

No. 20-524

IN THE SUPREME COURT OF THE UNITED
STATES

—o0o—

YI TAI SHAO, AKA Linda Shao
Petitioner - Appellant,

vs.

Chief Justice John G. Roberts, Jr., et. al., totally 71
parties (See LIST OF DEFENDANTS/
APPELLEES, INTERPLEADER AND
REPRESENTING COUNSEL),

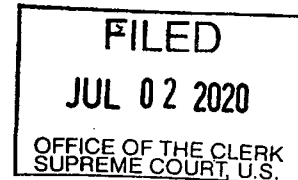
Respondents - Appellees.

U.S. Attorney, Interpleader

Regarding a writ of certiorari to the U.S. Court of
Appeal, D.C. Circuit, with case number of 19-5014
to appeal from Judge Patricia Millet's Orders of
2/5/2020 denying rehearing of its order of
11/13/2019 that summarily denied change of venue
and sua sponte confirming Judge Rudolph
Contreras's Order of January 17, 2019 that sua
sponte dismissed the entire case and prior orders at
U.S.D.C., for case number of 1:18-cv-01233

PETITION FOR WRIT OF CERTIORARI

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Questions Presented

1. Did the district court and court of appeal violate due process by failing to rule on requests for recusal and disqualification, and failure to provide any explanation as to the accused irregularities contained in the affidavit of disqualification as the grounds for recusal?
2. Are lower court orders void where they were issued before the courts had ruled on motions for recusal or to disqualify the judges hearing the motions?
3. Are the judges of the lower courts disqualified because of bias or appearance of bias arising from the alteration of court records and dockets, and ex parte communications?
4. Did the district court violate due process or act in excess of its jurisdiction by acting on its own motion to grant relief that was not requested and to dismiss actions summarily against defendants in default?
5. Did the district court violate due process or act in excess of its jurisdiction by dismissing actions summarily against defendants who had not made appearance?
6. Was the district court judge required to recuse himself when he was named as a defendant in the same proceeding?
7. Did the district court violate due process by dismissing the case against himself when he was in default?
8. Does the American Inns of Court, in facilitating ex parte contacts between lawyers and judges, create the appearance of bias or partiality requiring recusal and disqualification of judges who are members of the American Inns of Court?
9. Did the lower court violate due process by affirming judgments in favor of the American Inns of Court when its motion was made without notice?
10. Is the Temple Bar Scholarship funded by the American Inns of Court a payment of economic value to judges or employees of courts that constitutes an illegal gift and creates the appearance of bias and requires recusal and disqualification?

11. Does the trial court withholding of entry of defaults violate due process where this was intended to permit the trial court to enter dismissals in favor of defendants who had already defaulted?
12. Does judicial immunity protect judges or other judicial personnel who have conflicts of interest or bias and misused judicial power to conspire with interested parties in altering court records, and disallowing the grieved party a day in the court by dismissing the cases?
13. Does federal law prohibit aiding and abetting violations of due process and violations by judges acting notwithstanding conflicts of interest and the appearance of bias?

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Associate Justice Sonia Sotomayer,
Associate Justice Elena Kagan,
Jordan Bickell,
Jeff Atkins,
U.S. Supreme Court,
Judge Lucy H. Koh,
Judge Rudolph Contreras,
Jackie Francis
Diane Feinstein

**THE ABOVE WERE PENDING DEFAULT ENTRY
SINCE 10/16/2018**

Tsan-Kuen Wang
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**THE ABOVE WERE ENTERED DEFAULT ON
8/30/2018**

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PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a Writ of Certiorari issue to review the DC Circuit's Orders of

- (1) 7/31/2019 Order summarily affirmed Judge Contreras's 1/17/2019 Order to dismiss American Inns of Court Appellees, summarily denied Petitioner's counter-motion to summarily reversal, summarily denied Petitioner's motion to disqualify/change venue,
- (2) 11/13/2019 Order sua sponte affirmed 1/17/2019's dismissal on the entire appeal, summarily denied rehearing of 7/31/2019 Order, summarily denied disqualification/change venue,
- (3) 2/5/2020 Order summarily denying rehearing of 11/13/2019 Order and summarily denying disqualification/change of venue, and
- (4) 5/2/2020 Order summarily denying rehearing of 2/5/2020 Order when there were new facts to justify reversal of dismissal and the trial court's orders of 7/24/2018 (disappeared from present docket), 8/8/2018 (ECF48 and ECF49) and 1/17/2019 (ECF154) when both lower courts have consistently committed felonies of 18 U.S.C. §2071, §1512(c), and §371—6 incidents by the DC Circuit and at least 20 incidents by the trial court (Judge Rudolph Contreras) with severe court crimes and violations of due process.

OPINIONS BELOW

A. All DC Circuit's Orders affirming Judge Contreras's void order of 1/17/2019 are void

The July 31, 2019 Order dismissing American Inns of Court and the November 13, 2019 Order sua sponte dismissing all Appellees/defendants, summarily affirmed the January 17, 2019 Order of Judge Contreras. However, the January 17 Order is fatally flawed as it violated the mandatory recusal required by 28 U.S.C. §455(b)(5)(i), with the 13 grounds of error identified above in QUESTIONS PRESENTED No.5.

Judge Contreras's refusal to apply §455(b)(5)(i) rested on a finding of "judge shopping" that is unsupported by the record. He used that unsupported finding to

cover up at least 20 felony alterations of the court docket and additional ex parte communications, and to support refusing to explain these alterations and ex parte communications. This refusal constitutes admission by adoption or acquiesce. He further failed to recuse himself as required Local Civil Rule 7(b), that unopposed motions are conceded.

Judge Contreras failed to explain any facts in SHAO's affidavits to disqualify and change venue, including those facts showing felonies, in both of his Orders of 8/8/2019 (ECF48) and 1/17/2019(ECF154). He held that these behaviors, impliedly agreeing that they occurred, do not warrant recusal.(ECF154,p.9)

The second judicial disqualification motion (ECF142) was part of a 3-in-1 motion made with 2 other motions:(1) SHAO's motion to strike ECF140 where the US Attorney improperly appeared as an Interpleader to file a Response to SHAO's request for default against Judge Contreras and his clerk, without a motion with a suggestion of interests as required by 28USC§517, (2) SHAO's motion to disqualify Jackie Liu and the US Attorney's Office. Judge Contreras addressed only the motion to disqualify and change venue; he failed to address the other motions. He falsely stated that the second motion to disqualify "reasserts much of the same arguments brought in her first motion."(ECF154,p.7, last sentence).

In fact, the second motion to disqualify and change venue was in response to the direct conflicts of interest arising from the Interpleader's response to SHAO's request for default against Contreras himself (ECF142,142-1), and included the additional offenses amounting to totally at least 20 counts of 18USC§2071(Appendix).

Notably, the docket entries of 6/5/2018 (evidence of ex parte communications in which Contreras's clerk took over the authority of the Clerk's Office and selectively issued 4 Summons and withheld other 61 Summons until 6/13/2018) and 6/11/2018 (antedating the issuance of about 61 Summons which were withheld from issuance by 23 days) were altered 5 times:

(1) the entries were removed immediately after Judge Contreras and his clerk were added as defendants to the First Amended Complaint on 6/29/2018(see 7/5/2018's printed docket in ECF19, pp.38-39);

(2) the entries were put back after criticism by SHAO (See 8/2/2018's docket in ECF40, p.39);

(3) the entries were removed again as shown in 11/2/2018's docket (See ECF144,p.34);

(4) the entries were put back again as shown in 12/4/2018's docket (See ECF144,p.59);

(5) the entries were removed again and are not in the present docket. The original 6/5/2018's docket entry is shown in ECF19, p.50.

The night-time minutes orders of 7/24/2018, indicating ex parte communications between Judge Contreras and California judicial defendants where Judge Contreras acted within 2 hours of filing of California Judicial Defendants after the court house was closed to cure their violation of Local Rule 83.20(ECF32,p.29), were altered 3 times:

(1) Removed sometime between 8/8/2018's Order and 11/10/2018. See 11/10/2018's docket in ECF144, p.34. All 4 dockets of 6/5/2018, 6/11/2018, two 7/24/2018 minutes were removed.

(2) Put back by 12/4/2018 as shown in the 12/4/2018's docket in ECF144,p.62.
All 4 dockets were put back.

(3) Removed from present docket. All 4 docket entries were removed. Evidence for the ex parte communication with Defendant BJ Fadem to avoid entry of default is shown in ECF38, and the altered ECF38—ECF41 with a forged Clerk's Office's receipt stamp of "July 30, 2018" and Judge Contreras's antedated signatures still remain on the present docket. Judge Contreras refused to respond to these matters, amounting to crimes, in his 8/8/2018 order denying recusal(ECF48). However, Judge Contreras specifically issued another 8/8/2018 order (ECF49)stating that Fadem's motion was filed on "July 31, 2018" that conflicts with

ECF41 that he altered from ECF38. Even without the forgery on the records, Fadem's motion was fatally flawed for being late—the due date for filing was 7/24/2018.

Contrary to the ECF49 order, Judge Contreras did not rule on Fadem's motion, nor rule on SHAO's motion to strike Fadem's motion; neither ECF38 nor ECF41 was shown on the first page of ECF153/154(1/17/2019 Order of dismissal).

Besides the alteration of court's records, Judge Contreras also concealed the complaint by about 10 days and after creating the docket he altered short case name to be Shao v. Kennedy, et al. Judge Contreras never explained any of these irregularities. There are totally at least 20 crimes.

In denying recusal, the court is required to set out all relevant facts. *Moran v. Clarke* (8th Cir., 2002) 309 F.3d 516, 517. Failure to properly handle a request for recusal is an independent ground for reversal. *Aetna Life Ins. Co. v. Lovie* (1986) 475 US 813.

Pursuant to the Adoptive Admission rule in F.R.E. Rule 801(d)(2)(B) (see *Sparf v. United States* (1895) 156 U.S. 51, 52; *U.S. v. Williams*, 577 F.2d 188, 194, cert. denied, 439 US 868 (DC Cir. 1978)), all the severe accusations that Judge Contreras willfully refused to explain should constitute his admission to these felonies. He simply concluded, without denying these matters, that all these behaviors do not warrant recusal. Yet these irregularities are all evidence of appearance of conflicts of interest.

As stated in QUESTIONS PRESENTED No. 5, Judge Contreras acted as an attorney to argue for 22 parties who had already been entered as in default (Wang & Sussman), who were pending entry of default (e.g., US Supreme Court 11 defendants for the claim of violation of First Amendment), or who had not yet appeared (Kevin L. Warnock for federal computer crimes, Judge Lucy Koh for second count of violation of First Amendment) or not even served at the time of order (California Sixth District Justice Conrad Rushing for 42 USC 1983 claim). In acting for these various defendants, he further misrepresented the requested relief

SHAO sought in the first Amended Complaint and concealed that SHAO had requested declaratory relief against the judicial defendants that is permissible under 42 USC1983.

The 1/17/2019 Order is also unconstitutionally vague in stating in “TV CONCLUSION”(ECF154,p.42) that:

“All remaining claims against all other defendants are DENIED for lack of subject matter jurisdiction. And because this case has been dismissed for lack of subject matter jurisdiction, the remainder of the pending motions are DENIED AS MOOT.”

No reasonable attorney could apprehend what the claims against “all other defendants”were, especially when the Order had argued for the parties who had not been served, were in default, were pending default, or who had not yet appeared in the proceeding. No attorney could understand who is embraced in the “sua sponte dismissal” he stated on the first page of ECF154 as there was no notice of his intent to issue a sua sponte dismissal.

Therefore, the 1/17/2019’s Order represents a structural error of due process as stated in *Tumey v. Ohio* (1972) 273 US 510, 523, was beyond the jurisdiction of Judge Contreras and should be void. Therefore, all DC Circuit’s Orders in 19-5014 in affirming such void 1/17/2019 Order must be void as well.

B. DC Circuit’s Orders are void for failure to recuse itself when it adoptively admitted 6 felonious violations of 18USC§2071 by failing to respond for 11 months and created fraudulent En Banc order on 5/2/2020.

The entire case is about both lower courts’ commissions of felonies by altering the courts’ records (6 by the DC Circuit and about 20 by Judge Rudolph Contreras), giving also the appearance of ex parte communications, and both lower courts’ willful refusal to address or explain the facts as to the basis for recusal as required by the standard of *Moran, supra*, and their consistent avoidance of a decision on the merits by vague and unintelligible sua sponte dismissals. These actions committed structural errors involving violation of due process, interfering with SHAO’s fundamental right to access the court and disrupting the normal operations of the court in violation of 18 USC §371.

Judge Patricia Millet, who led the appellate panel at the DC Circuit, improperly issued a 4/9/2019 Order to Show Cause seeking to dismiss the American Inns of Court, knowing that SHAO would not know of the AIC motion on which the Order was based because the Circuit had taken SHAO off the ECF system. The DC Circuit silently put SHAO back on the ECF system in order to receive this 4/9/2019 Order to Show Cause.

SHAO discovered the extrinsic fraud and filed a Response and Countermotion for summary reversal. Then, with 4 alterations of her filings in 1787004 and 1787225, and American Inns of Court's corresponding alterations on its own website on the altered documents shown in the court's records, SHAO filed a motion to disqualify the DC Circuit and change venue. SHAO amended her motion(1791001) by adding an objective ground—3 US Supreme Court Justices are DC Circuit's alumni judges, such that venue must be changed pursuant to the Chief Justice's 10/10/2018 Order as such relationship caused an appearance of conflicts of interest.

Then, in 7/31/2019 Order, despite of undisputed lack of service, she granted American Inns of Court Appellees' motion for summary affirmation based on reasons not at issue, and summarily denied SHAO's counter motion to summary reversal, and summarily denied SHAO's motion to change venue without explaining any the grounds of disqualification SHAO had raised, and issued an order to show cause as to summary affirming Judge Contreras's 1/17/2019's dismissal of the entire case.

She knowingly failed to discuss any issues involved in #1791001 for about 11 months despite repeatedly being requested by Petitioner and the reminder of *Moran, supra* that required her to address all relevant facts for all issues.

SHAO filed a Response to the Order to Show Case, Petition for Rehearing of 7/31/2019 Order and Renewed Motion to Change Venue.

On 11/13/2019, via Per Curiam Order, the entire appeal was dismissed sua sponte with a very short order offering just conclusions, without analyzing any of the issues involved or raised in SHAO's Response to Order to Show Cause. This Order also summarily denied the Petition for Rehearing. In ruling, she misrepresented the motion to change venue as a motion to disqualify her and again failed to address the facts for

disqualification and the issues raised in SHAO's counter motion for summary reversal. The Order sua sponte affirmed the 1/17/2019 dismissal of the entire case with a vague term for dismissing "several" claims without identifying what the claims were.

SHAO filed Petition for Rehearing of 11/13/2019 Order and renewed her motion to change venue.

On 2/5/2020, via Per Curiam order, the court summarily denied rehearing, again refusing to decide or explain the facts for disqualification raised in #1791001.

SHAO filed second Petition for Rehearing 2/5/2020 Order including new facts justify reversal and changing venue.

On 5/2/2020, a one sentence Per Curiam order was issued by Judge Millet; 7 minutes later, an identical En Banc Per Curiam order was issued. Again, rehearing was summarily denied, again refusing to address the issues in #1791001 and the three new facts, including the 7 Supreme Court Justices's adoptive admission and new crimes took place in 19-639 proceeding, and McManis defendants' admission by adoption of 25 crimes of judiciary conspiracies, and new evidence of judiciary conspiracy in dismissing the civil case of SHAO v. McManis defendants with quiet speed that involves 6 felonious alteration of the efilng stamps of McManis defendants' motion to dismiss in conspiracy with Santa Clara County Court, taking advantage of SHAO's being overseas. Thereby, the lower courts jointly blocked SHAO her day in court, infringing her fundamental right to have reasonable access to the court and to have an appeal as a matter of right.

JURISDICTION

The Supreme Court has jurisdiction of this Petition under 28U.S.C. §1254(1) as it seeks review of a judgment or decrees of the Court of Appeals for the District of Columbia Circuit. The Petition is timely under Supreme Court Rule 13.1 and 13.2 and Emergency Order of this Court dated 3/29/2020 as it is filed within 150 days of the Court of Appeal's order denying rehearing entered Feb.5, 2020.

STATUTES INVOLVED (APP.0071-0074)

First Amendment

28 USC §144

28 USC §455(a) and (b)(5)(i)&(iii)

JUDICIAL CONFERENCE OF THE UNITED STATES, COMMITTEE ON CODE OF CONDUCT FOR UNITED STATES JUDGES, COMPENDIUM OF SELECTED OPINION §3.6-6[1]

18 U.S.C. § 1512(c)

18 U.S.C. §2071(b)

18 U.S.C. § 1519

18 U.S.C. §1001(a)

18 U.S.C. §371 ¶1

F.R.C.P. 15(a)(3)

U.S.D.C. in the D.C. Civil Local Rule 7(b)

U.S.D.C. in the D.C. Civil Local Rule 83.2(d)

For the People Act of 2019 (H.R.1)

GUIDE TO JUDICIARY POLICY VOL.2C §§620.25, 620.30, 620.35(b), 620.45, 620.50

§620.25: “Gift” means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance or other similar item having monetary value but does not include:

(g) scholarships or fellowships award on the same terms and based on the same criteria applied to all applicants and that are based on factors other than judicial status.

§620.30

§620.35 (b)(7) (8)

§620.45

§620.50 mandatory disclosure requirements

PROCEDURE SUMMARY/STATEMENT OF THE CASE

Petitioner was illegally deprived of her day in court; this appeal is entirely on procedural issues. Judge Rudolph Contreras committed at least 20 crimes under 18 USC §2071, §1512(c) and §1001 out of about 29 total irregularities. He failed to follow

the law to state all relevant facts of these crimes, denied this crimes and proof of ex parte communications that warranted recusal, and suddenly dismissed the case with sua sponte on 1/17/2019 without giving any notice of his intention to do so. The dismissal of “All remaining claims against all other defendants” are vague and confusing as he acted as an attorney arguing in the order for 22 defendants that did not file a motion, including 2 defendants already entered as in default, 15 federal defendants pending entry of default including 14 defendants located in the D.C., and 5 defendants who had not appeared. He failed to decide SHAO’s motion to strike the Interpleader and motion to disqualify Jackie Liu.

The DC Circuit followed the same style and committed 6 violations of 18 USC§2071(b), 1512(c), and 1001, and persisted in not explaining any crimes/irregularities supporting recusal for 11 months, through 4 orders, and adopted Contreras’s sua sponte dismissal order “sua sponte” again. In its last denial of 5/2/2020, it further created an En Banc order that was generated 7 minutes after Judge Millet’s Per Curiam Order which appeared to be fake and a further (7th) violation of 18 USC§2071(b), §1512(c), and §1001.

A. Court crimes that led to adding Judge Rudolph Contreras and his clerk as defendants in the First Amended Complaint (ECF16) and the first motion to disqualify Judge Contreras and change venue (ECF19,24,32,35,40)
 SHAO filed a Complaint with the U.S.D.C. District of Columbia against about 59 defendants¹ on 5/21/2018 (put into the dropbox on 5/18/2018; see #1787004, JN-4:ECF19,p.29) with case number of 1:18-cv-0123. The court concealed the complaint in violation of 18 USC§2071(b), §1512(c), and §1001 until 5/30/2018 when a professional process server inquired multiple times of the whereabouts of the complaint. Judge Rudolph Contreras was presiding over the case.

¹5 California Supreme Court and Sixth District Court of Appeal Justices are later designated as Doe No. 1-5 Defendants. Judge Rudolph Contreras and his Case Administrator Jackie Francis were added on 6/29/2018 in ECF16, the First Amended Complaint, totally 67 defendants. Judge Cowen was dismissed later, leaving 66 defendants..

After the case was eventually docketed, the court used a short case name of “Shao v. Kennedy, et al.”(#1787004,JN-4:ECF19,p.32), instead of “Shao v. Roberts, et. al.,” in violation of 18 USC§1001 and further withheld issuance Summons for 7 to 24 days.

After repeated inquiries, the first issuance of Summons was on 6/5/2018. However, this summons was issued by Judge Contreras’s clerk who stepped into the authority of the Clerk’s Office and selected only four Summons to be issued (ECF19,Exh.D). Thereafter, about 61 Summons were issued on 6/13/2018 constituting 23 days’ delay. These summons were backdated to a false signature date of 6/11/2018 and a false docket entry was made for these Summons.(#1787004,JN-4: ECF19,pp.25-27;p.60).

The Summons for Justice Adrienne M. Grover of the California Sixth District Court of Appeal who signed the dismissal of the involved child custody appeal (case number H040395) and Beth McGowen were with held for 24 days.

Such selective issuance of Summons cannot be done without an ulterior ex parte communication. As stated in OPINIONS BELOW, these two entries of 6/5/2018 and 6/11/2018 are altered 5 times and are not in the present docket of 1:18-cv-01233 as of the date of filing of this Petition. Under the doctrine of spoliation of evidence, this constitutes a presumption that Judge Contreras committed ex parte communications with some defendants in doing this selective Summons issuance, and committed the crimes in 18 USC§2071(b), §1512(c), and §1001.

In addition to the 5 times of alterations of 6/5/2018 and 6/11/2018, false docketing occurred in other matters, including:

- (1) failure to docket receipt of “Designation of Does 1-3 defendants” on 6/11/2018 (ECF19,p.60),
- (2) backdating Judge Contreras’s approval of the filing of “Designation of Does 1-3 defendants” from about 6/18/2018 to be 6/14/2018 (ECF19,pp61-68),
- (3) efforts of the court to block issuance of Summons of Does 1-3, for Sixth District Court of Appeal Justices, Mary J. Greenwood, and Adrienne M. Grover, without knowing the Summons were already issued by another clerk Michael Darby (ECF19,p.15),

On 6/24/2018, SHAO posted on her Facebook stating her intent to sue Judge Contreras based on so many irregularities (ECF19,p.70). On 6/29/2018, based on these felonious violations of 18 U.S.C.§2071,18U.S.C.§1512, and 18U.S.C.§371,SHAO filed the First Amended Complaint(ECF16 referencing its 7 Appendix in ECF1-1) to include Judge Rudolph Contreras and his clerk Jackie Francis as new defendants, as any reasonable person seeing such irregularities would believe Judge Contreras was influenced by someone or otherwise biased and prejudiced to have committed these crimes. The Summons against them were withheld from issuance until 7/5/2018. As they refused to comply with F.R.C.P.Rule4 to waive service(ECF24), they were served with process on 7/24/2018 with the due date to respond being 9/24/2018. Default was requested on 11/1/2018 (ECF136&137), which was withheld entry by Judge Contreras until dismissal.

In delaying issuance Summons against himself, Judge Contreras failed to recuse himself as mandated by 28U.S.C.§455(b)(5)(i).Thus, on 7/6/2018, Petitioner filed a motion to disqualify Judge Contreras and to change venue based on 28 USC§455(ECF19).

The recusal motion in ECF19 mentioned seven violations of 18 U.S.C.§2071, 18U.S.C.§1512(c), and 18U.S.C.§371and other irregularities, which was supplemented with new violations totally about 24 irregularities by ECF24, 32,35,40 and in the motion to stay (ECF42) before the order of 8/8/2018 with new facts developed during his delay:

(1) ECF24 on 7/16/2018: new facts (a) 6/5/2018's docket that was removed on 7/5/2018 was put back,(b)delay in issuing the Summons against Judge Contreras and Jackie Francis, and (c) their refusing to respond to waiver of service prescribed in F.R.C.P. Rule 4.

(2) ECF32 on 7/30/2018: 13th through 17th irregularities involving new facts, including (a) non-compliance with LCvR 7(b) in failing to decide the motion, and (b)Judge Contreras's rushing night time orders (7/24/2018, 7:12 p.m.) with super-speedy processing after the courthouse was closed within less than 2 hours of the filing of California judicial defendants' motion for leave to appear pro hac vice, in violation of due

process preventing SHAO from opposing this motion in view of her motion to change venue (ECF32,P.23,24;ECF40,P.7), and in order to cure the California judicial defendants (including those having delayed issuance of Summons by 23 or 24 days)violation of LCvR 83.2(d) by filing a motion to dismiss before approval of their motion to appear pro hac vice. (#1787004,JN-3:ECF42,p.27). This could not have been done without an ex parte communication.

As mentioned above in OPINIONS BELOW, the 7/24/2018 minutes orders were altered 3 times on the docket and are not in the present docket.

(3) ECF35on 8/1/2018,which is titled “Reply re Plaintiff’s Motion to Disqualify Judge Rudolph Contreras and Request to Change Venue to USDC New York, Pursuant to 28USC§455 and Compendium of Selected Opinions 3.6-6[1]”. It was titled “Reply” as there was **no opposition** filed after 26 days. ECF35 raises the 18th irregularity, which is the court’s alteration of the court’s record of ECF32 (#1787004,JN-7:ECF35,P.13)in violation of 18 USC §2071 and 18 USC §1512(c)(2), by removing its efilng stamp, and blocked public’s access to ECF32(ECF35,pp.3-4&13-16),when the docket showed “Modified on 7/31/2018 to correct docket event/text (jf)” by Judge Contreras’s Case Administrator Jackie Francis.

For some period,ECF32 could not be opened on the court’s website. The screen showed:

“Adobe Acrobat could not open ECF32 2nd Supplement to 28 USC 455 motion.pdf because it is either not a supported file type or because the file has been damaged...” (ECF35,p.16).

The ECF35 file had no efilng stamp, either.(See #1787004,JN-7:ECF35)

About the same time, the copy of ECF32 in Petitioner’s data was also hacked and deleted (#1787004, JN-7: ECF35,pp.5-7&16).This gave the appearance that the court’s alteration of ECF32 could be related to the hacker Kevin L. Warnock, who Judge Contreras specifically acted as an attorney to argue for him in ECF154,pp.39-40;and
(1) ECF40 on 8/2/2019: Presenting the new argument that the motion to disqualify and motion to change venue should have become “conceded” pursuant to LCvR7 and that because of Judge Contreras’s super-speedy approval of the California judicial

defendants' motion at night on 7/24/2018, there was a public view of Judge Contreras's favoritism towards the California judicial defendants.

Notably, this could explain why he later would argue for California retired Presiding Justice Conrad Rushing in 2 places in ECF154(pp.26&33)when the Sixth District was aware that SHAO intended to serve Rushing but had not yet served him (ECF155).

ECF40 presented new facts as to Judge Contreras' *undisputed* interference with the Clerk's Office's function of entering default against BJ Fadem on 7/31/2019 and *undisputed* ex parte communication between Judge Contreras and at least defendant BJ Fadem in filing her belated motion to dismiss(ECF38)without a proof of service. Apparently, in covering up the default, Judge Contreras forged and backdated his signature date on the cover of ECF38 in approving the filing to be "July 31, 2018", to be the same date of SHAO's Affidavit for Default against Fadem. SHAO's Affidavit for Default against BJ Fadem was filed on 7/31/2018 at 3:26 pm(#1787004,JN-3:ECF42,p.46).

As of 12:48 p.m. of 8/2/2018, the Affidavit for Default was withheld by Judge Contreras and removed from the Clerk's Office, based on the evidence:

(1) on 8/2/2018 at 12:25 p.m. Eastern Time, Deputy Clerk Simone of the Clerk's Office told SHAO that ECF34, the default request against Fadem, was in the hands of Judge Contreras and was awaiting his decision (#1787004,JN-8:ECF40,p.8);and

(2) on 8/2/2018 at 12:48am. Eastern time, SHAO sent an email to Michael Darby and Jackie Francis stating:

"Two days ago, I filed Affidavit and request entry of default against BJ Fadem. Look forward to the Clerk's entry of default ASAP. Please also tell your supervisor about this." (#1787004,JN-8:ECF40,p.13)

One hour after sending the email to Jackie Francis, at 1:44 p.m. on 8/2/2018, the ECF 38 appeared on the docket.

ECF38: ex parte communication; forged dates and backdated docket entry with false entry on the name of the document

On 8/3/2018 9:15 a.m., in response to Petitioner's inquiry of when the ECF38 was received by the court (as she did not receive it), Deputy Clerk Davis informed Petitioner that Fadem's motion "went into the chamber directly, as there was no stamp of receipt by the Clerk's Office."(#1787004, JN-8: ECF40, p.9, Lines 3-14.)

Jackie Francis did not deny that ECF38 was an illegal ex parte communication from BJ Fadem directly to Judge Contreras, either.(ECF40,P.52-53) BJ Fadem and his paralegals also failed to respond to SHAO's inquiries on how and when Fadem "filed" the motion to dismiss (ECF40,45-50).

Fadem's evasion of a response to the severe felonious accusations constitutes an adoptive admission that Fadem indeed conspired with Judge Contreras to forge ECF38 to avoid entry of default.

No party was served with Fadem's motion as there was no proof of service.

The conspiracy to antedate in order to avoid default is obvious to any reasonable person as Judge Contreras put down the date of his approval of filing to be "7/31/2018"(ECF40,p.16)and Fadem put down the signature as 7/20/2018(ECF40,p.31).Apparently Fadem was unable to rush a motion on 7/31/2018 as the default request was filed at 3:28 p.m. (ECF42,p.46)

And, even though the docket entry date was undisputed to be 8/2/2018, Judge Contreras specifically caused the ECF38 entry to be put on the top of ECF 35, 36 and 37(ECF40,p.43) to fake the entry date to be 7/31/2018, in violation of 18 USC §1001, §2071 and §1512(c)(2).

ECF41: forged stamp of receipt, forged date, false backdated entry
After SHAO exposed the ex parte communications shown in ECF38, Judge Contreras forged ECF41 on 8/3/2018 at 5:59 p.m.(Eastern time) with the following irregular e-notice:

"The following transaction was entered on 8/3/2018 at 5:58 pm and filed on 8/2/2018" (#1787004,JN-3:ECF42,P.58)
ECF41 is the same document as ECF38; after seeing SHAO's criticism in ECF40(filed on 8/3/2018 at 2:29p.m.; 2.5 hours before ECF41),Judge Contreras re-filed Fadem's motion, by adding a forged receipt stamp of the Clerk's Office of "July 30, 2018" that was not on

ECF38, and a different signature date of Judge Contreras in approval of efilings as "8/2/2018". Such changes are shown on the cover of ECF41 (one of the 4 court's records altered in 19-5014 case on 5/9/2019).

Moreover, ECF38 was docketed by the court with a false document name of "Civil Statement from Defendant BJ Fadem" (ECF42, P.73). Just like ECF38, because of the backdating, this ECF41 was inserted above ECF39 and ECF40.

The repeated false backdated docketing caused the docket sheet to show filed documents out of chronological order: 34, 38, 35, 36, 37, 41, 29, 40, 42. (ECF42, P.73-74) The altered ECF41 still could not cover up the ex parte communication as the same as in ECF38, there was no proof of service.

See the comparison of the cover sheet for ECF38 and ECF41 in ECF42, pp.60-64.

On Page 5 of ECF40, SHAO mentioned on 08/03/2018 that "Judge Contreras and this Court tried to dismiss the entire case such that this §455 motion must be granted in its entirety; it is unlikely that SHAO may have a fair hearing including to impeach Judge Contreras." (ECF40, p.5) This reasonable view was confirmed on 1/17/2019.

On 8/5/2018, SHAO filed a motion to stay her 28 USC §455 motion based on 28 USC §144 (ECF42, p.1), including mentioning the crimes of 28 U.S.C. §2071 and 28 USC §1512(c)(2) involved with the forged ECF41. SHAO created a table for the 24 irregularities and identified the supporting evidence in ECF19, 24, 32, 35, 40 and 42.. (ECF42, pp.14-20; see Appendix)

B. 8/8/2018's Order (ECF48) violates due process in failing to explain any of the 24 irregularities/crimes and violated 28 USC §455(b)(5)(i) with a false finding of "judge shopping" covering up the 24 irregularities; 4 docket entries were further mutilated/deleted again including 2 night time minutes orders of 7/24/2018, 6/5/2018's entry and 6/11/2018's entry which constituted Judge Contreras's 26th-29th irregularities (see OPINION BELOW.

On 8/8/2018, 32 days after SHAO's motion to disqualify and change venue, in violation of LCvR7 (motion should have been conceded), Judge Contreras issued an order (ECF48) denying recusal as to himself and denying change of venue, created a finding of "judge shopping" to get around the mandatory recusal under 28 U.S.C. §455(b)(5)(i).

Such finding is not supported by the record: SHAO's Facebook posting on 6/24/2018 complained of the many irregularities occurring within 25 days of docketing of this case (ECF19, p.70); see Appendix regarding the facts alleged in the First Amended Complaint against Judge Contreras in that is not supported by the records (8 felonies in ECF16, ¶¶4,27,83,320).

Moreover, on the cover of the order, the order referenced only ECF19 and 42 but **omitted ECF24, 32, 35 and 40**. Footnote 3 of the order indicates that such omission was intentional as Judge Contreras misstated that ECF32 was withdrawn and referred to "July 31, 2018's Docket Entry," which does not exist on the docket. ECF32 was never withdrawn. Such misstatement indicates that Judge Contreras knew of the existence of ECF32 and the issue of alterations on ECF32 from ECF35. Such misstatement should constitute violation of 18 USC§1001.

In Footnote 1, Judge Contreras wrote: "Of course, Ms. Shao is free to voluntarily dismiss this case and refile it wherever she believes it is properly venued." This indicates his bias and prejudice in pre-determining the issue of venue.

When SHAO raised about 24 facts of irregularities including about 20 counts of felonies of 18 USC §2071 and 18 USC §1512(c)(2), Judge Contreras's Memorandum (ECF48) misstated SHAO's motion by his created 11 points, which actually only covered 3 out of 24 irregularities. Nevertheless, Contreras knowingly failed to explain any irregularities of "false docketing, filing delays, deterrence of proceedings, obstruction of justice, and concealment of her initial complaint" that was listed in his No.1 point (out of 11). (ECF48, p.6) He failed to address the issue of ex parte communication with Fadem. No explanation was provided for "the omission of Chief Justice Roberts's name in the short form of the case name", with the great majority of issues in ECF19, 24, 32, 35 and 40 not mentioned at all.

The only matter he mentioned, but still not explained, was the 7/24/2018 night time orders in granting the motion for pro hac vice for the California judicial defendants. As mentioned in OPINIONS BELOW, in **these two minutes orders he ridiculed SHAO as not reasonably being an issue were silently removed from the docket**

after 8/8/2018's Order(See the original docket at #1787004, JN-8:ECF40,p.43 and the docket printed on 11/10/2018 at #1787004,JN-10:ECF142,p.34), and totally altered 3 times; not in the present docket sheet.

7/24/2018's minutes' orders could not reasonably be done without an ex parte communication.

C. Another order of 8/8/2018 (ECF49) overrode ECF41, when, contrary to this Order, Judge Contreras later did not decide on Fadem's motion, nor rule on SHAO's motion to strike in 1/17/2019's Order (ECF154)

Above all, Judge Contreras failed to address the unambiguous evidence of ex parte communications with Fadem in ECF48. Such evasion of discussion is clearly purposeful as on the same day Judge Contreras issued the ECF49 order.

Judge Contreras issued an order on 8/8/2018 in ECF49 to remind SHAO of the due dates he set for opposing Fadem's motion where he stated that BJ Fadem's motion was filed on 7/31/2018, which seems he was trying to override the forged ECF41that he created on 8/3/2018 with much effort.

Furthermore, contrary to ECF49, Judge Contreras's 1/17/2019 Order(ECF153/154) did not enlist either ECF38 or ECF41.

Disregarding these forged dates, Fadem's motion was filed late as the due date to answer was 7/24/2018. The Judge never decided Fadem's motion, nor SHAO's motion to strike.

Yet, he dismissed Fadem in his 1/17/2019's Order as if he were the attorney of Fadem, and ignored SHAO's motion to strike.

D. Default entries against 2 defendants

On 8/30/2018, the Clerk's Office entered default against Defendants Tsan-Kuen Wang (ECF76) and David Sussman where SHAO presented law supporting personal jurisdictions over the 2 defendants. (ECF77)

E. Pending default for 15 federal defendants, including 11 defendants at this Supreme Court, and 3 defendants located in D.C., including Judge Contreras himself and his clerk Jackie Francis

This Supreme Court, 8 Justices and 2 Supervising Clerks, 11 defendants of this case, were served with the Summons on 6/14/2018 and the First Amended Complaint on

7/16/2018. They were sued because all 8 Justices had conspired not to decide SHAO's Requests for Recusal multiple times (already at least 7 times up to present), and were involved with multiple false docketing and concealment of filings. The due date to file an Answer was 8/13/2018 pursuant to F.R.C.P.15(a)(3).

Justice Kennedy resigned 2 weeks following service of the Amended Summons.

A request to enter default was made on 10/16/2018, two months *after* the due date to answer. (ECF122-132)

Both the US Attorney General and the Office of the US Attorney General were personally served with the Complaint on 6/25/2018, by delivery to Desiree Brown who is "designated by law to accept service of process." (ECF20; ECF142-1,p.10).

Neither the 11 US Supreme Court defendants nor the US Attorney file a motion to quash service.

On 6/29/2018, Attorney Thomas Caballero accepted service of Summons on behalf of Senate Diane Feinstein and Senate Judiciary Committee in accordance with F.R.C.P.4, with the due date to respond being 9/29/2018. The First Amended Complaint was presumed to be transferred to the US Attorney.(ECF146; ECF142-1,p.12,lines 10-12;ECF142-8) The last two federal defendants who were requested to enter default were made on 1/13/2019 against Senate Diane Feinstein (ECF148) and Judge Lucy H. Koh (ECF149).

On 11/1/2018, Affidavits for Entry of Default against Judge Contreras and Jackie Francis were filed (ECF136,137). They refused to comply with F.R.C.P.4 such that the process server personally served them on 7/24/2018, with the due date to respond being 9/24/2018.(ECF142-1,p.12,pp.17-24.)

Judge Contreras withheld processing all affidavits of default and ignored Petitioner's 2 requests not to delay on 10/19/2018 to enter default against the 11 Supreme Court defendants. (ECF133,134).

F. Illegal Interpleader in violation of 28USC§517 with false declaration of lack of service to respond to the 2 requests for entry of default against Judge Contreras and his clerk Francis which prompted SHAO's 3-in-1 motion to strike, to disqualify the US Attorney, and to renewed her motion to disqualify Judge Contreras and change venue(ECF142,143)

On 11/19/2018, without a motion for leave to appear/intervene or a suggestion of the interest of the US as required by 28USC§517, the US Attorney Jackie Liu appeared as an Interpleader to file a Response to the Requests for Entry of Defaults (ECF140) which was docketed as being made in response to ECF136 and 137, that are the Affidavits for entry of default against Judge Contreras and his clerk (#1787004, JN-10:ECF142,p.71).

The US Attorney provided a declaration of Mr. Van Horn, the Chief of the Civil Division of the US Attorney, alleging lack of service as a ground to attack the affidavits for entry of default. Yet, this conflicts with the Returned Summons in ECF20 which shows both the US Attorney and US Attorney's Office were served with process on 6/25/2018, which was not contested in the prior 5 months.

Such declaration for no service was a willful misrepresentation as on the second page of ECF140, they explicitly mentioned ECF20 but used a declaration to blindly allege lack of service.

In response, on 12/4/2018, SHAO filed her 3-in-1 motion. SHAO moved to strike ECF140 for violating due process (ECF142-1,p.18) without giving her the chance to oppose Interpleader, and alleged 11 facts to counter the US Attorney's allegation of lack of service.(ECF142-1,pp.11-14) SHAO further moved to disqualify Jackie Liu and the office of the US Attorney based on undisclosed conflicts of interest and misrepresentation.

Together with the motion to strike ECF140 and disqualify US Attorney/US Attorney's office, SHAO renewed her Motion to Disqualify Judge Rudolph Contreras and the D.C. District Court based on 28 USC §144, with a notarized Certificate of Good Faith Under 28U.S.C.§144(ECF142-19;#1787004).

This disqualification of Judge Contreras and the USDC in D.C. was based on (1) direct conflicts of interest that Judge Contreras is to decide on ECF140 and ECF142/143 when ECF140 was filed in response to default request against himself; (2) actual prejudice that the Court withheld entry of default for 22 federal defendants, (3) ex parte communications with Fadem and related alterations of the court's records, (4) multiple interference with the normal function of the court in violation of 18USC§371, including deterring entry of default for months, deterring the function of accurate docketing, deterring the fundamental function of filing, creation of stamp receipt, deterring Summons' issuance, when he failed to explain any of these irregularities in 8/8/2018 Order (ECF48).

Again, ignoring the requirements of LCvR7, Judge Contreras delayed in denying motion to disqualify himself and change venue, which should have been conceded.

On 1/16/2019, SHAO filed Returned Summons over the hacker Kevin L. Warnock (ECF152) and Judge J. Clifford Wallace (ECF151). 3 days prior, SHAO requested to enter default against Judge Lucy Koh and Senate Diane Feinstein.

On 1/17/2019, 44 days after filing of ECF142/143 (30 days passing opposition due date in LCvR7(b)), Judge Contreras filed an order (ECF153) and Memorandum (ECF154) both docketed as "denying motion to disqualify, motion to strike, granting motions to dismiss and sua sponte dismissing all remaining claims."

Without any notice, Judge Contreras acted as an attorney and argued for all defendants who did not appear, including 2 already entered default (Wang and Sussman), 15 pending default entry including 11 defendants at US Supreme Court who he withheld default entry for 3 months, for Judge J. Craig Wallace and Kevin L. Warnock who were just served with the returned summons filed on 1/16/2019, and, notably, for retired California Presiding Justice Conrad Rushing who had not been served and argued for Rushing at two places of his Memorandum (ECF154, pp. 26 & 33). Rushing has told the California Sixth District not to accept service on behalf of him.

Conspiracy of Rushing with Santa Clara County Court and McManis Faulkner law firm was testified to by expert witness Meera Fox in ECF 1-1,p.31,¶31.

Kevin L. Warnock was sued for computer crimes and violations of 18USC§1030 and 18USC§2701, et. seq. In ECF40, SHAO mentioned as a new fact that Judge Contreras is suspected to be connected with Warnock. Warnock was suspected to be involved with the DC Circuit's records alterations that took place on May 9, 2019. Yet, Contreras argued for him and dismissed him without a notice.

He granted the motions to dismiss in F31,45,58,65,75,81, 84, 117 as shown on the first page of ECF154, even when filed untimely, which did not contain motions to dismiss filed by BJ Fadem, Elise Michele, and John Orlando.

Without any notice, Judge Contreras sua sponte dismissed "all remaining claims against all other defendants" which were vague and unintelligible as discussed about in the OPINION BELOW.

No oral argument was held even though SHAO asked for argument

He denied motion to disqualify himself and the entire court with a false excuse that the ECF142 was the second motion (ECF154,p.8) to disqualify based on 28 USC§144 and again falsely asserted "judge shopping" to cover up his about 29 irregularities and failed to explain any complained ex parte communications, and about 20 felonies, in repeated violation of 28USC§455(b)(5)(i).

He failed to decide SHAO's motion to strike ECF140 and disqualify Jackie Liu and the US Attorney's Office.

On 1/23/2019, SHAO timely filed an appeal with the DC Circuit with the case number of 19-5014.

G. DC Circuit's unambiguous conspiracies to dismiss the appeal without giving SHAO a day in the Court

1. extrinsic fraud committed in the first Order to Show Cause of 4/9/2019—took SHAO off from the CM/ECF user to prevent notice of AIC Appellees' dispositive motion.

On 3/18/2019, Appellees American Inns of Court, William A. Ingram American Inn of Court and San Francisco Intellectual Property Rights American Inn of Court [“AIC Appellees”] filed a short/incomplete motion to summarily affirm Judge Contreras’s Order of 1/17/2019. Right before such filing, the DC Circuit took Petitioner off from the CM/ECF user list without notice to her. As a result, Petitioner did not receive notice of AIC’s motion. On 4/9/2019, DC Circuit silently put Petitioner’s user information back to its CM/ECF system, then filed an Order to Show Cause to justify granting AIC Appellees’ dispositive motion for lack of opposition, when it had reason to know that SHAO did not receive any notice of AIC’s motion.

2. DC Circuit’s 4 felonies of 18 USC §2071 involving AIC appellees, Judge Rudolph Contreras’s forgery on ECF41, and US Supreme Court’s docket of 18-800 where James McManis is the Respondent, caused a motion to change venue

On 5/8/2019, SHAO filed her Response to the Order to Show Cause of 4/9/2019 and a counter motion for summary reversal of Judge Contreras’s orders of January 17, 2019 and August 8, 2018 (#1786663). SHAO asserted:

- (1) AIC’s motion must be denied for lack of notice,
- (2) Contreras’ orders must be summarily reversed for being void in violation of 28USC§455, Canon 3, 28 USC§144 and due process,
- (3) Judge’s sua sponte dismissal must be reversed,
- (4) AIC was imputed with knowledge of illegality of its function pursuant to the adverse inference doctrine.

On 5/9/2019, SHAO filed a motion for judicial notice of 21 documents (#1787004) in support of her Response to 4/9/2019’s Order to Show Cause and her Counter motion for Summary Reversal of 1/17/2019 Order.

On 5/10/2019, SHAO filed a separate Counter Motion based on other issues per the clerk’s instruction (#1787225, including motion and supporting declaration), which include 3 issues for summary reversal:

(1) the function of the American Inns of Court, William A. Ingram American Inn of Court, and San Francisco Intellectual Property Rights American Inn of Court is illegal for facilitating illegal ex parte communications;

(2) The function of Temple Bar Scholarship is illegal in violation of the Guide to Judiciary Policy §620.25

(3) The US Supreme Court Justices are bound by 28 U.S.C. §455 and have a duty to decide the requests for recusal against them.

On 5/9/2019, at about 9:15am California time (12:15 p.m. Eastern Time), SHAO started to download from the DC Circuit's notification of efilng of #1787004 by clicking on her email notice sent by the court. After downloaded the 11th document, at about 12:30 p.m. Eastern Time, the computer screen showed:

HTTP status 404-

Type status report

Message

Descriptionthe requested resource is not available

Apache Tomcat 8.6.33

SHAO contacted the Pacer clerk by email and attached this screenshot in the email. SHAO also contacted the court's clerk about this issue. (#1791001, p.14-15& p.29&30, Exh.B)

SHAO was blocked from access to the court's records for 4 hours. The 12th document was the ECF142 files; during this 4 hours, her email was also blocked from access and the screen for her email also showed "Aol, We'll be right back." (#1791001, pp.14,38)

SHAO discovered 3 alterations in #1787004. They are:

- (1) The Temple Bar Scholars and Reports in Doc#26 of #1787004, by removing the list from year 1996 through 2011.
- (2) The entire docket sheet of 18-800 as Doc#21 of #1787004.
- (3) ECF41's cover in Page 63 of Doc#4 of #1787004.

At about 8pm of the same date, May 9, 2018, SHAO discovered that the American Inns of Court made the same alteration on the list for Temple Bar Scholars and Reports. (#1791001, p.20)

The Temple Bar Scholars and Reports was further altered in Exh.H of #1787225 declaration (filed on 5/10/2018).

On May 13, 2019 at 1:25 p.m. California time, when is 4:25 p.m. Eastern time, SHAO sent an email to the ECF Desk to inquire of the court records' purging issues. The Operation Manager Scott Atchue took over the inquiry at Eastern time 4:38 pm. (#1791001,p.79). 1 hour and 15 minutes later, one minute prior to Atchue's response to SHAO on the issue of alteration of files assuring no chance by the Circuit (#1791001,p.78: 5/13/2019, 2:54 p.m., California time), at 2:53 p.m. California time and 5:55 Eastern Time, AIC was altering it back to the original unredacted Temple Bar Scholars' List in that the typesetting became small as before the alteration(#1791001,pp.83-85). Complete alteration back was found to be finished on May 14, 2018 (#1791001,pp.87-91)

Based on the above unlawful acts, the undisputed file alterations, and the appearance of conspiracy of the DC Circuit with the hacker, Kevin L. Warnock, SHAO filed a motion to change venue (#1788216). Shortly after filing, SHAO filed a Notice of Errata and Intention to file an Amended Motion to Recuse the D.C. Circuit pursuant to 28 USC §455.(#1790526)

3. Amended Motion to Change Venue was filed by adding a new ground of objective conflicts of interest based on undisputed fact that 3 Appellee/Justices of this Supreme Court are alumni judges of the DC Circuit, pursuant to Chief Justice's Order of 10/10/2018

On 6/5/2019, SHAO filed the Amended Motion to Change Venue (#1791001) by adding an additional ground to #1788216 that---as a matter of law, the DC Circuit should be changed venue because 3 Justices Appellees are alumni of the DC Circuit, based on Chief Justice John G. Roberts' letter order of 10/10/2018 (#1791001,P.113) that ordered to remove the complaints against Justice Kavanaugh to the 10th Circuit as Justice Kavanaugh was an alumni judge of the DC Circuit which created an appearance of conflicts of interest for the DC Circuit to decide on the complaints against him.

4. Second Order to Show Cause: 7/31/2019's Order Summarily Granting the AIC Appellees' motion and sua sponte issued another Order to Show Cause to Summarily adopting Judge Contreras's 1/17/2019 in its entirety including Contreras's confusing sua sponte dismissal.

On 7/31/2019, the appellate panelled by Judge Millet issued a 2 page order. It denied #1791001 with 1 sentence that "Appellant has not demonstrated that the impartiality of any member of the court or the court staff might reasonably be questioned", avoiding discussion of any issues in violation of *Moran, supra*.

When Judge Millet granted the AIC motion, she disregarded the undisputed fact that the motion lacked notice, she further added on another order to show cause *sua sponte* to summarily affirm the entire order of 1/17/2019.

On 8/24/2019, SHAO filed a Petition for Rehearing of the 7/31/2019's Interim Order with a renewed motion to disqualify D.C. Circuit (#1803537) based on

- (1) failure to decide or explain any issues in #1791001 in violation of due process
- (2) failure to hold a hearing as requested.
- (3) Judge Millet failed to disclose her conflicts of interest
- (4) 7/31/2019's Order to Show Cause violates rules of procedure which reinforced the appearance of the conspiracy of dismissal that created by the DC Circuit's silent removal of SHAO from CM/ECF user in mid March 2019 and alteration of Temple Bar Scholars and Reports simultaneously with the AIC's alterations.
- (5) The Circuit violated due process of SHAO by granting AIC Appellees' motion for summary affirmation when it is undisputed that it was made without notice and recited a false ground of affirming dismissal that was not stated in AIC Appellees' motion for summary affirmance, which proved that Judge Millet did not read the AIC Appellees' motion at all.
- (6) All genuine legal issues were omitted from discussion by the July 31, 2019 Order regarding SHAO's motion for summary reversal
- (7) Against Rules of Procedures, this Circuit denied SHAO's motion for summary reversal/adjudication on 7/31/2019 without any explanation

On 8/31/2019, SHAO filed her Response to the OSC with 30 pages' arguments.(#1804512), including the issue that the DC Circuit failed to respond to any issues raised in #1791001 which contains about 127 pages of evidence, and lack of authority for sua sponte dismissal of appeal.

5. 11/13/2019 short order containing vague terms to dismiss the entire case.

Judge Millet summarily denied Petition for Rehearing of the 7/31/2019 Order. Among other things, the short Order gave the following explanation: that:“The district court also correctly concluded that, because it lacked authority to grant the relief sought by appellant in several of her claims,” no reasonable attorney could understand what the “several” are referring to.

The First Amended Complaint has 230 pages(ECF16) describing in details of the facts/evidence in support of each claim instead of mere conclusion, plus about 90 pages of exhibits(ECF1-1) including an expert's opinion of judiciary conspiracy (ECF1-1,p.31,¶31).Without addressing this evidence, Judge Millet blindly copied the finding of Judge Contreras that SHAO's claims had no evidentiary support. This is not the standard for dismissal based on Rule 12(b). Judge Millet dismissed all defendants with the short 3 page order without any reasoning or analysis.

6. 2/5/2020's Order Summarily Denying Rehearing

On 12/13/2019, SHAO filed a Petition for Rehearing of 11/13/2019's Order(#1820096) based on the grounds that:

- (1) DC Circuit continued in failing to explain/respond to any facts in #1791001 and failed to address any issues in the Petition for Rehearing, including the violation of due process in granting AIC Appellees' motion for summary affirmance, and the issues in SHAO's motion for summary reversal.
- (2) Adoptive admission by all Appellees in failing to contest any of the serious felony accusations in the 634 pages of evidence for the Petition for Rehearing of 7/31/2019's Order.

On 2/5/2020, Judge Millet again denied the Petition for Rehearing without addressing the issues in #1791001.

SHAO filed the second Petition for Rehearing(#1834621) based on the following grounds:

- (1) This Circuit's 3 orders demonstrated its willful evasive response to ANY ISSUES raised in #1791001 which constitute adoptive admissions for the criminal accusations mentioned therein that mandates reversal of 3 orders and changing venue.
- (2) This Circuit cannot legally affirm Judge Contreras's 1/17/2019's Order as it is void for violation of 28U.S.C. §455(b)(5)(i).
- (3) This Circuit's 11/13/2019's order dismissing the entire appeal is too vague and prejudices SHAO's property and liberty interest in pursuing her first right of appeal.
- (4) New facts: In Petition No. 19-639, the Supreme Court Appellees have adoptively admitted to new and old crimes as well as to their violation of First Amendment as shown by the Table of Contents of the Request for Recusal and the Table of Contents of the Petition for Rehearing.
- (5) New evidence of judiciary conspiracy among Santa Clara County Court, McManis Appellees and hacker Kevin L. Warnock, and adoptive admissions of 25 judiciary criminal acts arising from McManis Appellees.
- (6) New evidence of 6 felonies conspired by McManis Appellees, their attorneys and Santa Clara County Court in a quiet speed dismissal including felonious alterations of the e-filing stamps and creation of false docket to change the e-filing date of their motion to dismiss from 9/18/2019 to 9/12/2019, in order to meet the minimum 16 working days' requirement for a motion.

7. 5/2/2020's fraudulent En Banc Order made 7 minutes following Judge Millet's Order

A Per Curiam Order was issued on behalf of Judge Millet's appellate panel at 1:38 p.m.(App.003) California time on 5/2/2020; 7 minutes later, another Per Curiam Order En Banc(App.001) was issued on behalf of the entire court. The Petition for rehearing

which was re-titled to be “motion for reconsideration” by the Per Curiam orders was again summarily denied. For about 11 months, through 4 orders, the DC Circuit has refused to address the issues raised in #179001 as required by *Moran, supra*.

REASONS FOR GRANTING CERTIORARI

SUMMARY

Certiorari should be granted as all of DC Circuit’s orders conflict with the decision of other circuits and with this Court on vital issues of dismissal, and judicial disqualification, and duty to decide, and duty to issue Opinion where there were so many felonies of 18USC§2071, §1512(c), §1001 and §371 that the DC Circuit committed 7, and Judge Contreras, at least 20. 4 of the 7 felonies committed by the DC Circuit show conspiracy with the American Inns of Court appellees.

Both courts refused to discuss any facts in the affidavit of judicial disqualification and both courts issued vague, confusing dismissals sua sponte that prejudiced SHAO’s fundamental right to have an impartial tribunal, first right of appeal and right to have reasonable access to the court that requires certiorari.

This case also has direct conflicts of interest with 7 Justices of this Court, especially the three alumni judges of the DC Circuit as it is a major issue of appearance of conflicts of interest of D.C. Circuit.

There is an issue that whether 28USC§455(a) applies to this Court’s Justices that the First Count of ECF16 should not be dismissed and whether all judges/justices must decide all issues of the judicial disqualification stated by the facts in the moving party’s affidavits.

Should there be a time limit set to require such fundamental issue of justice be decided as the first instance *before ruling on other motions*, when 28 USC§455 is supposedly stricter than the Due Process Clause. (Davis v Jones (2007, CA11 Ala) 506 F3d 1325; Richardson v Quarterman (2008, CA5 Tex) 537 F3d 466.) In California, its Code of Civil Procedure§170.3 requires the judge to respond in details within 10 days or be conceded. This case presented the common issue that in deciding recusal, the judges

and courts had delayed for a significant time, more than allowed under the local rule, or decided disqualification issue together with other motions, e.g., in Petition 17-256, the same issue occurred” Judge Lucy Koh denied disqualification the same time of her dismissal of the entire case.

There is split of opinions of the courts on who should be qualified to sign the Certificate of Good Faith under 28USC§144 that needs this Court to certiorari.

As the very issue for the 7 Supreme Court Justices to be sued was their refusing to decide multiple (at present is 7) requests for recusal filed by SHAO in 17-256, 17-613, 18-344, 18-569, 18-800, 19-613, at odds with 28U.S.C. §455 with the 226 years’ customs of practice as researched by the Wisconsin Supreme Court in State v. Allen 2010 WI 10 (2010).

The file alterations, alteration of dockets have been experienced by SHAO in all of the courts involved for these Petitions, including in California, D.C. and this Court that are significant and common issues at present with so many courts did the same felonies that needs this Court to correct the courts’ injustice and be of integrity again. Should these court crimes constitute actual prejudice against SHAO that require recusal under 28USC§455(a)?

In this case, the DC Circuit failed to provide any reasoning in denying SHAO’s motion for summary reversal nor any analysis of the issues for motion for summary affirmation. Severe violation of Due Process involves in their granting the American Inns of Court Appellees’ motion for summary affirmation when the motion was made without notice arising from extrinsic fraud. Extraordinary injustice is involved in Judge Contreras’s dismissal memorandum (ECF154) that argued for 22 defendants that had not been served, defaulted or just served, when he never given out a notice of his intent to do so.

I. JUDICIAL DISQUALIFICATION AND CHANGE OF VENUE IS A CRUCIAL ISSUE TO MAINTAIN INTEGRITY OF THE COURT BUT NOW MANY COURTS’ PRACTICES ARE FAR AWAY FROM THE LAWS INCLUDING IN THIS CASE, CALIFORNIA COURTS, USDC IN D.C., D.C. CIRCUIT AND UP TO INCLUDE THE US SUPREME COURT THAT NEEDS THIS COURT TO REMOVE ALL IRREGULARITIES.

A. Should the courts be required to decide and lay out all facts of the alleged judicial disqualification in denying recusal?

This issue is a recurring issue in all courts, not only for California Courts all levels as SHAO had experienced in the past 15 years, but also for the Ninth Circuit as shown in Petition No.17-256, and now for the U.S.D.C. as well as the D.C. Circuit. These problems were before this Court, including this Petition, at least 9 times shown in Petitions 11-11119,17-82, 17-256, 17-613, 18-344, 18-526, 18-800 and 19-639. In the last 6 Petitions, there were issues that 7 Justices of this Court (Justice Kennedy has retired) did not decide SHAO's 7 Requests for Recusal, and even tried to conceal the Request for Recusal in 19-639 (#1834621,pp.12-14).

There is an issue that whether the courts' repeated failure to decide may constitute knowing aversion to state a reply to the severe accusations contained in the affidavits for disqualification/change of venue, and whether the doctrine of spoliation of evidence may apply to the alterations of docket and court files prevailing in this case to justify adverse inference.

1. **28 USC§455(a) applies to all courts including Supreme Court but there is no time limit set as the States, and For the People Act of 2019 has not been complied with by this Court after 1 year had passed.**

On its face, 28USC§455(a) applies to all federal court justices and judges. *28 USCS § 455* applies to members of Supreme Court. *Pilla v. American Bar Assn.* (1976, CA8 Minn) 542 F.3d 56.

The U.S.D.C. in D.C. LCvR7(b) requires 14 days for opposition, or the court "may" deem the motion be conceded. For this case, Judge Contreras did not decide the disqualification issue filed on 7/5/2018 until 8/8/2018, 33 days after filing, even after SHAO reminded him that the opposition time had passed (ECF32;ECF35 entitled "Reply re motion to disqualify and change venue").The second motion to disqualify based on 28 USC§144 was filed on 12/5/2018 but decided on 1/17/2019, 43 days later.

As for the DC Circuit, #1791001 was filed on 6/5/2019 and denied summarily on 7/31/2019, 56 days later.

For the People Act of 2019 entitles this court to set Code of Judicial Conduct. Will there be a due date to respond to the request for recusal?

SHAO respectfully requests certiorari be issued and ordered that the motions to disqualify be conceded for failure to file an opposition within 14 days and there be a day set for a motion to change venue at the appellate courts.

. **2. The courts' practice conflicts with *Moran v. Clarke***

28USC§455 established stricter grounds for disqualification than the Due Process Clause. *Davis v Jones* (2007, CA11 Ala) 506 F3d 1325; *Richardson v Quarterman* (2008, CA5 Tex) 537 F3d 466. It is judge's duty to ensure that his or her presence does not taint the process of justice or the integrity of United States courts. . *Obert v Republic W. Ins. Co.* (2002, DC RI) 190 F Supp 2d 279, modified (2005, CA1 RI) 398 F.3d 138.

When an affidavit of disqualification is filed and is in proper form, its allegations are accepted as true. *Berger v. United States*, 255 U.S. 22, 33, 41 S. Ct. 230, 65 L. Ed. 481 (1921).

In many states, the courts have held that the failure to rule on disqualification issues constitutes reversible error. E.g., *Clark v. Dist. No.89*, 32 P.3d 851 (Okla.2001) In *Aetna Life Ins. Co. v. Loviae* (1986) 475 US 813, this Court confirmed the holding of *U.S. v. Jordon* (1985) 49 F.3d 152, Ft. 18, vacated the judgment and held that the Due Process Clause of the Fourteenth Amendment was violated when a judge of the Alabama Supreme Court declined to recuse himself from voting/participating in that court's consideration of the case as such would potentially influence the votes and views of his colleagues. This Court held that the Due Process Clause is violated where a judge acts as a judge in his own case.

In *Tumey v. Ohio* (1927) 273 US 510, 523, this Court reversed the judgment, and held that "No matter what evidence was against him, he had the right to have an impartial judge," and that "it certainly violates the Fourteenth Amendment and

deprives due process to subject his liberty or property to the judgment of a court the judge of which has a direct, personal, substantial, pecuniary interest in reaching a conclusion against him in this case.

In *Marshall v. Jerrico, Inc.*, 446 US 238, 242, 100 S.Ct. 1610, 1613 (1980), this Court held that as a matter of procedural fairness “[t]he Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases.” In *Ward v. Village of Monroeville*, 409 US 57, 61-62, 93 S.Ct.80,84, this Court held that a “neutral and detached judge in the first instance” is a fundamental right guaranteed by the Due Process Clause.”

When usually the courts would have a statement in response to each issues for judicial disqualification, in each of the cases where SHAO participated and now in front of this Court, California courts have consistently misused a motion to strike disqualification affidavits, and the federal courts have used summary denial without addressing the issues. This court as shown in #1834621, has not decided any of the requests for recusals filed by SHAO, contrary to the history of this Court as researched by the Wisconsin Supreme Court. *State v. Allen*, *supra*.

Many states require detailed responses paragraph by paragraph, e.g., California Code of Civil Procedure §170.3. When the federal statute did not state the standard on how the court should respond, the 8th Circuit held in *Moran, supra*, that the Court has the responsibility to “fully” address “all the relevant facts” in denying recusal.

As the practices of Judge Contreras and the DC Circuit and this Court conflict the 8th Circuit’s decision in *Moran, supra*, SHAO requests certiorari to resolve this conflict on how courts should rule on disqualification motions. .

B. Alterations of docket, concealing complaint, withholding summons, and ex parte communication should warrant recusal as actual bias and prejudice

An appellate court's review of this inquiry into actual bias is fact driven. *Bryce v. Episcopal Church in the Diocese of Colo.*, 289 F.3d 648, 660 (2002).

Judge Contreras denied recusal of himself by stating twice in his order of 8/8/2018 and 1/17/2019 that these behaviors do not warrant recusal. This severely violated Due

Process Clause as these court crimes constitutes “prejudice” and direct conflicts of interest as the victim is SHAO.

Here, the 7/24/2019 minutes order, the selective issuance of Summons by Judge Contreras’s clerk shown in the docket entry of 6/5/2018, and the antedating of other about 61 Summons in the docket entry of 6/11/2018 could not be done without an ex parte communication. As stated in OPINIONS BELOW, these 4 dockets were altered 3 or 5 times and now not on the present docket.

ECF38 is an unambiguous ex parte communication advised by the Court’s Clerk’s office. Therefore, Judge Contreras’ refusal to explain these, ruling these crimes did not warrant disqualification, and created a finding of “judge shopping” that conflicts with the records and concealing all these irregularities stated in the First Amended Complaint (ECF16) and in the motions to disqualify, should cause the orders in ECF48 and ECF153/154 to be reversed. These alterations of docket and courts’ records and ex parte communication that constituted both actual bias and the appearance of actual bias justify judicial disqualification.

Non-disclosure of conflicts of interest will result in reversal of a judgment, e.g., *Schmitz v. Zilveti* (9th Cir. 1994) 20 F.3d 1043. In addition to the above ex parte communication, any reasonable person learns that Judge Contreras’s 1/17/2019 to act as an attorney to argue for 22 defendants not appeared, especially argued for retired California Justice Conrad Rushing twice when he was not served at the time the order was issued, will believe some sorts of relationship/conflicts of interest exist with these defendants, especially Judge Rushing.

Also, any person seeing the alterations of files in DC Circuit that is proximate in time to American Inns of Court’s alterations when the alterations were identical, would believe the DC Circuit has undisclosed relationship with the American Inns of Court.

Likewise, there must be some conflicts of interest undisclosed that will cause all 7 Justices of this Court not to decide on recusal jointly for 7 times.

But, nothing was disclosed by all courts involved here.

C. The DC Circuit's repeated failure to respond to the severe accusations in #1791001 in 4 orders through a span of 11 months should constitute willful evasion of response such that the DC Circuit has admitted to the accusations by adoption pursuant to F.R.E.801(d)(3)(B)

The D.C.Circuit's 4 orders demonstrate a willful evasive in responding to ANY ISSUES raised in #1791001(Amended Motion to Change Venue) MOTION.

In denying recusal, the Circuit should have "set out all the relevant facts", as required by *Moran, supra.* A refusal to rule on matters is a serious violation of judicial duty.

Inquiry Concerning Freedman (Cal.Comm.Jud.Perf.2007) 49 Cal.4th CJPSupp.223 (censure for judge not promptly ruling on cases); *Mardikian v. Commission on Judicial Performance* (1985) 40 Cal.3d 473, 477"

Pursuant to the Adoptive Admission rule in F.R.E.801(d)(2)(B), "if a person is accused of having committed a crime, under circumstances which fairly afford him an opportunity to hear, understand, and to reply, ...and he fails to speak, or he makes an evasive or equivocal reply, both the accusatory statement and the fact of silence or equivocation may be offered as an implied or adoptive admission of guilt." *Sparf v. United States* (1895)156U.S.51,52; *U.S. v. Williams*, 577 F.2d 188,194, cert.denied, 439 US 868 (DC Cir.1978); *People v. Riel* (2000) 22 Cal.4th 1153,1189)

DC Circuit's 4 times evasive/equivocal "reply" in its Orders of 7/31/2019,10/13/2019, 2/5/2020 and 5/2/2020 as to the severe criminal accusations in #1791001 should constitute an adoptive admission of the following facts:

(1) In violation of 18 U.S.C. §§1519, 1512(c)(2),2071,1001and 371, DC Circuit conspired with the American Inns of Court Appellees in taking SHAO off its CM/ECF list, on the eve of their efileing a Motion for Summary Affirmance(3/18/2019), to prevent SHAO from opposing the motion; then put SHAO back on the CM/ECF and fraudulently issued the Order to Show Cause on 4/9/2019 knowing SHAO lacked notice.

(2) In violation of 18 U.S.C. §§1519,2071 and 1001, the Circuit conspired with AIC Appellees and Warnock and the Alumni Justices-Appellees to alter 2 Temple Bar

Scholars Reports at (a)Doc.#26th of #1787004 and (b)the last two pages of SHAO's affidavit in #1787225, on 5/9/2019 and 5/10/2019

respectively. In perpetrating the alterations, the Circuit blocked SHAO from access to the docket of this appeal by 4 hours(9:15a.m. through 1:29p.m.Pacific Time) on 5/9/2019 when the hacker also interfered with SHAO's email simultaneously.

(3) In violation of 18 U.S.C.§§1519,2071 and 1001, the Circuit conspired with Judge Rudolph Contreras and the hacker in mutilating and altering the 4thDocument (i.e.,JN-3) of #1787004, which is the cover of ECF#41(altered from ECF38), at the same time as in (2),to cover up Contreras' ex parte communications and forgery of ECF#41(forging date of approval for filing, and forging a receipt stamp; Cp.ECF#38);

(4) In violation of 18 U.S.C.§§1519,2071 and 1001,DC Circuit conspired with McManis Appellees and the hacker in purging the docket of 18-800 from the 21st document of #1787004 at the same time as in (2);

(5) On 5/13/2019, in violation of 18U.S.C.§1001, DC Circuit's Operation Manager Scott Atche conspired with AIC to destroy evidence of the conspiracy in (2) such that within 1 minute of Scott's assurance to SHAO of no change on the court's records, the AIC started changing its website posting on the Temple Bar Scholars and on the early morning of 5/14/2019, completely reverted back to its complete unredacted list before 5/8/2019.

D. Judge Contreras's repeated refusal to explain and creating a false finding of "Judge Shopping" that is not supported by the record should constitute willful averting to "Reply" to constitute admissions by adoption when his alterations of 4 dockets 3 or 5 times as well as alterations of ECF38 and ECF41 further had created presumption of conflicts of interest under the Doctrine of Spoliation of Evidence.

It is "well established" under District of Columbia law that "a fact-finder may draw an inference adverse to a party who fails to preserve relevant evidence within his exclusive control." Battocchi v. Washington Hosp. Center, 581 A.2d 759, 766 (D.C. 1990).The rule that a fact-finder may draw an inference adverse to a party who fails to preserve relevant evidence within hisexclusive control is well established in this

jurisdiction. E.g., *Hartman v. Lubar*, 49 A.2d 553, 556 (D.C. 1946); *Tendler v. Jaffe*, 203 F.2d 14, 19 (D.C. 1952).

As stated in OPINIONS BELOW, the docket for 6/5/2018 and 6/11/2018 were altered 5 times, and the minutes orders of 7/24/2018 were altered 3 times. These alterations support an inference of Judge Contreras's ex parte communications with some defendants to delay issuance of summons and to issue orders to assist the California judicial defendants in obtaining a dismissal without first obtaining permission to appear in hac vice, in violation of the civil local rule 83.

In addition, the alterations and forging court's records shown in ECF38 and 41 should have created a presumption that there is a conspiracy between BJ Fadem and Judge Contreras to avoid default entry. All the forged docket entries and forged signatures show bias and prejudice of Judge Contreras that required recusal.

Orders entered prior to a recusal may be voided if the injured party can show that the judge should have recused herself and failed to do so. See *Tramonte v. Chrysler Corp.* 136 F.3d 1025 at 1028 (1998).

Here, Judge Contreras's orders of August 8, 2018 and of January 17, 2019 regarding disqualification must be reversed as Judge Contreras never explained (1) all of his relationship with Chief Justice John G. Roberts, why he altered the short form of the case name to remove Justice Roberts' name and delayed docketing of the Complaint by 10 days, (2) the ex parte communications with BJ Fadem as shown in ECF#38 including a forged date of his signature to allow filing, and why the motion was docketed in a wrong title, (3) how the ECF#41 bore his forged date of signature and docketed out of sequence, (4) alteration of dockets.

Judge Contreras should have recused himself based on his direct conflicts of interest, and personally involved with court crimes in alteration of dockets and court files. Thus, the orders he entered should be void. No reasonable person can believe that Contreras could be impartial with these forgeries.

E. The Circuits split as to who is qualified to sign the Certificate of Good Standing under 28 USC 144.

There is division of authorities on the issue of who may submit the certificate of good faith. In *Klayman v. Judicial Watch, Inc.*, 744 F.Supp.2d 264, 273 (D.D.C. 2010), the U.S.D.C. in the D.C. held that “it is far from a clear that a pro se party such as Plaintiff could avail himself of §144 even had he submitted a facially sufficient affidavit in support of his motion.”

Some courts have taken the position that the certificate accompanying a pro se party’s affidavit may be signed by any member of the bar, albeit not counsel of record. See *e.g., United States v. Rankin*, 1 F. Supp.2d 445, 450 (ED Pa. 1998) Some court determined that it is inappropriate to consider the merits of a pro se litigant’s §144 motion notwithstanding the lack of any certificate of good faith by counsel of record and/or member of the bar. See, *e.g., Melvin v. Social Sec. Admin.*, Civil Action No. 5:09-235, 2010 US Dist. LEXIS 96090, 2010 WL3743543, at p.2 (E.D.N.C. Sep. 14, 2010); *William v. New York City Housing Auth.*, 287 F.Supp. 2d 247, 249 (S.D.N.Y. 2003)

When all States allowed pro per party to file verified statement of disqualification, why not at the federal courts?

E. The DC Circuit violates due process by bypassing fundamental right to appeal process by an order to show cause.

The First Amendment right to petition includes the right to have access to the court. *Borough of Duryea v. Guarnieri*, 564 US 379, 387, 131 S.Ct. 2488, 2494 (2011). Structural error includes deterrence of right to appeal. See, *Locada v. Deeds* (1991) 498 US 430, overruled on other grounds by *Roe v. Flores Ortega* (2000) 528 US 470.

The D.C. Circuit’s use of an Order To Show Cause was improper and outside the rules. In *United States v. Roblero-Solis*, 588 F.3d 692, 692 (9th Cir. 2009), the Ninth Circuit held that “We act within a system maintained by the rules of procedures. We cannot

dispense with the rules without setting a precedent subversive of the structure.” Interfering with the right to appeal is a structural error violating due process. There is no case in the history like this that may use an Order to Show Cause to replace the appeal to which SHAO is entitled as a matter of right.

II. DC Circuit should be required to provide qualified opinion in deciding on dispositive motions

DC Circuit summarily denied SHAO’s motion for summary reversal and summarily granted AIC Appellees’ motion for summary affirmation.

A. AIC MOTION FOR SUMMARY AFFIRMATION MUST BE DENIED FOR LACK OF SERVICE AND AN AFFIDAVIT

Injustice occurred as the AIC motion must be denied for undisputed lack of service and lack of an affidavit. Such deficient motion affirmed that the DC Circuit’s silent removing SHAO from ECF list was a conspiracy to dismiss AIC appellees from this appeal.

Not only AIC appellees failed to file the required affidavit as required by FRCP 27(a)(2)(B) but also undisputedly failed to service. The lower court has denied motions filed without service; e.g., *Castillo-Reyes v. Solloso*, 95-7233, October 30, 1996, 1996 US App.LEXIS30592. The district court’s denial of a motion for lack of service was upheld by the US Court of Appeal, e.g., *Bank Of N.Y. Mellon v. Celestin*, 713Fed. Appx 602 (9th Cir. 2018). The Supreme Court considered lack of service to be denial of due process, e.g., *United Student Aid Funds, Inc. v. Espinosa*, 559US 260 (2010).

B. SHAO’S MOTION FOR SUMMARY REVERSAL SHOULD BE GRANTED AND SHOULD NOT BE SUMMARILY DENIED WITHOUT A REASONING.

It is alike a motion for summary judgment that the court cannot just deny without any opinion as it affects the fundamental right to access the court. Here, SHAO asked for summary reversal on the following points:

- (1) Orders of Judge Contreras should be reversed as he should have recused.

An appellate court's review of this inquiry is fact driven. *Bryce v. Episcopal Church in the Diocese of Colo.*, 289 F.3d 648, 660 (2002). See Questions Presented No. 5, discussion in I.B. and Opinion Below.

(2) 1/17/2019 ORDER must be reversed for lack of notice on “sua sponte dismissal”

ECF154’s vague sua sponte dismissal made in arguing for 22 defendants not filed a motion, not even served, defaulted, just served, is confusing.

When there are decisions granting judge the right to dismiss sua sponte, there must be a notice given. Judge Contreras knew this requirement of notice as he had stated in the first page of ECF49 on 8/8/2018 that he must “take pain” to give pro per party a notice of due date to respond to Fadem’s motion to dismiss.

When unaccompanied by notice to the plaintiffs and an opportunity to respond, sua sponte dismissals deprive plaintiffs of the chance to develop legal arguments or clarify factual allegations, undercut the adversarial process, and render the appellate record less complete for review. *Neitzke v. Williams*, 490 U.S. 319, 329-30 (1989).

Almost all circuits that have addressed the question in the context of Rule 12(b)(6) dismissals have adopted per se rules prohibiting such dismissals. They enforce the prohibition by automatically vacating the dismissals and remanding for reconsideration on the merits after notice. See *Thomas v. Scully*, 943 F.2d 259, 260 (2d Cir. 1991) (per curiam); *Street v. Fair*, 918 F.2d 269, 272 (1st Cir. 1990) (per curiam); *Roman v. Jeffes*, 904 F.2d 192, 196 (3d Cir. 1990); *Tingler v. Marshall*, 716 F.2d 1109, 1110-12 (6th Cir. 1983); *Ricketts v. Midwest Nat’l Bank*, 874 F.2d 1177, 1183-85 (7th Cir. 1989); *Murphy v. Lancaster*, 960 F.2d 746, 748 (8th Cir. 1992) (per curiam); *Jefferson Fourteenth Assocs. v. Wometco de Puerto Rico, Inc.*, 695 F.2d 524, 526-27 (11th Cir. 1983).

Therefore, Judge Contreras’s 1/17/2019’s Order made without preceding notice nor giving SHAO a chance to respond violated the due process and must be reversed.

(3) AMERICAN INNS OF COURT IS IMPUTED KNOWLEDGE OF THE
ILLEGALITY OF ITS FUNCTION PURSUANT TO ADVERSE INFERENCE
PRESUMPTION UNDER SPOILIATION OF EVIDENCE DOCTRINE

It is "well established" under District of Columbia law that "a fact-finder may draw an inference adverse to a party who fails to preserve relevant evidence within his exclusive control." *Battocchi v. Washington Hosp. Center*, 581 A.2d 759, 766 (D.C. 1990). The rule that a fact-finder may draw an inference adverse to a party who fails to preserve relevant evidence within his exclusive control is well established in this jurisdiction. E.g., *Hartman v. Lubar*, 49 A.2d 553, 556 (D.C.1946); *Tendler v. Jaffe*, 203 F.2d 14, 19(D.C.1952).

Here, the First Amended Complaint should be taken as true in evaluating the knowledge of the AIC Appellees at the pre-discovery dismissal stage. *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984). Paragraph 292 of the First Amended Complaint established the bad faith attempt of the AIC Appellees in destroying Attorney Emmanuel Sanchez's promotion of the illegal ex parte communication function of AIC Appellees as contained in their video of "American Inns of Court Members Services" was destroyed simultaneously with James McManis's destruction of his firm's webpage publicizing his relationship with Chief Justice John G. Roberts through the AIC. This will be sufficient to impute knowledge of illegality of the function of the AIC Appellees.

Therefore, AIC Appellees' argument of lack of knowledge of illegality cannot be sustained.

- (4) The AIC Appellees' function to provide private undisclosed social network between judges and practicing attorneys is illegal per se as such function created illegal ex parte communications.

SHAO presented evidence of purging records of the Ingram Inn and San Francisco Inn and the American Inns of Court since this lawsuit. The following features of their operations are undisputed:

1. The membership is restricted, different from all other professional bars. E.g., the Membership Application for Anthony M. Kennedy American Inns of Court (1787335, p.10)
2. The membership is confidential. (1787224, pp.13-14)
3. All judges' membership is free, while they have free meals and rewards/gifts from the Inns, as admitted by Appellee Michael Reedy who is presently the President of the Ingram Inn. The archived invoice of the San Francisco Bay Area Intellectual Property

Rights American Inn of Court also shows that the judges' membership and the clerks' membership are free. (1787225,p.16)

4. Pupillage groups are the core function of the American Inn of Court which provides private social interaction between judges and practicing attorneys where they meet privately in preparing for the pupillage's performance, sometimes in Chambers.

5. The Judges, with free membership, free meals and free gifts received from the American Inn of Court, serves a mentor for attorneys, including private discussion of detailed client's matters according to the Mentor's Guidelines. (1787225,p.33,¶3 "Client Confidentiality")

6. The Ingram Inn'sMembers' Handbook of 2016-17, Page 9, printed: "It is expected that Pupillage Groups will also meet periodically throughout the membership year on an informal basis for discussion and mentoring purposes."(1797225,p.26,¶2) Therefore, such mentorship that may involves specific clients' cases is a normal function of the pupillage group.

7. The American Inns of Court solicited membership with this exparte communication platforms. In their YouTube video of "American Inns of Court Members Services", Attorney Emmanuel Sanchez stated:

"This is the only organization that I know that the lawyers and judges belong to the trial bar have a chance to meet outside of the courtroom in a social setting and really able to establish the rapport." This video was purged together with McManis's purging evidence on his relationship with Chief Justice Roberts.(1787004; Requests for Recusal in 17-256, 17-613, 18-344, 18-569,18-800; ECF 16,¶292.

Such spoliation of evidence imputed the American Inns of Court with knowledge that its function is illegal. Battocchi v. Washington Hosp. Center, 581 A.2d 759, 766 (D.C. 1990). Hartman v. Lubar, 49 A.2d 553, 556 (D.C. 1946); Tendler v. Jaffe, 203 F.2d 14, 19 (D.C. 1952).

8. American Inns of Court the private elite club, has used the site of Supreme Court to operate its business, yet it is a private and restricted organization. Each American Inn of Court has used the federal court as its meeting place. For example, Ingram Inn has used the Ceremonial Courtroom of U.S.D.C. in San Jose to have its monthly meeting with invitation at a judge's chamber. They are also powerfully connected closely with the State Bar of California.

Pages 6-7 of the Ingram Inn's Handbook states, in relevant part:

"MCLE credit is usually available for both presenters and attendees. To acquaint others with the Inn, members who will not be able to attend a meeting are asked to find a guest to attend the meeting in their place. ... The schedule for the monthly meetings (not the dinner meetings) is to gather at 5:30 for socializing and hors d'oeuvres. ... After the program ends, there is further socializing." (1787225, p.17)

In addition, it published a special award in 2012 that This House Believes the Declaration of Independence Was an Illegal Document (1787225, p.36), which may be considered as treason.

Thus, in close examination of the function of the American Inns of Court's pupillage, it has violated Rule 5-300 of California Rules of Professional Conduct and Canons 2, 3 and 4, promoted ex parte communications that polluted the judiciary of the U.S. since 1985. The judiciary corruption suffered by Appellant is a clear example.

- (5) The function of Temple Bar Scholarship is illegal in violation of the Guide to Judiciary Policy §620.25 et seq. as a matter of law. Please see legal analysis in ECF16, ¶333. (6) The US Supreme Court Justices are bound by 28 U.S.C. §455 and have a duty to decide Shao's Requests for Recusal filed in her Petitions for Writ of Certiorari (see *Pilla* and For the People Act of 2019, *supra*)

III. THE 11/13/2019'S ORDER MUST BE VOID FOR BASED ON THE VOID ORDER OF JUDGE CONTRERAS OF 1/17/2019. SEE OPINIONS BELOW.

IV. REHARING CANNOT BE SUMMARILY DENIED WHEN THERE ARE NEW FACTS FOR DENYING DISMISSAL

SHAO raised significant new evidence that should reverse reversal in 1834621 but the DC Circuit summarily denied in 5/1/2020's Orders. In addition, logically an En Banc order could not be issued within 7 minutes(App.001). .

The first new facts are about the new irregularities at this Court in 19-639 where the Court concealed the Request for Recusal by 23 days(1834621,p.35) then set an unreasonable requirement for reserve, then still failed to decide.. Then, this Court altered the docket to include the concealed Request for Recusal(1834621,p.36).This is a new First Amendment violation of this Court.

The second new evidence is Janet Everson, James McManis, Michael Reedy and McManis Faulkner and Santa Clara County Court unambiguously conspired to dismiss the civil case at the Santa Clara County Court (2012-1-cv-220571) when they knew by Kevin L. Warnock that SHAO would be absent for overseas mission. In rushing dismissal to take place without knowledge of SHAO, the court helped them to file the motion even though they violated Local Rule 8 in failing to reserve the motion, which, if did, they would have to reveal the hearing date to SHAO. Then, they filed late, and conspired with the court to antedate the docket(1834621,p.57) and the efilings stamps such as to satisfy the minimum 16 working days' notice requirement for a motion. When such motion actually requires 45 days under Rule 3.1342 of California Rules of Court, the Court as client of James McManis still dismissed the case anyhow. It is pending reconsideration as unaltered efilings stamp was inserted to their attorney's declaration to prove ex parte communications took place after 9/18/2019! Also they adoptively admitted 25 crimes which will affect the co-conspirators- judicial defendants in this case.

CONCLUSION

For the foregoing reasons, Petitioners request that a writ of certiorari be issued to set aside the judgment and decrees of the Circuit Court and direct a change of venue for both the trial court and the appellate court.

VERIFICATION

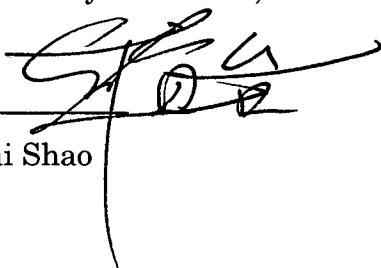
I swear under penalty of perjury under the law of the U.S. that the foregoing is true and accurate to the best of my knowledge and made in good faith.

Dated: July 2, 2020

Respectfully submitted,

/s/

Yi Tai Shao

A handwritten signature in black ink, appearing to be 'Yi Tai Shao', written over a horizontal line. The signature is stylized with a large 'Y' and a long horizontal stroke.