidental recipient forwarded three weeks later to Mr. THOMAS, the date of "zoom" hearing on the Application was not noted thereon, Mr. THOMAS did not receive a letter setting the date of the *"zoom-type"* hearing. Offices of the State Bar Court South and the State Bar Association were closed during this pandemic time and no one at either agency answered the telephone, and the State Bar

Court entered a *"default"* order of IIE against THOMAS. This interlocutory order of suspension for failure to pay plainly erroneous and unconstitutional money sanctions which the State Bar Association has filed with the federal courts in this State violates PETITIONERS' constitutional rights of free speech and petitioning and access to courts and the same rights for Mr. THOMAS, their counselor at law, because it threatens to prevent THOMAS from representing PETITIONERS in the federal action.

PETITIONERS and THOMAS have exhausted their remedies from the suspension in the Review Department of the State Bar Court. Ancillary to this petition, PETITIONERS and THOMAS seek emergency relief from the order of suspension and

the orders to show cause of the local federal courts. *Exhibits 4 & 5, Orders to Show Cause*.

Throughout this petition, unless the context otherwise requires, *"defendants"* refers to attorneys at law Rosario Perry, Norman Solomon, Hugh John Gibson, and their controlled entities 1130 South Hope Street Investment Associates LLC, the California LLC (now known as 1130 Hope Street Investment Associates LLC), and Hope Park Lofts LLC (now known as Hope Park Lofts 2001-02910056 LLC). Citations to various documents as Exhibits designated by alphabetical letter herein are citations to evidence filed in in the court of appeals in support of the petition for the writ of mandamus. Citations to Exhibits by number are

citations to the five required orders in the Appendix hereto.

CONSTITUTIONAL AND STATUTORY PROVISIONS

Art. I, Section 8 of the United States Constitution:

"The Congress shall have power to . . . establish an . . . uniform laws on the subject of Bankruptcies throughout the United States."

Art. VI Section 2 of the United States Constitution:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which

shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Amendment One of the United States Constitution:

"Congress shall make no law . . . abridging the freedom of the speech or of the press; or of the right peaceably to assemble, and to petition the government for a redress of grievances."

Amendment Fourteen of the U. S. Constitution, Section One:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

28 U.S.C. §455(a):

Any justice, judge, or magistrate judge of the United States shall disqualify himself in

any proceeding in which his impartiality might reasonably be questioned.

I. ISSUES PRESENTED IN THE PETITION

The questions presented by this Petition are:

(1) Could a reasonable person question the impartiality of the judge assigned to the federal civil rights and fraud action because it attacks his intentional violations as a state court judge of PETITIONERS' automatic stay in bankruptcy and entry of judgment(s) against PETITIONERS, as the gravamen of the federal action with violations of other federal laws, requiring the former state court judge and federal court judge to disqualify himself under 28 U.S.C. §455; and

(2) Is the probability of actual bias established by the federal judge's actions as a former state court judge because of his intentional violations as a state court judge of PETITIONERS' automatic stay in bankruptcy and entry of judgment(s) against PETITIONERS, as the gravamen of the federal action with violations of other federal laws, requiring the former state court judge and federal court judge to disqualify himself under the Due Process of the Laws Clause of Amendment Fourteen of the United States Constitution.

II. STATEMENT OF FACTS

The history of the dispute between PETITIONERS TRUE HARMONY and 1130 SOUTH HOPE STREET INVESTMENT ASSOCIATES, LLC, the Delaware limited liability

company, plaintiffs in the federal action, and attorney at law Rosario Perry formerly representing TRUE HARMONY and attorney at law Norman Solomon, and Norman Solomon's and Rosario Perry's wholly controlled entities 1130 South Hope Street Investment Associates LLC (the California LLC) and Hope Park Lofts LLC, and attorney at law Hugh John Gibson Esq., is reviewed in the petition for writ of certiorari in *Thomas v. Solomon*, filed in this U. S. Supreme Court as *no. 19-537.* The factual background is also reviewed in the petition for writ of certiorari in *Thomas v. Zelon, U.S.C.t. no. 18-1113*.

The facts concerning the fraud and lack of due process in the defendant's theft of title of PETITIONER TRUE HARMONY and the Delaware

LLC's property are summarized in these petitions for the writ. Furthermore, some facts alleged in the federal action concerning the defendant's conspiracy to deny access to the courts to PETITIONERS and to conceal the conspiracies to defraud the PETITIONERS and to deny access to the courts to PETITIONERS are also reviewed in these petitions.

As explained in the petition for writ of certiorari in 19-537, PETITIONERS did not succeed in the state court in their action to nullify the judgments entered by state courts alleged to be void in violation of federal law, federal due process of the laws and state law requiring the state attorney general to consent to the transfer of title of PETITIONER's property, and the automatic stay in

bankruptcy. But the state court pleading did not include a fraud cause of action, and it did not include a cause of action for violation of federal civil rights and the Due Process of the Laws. The current federal action challenges the application of res judicata in the state action to the state court judgments conferring title to the Property in violation of the automatic stay in bankruptcy, and the federal common law of taxation of exempt organizations, and the denial of Due Process of the laws resulting to the PETITIONERS therefore, and the fraud on the court and the public of attorneys at law representing or appearing as parties plaintiff and defendant in the same action. *United States v. Throckmorton (1878) 98 U.S. 61.*

The federal action challenges the fraud in violation of these federal laws as fraud under the *Uniform Supervision of Charitable Trustees Act, Cal. Gov't. Code §12580 et seq*., a cause of action that is alleged to arise under federal law because it anticipates defendants' defenses under federal law. *Grable & Sons Metal Products Inc. v. Darue Engineering & Mfg. (2005) 545 U.S. 308.* The federal action also alleges a private right of action in PETITIONERS to enforce this law. The Second Amended Complaint alleges that PETITIONERS have standing to bring the federal actions as taxpayers and as persons protected by the federal common law. Because two state's attorney generals, Kamala Harris and Xavier Becerra, declined to intervene in the PETITIONERS' state

action and the federal action, as *parens patriae* to enforce a cease and desist order under *Cal. Corp. Code §5913* (which is *in pari materia* with the *Uniform Supervision of Charitable Trustees Act*).

To briefly summarize the factual background of the dispute over the charity's property, the federal action alleges that defendants Rosario Perry and Norman Solomon (both licensed attorneys at law) and their wholly controlled entities deceived the state court to transfer title to the Property with false testimony that the state's attorney general had approved the transfer of title under *Cal. Corp. Code §5913* to them (and apparently false argument to the Los Angeles Court of Appeals). It alleges that Rosario Perry and Norman Solomon deceived the state courts with a fraudulent brief arguing that

PETITIONERS waived attorney-client privilege for their former attorney representing them, the defendant Rosario Perry, to testify against them that they had agreed to a fake settlement agreement after the state courts decided action no. BC244718 for PETITIONERS. This fake settlement agreement purported to transfer the property to the wholly controlled entity belonging to defendants Perry and Solomon, 1130 South Hope Street Investment Associates LLC (the California LLC).[1]

[1] This fake settlement agreement is referred to herein as the "doubly fake" or "doubly false" agreement, because Perry and Solomon and co-conspirator Gibson misrepresented to the state courts in subsequent actions and to the federal bankruptcy court that the that the fake settlement agreement contained a binding arbitration clause, when they knew that the only testimony that they presented to the state court in action no. BC244718 was that PETITIONER

PETITIONERS filed the federal action in 20-cv-00170 in TRUE HARMONY et al. v. STATE DEPT. OF JUSTICE et al. in 2020. This is well within the ten year statute of limitations of the Uniform Supervision of Charitable Trustees Act. PETITIONERS allege that the *parens patriae* doctrine and taxpayer standing confer standing on them to bring the action when the state's attorney general unreasonably refuses, and joined him as an involuntary plaintiff and defendant. The state's attorney general moved to dismiss the Second Amended Complaint on the basis of sovereign immunity, and no standing against him.

TRUE HARMONY's agent signed a fake settlement agreement with a non-binding arbitration clause.

PETITIONERS responded that the state's attorney general unreasonably refused to voluntarily join in the action as a plaintiff, and the public interest exception to *res judicata* avoids this defense. *United States v. Mendoza (1984) 464 U.S. 154.* Furthermore that the Due Process of the Laws Clause forbids the federal courts from presuming jurisdiction from existence of a judgment, *In re Bulldog Trucking Inc. (4th Cir. 1998) 147 F. 3d 347*, which is an unconstitutional practice of the state courts as apparently followed in the state court between PETITIONERS and defendants, *Moffat v. Moffat (1980) 27 Cal. 3d 645*, and that the PETITIONERS' civil rights under bankruptcy law forbid this state court practice. *See Eskanos & Adler v. Leetien (9th Cir. 2002) 309 F. 3d 1210,*

1213; In re Sambo's Restaurants, Inc. (9th Cir. 1985) 754 F.2d 811; In re Benalcazar (Bank. N.D. Ill. 2002) 283 B. R. 514; see also Central Virginia Community College v. Katz (2006) 546 U.S. 356.

PETITIONERS responded to the motions to dismiss that the bankruptcy law exception to the *Rooker-Feldman* matter avoids it in this action. *See 11 U.S.C. §105; 11 U.S.C. §362(k)(1); Kalb v. Feuerstein (1940) 308 U. S. 433.*

Rosario Perry and Norman Solomon, licensed attorneys at law, relied upon the "doubly fraudulent" settlement agreement containing the "doubly false" clause for binding arbitration to the state court in the post appeal proceedings in the quiet title lawsuit, and caused the state court to enter a judgment of title for their wholly controlled

entities in reliance on the double falsity of the fake arbitration clause in the fake settlement agreement. Rosario Perry as putative manager, caused the wholly controlled limited liability company to include this doubly fraudulent agreement in a petition to compel arbitration in a later civil action (BC385560) seeking to void transfers of title to the property by PETITIONERS among themselves and to their wholly controlled entities. It is conclusive that the defendants caused fraud on the court under the federal common law because they represented parties or controlled parties on opposite sides of the courts. *United States v. Throckmorton (1878) 98 U.S. 61.* After the state court ordered arbitration, PETITIONERS filed a petition in bankruptcy for the Delaware LLC after

transferring title to it from TRUE HARMONY, in 09-bk-20914. Rosario Perry and Norman Solomon's wholly controlled entity submitted this doubly fraudulent agreement with the motion to lift the automatic stay to the bankruptcy court, and obtained an order lifting the automatic stay in bankruptcy in reliance thereupon.

The federal judge in the federal action, Hon. J. Kronstadt was the state court judge in BC385560. As the state court judge, he entered judgment for defendants confirming an arbitration award of title to Rosario Perry and Norman Solomon's wholly controlled entity, after the PETITIONERS filed the petition in bankruptcy, in violation of the automatic stay. He granted summary adjudication for the defendants and

wholly controlled entity during the stay, in violation thereof. He entered judgment against PETITIONERS therein transferring title to the property to defendants in BC385560, fewer than thirty days after the bankruptcy entered the order lifting the stay in reliance upon Perry's and Solomon's fraud on the state court and bankruptcy court involving the doubly false binding arbitration clause. And he refused a continuance to TRUE HARMONY and the Delaware LLC to try the case represented by a licensed counselor at law. As explained in the petition for writ of mandamus defendants induced Hon. J. Kronstadt to violate their automatic stay in bankruptcy at least six times, which certainly seems like a kind of record for disrespect of federal bankruptcy law.

To these viable causes of action in the federal action attacking these violations of the federal bankruptcy law, federal taxation law and the federal common law of fraud on the court by licensed attorneys at law, PETITIONERS added a causes of action to the federal action claiming denial of their taxpayers rights under Due Process of Laws for state attorney general to enforce her cease and desist order against the California LLC's sale of the Property to Bihmf, LLC. PETITIONERS added another cause of action claiming that *parens patriae* doctrine and the federal common law conferred on them the right to bring the action in the name of the State of California in the public interest because the states attorneys general's refusal to join in the action as plaintiff is

unreasonable, and the public interest exception renders the res judicata defense of defendants inoperable.

Perry, Solomon and Gibson, attorneys at law, filed motions to dismiss the Second Amended Complaint in the federal action. Hon. J. Kronstadt has not yet decided these motions, although he took the "hearings" scheduled on his court's calendar for Nov. 16 on Nov. 11. Thus the issue(s) of his disqualification herein are not moot.

It is noteworthy that Hon. J. Kronstadt not only refused to disqualify himself, he also signed an order accepting a transfer of this action which was originally filed in the Southern Division of the federal district court, as it was the PETITIONER's right to bring the action in the Southern Division

under *28 U.S.C. §1391* and *Atlantic Marine Construction Co. Inc. v. United States District Court (2013) 571 U.S. 49*. Defendants transferred the action to Hon. J. Kronstadt by the ruse of a motion to change venue, and did not move the court to transfer it for convenience of the parties and witnesses. Hon. J. Kronstadt accepted the transfer knowing that the motion was a ruse and that he had predecided the bankruptcy law issues against PETITIONERS in state court and *prima facie* appeared to be biased against PETITIONERS. (*Dkt. #80, June 16, 2020*).

The writ relief is authorized by the *Due Process of the Laws Clause of Amendment Fourteen of the Constitution,* and *28 U.S.C. §455(a),* to wit:

> *"a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. (b) He shall also disqualify himself in the following circumstances:(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding . . .*

The automatic stay is the jurisdictional *sine qua non* that guarantees the primacy of the federal bankruptcy law over inferior state law and state courts, and assures that the law will not interfere with business during reorganization. *Taggart v. Lorentzen (S. Ct. 2019) 139 S. Ct. 1795.* The

superior court clerk in BC385560 filed the notice of the stay in the state court's records the next day following the filing of the petition in bankruptcy.

Hon. J. Kronstadt first violated the automatic stay in bankruptcy first by entering a judgment against PETITIONERS including restraints on the debtor in possession the Delaware LLC (and its *alter egos* the officers of PETITIONER TRUE HARMONY and TRUE HARMONY itself)'s property on June 3, 2009 *Judgment, (Ex. H) at 206:21 - 24; 209:3 – 9: 210:1 – 211:28; First Amended Complaint, (Ex. L), at 268:1 – 273:19; see also United States v. Dos Cabezas Corp. (9th Cir. 1993) 995 F. 2d 1486*. Second, by holding a hearing on a summary adjudication motion in December of 2009 that included relief against

debtor in possession the Delaware LLC and also its related person and indispensable party TRUE HARMONY, *Docket (Ex. G) at 169*, and by granting the summary adjudication. *SAC (Ex. A), at 47:23 – 49:13*. Hon. J. Kronstadt stated on the record in the reporters transcript of the so-called trial (which itself was a willful violation of the automatic stay because it was within the prohibited thirty day period of *Bank. Code Section 108(c)*) that he *"had given enough time already"* to the PETITIONERS (plaintiffs) TRUE HARMONY in the Delaware LLC to prepare for the trial during the action. 5, *Transcript (Ex. I), at 214 – 237; Fleet Mortg. Group v. Kaneb (1st Cir. 1999) 196 F. 3d 265*.

The state court by Hon. J. Kronstadt bootstrapped the illegal summary judgment in

violation of the automatic stay into evidence at the illegal premature trial in violation of the automatic stay. *Transcript (#I) at 225:12 – 226:26, 240 – 244, passim.* The dockets of the bankruptcy case, *Docket, Ex. D, at 89 - 98*, and action no. BC385560, *Docket, (Ex. G), at 185 - 193*, the judgments in action no. BC385560 *Judgments, (Exs. H, K), at 203-213 and 261 – 267,* and the transcript of the trial of action no. BC385560 *Transcript, (Ex. I) at 214 - 255*, are proof that Hon. J. Kronstadt intentionally violated the automatic stay for the debtor in possession in 09-bk-20914, the Delaware LLC, and also for PETITIONER TRUE HARMONY which defendants made an indispensable party to the relief that they requested by the first amended complaint in BC385560. *First Amended Complaint*

(Ex. L), passim and 268:1 – 273:19. Furthermore it was very obvious that the debtor in bankruptcy the Delaware LLC and TRUE HARMONY were alter egos because the court, the defendants and the PETITIONERS all treated the PETITIONERS as alter egos, and they were both entitled to protection of the automatic stay. Bankruptcy Code *§§105, 362(k)(1); Havelock v. Taxel (In re Pace) (9th Cir. 1995) 67 F. 3d 187; United States v. Dos Cabezas Corp. (9th Cir. 1993) 995 F. 2d 1486.*

Hon. J. Kronstadt's pervasive animus and malice toward PETITIONERS' federal rights under federal bankruptcy law stymied their reorganization and caused the bankruptcy salvo to be terminated unfairly because of an order lifting the stay procured by fraud on the court, and a trial that violated the

bankruptcy stay. *See Order (Ex. F), at 159 – 164; see also Reply (Ex. E), at 90 – 110 and esp. 144 – 148 (Declaration of Norman Solomon filed in violation of the automatic stay).* RESPONDENTS argued to the bankruptcy court that the judgment dated June 3, 2009, *Judgment, (Ex. H), at 203 - 213* was not entered against the Delaware LLC, but the judgment plainly operates against all PETITIONERS (defendants in BC385560) because, among other things, the judgment purported to nullify the deed from PETITIONER TRUE HARMONY to the Delaware LLC. *Judgment (Ex. H), at 206:21 - 24; see also 209:3 – 9: 210:1 – 211:28*. If the motion to lift the stay had not deceived the bankruptcy court, and Hon. J. Kronstadt had not violated the PETITIONRERS'

automatic stay the bankruptcy of the PETITIONERS would have continued, and PETITIONERS would have had the opportunity for hearings on intended adversary actions in the bankruptcy court to apply federal bankruptcy law to nullify the judgment of title in BC244718 as a fraudulent transfer and a preferential transfer under *Bankruptcy Code §§544(c) and 547(c).*

The automatic stay guarantees that an action in state court will languish on its own docket, and no judgments, orders or pleadings will be filed and no hearings will be conducted in state court. *Pope v. Manville Forest Products Corp. (5th Cir. 1985) 778 F. 2d 238.* All of the actions of Hon. J. Kronstadt as a state court judge violated this principle and used the automatic stay as a sword

inflicting harm, not as the intended shield from harm. And Hon. J. Kronstadt violated the automatic stay no fewer than six times in BC385560 counting the actions discussed herein, and the entry of the summary judgment on March 15, 2010 and the entry of judgment after the so-called trial on April 22, 2010. These rulings plainly in contempt of the federal bankruptcy court, *prima facie*.

On page 13 of the transcript (*Ex. I)* in the Evidence of the Petition for the Writ of Mandamus, *at 226*:

> *"11 The court: You agree with that, Mr. Marzet, I*
> *12 previously granted summary adjudication as to certain*

13 entities and certain claims – Excuse

me.

14 There were prior hearings. As a result

of

15 Those prior hearings, I granted

summary adjudication, I

16 believe, is that correct?

17 Mr. Berke: Yes.

18 The court: As to both certain claims

and as those

19 claims pertain to certain individuals

and entities. You

20 agree with that?

21 Mr. Berke: I do.

22 The court: do you agree with that, sir?

23 Mr. Marzet: Yes.

24 The court: I stayed that order in part pending the

25 Bankruptcy court's consideration of the new – of the

26 then recently filed bankruptcy proceedings." Transcript, Exhibit E, page 13: 11 – 26.

What is needed is to remove the cause of the contempt shown for the federal bankruptcy law from this action. There is no doubt that the unconstitutional practices of state courts and the albatross of overtly partisan one-party politics in the Los Angeles Superior Court and the Los Angeles Appeals Court dragged PETITIONERS' state court action to the bottom of the legal "sea" in the proverbial Davy Jones's locker and doomed it. And

this federal action will sink in the sea of judicial bias toward an inherently flawed and political sate court system, if this Supreme Court of the U.S. does not intervene to cut the Gordian knot of unconstitutionality and refusal of political states' attorneys generals to execute their mission of protecting the public charitable assets of PETITIONERS that has *"balled up"* this case so far.

Indeed, the Los Angeles bar association and the Los Angeles courts have publicly displayed their bias toward subordinate state law by displaying the shield of the state Supreme Court above the shield of the U.S. Supreme Court on the exterior of its newly remodeled law library, across from the state courthouse and the new federal court house in Los Angeles, California. *Picture, Appx., Exhibit 6.*

III. REASONS WHY THE WRIT SHOULD ISSUE

A. This Court Should Issue a Writ of Mandamus Requiring the District Court's Recusal under 28 U.S.C. § 455(a) Because a Reasonable Person May Question the Federal Judge's Impartiality

In *United States v. Liteky (1994) 510 U.S. 540* this Supreme Court of the United States defined the requirement of *28 U.S.C. §455(a)* of the appearance to a reasonable person of impropriety of the federal judge requiring disqualification. In *Liteky*, a motion for recusal was filed alleging that the trial judge displayed *"impatience, disregard for the defense and animosity."* Our Supreme Court held that the evidence of improper bias or prejudice, which is incorporated from *28 U.S.C. §455(b)* in *28 U.S.C. §455(a)*, must be based on an extrajudicial

source. An extrajudicial source is normally not the statements of a judicial officer sitting on the bench unless those statements *"display a deep-seated and unequivocal antagonism that renders fair judgment impossible." Liteky, supra.*

Liteky also cited and approved the case law allowing the pervasive grounds for disqualification under *28 U.S.C. §455. Davis v. Board of School Comm'rs. of Mobile County (5th Cir. 1975), 517 F. 2d 1044, 1051, cert. denied (1976) 425 U. S. 944.* Whether or not this Supreme Court believed that extrajudicial source and pervasiveness could merge was not the issue in *Liteky*, and the Court did not discuss it. But it seems clear that rulings or actions by a state court judge which go beyond state court jurisdiction and destroy federal bankruptcy court

jurisdiction are extrajudicial, and the federal action raises this issue.

State court judges (and federal judges) who intentionally destroy rights guaranteed by the federal bankruptcy law and the Bankruptcy Clause may lose their judicial immunity in doing so. *Maestri v. Jutkowski (2d Cir. 1988) 860 F. 2d 50; see also Tucker v. Outwater (2d Cir. 1997) 118 F. 3d 930; Rankin v. Howard (1980) 633 F. 2d 844, cert. den. sub. nom. Zeller v. Rankin 451 U.S. 939*. The actions of state judges who intentionally violate federal rights may therefore deemed to be extrajudicial in this context, within the context of *28 U.S.C. §455*. If their actions are not extrajudicial, they are pervasively antagonistic to federal law that causes their rulings to lose the safe

haven of the extrajudicial mantle within the meaning of *Davis, supra*.

This issue of the consideration of a string of adverse rulings intended to harm a party as equivalent to the predecision or bias proven by verbal statements from the bench of prejudice, hostility, bad animus and ill will was discussed in Judge Reinhardt's concurring opinion in *King v United States District Court (9th Cir. 1994) 16 F. 3d 992*. The late Judge Reinhardt wrote that:

> *"Nevertheless, we have made it clear that there is an exception to the general rule that courtroom statements are not enough to warrant recusal and that 'extrajudicial' bias is required. That exception is applicable when the*

petitioner can demonstrate through expressions of opinion and rulings made in the course of judicial proceedings that the bias is 'pervasive.' United States v. Monaco, 852 F.2d 1143, 1147 (9th Cir. 1988) (An exception to the extrajudicial bias rule is made 'when a judge's remarks in a judicial context demonstrate such pervasive bias and prejudice that it constitutes bias against a party.').

In Monaco we did not describe or define the type or nature of the 'pervasive bias' that would justify application of the exception. We merely adopted the exception without

more. A few cases in other circuits have limited the pervasive bias rule to statements indicating personal animosity. See Davis, 734 F.2d at 1303; United States v. Sims, 845 F.2d 1564, 1570 (11th Cir. 1988). However, so narrow an exception is inconsistent with the plain language of § 455(a), as well as with the purpose of that provision. Under the statute, recusal is required "in any proceeding in which [a judge's] impartiality might reasonably be questioned" by members of the public. That language would seem to dictate the conclusion that impartiality is lacking not only when a

judge feels personal animosity toward a party but when a judge has for other reasons pre-determined the outcome of the case - and even when he has simply formed a strong opinion with respect to how the critical issues of fact should be decided. Moreover, the statute clearly does not apply only when a judge is biased. The test is an objective one. We must look to how the judge's conduct appears to the public; in other words, we must consider the appearance of justice. A case like the one before us, in which the district judge has on an earlier occasion expressed firm convictions regarding

the issues of fact that are critical to the outcome of the pending proceeding, is rare.

Indeed, in such an unusual case, however, reasonable people could well conclude that the court has made up its mind. The appearance of judicial impartiality would appear to be threatened in such cases no less than in the other cases in which judges are required to recuse themselves. [fn. Omitted].

This is not a case in which the same parties litigate the same issue in two different trials. Such a case would raise far different questions. Here,

Judge Davies formed his views of the issues in a case in which, as noted earlier, Rodney King was not a party. King provides us with examples of rulings and statements by Judge Davies that he contends reveal pervasive bias and prove that the judge has firm convictions regarding all of the important factual issues underlying the civil claim. They are as follows: . . . ." 16 F. 3d at 994 – 995.

In *United States v. Dreyer (9th Cir. 2012) 693 F.3d 803, see also 705 F. 3d 951 (2013 - opinion regarding denial of rehearing en banc)*, the defendant, a psychiatrist, developed dementia at the age of 63 and entered into a drug conspiracy.

He entered a guilty plea. The court of appeals held that at the sentencing hearing, the judge should have *sua sponte* ordered a competency hearing, because the defense attorney did not know what the client with dementia would say at the sentencing hearing and refused the client's opportunity to speak.

Here, the Hon. J. Kronstadt should have *sua sponte* halted the trial in BC385560 to cause it to *"languish on the docket"* in accordance with federal bankruptcy law and taxation law to permit PETITIONERS the opportunity to pursue their remedies in bankruptcy law. Hon. J. Kronstadt's comments on the PETITIONERS' perceived inaction in the so-called trial which violated the automatic stay were premature, because the

bankruptcy law prohibited the trial when it occurred. And they were pervasively antagonistic because he deemed the state law rule requiring a corporation to be represented by counselor at law dispositive of PETITIONERS' federal rights.

In *United States v. Antar (3rd Cir. 1995) 53 F. 3d 568*, the defendant was the subject of both a civil SEC action and a criminal contempt action for failing to comply with the court's order in the civil case regarding the return of money. When imposing sentence, the judge stated that his object, *"from day one . . . was to get back to the public that which was taken from it."* In this case Hon. J. Kronstadt's rulings had the effect of the public never getting back the use of public charitable

assets of TRUE HARMONY from the greedy clutches of its former attorneys at law.

In *Hurles v. Ryan (9th Cir. 2011) 752 F. 3d 768* when a pretrial ruling concerning the appointment of additional counsel was appealed, the judge appeared as a nominal party in the appellate court but actually filed a pleading, urging that the ruling was proper and that the simplicity of the case (implying that the evidence of guilt was overwhelming) justified the decision to deny the appointment of two lawyers in this death penalty case. These statements were similar to the Hon. J. Kronstadt's preclusion of PLAINTIFFS' evidence in the trial. This court of appeals held that the state trial judge's participation in the appeal caused her to be disqualified for bias in the death penalty

proceedings on remand, without a remand for a full evidentiary hearing on the state judge's impartiality required. Here the situation requires a full evidentiary hearing on the former state judge Hon. J. Kronstadt's impartiality. No decision of any federal court has considered this important question, and for the sake of preserving the integrity of federal law and the federal judiciary, the Court must take up this question now.

The situation contemplated by Judge Reinhardt in the *King* dissent is exactly presented by the evidence here. And for the sake of public confidence in the law and the judicial system, this Court should intervene to declare that pervasive bias and animosity to the federal law as demonstrated by ruing after ruling against federal

law is equivalent to speech that impeaches the federal law that our system intends to prohibit certain state laws, but the county of Los Angeles, California deems itself superior to federal law in every aspect. *Exhibit 6, Picture of the Exterior Façade of the Los Angeles County Law Library*.

B. The Recusal of the Current Judge Hon. J. Kronstadt Is Required by the Due Process of the Laws Clause of Amendment Fourteen because of the Probability of Actual Bias

In *Williams v. Pennsylvania (2016) 579 U.S. ____ [136 S. Ct. 1899]*, the Supreme Court of the United States reversed a conviction because of the conflict of interest of the appellate judge who affirmed the conviction and who was the district attorney whose office tried the case and convicted

the defendant. It was an *"impermissible risk of actual bias"* because of *"significant, personal involvement as a prosecutor in a critical decision regarding the defendant's case"* that violated constitutional due process of the laws.

In *Caperton v. Massey (2009) 556 U.S. 868*, the chief executive officer of a party to an appeal in the state supreme court of West Virginia spent millions of dollars to support the political campaign of a judge on the state supreme court. These campaign contributions created the same risk of actual bias that offended the Due Process of the Laws, and required the Supreme Court to set aside the decision of the state supreme court.

Every one of the judgments entered by Hon. J. Kronstadt in his state court BC385560 action

contained a version of the following paragraph usurping the powers of the secretary of state of the state of California:

> *"IT IS HEREBY ADJUDGED, DETERMINED AND DECREED:*
>
> *As to Defendant 1130 South Hope Street Investment Associates, LLC, a Delaware limited liability company.*
>
> *1. A declaration and judicial determination is hereby made that: (a) the California LLC remains an existing California LLC; (b) any document purporting to cancel the California LLC is deemed void; (c) the California LLC is the sole legal and equitable owner of, and fee*

title holder to, the property located at 1130 South Hope Street, Los Angeles, California ("the subject property"), (d) the Quitclaim Deed signed by Samuel F. Benskin dated February 7, 2008 and recorded as Instrument No. 20080232175 on February 7, 2008 is void and of no legal effect whatsoever; (e) the Quitclaim Deed signed by Farzad Haiem and Jonathan Marzet on December 10, 2009 and recorded as Instrument No. 20091950890 on December 22, 2009 is void and of no legal effect whatsoever, and (f) the Delaware LLC has absolutely no right, title, estate interest or lien in or to the subject real property, or any part

thereof; …" Judgment, Exhibit C, and Notices of Judgments, Exhibits F & G.

Some versions of this ubiquitous paragraph in the judgments provide that the cancellation never happened, some versions provide that the cancellation is void. *Judgments (Ex. H, J, K), at* ____. But Hon. J. Kronstadt as state court judge did not have jurisdiction to rule that the limited liability company was always existing and not cancelled. Such a judgment required a petition in the state court for writ of mandamus to the secretary of state of the state to reinstate a cancelled limited liability company on the terms and conditions deemed appropriate by the secretary of state of the state. *Catalina Investment Co. v. Jones (2002) 98 Cal. App. 4th 1.*

Because of Hon. J. Kronstadt's frank antagonism for the automatic stay in bankruptcy as a state court judge, *Transcript of the Trial (Ex. I), at 214- 255,* he is actually biased against bankrupt debtors and PETITIONERS. It cannot be doubted that as a federal judge that he resists admitting that he grossly violated federal law. And he also violated the fundamental principle of Separation of Powers of the executive and judicial branches of government, Supremacy of federal law, and Due Process of the Laws, which is equally embarrassing. It follows that the Constitution requires his recusal. *Rippo v. Baker (2017) 580 U.S. ---, 137 S. Ct. 905 (per curiam); Caperton, supra.*

Because of the probability of actual bias, the Hon. J. Kronstadt should have recused himself and

should not have signed the order to transfer the action from the Southern Division to the Western Division, which defendants submitted to the judicial officer in the Southern Division of the District Court, Hon. D. Carter, for his signature and which violated *General Order 19-03* of the District Court for random selection of judges. Granting this petition and requiring recusal would go a long way to ensure that PETITIONERS have their day in Court before a fair and impartial judicial officer, and the integrity of federal law and the federal judicial system will be preserved.

IV. PETITIONERS AND THE LEGAL SYSTEM WILL SUFFER IRREPARABLE HARM WITHOUT IT, AND THE BALANCE

OF EQUITIES FAVORS GRANTING THE WRIT

The Court should issue a writ of mandamus requiring the District Court's recusal because both PETITIONERS and the judicial system would otherwise suffer irreparable harm. Damage to the judicial system alone is sufficient to show irreparable harm. *In re Bulger (1st Cir. 2013) 710 F. 3d 42 at 49 ("we can leave aside any question of harm personal to the defendant and concentrate on damage to the judicial system . . . . it [is] imperative to act promptly to preclude any reasonable question whether . . . action in the past may affect the fairness of the judicial branch in the present.")*. A judge's impartiality in any case cuts to the core of the public's trust in the justice system as

a whole, because these rules in *28 U.S.C. §455* are based on *Section 3(C)* of the *Code of Judicial Conduct of the American Bar Association*. The writ of mandamus stands by to *"prevent[] injury to the public perception of the judicial system before it has a chance to occur." United States v. Balistrieri (7th Cir. 1985) 779 F. 2d 1191, 1205*. Indeed, the recognized purpose of *§455(a)* is to address *"systemic interests"* regarding *"concerns [about] the appearance of impropriety." Fowler v. Butts (7th Cir. 2016) 829 F. 3d 788, 791*.

Since the vast majority of the District Court's findings on the pending motions would involve questions of fact, or mixed questions of law and fact, the appellate court would not review those findings *de novo*. For example, an appellate court

will only reverse the District Court's findings if they are *"clearly erroneous." FRCP 52(a)(6); Accusoft Corp. v. Palo (1st Cir. 2001), 237 F. 3d 31, 40 ("we will not disturb the master's factual findings unless they are clearly erroneous").* Therefore, absent mandamus, PETITIONERS may lose their one chance to have a fair and complete argument before an impartial and neutral Court that it is the real titleholder of the Property and is entitled to proceeds of the RESPONDENTS' sale of the Property with interest thereon.

A number of factors specific to this case show the necessary *"favorable balance of the equities"* to justify issuance of the requested writ of mandamus. *In re Vasquez-Botet (1st Cir. 2006) 464 F. 3d 54, 57 (1st Cir. 2006); In re Bulger (1st Cir. 2013) 710 F.*

3d 42, 49 ("a mandamus petitioner must show . . . a balance of equities in his favor."). Perhaps most importantly, PETITIONERS merely seek their opportunity to have a meaningful, *de novo* review (whether or not referred to and decided by the bankruptcy court) of the issues concerning title to the Property they contest in good faith. PETITIONERS are currently in a situation where their rights under bankruptcy law to contest fraudulent judgments which are the basis of Defendants' false claims to title to their Property will be reviewed by the same judge who violated the automatic stay in bankruptcy at every opportunity in state court and misapplied it to trap PETITIONERS (plaintiffs herein) and to terminate

the automatic stay early and to default them in state court.

Finally, the State Bar Court has entered an order of suspension of PETITIONERS' privileges to practice law, pursuant to an interim order in a disciplinary case which seeks to enjoin PETITIONERS' attorney from *"maintaining the action"* in the District Court, pursuant to a vague and void antiquated state law that plainly violates constitutional rights of free speech, petitioning and access to courts. Especially since there was no evidence at all to support the monetary sanctions of the state courts in the first place, which were requested and received by defendants to conceal their conspiracy to defraud PETITIONERS of their property. *Christopher v. Harbury (2002) 536 U.S.*

403; Hart v. Gaioni (C.D. Cal. 2005) 354 F. Supp. 2d 1127.

This is another very important reason to grant the petition and to direct the District Court to recuse Hon. J. Kronstadt and to proceed to discovery and trial in this action with PETITIONERS represented by their counselor at law THOMAS.

CONCLUSION

In conclusion, this Supreme Court of the United States must grant the writ and must direct the district court to assign another judicial officer to this action. It must grant an emergency stay of the orders to show cause in the disciplinary proceedings against THOMAS in the federal courts based upon the unconstitutional order of

suspension in the State Bar Court to allow the action to proceed normally before an unbiased judge.

December 16, 2020

/s/ Jeffrey G. Thomas
Attorney at law for
Petitioners

APPENDIX

EXHIBIT 1

Order Denying Petition for Writ Mandamus, July 28, 2020, no. 20-72115, 9th Cir. 2020

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

In re: TRUE HARMONY; et al.

TRUE HARMONY; et al., Petitioners, v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA, Respondent, CALIFORNIA DEPARTMENT OF JUSTICE; et al., Real Parties in Interest.

No. 20-72115 D.C. No. 8:20-cv-00170-JAK-ADS Central District of California, Santa Ana

ORDER

Before: THOMAS, Chief Judge, SCHROEDER and CALLAHAN, Circuit Judges.

Petitioners have not demonstrated that this case warrants the intervention of the court by means of the extraordinary remedy of mandamus.

See Bauman v. U.S. Dist. Court, 557 F. 2d 650 (9th Cir. 1977). Accordingly, the petition, as supplemented, is denied. All pending motions are denied as moot.

DENIED.

EXHIBIT 2

Order Denying Reconsideration of Recusal, July 2, 2020, no. 20-cv-00170, Cent. Ca. Dist. Ct.

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL Case No. SACV 20-170 JAK (ADSx) Date June 25, 2020 Title True Harmony et al v. The Department of Justice of the State of California et al.

Present: The Honorable Philip S. Gutierrez, United States District Judge
Wendy Hernandez: Deputy Clerk
Court Reporter: Not Reported
Attorneys Present for Plaintiff(s): Not Present
Attorneys Present for Defendant(s): Not Present

Proceedings (In Chambers): Order Denying Plaintiffs' Motion for Reconsideration

Before the Court is Plaintiffs' motion for reconsideration of this Court's June 25, 2020 Order denying their motion for disqualification of Judge Kronstadt. See Dkt. # 93 ("Mot"); June 25, 2020 Order, Dkt. # 92. Having read and considered the motion, the Court DENIES it.

IT IS SO ORDERED.

EXHIBIT 3

Order Denying Recusal, June 23, 2020, no. 20-cv-00170, Cent. Ca. Dist. Ct.

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL Case No. SACV 20-170 JAK (ADSx) Date June 25, 2020 Title True Harmony et al v. The Department of Justice of the State of California et al.

Present: The Honorable Philip S. Gutierrez, United States District Judge
Wendy Hernandez: Deputy Clerk
Court Reporter: Not Reported
Attorneys Present for Plaintiff(s): Not Present
Attorneys Present for Defendant(s): Not Present

Proceedings (In Chambers): Order DENYING Plaintiffs' motions to disqualify

Before the Court are Plaintiffs True Harmony, Ray Haiem, and Jeffrey G. Thomas' ("Plaintiffs") identical motions for recusal of Judge John A. Kronstadt. Dkts. # 87 ("Mot."), 89. The motions were referred to this Court pursuant to General Order 19-03 and Local Rule 72-5. Dkt. # 91. The Court finds the matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78(b); L.R. 7-15. After considering Plaintiffs'

arguments, the Court DENIES the motions. Under 28 U.S.C. § 455(a), "[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." The Ninth Circuit has interpreted § 455(a) as requiring recusal when "a reasonable person with knowledge of all of the facts would conclude that the judge's impartiality might reasonably be questioned." United States v. Holland, 519 F.3d 909, 913 (9th Cir. 2008) (quoting Clemens v. U.S. Dist. Ct., 428 F.3d 1175, 1178 (9th Cir. 2005)). In other words, § 455(a) "asks whether a reasonable person perceives a significant risk that the judge will resolve the case on a basis other than the merits." Clemens, 428 F.3d at 1178 (quoting In re Mason, 916 F.2d 384, 385 (7th Cir. 1990)). "The 'reasonable person' is not someone who is 'hypersensitive or unduly suspicious,' but rather is a 'well-informed, thoughtful observer.'" Holland, 519 F.3d at 913 (quoting In re Mason, 916 F.2d at 385). Under § 455(b)(1), any justice, judge, or magistrate of the United States "shall also disqualify himself . . . [w]here he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding." However, "only personal knowledge of disputed evidentiary facts gained in an extrajudicial capacity is grounds for recusal." United States v. Pollard, 959 F.2d 1011,

1031 (D.C. Cir. 1992); see also Omega Eng'g, Inc. v. Omega, S.A., 432 F. 3d 437, 447–48 (2d Cir. 2005) (holding that "[k]knowledge gained from

the judge's discharge of his judicial function is not a ground for disqualification under 28 U.S.C. § 455(b)(1)."). To prove that disqualification is warranted under § 455(b)(1), a petitioner must offer evidence of a "negative bias or prejudice [which] . . . must be grounded in some personal animus or malice that the judge harbors against him, of a kind that a fair-minded person could not entirely set aside when judging certain persons or causes." United States v. Balistrieri, 779 F.2d 1191, 1201 (7th Cir. 1985) (citations omitted); see Hook v. McDade, 89 F.3d 350, 355 (7th Cir. 1996) (finding that disqualification is appropriate if "actual bias or prejudice is 'proved by compelling evidence'"). To determine whether bias exists, courts consider "whether a reasonable person would be convinced the judge [is] biased." Hook, 89 F.3d at 355 (citations omitted). Plaintiffs argue that Judge Kronstadt should be disqualified under § 455(b)(1). See generally Mot. According to Plaintiffs, when Judge Kronstadt was a state court judge, he violated an automatic bankruptcy stay in a case where he presided over the issue of Plaintiffs' title to a piece of property. See id. 1. They allege

that Judge Kronstadt held a "so-called trial" before the thirty-day statutory waiting period had run and denied them the right to present evidence because of prior summary adjudication against them. See id. 2, 4. The Court concludes that recusal is not warranted. The mere fact that Judge Kronstadt, as a state court judge, presided over a case that Plaintiffs were involved in is not grounds for recusal. Plaintiffs do not argue that Judge Kronstadt gained personal knowledge of disputed evidentiary facts "in an extrajudicial capacity" when he presided over the prior case. See Pollard, 959 F.2d at 1031 (emphasis added). Without meeting this extrajudicial capacity requirement, recusal is "rarely" warranted. See Andrade v. Chojnacki, 338 F.3d 448, 455 (5th Cir. 2003) (citing Liteky v. United States, 510 U.S. 540, 555 (1994)). Plaintiffs also fail to show that, in making these rulings, Judge Kronstadt exhibited "a deep-seated favoritism or antagonism that would make fair judgment impossible." See Liteky, 510 U.S. at 555. In the end, Plaintiffs' arguments for recusal essentially amount to displeasure with Judge Kronstadt's prior judicial rulings in a case involving Plaintiffs. But, "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." Id. (citing United States v Grinnell Corp., 384 U.S. 563, 583 (1966)); see also Blixseth v. Yellowstone Mountain Club, LLC, 742 F. 3d 1215, 1220 (9th Cir. 2014)

(explaining that disqualification can be based on judicial rulings only if they result from improper extrajudicial knowledge or "reveal such a high degree of favoritism or antagonism as to make fair judgment impossible"). While Plaintiffs contend that Judge Kronstadt's prior rulings were wrong and improper, they have produced no evidence that they were motivated by bias or antagonism against them.

Accordingly, the Court DENIES Plaintiffs' motions to disqualify Judge Kronstadt.

IT IS SO ORDERED.

EXHIBIT 4

Order to Show Cause Regarding Attorney Suspension, 9th Cir. Ct. of Appeals

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT In re: JEFFREY GRAY THOMAS, Admitted to the bar of the Ninth Circuit: November 11, 2009, Respondent. No. 20-80143

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

The court has received the response of Jeffrey Gray Thomas, Esq., to the court's October 13, 2020 order to show cause why he should not be suspended or disbarred on the basis of his enrollment as an inactive member of the California bar. Pursuant to Ninth Circuit Rule 46-2(c), Thomas's involuntary inactive enrollment is a sufficient basis for initiating reciprocal disciplinary proceedings. See Gadda v. Ashcroft, 377 F.3d 934, 942 (9th Cir. 2004).

Reciprocal disciplinary proceedings are stayed pending the outcome of proceedings in the Review Department of the State Bar Court. Respondent Thomas shall file a status report

within 60 days after the date of this order, or within 14 days after a final decision by the Review Department, whichever is sooner.

EXHIBIT 5

Order to Show Cause Regarding Attorney Suspension, Cent. Ca. Dist. Ct.

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA In the Disciplinary Matter of Jeffrey Gray Thomas California State Bar # 83076

CASE NO: 2:20–ad–00779–PSG

ORDER TO SHOW CAUSE

This Court has received notice that the attorney named above has been suspended from the practice of law by the Supreme Court of California or the California State Bar Court, effective August 22, 2020. Accordingly, the attorney named above is HEREBY ORDERED TO SHOW CAUSE, in writing, within 30 days of the date of this order, why he or she should not be suspended from the practice of law before this Court, pursuant to Rule 83-3.2 of the Local Rules for the Central District of California. If the attorney does not contest the imposition of a suspension from this Court or does not respond to this order to show cause within the time specified, the Court shall issue an order of suspension. A response to this order to show cause must make the showing required in Local

Rule 83-3.2. In addition, at the time a response is filed, the attorney must produce a certified copy of the entire record from the other

jurisdiction or bear the burden of persuading the Court that less than the entire record will suffice. See Local Rule 83-3.2.3. A response to this order to show cause and any related documentation may be filed electronically, in accordance with the Court's local rules, or manually, at the Edward R. Roybal Federal Building and Courthouse, 255 East Temple Street, Room 180, Los Angeles, California 90012, Attn: Civil Intake. All documents filed must include the case number in the caption. Unless stated otherwise by order of the Court, an attorney who has been suspended from the Bar of this Court because of a suspension by the Supreme Court of California or the California State Bar Court will be reinstated to the Bar of this Court upon proof of reinstatement as an active member in good standing in the State Bar of California. An attorney registered to use the Court's Electronic Case Filing System (ECF) who is suspended by this Court will not have access to file documents electronically until the attorney is reinstated to the Bar of this Court.

Date: November 6, 2020

/s/ PHILIP S. GUTIERREZ CHIEF
UNITED STATES DISTRICT JUDGE

EXHIBIT 6

Picture of Exterior Façade of County Law Library

LOS ANGELES COUNTY
LAW LIBRARY

MILDRED L. LILLIE BUILDING