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.
Respondents - Appellees.

—o0o—

On Petition For 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 Millett'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

REQUEST FOR RECUSAL OF CHIEF JUSTICE JOHN G. ROBERTS, ASSOCIATE JUSTICE CLERENCE THOMAS, ASSOCIATE JUSTICE RUTH BADER GINSBURG, ASSOCIATE JUSTICE STEPHEN BEYER, ASSOCIATE JUSTICE SAMUEL ALITO, ASSOCIATE JUSTICE ELENA KAGAN, ASSOCIATE SONIA SOTOMAYER

YI TAI SHAO, ESQ. *In pro per*
SHAO LAW FIRM, PC
4900 Hopyard Road, Ste. 100
Pleasanton, CA 94588-7101
Telephone: (408) 873-3888
FAX: (408) 418-4070
attorneyshao@aol.com

Table of Contents

Cases

Statutes

Other Authorities

Pursuant to 28 U.S.C.§455(a), (b)(1), (b)(3), (b)(5)(i)&(iv), (d)(1), (d)(4) and (e), as quoted below, Petitioner ["Shao"] respectfully requests that the 6 Justices named above be recused and this case be reversed and removed to another venue for trial—U.S.D.C. in New York. If the requested recusal were denied, *Moran v. Clarks* (8th Cir. 2002) 309 F.3d 516, 517 requires all relevant facts be stated, or explained by each Justice pursuant to State v. Allen (2010) 322 Wis.2d 372.

I. REQUEST JUDICIAL RECUSAL/DISQUALIFICATION OF CHIEF JUSTICE JOHN G. ROBERTS, ASSOCIATE JUSTICE CLERENCE THOMAS, ASSOCIATE JUSTICE STEPHEN BEYER, ASSOCIATE JUSTICE SAMUEL ALITO, ASSOCIATE JUSTICE ELENA KAGAN, ASSOCIATE SONIA SOTOMAYER BASED ON DIRECT CONFLICTS OF INTEREST

A. LEGAL AUTHORITIES

28 U.S.C.§455 states, in relevant part that:

(a) Any justice, judge, or magistrate [magistrate judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where **he has a personal bias or prejudice concerning** a party, or personal knowledge of **disputed evidentiary facts concerning the proceeding;**
.....(omitted)

(3) Where he has served in governmental employment and in such capacity participated as ...(omitted).. **material witness** concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;
.....(omitted)

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:
(i) **Is a party to the proceeding**, or an officer, director, or trustee of a party;
.....(omitted)
(iii) **Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;**
(iv) Is to the judge's knowledge **likely to be a material witness** in the proceeding.
..... (omitted)
(d) For the purposes of this section the following words or phrases shall have the meaning indicated:
(1) "proceeding" includes pretrial, trial, appellate review, or other stages of litigation;
.....(omitted)
(4) "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party (omitted the rest):
(e) No justice, judge, or magistrate [magistrate judge] shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection (b). Where the ground for disqualification arises only under subsection (a), waiver may be accepted provided it is preceded by a full disclosure on the record of the basis for disqualification. [omitted the rest]" [emphasis added]

The Congress designed 28 U.S.C.§455 to be applied to Supreme Court Justices, as well as all federal judges. *Pilla v. American Bar Asso.* (8th Cir.,1976) 542 F.2d 56.

B. THE SIX NAMED JUSTICES MUST BE RECUSED PUSUANT TO SUBDIVISIONS (b)(1), (b)(3), (b)(5) of 28 U.S.C.§455 AS THEY ARE DEFENDANTS/APPELLEES AND MATERIAL WITNESS IN THIS PROCEEDING, AND WERE AT DEFAULT THAT THE OUTCOME OF THIS PETITION FOR WRIT OF CERTIORARI WILL DIRECTLY AFFECT THEIR INTEREST.

1. The Present Six Justices Have Direct Conflicts of Interest as they are defendants in this case: a declarative relief against them in this civil rights law suit which is not covered by judicial immunity.

On May 31, 2018, SHAO filed a verified complaint with the U.S.D.C. for the District of Columbia with the case number of 1:18-cv-01233, and filed the First Amended Complaint (ECF16) on June 18, 2018, including totally 14 counts against 66 defendants, elaborating specific grounds for this litigation with totally about 230 pages' statement plus the evidence contained in ECF1-1. The evidence presented in ECF 1-1 includes:

Exhibit 1: selected pages of admission of James McManis about his providing free gifts of legal services to many judges/justices as their attorney and his being an attorney for Santa Clara County Superior Court of California;

Exhibit 2 (expert witness's declaration): "Declaration of Meera Fox in Support of Motion to Change Place of Appeal To An Impartial Venue", including conclusion of judiciary corruption on Pages 31 and 32 of ECF1-1 and undisputed documentary evidence of judiciary corruption that is, a false notice of non-complaint issued by California trial court for the purpose of dismissing the child custody appeal that was prepared by the Appellate Unit of Santa Clara County Court on a Saturday, March 14, 2016 as shown in Page 45 of ECF1-1;

Exhibit 3: "Declaration of Michael Bruzzone," proving the cozy ex parte communications he observed many times, between James McManis's law firm and California lower courts (ECF1-1, Pages 50-51);

Exhibit 4: "Declaration of Mei-Ying Hu" about how the little 5-year-old minor told the social worker about how she was abused by her father Tsan-Kuen Wang, filed on August 4, 2010 with Santa Clara County Court, the same date when the 5-year-old was forcibly placed into the sole custody of her complained abuser and was taken away from her mother (Petitioner SHAO), who tried to protect the little kid from Father's abuses. That was why Shao had been fighting for the past10 years; yet, because of judiciary corruptions, all the Justices/judges were helping each other to the sacrifice of the interest of the little child who had been without mother for 10 years.

Exhibit 5: second expert witness's declaration about judiciary corruptions: "Declaration of Meera Fox Supporting Motion to Strike Santa Clara County Superior's[sic: Court's] 5th False Notice of Non-compliance of March 14, 2017 and Renewed Motion to Change Place of Trial or Appeal and Remand Under H040395" (Child Custody Appeal);

Exhibit 6: "Declaration of Dr. Jeffrey Kline" (about the mental illnesses of Tsan-Kuen Wang including a dangerous "Major Depressive Disorder, Recurrent, Moderate Severity" that has recurrent thoughts of death and attempts to suicide, shown in 90 psychological sessions/weeks of Tsan-Kuen Wang's voluntary psychological treatments from 7/30/2010, 5 days prior to the Court's ordering to place the 5 –year-old under his exclusive child custody, until 4/6/2014, based on a subpoena duces tecum issued upon his health insurance company, CIGNA, on July 15, 2014.

Exhibit 7: a docket of 17-613 which is an example of the irregularities of the US Supreme Court: alteration of docket entries, refusing to decide two Requests for Recusal for Petition for Writ of Certiorari and Petition for Rehearing.

The named Justices were sued *only* for a declarative relief under the First Count of the First Amended Complaint (ECF16) that they should be impeached; SHAO did not seek the trial court's order to impeach them but only a declarative relief that they "should be impeached".

The First Count is for violation of the First Amendment of the US Constitution, seeking declarative relief against eight (8) Justices of the US Supreme Court (including the six named Justices, and Associate Justice Anthony M. Kennedy who announced retirement two weeks following being served with this First Amended Complaint, and Associate Justice Ruth Bader Gingsburg who had been passed away recently), two supervising Clerks (Jordan Bickell and Jeff Atkins), US House Judiciary Committee and US Senate Judiciary Committee, Representative Eric Swalwell, and Senate Diane Feinstein, and US Supreme Court. SHAO also sought injunctive relief against the American Inns of Court.

The declarative relief requested for this First Count is stated in ¶348 and injunctive relief, in ¶350 of the First Amended Complaint (ECF16, pp.190-195). ¶348 is recited as below:

"WHEREFOR, Plaintiff SHAO prays for the following declaratory relief:

(1) Chief Justice John Roberts should be impeached for

(a) abdicating his Constitutionally imposed duty to decide three Requests for Recusal in violation of the First Amendment of the Constitution,

(b) for conspiring with the other seven Associate Justices three times to not decide on three Requests for Recusal which disrupt the normal function of the US Supreme Court in violation of 18 USC §371,

(c) violating the Guide to Judiciary Policies §620.35, §620.45, §620.50 and §1020.30, as the chief guardian of the courts,

(d) knowingly allowing the clerks of his clerk's office to fail to perform the functions and duties of the Clerk's Office after being so informed by SHAO at least 4 times,

(e) ignoring the crimes committed by his Court's Clerk's Office, thus aiding and abetting these crimes in contravention with 18 USC §2071,

(e) violating 18 USC §666 and 18 USC §1215, by being involved with the financial interests of a private organization without making any disclosure.

(f) violating 18 USC §371 by conspiring with Jeff Atkins, and Jordan Bickell, and James McManis to disrupt the normal function of the Clerk's Office,

(g) failing to disclose his relationship with the American Inns of Court and with James McManis and the conflicts of interest such relationships create, in violation of Canon 1 (failure to uphold the integrity and independence of the judiciary), Canon 2 (a judge should not allow social, financial relationship to influence judicial conduct or judgment),Canon 2A (erosion of the public's confidence in the judiciary), Canon 2B(A judge should avoid lending the prestige of judicial office to advance the private interests of the judge or others) and Canon 3 (A judge should adhere to adjudicative responsibilities, should hear and decide cases, should disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned.).

(2) Associate Justice Clarence Thomas, Associate Justice Anthony M. Kennedy, Associate Justice Ruth Bader Ginsburg, Associate Justice Thomas Alito, Associate Justice Beyer, Associate Justice Elena Kegan, and Justice Sotomeyer should be impeached for:

(a) abdicating the Constitutionally-imposed duty to decide three Requests for Recusal repeatedly, in violation of the First Amendment of the Constitution

Recusal in disrupting the normal function of the US Supreme Court in violation of 18 U.S.C. §371,

(b) conspiring with the other seven Justices three times not to decide three Requests for Recusal in disrupting the normal function of the US Supreme Court in violation of 18 U.S.C. §371,

(c) knowingly failing to disclose their conflicts of interests in handling Petitions 17-82, 17-256 and 17-613 regarding their financial and social interests associated with the American Inns of Court, their relationships with and within the American Inns of Court and with James McManis, and the conflicts of interest those present, in violation of Canon 1 (failure to uphold the integrity and independence of the judiciary), Canon 2 (a judge should not allow social, financial relationship to influence judicial conduct or judgment), Canon 2A (erosion of the public's confidence in the judiciary), Canon 2B(A judge should avoid lending the prestige of judicial office to advance the private interests of the judge or others) and Canon 3 (A judge should adhere to adjudicative responsibilities, should hear and decide cases, should disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned.).

(d) violating the Guide to Judiciary Policies §620.35, §620.45, §620.50 and §1020.30,

(e) ignoring the crimes committed by their Court's Clerk's Office, thus aiding and abetting the crime of 18 USC §2071,

(f) violating 18 USC §666, 18 USC §1215, by soliciting gifts and accepting gifts more than $5000 in value, in violation of the Guide to Judiciary Policy, §620.35, §620.45, §620.50 and §1020.30.

(g) In addition, Justice Kennedy has an additional ground for impeachment in violation of Rule 60(b) of F.R.C.P. in promptly denying SHAO's Application 16A863 on March 7, 2017 when any reasonable judge in reading the Application will know there is a conflict of interest but failed to disclose the conflicts of interest he had regarding his financial interests at the American Inns of Court and his relationship with James McManis and/or Michael Reedy. Likewise, Justice Kennedy promptly denied SHAO's Application for Emergency Relief about the imminent risk of danger to the minor after discovery of WANG's dangerous mental disorder, without disclosing his relationship and conflicts of interest with James McManis who locked in permanent parental deprival of SHAO at the courts for his defense against SHAO's malpractice lawsuit.

(3) Jordan Bickell shall be impeached for:

(a) violating 18 USC §2071 in deterring filing, cancelling filing, altering docket entries in 17-613, deterring filing, destroying, and/or concealing and failing to docketing receipt of the Amicus Curiae Motion of Mothers of Lost Children for 17-82,

(b) conspiring to disrupt or obstruct the normal function of a government unit, the Clerk's Office of the US Supreme Court, under 18 USC §371 through his failure to maintain the dockets of 17-82 and 17-613, mischievous and illegal alteration of the dockets of 17-613, and attempts to un-file motions after having docketed them in 17-613 and retroactively change the dockets, and for backdating filed documents in 17-613.

(4) Jeff Atkins should be impeached for violating 18 USC §2071 in deterring filings of Requests for Recusal, altering the docket of 17-613 and violating 18 USC §371 by conspiring with other interested parties to disrupt or obstruct the US Supreme Court's Clerk's Office's normal function.

(5) The denial of Petitions 17-82, 17-256 and 17-613 should be reversed as a result of the Justices' failure to disclose their conflicts of interest and for their willful refusing to decide the Requests for Recusal.

(6) The system of discretionary review at the US Supreme Court should be changed to mandatory review for all cases or at least in cases where substantive due process rights are alleged to have been

infringed, to cause equal and fair treatment to all litigants and to avoid the injustice of a Supreme Court that protects only the interests of businesses and corporations rather than the civil rights of its people.
(7) The American Inns of Court should be declared by this court to be an improper society/club for judges to participate in, and its social rapport building function between judges and attorneys who have cases before them should be declared to violate the ethics rules that judges and attorneys must at all times seek to avoid ex parte communications so as to not erode the public's confidence in the neutrality of the judiciary.
(8) The House Judiciary Committee should be declared to have a duty to conduct a thorough investigation into crimes committed by Supreme Court Justices and Clerks and federal Court staffs when they are presented with evidence of crimes having been committed by the Justices or employees of the Supreme Court.
(9) Rule 60(b) of F.R.C.P. should be declared to be applicable to the US Supreme Court at any time even after the proceeding of Petition for Rehearing.
(10) The "Rule of Four" should be declared to not be required when a case involves an issue of conflicts of interest. The Judicial Council should be ordered to develop a rule regarding the proper forum for hearing and deciding a Petition involving conflicts of interest with the majority of the Supreme Court Panel.
(11) The Justices have a duty to decide a request for recusal and should state reasons for denial of disqualification. See State v. Allen (2010) 322 Wis.2d 372. The disqualification decision of the US Supreme Court Justices may be reviewed by a good faith 60(b) motion.

¶350 of the First Amended Complaint stated an injunctive relief regarding the American Inns of Court that corrupted the US Supreme Court Justices, which is recited as below:

(1) The American Inns of Court, including the William A. Ingram American Inn of Court and the San Francisco Bay Area American

Inn of Court should be ordered to cease operations or to immediately and retroactively exclude membership to all judges and should be ordered to provide full disclosure of the identity of all its judge and attorney members from 1985 until present to the public on the news in order to allow any aggrieved parties who received injustice judgments where there were undisclosed conflicts of interest derived from the attorney-judge's social relationship by way of the American Inns of Court, to seek the setting aside of judgments that were affected by the non-disclosed relationships between its attorneys and judges.

(2) All funds donated to or held by the American Inns of Court should be ordered forfeited to the US Department of Revenue or dispersed to non profit legal aids that assist clients whose civil rights are being violated.

(3) The American Inns of Court should not be allowed to use the courts as venues in which to conduct their meetings, especially not the US Supreme Court's courthouse.

(4) The American Inns of Court should be ordered to fully disclose all its membership in all its chapters in the future in order to avoid future conflicts of interest.

(5) The American Inns of Court should be ordered to disclose the value provided to each Clerk who receives "Temple Bar Scholarship." the remaining 7 Justices are in direct conflicts of interest in ruling all the Petitions filed or to be filed by Petitioner SHAO for the reason that they are in default for that case and Judge Rudolph Contreras has deterred the Clerk's Office of USDC for the District of Columbia not to enter default.

(6) All persons injured by judicial corruption made possible by the activities of the American Inns of court since 1985 should be declared eligible to seek extraordinary relief on this basis to set aside their judgments in front of the affected courts.

(7) The US Supreme Court Justices should all be required to disclose all their known and potential conflicts of interests on the Supreme Court's website in order to maintain public confidence in the judiciary.

(8) The eight Justices of the Supreme court who received gifts from the American Inns of Court and who sponsored clerks for the Temple Bar Scholarship should be required to disclose any and all

gifts, scholarships, honoraria, favors or money received by them or their clerks or employees from the American Inns of Court or any of its members,volunteers, representatives or employees.
(9) Justice Anthony M. Kennedy should be ordered to disclose all gifts, favors and honoraria he has received at any time since its inception from the Anthony M. Kennedy American Inn of Court.
(10) Ruth Bader Ginsburg should be ordered to disclose all gifts, favors, and honoraria she has received at any time from The Ruth Bader Ginsburg American Inn of Court.
(11) Chief Justice and the other 7 Associate Justices are enjoyed from deciding on SHAO's Petition for Writ of Certiorari the 9th Circuit's 4-page memorandum of Judge J. Clifford Wallace, Appeal No. 15-18617 and all appeals from California Supreme Court's denial of review arising from SHAO's family case (2005-1-FL-126886) and civil malpractice case (2012-1-cv-220571) which are all related the federal claims in Count 1 through VII.

2. **All Present Six Justices Are At Default in This Proceeding but Judge Rudolph Contreras dismissed the entire case on January 17, 2019 including the Six Named Justices and Contreras himself that the Six Named Justices are directly affected by the outcome of this Petition.**

It has been the prevailing law of all States and federal courts of the United States that after default is entered, the defendants are out of court and have no right to participate in the lawsuit.

SHAO requested to enter default against the US Supreme Court Justices and the supervising clerks, 11 defendants total, on October 16, 2018 and SHAO requested a default against Judge Rudolph Contreras on November 1, 2018. After two (2) defendants were entered as being in

default (Tsan-Kuen Wang and his attorney David Sussman) successfully on August 30, 2018, Judge Contreras stalled the Clerk's Office from entering defaults for the remaining 13 defendants, and dismissed the case before appearance of some defendants who were served days before dismissal. He dismissed all defendants, whether at default or not, whether appeared or not, on January 17, 2019, sua sponte, at the same time when he denied SHAO's request for recusal.

Judge Rudolph Contreras who apparently covered up the Six Justices also violated Subdivisions (b)(1), (b)(3), (b)(5) of 28 U.S.C.§455 himself. Judge Contreras got around 28 U.S.C. §455(b)(5)(i)'s mandatory recusal by creating a false story accusing SHAO of "judge shopping" to deny recusal. This appeared to be an excuse to cover up the crimes he had committed in this case. He failed to explain his illegal behavior and did not answer any of SHAO's accusations, as required by *Moran v. Clarks* (8th Cir. 2002) 309 F.3d 516, 517 (federal judges must state *all relevant facts* which would explain the facts complained of in the affidavit requesting recusal).

Any reasonable persons knowing the facts above would believe that the Six Justices of this Court are unable to be impartial in deciding

this Petition as they would decide whether they themselves should be dismissed or not and should be entered default or not.

This Petition includes 29 irregularities of Judge Contreras, including 19 felonies committed by him in the underlying civil case as stated in Pages 9 through 21 of the Petition and App.074 through App.084 of the Attachment to the Petition, and 6 felonies committed by the D.C. Circuit, which are stated in Pages 21 through 28 of the Petition.

But for Judge Contreras's stalling default entry, the six Justices of this Court would have been entered default.

C. IN ADDITION TO APPEARANCE OF CONFLICTS OF INTEREST, SHAO HAD SUFFERED ACTUAL PREJUDICE OF THE CONFLICTS OF INTEREST IN THE PAST THREE YEARS.

Firstly, in the past three years, these six (6) Justices have conspired with each other not to decide 8 matters property presented in front of them, including **7 Requests for Recusal** and **an Amicus Curiae Motion** in Petition 18-569 filed by Mothers of Lost Children.

The law requiring the US Supreme Court to decide SHAO's Requests for Recusal is set out in the Wisconsin Supreme Court's opinion in *State v. Allen* (2010) 2010 WI 10, where the Wisconsin

Supreme Court thoroughly researched the recusal practice of the U.S. Supreme Court and concluded that this Court had been allocated to individual Justices to decide their own recusals. (See, the First Amended Complaint, ECF16, ¶¶296, 337, 349) Thus, without an agreement, it is unlikely for each 8 Justices, which is now reduced to 6 Justices, to have all failed to decide any of the Requests for Recusal by 7 times in 6 different Petitions.

A refusal to rule on matters is a serious violation of judicial duty. *Inquiry Concerning Freedman* (Cal.Comm.Jud.Perf.2007) 49 Cal.4th CJP Supp.223; *Mardikian v. Commission on Judicial Performances* (1985) 40 Cal.3d 473, 477.

All judicial disqualification motions filed in the history of the United States Supreme Court were decided, except for SHAO's seven (7) Requests for Recusal. The seventh (7) Request for Recusal in Petition No. 19-639 was even delayed from being filed by the clerk for 23 days after SHAO submitted it. These seven (7) incidents do not even include the additional two (2) incidents in which the Clerk's Office outright refused to file SHAO's judicial disqualification motions.

Secondly, this Court has deterred this Petition from filing. On July 14, 2020, this Court returned this Petition with the reason stated being that its Questions Presented were not concise enough. This is not a matter within the discretion of the Clerk's Office. The money order of $300 that SHAO purchased on July 2, 2020 and submitted as the filing fee disappeared when the Petition was improperly returned to SHAO. Later with the resubmission together with a Rule 30.4 motion, this Court intended to deny filing and withheld from filing by 7 days until October 20, 2020.

Thirdly, in this case docket, this Court refused to enlist all defendants except "John G. Roberts et al." This Court refused to identify who, among the 66 defendants, are represented by the U.S. Office of Solicitor. Supposedly, the six Justices are all at default and not allowed to participate in the proceeding.

Fourthly, this Court had a history of deterring filing or un-filing of Requests for Recusal. For example, the Request for Recusal for Petition 19-639, i.e., the seventh Request for Recusal, was not officially filed by the clerk until 23 days until after SHAO submitted it, and only then because SHAO had a hired process server make two separate

inquiries about the status of the filing in January 2020 and the Court unreasonably required re-submission as a condition to post the filing of the Request for Recusal. On January 13, 2020, this Court eventually posted the filing of the Request showing the filing date of December 20, 2019. Attached hereto in **Exhibit** 1 please see the Field Note of the professional process server dated January 7, 2020 and the docket of 19-639 as printed on January 7, 2020 that may show that no filing of the Request for Recusal as of January 7, 2020.

In addition to the above 4 irregularities, the normal function of the Clerk's Office of this Court had apparently been disrupted in SHAO's cases which are illustrated by totally 20 felonies of this Court's Clerk's Office:

1. As stated in ¶¶16, 17, 22, 27, 264-270, and 365 of SHAO's verified First Amended Complaint (ECF16), the Amicus Curiae Motion of Mothers of Lost Children in Petition No. 17-82 [James McManis is a Respondent, but his name was concealed on the docket] was delayed and then blocked from being filed when Supervising Clerk Jordan Bickell, whose job duties do not include pre-Certiorari proceedings, undermined the function of the Clerk's Office by blocking such Amicus Curiae Motion from being filed and at the same time refusing to return it to the attorney for Amicus Curiae. The Motion simply disappeared after having been submitted.

2. All the Appendices for the seven (7) Requests for Recusal (17-256, 17-613, 18-344, 18-256, 18-800 twice, 19-613) were not posted on the court's website (see also, the First Amended Complaint, ECF16, ¶¶280, 294, 325(f)). . Instead, there is a remark on the last page which states: "Additional material from this filing is available in the Clerk's Office."--- This concealment of evidence violated the public record laws.
3. Six (6) court's records were silently altered: SHAO's Petitions for Writ of Certiorari and Petitions for Rehearing in Petition Nos. 18-800 [James McManis is a Respondent but his name was concealed from the court's docket], 18-569, and 19-639, were altered in that many pages of the appendices were ***silently*** removed from the court's records as published on the court's website. In response to SHAO's criticism, the US Supreme Court created a new rule on July 1, 2019, authorizing the Clerk's Office to remove from the appendix all documents other than the lower courts' orders. This new rule conflicts with the long lasting Rule of the Supreme Court 14(i)(vi), which requires that appendices include "any other material the Petitioner believes essential to understand the Petition." This new rule conflicts with the prevailing public record laws on both the federal and state levels, all of which require complete publication.
4. After SHAO filed this Petition on July 2, 2020, this new rule all but disappeared, except that some indicia of it could still be found at https://www.supremecourt.gov/filingandrules/faq_electronicfiling.aspx,under the section "POSTING OF FILINGS ON THE COURT'S

DOCKET." The fifth question: "Will filings submitted on paper by non-attorneys be made available on the Court's docket?" It answered including that "the only portion of an appendix to a filing that will be scanned is the lower court filings submitted under Rule 14.1(i)." See this posting attached hereto as **Exhibit 2.**

5. The dockets of Petition NOs. 17-82, 17-613, 18-344, 18-800 and 19-639 were all altered, especially in No. 18-800, where James McManis is a Respondent. (See, e.g., in the First Amended Complaint, ¶¶200, 279, 286, 325(d), 325(i).) Supervising Clerk Jeff Atkins specifically instructed Deputy Clerk Michael Duggan to conceal on the docket the names of James McManis and his partner, Michael Reedy, as Respondents in the dockets of Nos.17-82, 18-344, and 18-800. (See, the First Amended Complaint in ECF16, ¶¶274, 325, 365)

D. ACTUAL PREJUDICE SUFFERED BY SHAO FROM IRREGULARITIES OF THE SUPREME COURT AND JUSTICES FROM 19-639

For Petition 19-639 alone, 151 pages of the Appendix to the Petition for Writ of Certiorari were removed from the court's record which constituted felonious alteration of the court's records, SHAO's Request for Recusal [RR] was delayed filing by 23 days, and all appendix to the RR was removed, as usual. After eventually being

entered into the docket, this Court removed all appendix and the six named Justices jointly refused to decide on the RR.

In the RR of 19-639, SHAO mentioned the legal presumption of facts created based on this Court's spoliation of evidence for each of the Requests for Recusal, that is, removal of all evidence of conflicts of interest that is attached to each of the 7 Requests for Recusal from being shown on the docket.

SHAO also mentioned adoptive admission of these court crimes.

SHAO mentioned the conflicts of interest of Chief Justice, Justice Tomas and deceased Justice Gingsberg in deciding this Petition arising from the irregular dismissal of appeal in 19-5014.

From Page 85 of the Request for Recusal filed in 19-639, SHAO mentioned that the dismissal of 19-5014 by the DC Circuit is likely influenced by its alumni Justices in this proceeding, that is, Chief Justice John G. Roberts, Justice Clarence Thomas and Justice Ruth Bader Ginsburg. Such presumptions are based on the doctrine of adoptive admission and spoliation of evidence, which are based on the facts that this case involves two sua sponte dismissal. Judge Rudolph Contreras's sua sponte dismissal of the trial case on the ensuing date

following filing of the proof of service of Summons of the hacker Kevin L. Warnock. Judge Patricia Millet at the D.C. Circuit issued an illegal Order to Show Cause sua sponte dismiss the appeal and affirmed dismissal of the American Inns of Court even through its motion for summary affirmation was made without notice which should caused denial of its motion. Both of the lower courts sua sponte dismissed the lower court's proceeding in an apparent effort to block SHAO to have a day in the court. None of the orders mentioned the US Supreme Court or names of Justices as defendants. This willful avoidance suggested adoptive admission that some or all of the named Justices are involved with the dismissals in this proceeding at the lower courts. Pages 85 and 86 of the filed RR in 19-639 are attached hereto as **Exhibit 3**.

Both Judge Contreras and Judge Millett failed to disclose their conflicts of interest and both of them refused to respond to the disqualification motions in violation of Moran v. Clarke, supra. In 2019, Judge Millet sponsored her clerk to get Temple Bar Scholarship, which may explain why she would let American Inns of Court's summary affirmation motion be granted even though the motion was made without notice.

There were two major grounds of disqualification of DC Circuit raised in ECF179001 in the appeal case of 19-5014. The first ground is based on the fact that Chief Justice John G. Roberts, Justice Clarence Thomas and Justice Ruth Bader Ginsburg are alumni judges of the DC Circuit. The second grounds are based on 6 felonies committed by the DC Circuit. 2 of the 6 felonies are alterations of the court records on the Temple Bar Scholars and Reports by removing the record of the year of 2011 when Chief Justice John G. Roberts sponsored two clerks for Temple Bar Scholarship without reporting the value of gifts received in the year of 2011.

Therefore, besides the fact that the named Justices are parties and material witnesses to this proceeding, the issues involved on reversing the DC Circuit's dismissal of appeal, that is the subject of this Petition, are directly related to Chief Justice John G. Roberts, Justice Clarence Thomas and the deceased Justice Ruth Bader Ginsburg.

II. ORIGIN OF THECONFLICTS OF INTEREST RELATED TO APPELLEE JAMES MCMANIS AND OTHER APPELLEES FROM CALIFORNIA THAT ARE PARTIES IN THIS PROCEEDING

The same patterns of abuse of process in requests for judicial recusal and illegally altering the docket and court records also took place in this matter both in the underlying California cases and in the federal courts that handled the appeals therefrom. The involved persons are respondents in this proceeding.

This pattern existed in all cases in which defendant/respondent James McManis has been involved, including this case. Over the past five years all justices/judges involved in this case have refused to address their severe conflicts of interest: Defendant James McManis has an attorney-client relationship with the Santa Clara County Court, its judges and Justices (see his admission in ECF1-1 in 1:18-cv-01233). Defendant McManis provided legal services to these judges and court employees on their personal affairs, and also carried on a personal social and professional relationship with many of the judges and Justices involved in deciding this case through the American Inns of Court, a social club they all belong to. McManis' partner William Faulkner testified to McManis's having worked for the courts as a Special Master for many years, which is a colleague relationship under

the prevailing California law (See Expert Witness Meera Fox's declaration in ECF1-1 in 1:18-cv-01233).

Such conflicts of interest and financial interests as were engaged in by James McManis and his friends and clients in the lower courts also extended to the US Supreme Court.

Justice Anthony M. Kennedy, who is in charge of the Ninth Circuit and in charge of the courts of California, has a close social relationship with James McManis and his law firm. The Anthony M. Kennedy American Inn of Court that is located in Sacramento, California has close interactions with the William A. Ingram American Inn of Court, which Defendant James McManis' law firm funds and runs. California Chief Justice Tani Saukauye-Cantil, who was once the President of the Anthony M. Kennedy American Inn of Court, has refused to investigate which of the Justices currently sitting on the highest court is a client of defendant James McManis. McManis admitted under oath that he has one such client sitting on the US Supreme Court.

Defendant/Respondent James McManis bragged out about his close relationship with Chief Justice Roberts in McManis& Faulkner

law firm's news release of 8/13/2012 (see attached **Exhibit 4**). During the time when Petition for Writ of Certiorari No. 17-256 was pending,

Respondent James McManis' law partner, Michael Reedy, also a Respondent in that case, was invited by Associate **Justice Elena Kagan** to come to the US Supreme Court when she was hosting the American Inns of Court's annual conference. Associate Justice Elena Kagan was a clerk for Justice Kennedy.

James McManis, a licensee of the U.S. Supreme Court Bar, built up his relationships with the courts through being a leading attorney (donor) of the Judge and attorney social club American Inns of Court. Case #17-256 was about Defendant James McManis's buddy, Judge Lucy H. Koh, who failed to disclose her close relationship with Defendant McManis,and presided over my case against him, ultimately misusing her power to dismiss my complaint against her friend and colleague McManis..

Defendants James McManis and his partner Michael Reedy allowed my daughter to be forcibly separated from me for 10 years beginning at the age of five, when despite being my attorneys they conspired to act against my interests and contrary to my direction in

order to protect a judge (Judge Edward Davila) who needed to cover his illegal ex parte actions. When I sued them for malpractice and breach of fiduciary duty for siding with the judge against their client's interests and contrary to the safety needs of the child at issue, it became McManis and Reedy's mission to ensure that I was permanently deprived of child custody (see ECF1-1, Declaration of Meera Fox in support of change place of appeal, expert's opinion on judicial conspiracy in parental deprival). So long as no judge granted me custody of my child, it would be impossible to determine the amount of damages, Their defense to agreeing to give my custodial rights away despite my having hired them to protect my custodial rights has always been that I would have lost custody on my own anyway, and their proof that their actions did not affect the outcome is supposed to be that I never did regain custody of my child. But the only reason I never regained custody was that thereafter Reedy and McManis saw to it that no judge would return her to me no matter what. By manipulating and calling in favors from their judicial clients, colleagues, and buddies at the American Inns of Court, they were able to have me continually denied access to my child and were able to issue an illegal "Prefiling

Vexatious Litigant Order" which was not mentioned in the court's statement of decision, which was antedated to have a false date of issuance June 16, 2015 and which was not entered into the docket until two years later on August 15, 2017 by way of alteration of the docket entry by a non-clerk contractor to falsify the date of docket entry being June 16, 2015. As not being supported by a statement of decision, the Prefiling Order is void pursuant to *Morton v. Wagner* (2007) 156 Cal.App. 4th 963, 967.

Defendants McManis and Reedy, my former attorneys who gave my child away to her abusing father while serving as my attorneys, then used their influence over then-Presiding Judge Rise Pichon of Santa Clara County Court (which was James McManis's client), to issue an order *sua sponte* that got filed in my family law case on May 27, 2016, and which illegally required me to obtain the Presiding Judge's approval prior to filing any motionsinmy family court case. Such requirement violated California Supreme Court's case law *Shalantv. Girardi* (2011) 51 Cal.4th 1164, at P.1173-74, where the California Supreme Court disallowed a Prefiling Order to be applied to preexisting casesin an attempt to blocka litigant from filing a motion. But because

they were able to get the presiding judge to issue such illegal order despite its violation of existing law, Defendants James McManis and Michael Reedy then used this pre-approval process that I was required to seek each time I wanted to file a motion, used it to block all my efforts to regain custody and in so doing ensured my permanent parental deprival and thus guarantee them an ongoing defense to my suit against them for breach of fiduciary duty and malpractice. See, i.d., Declaration of Meera Fox, ¶4.

Once this illegal order requiring me to seek permission from the presiding judge prior to being allowed to file any motions was put into place, McManis Defendants/respondents had only to ensure that they kept whoever was presiding judge from allowing me to file any motions asking to change custody thereafter. McManis and Reedy are not just the attorneys for the court, they are also in charge of the local charter of the club American Inns of Court, and are its main sponsors and organizers.

Reedy and the then Presiding Judge of Santa Clara County Court (Judge Patricia Lucas) which he ruined, co-chaired the Executive Committee of local Inn of court (The William A. Ingram American Inn of

Court of the American Inns of Court) and blocked each and every one of my requests to file motions for custody for years, since 2016, as a favor to McManis and Reedy. Even in September, 2014 when I obtained undisputed evidence that my ex-husband, a documented domestic violence perpetrator and child abuser, had a documented and dangerous mental illness, my legal pleadings were refused by the presiding judge. Any other court receiving such evidence would take protective action to ensure the safety of our children, yet because of its commitment to continue my deprival of custody in the interest of protecting McManis and Reedy, my requests for permission to file a motion for custody were refused. (See ECF 1-1, Declaration of Meera Fox on judiciary corruption, ¶ 31.

This Prefiling Order procured by James McManis from his client Santa Clara County Court in June 2015 has ***zero*** utility to him in the civil case (2012-1-CV-220571 at Santa Clara County Court), where the order came from (as I have been able to file motions in that civil case up to the present). The prefiling order that was useless to McManis and co-defendants in the civil lawsuit was used immediately and ongoingly in my preexisting family court case to block me from filing any motion

at the Family Court (2005-1-FL-126882) in order to consummate their plot of permanent parental deprival. The Prefiling Order was also used by McManisto have me listed as a vexatious litigant with the California Judicial Council, and to harass and block me from filing any new appeals or complaints without having to pay another attorney to do so for me.

Due to defendant James Mr. McManis and Michael Reedy's' influence, the California appellate courts and US Supreme Court have summarily dismissed or denied at least 8 of my 11 appeals that derived from my efforts to regain child custody when my daughter was placed in the sole custody of her abuser, against her expressed wishes, and still under threat of safety due to my ex-husband's pattern of violence and dangerous mental illness. The 12th appeal I filed was recently wrongfully returned, which is this Petition. I was not given a day in court at all regarding the child custody appeal (18-569) or the vexatious litigant appeals (18-800), as the California Sixth District Court of Appeal fraudulently dismissed all the appeals without any notice or opportunity to be heard. This Court ignored all my appeals because of their conflicts of interest.

My civil case suing McManis (2012-1-CV-220571) was also fraudulently dismissed without any notice on October 8, 2019, when I was overseas. In approving appeal by the new Presiding Judge at Santa Clara County, James McManis's client's Clerk willfully created a false docket to assert that the vexatious litigant application was filed by my ex-husband. My ex husband is not a party to this civil action at all That was all the work of defendants McManis and Reedy. The trial court delayed transfer to the California Sixth District Court of Appeal despite a duly filed Notice of Appeal (filed on 7/27/2020) until August 10, 2020. Up to the present, the California Sixth District Court of Appeal has refused to open a case for this appeal for already more than a month.

III. Financial conflicts of interest as the main ground of recusal requests that the named Justices could not deny

The Justices' financial interest in the American Inns of Court is the main subject of the seven (7) undecided Requests for Recusal. The Justices sponsored their clerks, who are research attorneys writing decisions for them, to solicit Temple Bar Scholarships from the American Inns of Court. The website of the American Inns of Court describes their Temple Bar Scholarships as providing sponsored

appellate level judicial clerks a month of free travel, accommodations and an unknown amount of "stipends." Providing the Temple Bar Scholarship is a major function of the American Inns of Court. See in **Exhibit 5.** Temple Bar Scholarship qualification is based on the judicial post of a clerk who is in a position to make recommendations to the Justices they work for on the fate of Petitions for Writ of Certiorari or appeals.

Justice Kennedy sponsored 10 clerks for the luxurious gift of aTemple Bar Scholarship. Justice Samuel A. Alito, Justice Ruth Bader Ginsburg, Justice Stephen Breyer, and Justice Clarence Thomas, have each sponsored 8 clerks; Chief Justice Roberts, 5 clerks; Justice Sotomayer, 3 clerks; Justice Kagan, 2 clerks. See the current list in **Exhibit 6.**

This scholarship is not exempt from being a "gift" pursuant to "Judicial Conference Regulations on Gifts & Honoraria" in Guide of Judicial Policy Vol.2C, §620.25(g) because the Temple Bar Scholarship is based on factors of "judicial status." As published by the American Inns of Court, the qualification for such "Scholarship" is being a clerk at the US Supreme Court or "leading" Courts of Appeal. It is an illegal

gift under §620.35(7) as it is offered "because of the judicial officer's or employee's official position." Acceptance of the gifts violated §620.45 as these Justices accepted gifts from the same source "on a basis so frequent that a reasonable person would believe that the public office is being used for private gain." See §620.45. No Justices or their clerks ever disclosed the gifts they received from the American Inns of Court as is required by §620.50. The estimated value of for each such Scholarship is at least $7,000. 00.

The list of the Supreme Court Justices' sponsorship of their clerks/solicitation of the gift is called "Temple Bar Scholars and Reports" and it is published on the American Inns of Court's website. When presented to the D.C. Circuit court as evidence in Case No. 19-5014, this list was altered twice by the D.C. Circuit court. Simultaneous with such alterations, the American Inns of Court also attempted to alter their list to reflect the changes shown in the court's records. Any reasonable person seeing the evidence of these alterations being made to conform with each other would believe that the D.C. Circuit court was conspiring with the American Inns of Court to commit the crime of altering court records under 18 U.S.C. §§1512 (c), 1519 and 2071.

For 11 months, Judge Patricia Millett, as lead judge for the panel, has disregarded 4 petitions I filed asking the court to explain these felonies (See my motion to disqualify the D.C. Circuit or to change venue, i.e.,ECF#1791001; and my last "Petition for Rehearing on the Order of Feb. 5, 2020 Summarily Denying Rehearing and Suggestion for En Banc, Based On Extraordinary Circumstances of This Circuit's Adoptive Admissions from Refusing to Rule on the Issues in #1791001 & #1787225 Motions and Her Response in #1799906 and On New Evidence of Conspiracies That Is Beyond Reasonable Doubt" that summarized my 4 requests in ECF#1834621 that was filed with the D.C. Circuit in Appeal No. 19-5014 on March 21, 2020; these files are available through Pacer and also upon request. The outline of the issues as presented in the Table of Contents of the #1791001 motion is in **Exhibit 7.**

Chief Justice Roberts and James McManis, are the 2nd and 3rd persons in the United States who had received the highest honor of the Inns of Court:-- "Honorary Bencher" from the Kings' Inn. Associate Justice Kennedy and Associate Justice Ginsberg each have a charter of the Inns under his or her name (Anthony M. Kennedy American Inn of

Court and Ruth Bader Ginsberg American Inn of Court), that may receive donations from attorney members.

The American Inns of Court have corrupted the US judiciary such that SHAO asked injunctive relief in the First Amended Complaint, ECF16, ¶350

The American Inns of Court function to facilitate ex parte communications between attorneys and Justices/judges, bribing Justices/judges and their Clerks with gifts and awards. Membership in the Inns has been kept confidential since 2013 (except for one among the 400+ charters) so that the attorney members may communicate privately with the judge members about their clients' cases, according to their Mentorship Guidelines as shown in **Exhibit 8** under the section of "Client Confidentiality". After I filed this lawsuit, the Mentorship Guideline in Exhibit 8 was purged by them, and was replaced with a new guideline falsely alleging opposite of their prior mentorship practice, that judges could not be mentors to attorneys. Such new guidelines were created in reaction to my litigation in order to cover up the ex parte communications admitted to by them in their prior Mentorship Guideline after having been criticized by me.

The truth is that almost all judge members, if not all of them, have already served as mentor judges for attorney members See, e.g., **Exhibit 9,** Judge Lucy Koh's verified answer to Senate Questionnaire, where she proudly presented herself as one of the mentors for the William A. Ingram American Inn of Court of the American Inns of Court).

Two judges at the Santa Clara County Court issued orders acknowledging that their relationship with the American Inns of Court did cause conflicts of interest, and recused themselves. See the two orders in **Exhibit 10.**

The California State Bar initially advanced my complaint to the Enforcement Unit based upon James McManis's admissions during his deposition, yet eight (8) months later, the investigating caseworker was suddenly changed out and the investigation got suddenly suspended in June 2016. Then, on September 25, 2019, the case was silently closed, with the reason given for why as the violation was not serious enough. The new caseworker who closed the investigation down acknowledged that such closure was not supported by any rule.

Not coincidentally, the closure of the case happened at the same time that defendant James McManis and his attorneys were conspiring with the Santa Clara County Court to forge the efiling stamps to rush dismissal of the complaint. In both situations McManis used his influence to take advantage of me being overseas to push these matters through. The Court and McManis's attorney Suzie Tagliere were both evasive in responding to my questions on how the efiling stamps got altered and how defendants were able to file the motion to dismiss without first securing a reservation with the Law and Motion Department of the trial court, as is required by local rules.

This private club, the American Inns of Court, is an inappropriate and unfair "old Boys network" of Judges and attorneys and clerks scratching each other's backs, discussing their cases ex parte, and "mentoring" each other to the benefit of a few and the detriment of many. The relationships it encourages between members lead toillegal conflicts of interest and backdoor dealings and ex parte communications which have corrupted the judiciary of the United States on all federal levels. This club has more than 400 charters which have used all federal courts and resources to operate their business,

including the Supreme Court of the United States. Its designer, Judge J. Craig Wallace, has two charters under his name, which may collect donations from the attorneys.

When I filed a motion to change venue of the Ninth Circuit based on judicial conflicts of interest because the Ninth Circuit has made many announcements over the years for this private club of American Inns of Court, Respondent Judge Wallace himself suddenly showed up to summarily deny the motion and he also denied my appeal (Ninth Circuit, Case No. 14-17400), without adjudicating on *any issues* raised in the appeal. This private club is truly not for improving justice as advertised, but exists to ensure that the members have each other's backs and stick together even if it means violating the law to do so. That was the kind of conflict of interest which originally led to my first suit against McManis and Reedy. They sided with a judge (Judge Edward Davila) against me so that I would not expose his failure to follow the law, even though it meant committing malpractice and endangering a child. As buddies and members of the club, they were willing to violate their fiduciary duty to me, their client to protect a fellow club member. And since that first violation of fiduciary duty they

have been able to ensure ongoing support from ther cronies in the INN to my and my daughter's severe detriment. When such clubs and inappropriate old boys networks are exposed to the general public, the general public loses all faith in the judiciary (See ECF1-1, Declaration of Michael Bruzzone).

As mentioned above, the law requiring the US Supreme Court to decide my Requests for Recusal is set out in the Wisconsin Supreme Court's opinion in *State v. Allen* (2010) 2010 WI 10, where the Wisconsin Supreme Court thoroughly researched the recusal practice of the U.S. Supreme Court. All judicial disqualification motions were decided, except for my seven (7) Requests for Recusal. The seventh (7th) Request for Recusal in Petition No. 19-639 was even delayed frombeing filed by the clerk for 23 days after I submitted it. These seven (7) incidents do not even include the additional two (2) incidents in which the Clerk's Office outright refused to file my motions.

Any reasonable attorney reviewing this case would believe that the courts are systematically blocking me from having my day in court, to avoid adjudication on the merits of this case, i.e., the Petition in Exhibit 1. Judge Rudolph Contreras illegally dismissed the entire case

suasponte on January 17, 2019, without any prior notice, or allowing me any chance to argue. In his Order, he argued on behalf of 22 defendants who had not made an appearance, including 15 of them who were in default, in order to dismiss the entire case. I requested to enter default against the US Supreme Court Justices and the supervising clerks, 11 defendants total,, on October 16, 2018, and I requested to enter a default against Judge Contreras on November 1, 2018. After two (2) defendants were entered as being in default successfully on August 30, 2018, Judge Contreras stalled the Clerk's Office from entering defaults for the remaining 13 defendants, before appearance of some defendants who were served days before dismissal, and then dismissed all defendants on January 17, 2019, sua sponte, at the same time when he denied my request for recusal.

The Petition for Writ of Certiorari describes how the D.C. Circuit Court, led by Judge Millett, took me off from the ECF computerized filing system in March 2019, right before the American Inns of Court filed a dispositive motion to affirm Judge Contreras's order. They gave me no notice of this action. They later put me back on the system on April 9, 2019, so that I could receive Judge Millett's Order to Show

Cause for my lack of opposition to the American Inns of Court's motion. Despite the undisputed fact of lack of service of American Inns of Court's motion upon me, Judge Millett granted the American Inns of Court's motion, which should have been denied for lack of notice. Then Judge Millett issued an order to show cause why it should not adopt Judge Contreras's Order of January 17, 2019. The D.C. Circuit Court also sua sponte dismissed this appeal by affirming the sua sponte order of Judge Contreras, *bypassing* the normal appeal procedure.

Leading the appellate panel to sua sponte dismiss the appeal, Judge Patricia Millett failed to disclose her *conflicts of interest*··· in the same year of 2019 when she issued two Orders to Show Cause against me, including orders in favor of Appellee American Inns of Court, a Temple Bar Scholarship was given to her clerk, who had been sponsored by her.

As a matter of law, all these courts' felonies done by Judge Rudolph Contreras, the D.C. Circuit , and the US Supreme Court as well as by James McManis and his judicial conspirators have been admitted by adoption based on the prevailing law regarding their knowing evasion to respond to my severe criminal accusations.

When our judges don't follow the law and are allowed to forge documents, antedate and post date documents, ignore due process, make alterations to the records, participate in ex parte communications, and block litigants from access to the courts , they make a mockey of everything our judicial branch says it stands for. When our justices and judges stand united with crooked attorneys and judges to protect each other, even at the expense of a child's life, it means that the courts do more harm than good. Our courts are not supposed to be a private club or a secret membership society, but that is what the American Inns of Court have corrupted them into. These violations of my rights and of the procedures set in place to keep courts fair must not be tolerated.

IV. THE DC CIRCUIT'S DISMISSAL SHOULD BE REVERSED AND CHANGED VENUE TO THE U.S.D.C. IN NEW YORK

This case should be reversed summarily as the DC Circuit's failure to properly decide recusal alone is a violation of structural due process and the resulting decisions must be reversed. Please see Page 31 of the Petition for many authorities cited.

In *Tumey v. Ohio* (1972) 273 US 510, 523, the Supreme Court reversed the judgment of guilty based on the sole reason of the judge's

appearance of bias and prejudice, disregard of the issue of his innocence, 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 his case." In addition, in *Aetna Life Ins. Co. v. Loviae* (1986) 473 U.S. 813, this Court confirmed the holding of U.S. v. Jordon (1985) 49 F.3d 152, Ft. 18, and 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 fact, 28 U.S.C.§455 established stricter grounds for disqualification than the Due Process Clause. *Davis v. Jones (2007, CA11 Ala)* 506 F.3d 1325; *Richardson v.* Quarterman (2008, CA5 Tex) 537 F.3d 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) 190 F.Supp.2d 279, modified (2005, CA1 RI) 398 F.3d 138.

When an affidavit of disqualifications 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). The same to the federal courts. See, *Tumey v. Ohio, supra* and *Aetna Life Ins. Co. v. Loviae, supra.*

Moreover, non-disclosure of conflicts of interest will result in reversal of judgment. E.g., *Schmitz v. Ziverti* (9th Cir. 1994) 20 F.3d 1043. None of the lower courts disclosed their conflicts of interest. As stated in page 33 of the Petition, Judge Contreras never explained the ex parte communications in allowing filing of BJ Fadem's motion to dismiss and further forged the court's filing stamp with forged date of his own signature for the same document on ECF41.

In addition, as stated above, a refusal to rule on matters is a serious violation of judicial duty. *Inquiry Concerning Freedman*

(Cal.Comm.Jud.Perf.2007) 49 Cal.4th CJP Supp.223; *Mardikian v. Commission on Judicial Performances* (1985) 40 Cal.3d 473, 477.

Here, as shown in "PETITION FOR REHEARING ON THE ORDER OF FEB. 5, 2020 SUMMARILY DENYING REHEARING AND SUGGESTION FOR EN BANC, BASED ON EXTRAORDINARY CIRCUMSTANCES OF THIS CIRCUIT'S ADOPTIVE ADMISSIONS FROM REFUSING TO RULE ON THE ISSUES IN #1791001 & #1787225 MOTIONS AND HER RESPONSE IN #1799946 AND ON NEW EVIDENCE OF CONSPIRACIES THAT IS BEYOND REASONABLE DOUBT (ECF 1834621) filed on March 21, 2021 in Appeal Case 19-5014 of the D.C. Circuit, for eleven (11) months, Judge Patricia Millett, as lead judge for the appellate panel, has disregarded four (4) petitions SHAO filed asking the court to explain these felonies shown in SHAO's motion to disqualify the D.C. Circuit or to change venue in ECF 1791001. The issues of disqualification of the DC Circuit concerns their crimes committed in its apparent effort to assist the defendants/respondents American Inns of Court to affirm dismissal, as stated in ECF 1791001. The appellate panel knowingly refused to decide any of the issues raised

by ECF1791001. Such refusal to explain the facts contained in the verified affidavits requesting recusal violated the standard of *Moran v. Clarke, supra.*

The resulting orders of deciding ECF1834621 appeared to be fraudulent. The DC Circuit issued an Order of Judge Millett at 1:36 p.m. on May 1, 2020; then simply 5 minutes later, there was an En Banc Order for all the judges to summarily denied rehearing. How could all the judges of the DC Circuit able to review SHAO's ECF1834621 motion within 5 minutes? See App.001-4.

Likewise, Judge Rudolph Contreras never explained any of the facts stated in the affidavits for recusal. In violation of 28 U.S.C.§455 (b)(5)(i), Judge Contreras persisted on keeping the trial case within his control and refused to explain any of his acts of misconducts. In late May/early June 2018, Judge Contreras kept this complaint from being recorded on the docket for 10 days, and created an incorrect short form case title of "Shao v. Kennedy, et al," instead of "Shao v. Roberts, et al" (corrected two months later). He delayed issuing many Summons for 23 days, participated in ex parte communications regarding the case, caused docket alterations, back-dated his signatures and forged court

records (ECF41 and the docket): creating a total of 29 irregularities, 10 of which are felonies. He failed to explain his illegal behavior and did not answer any of SHAO's accusations. See Petition, pages 9 through 21 and App.074-084.

Judge Contreras's alterations of the docket remain an issue. The docket entry of June 5, 2018 and June 11, 2018 were altered five (5) tiems, and then disappeared altogether from the present docket. June 5, 2018's entry showed that Judge Contreras's clerk, Jackie Francis, undermined the job duties of the Clerk's Office by selectively issuing only 4 Summons, and delaying issuing the other ~61 Summons for another 23 days, and falsifying a docket entry of June 11, 2018. In later issuing the ~61 Summons, Judge Contreras further directed the Clerk's Office to antedate the signature date of issuance of these Summons in order to make it look as though these ~61 Summons were all issued on June 11, 2020 (See Petition, page 3) for the court's records of these 5 instances of alteration of the docket entries). These irregular docket entries evidence Judge Contreras having had ex parte communications which inspired the alterations of the docket.

Similarly, docket entries of two separate minute orders issued July 24, 2018, indicate ex parte communications between Judge Contreras and California judicial defendants, where Judge Contreras rushed the issuance of these orders at night, after the courthouse was closed, to cover up the California judicial defendants' violation of Local Rule 83.2(d). These two entries on the docket were altered three (3) different times silently by the court (see Petition,p.3), and have now completely disappeared from the present docket.

Therefore, the lower courts' failure to explain to any of the irregularities which were enlisted as grounds of recusal in SHAO's affidavits violated their judicial duty in 28 U.S.C. §455 and *Moran v. Clarke*, supra mandates reversal.

In addition, the lower courts' apparent willful evasions in responding to all of the accusations of severe crimes/felonies stated in SHAO's affidavits for her motions to change venue, should further constitute admission by adoption or admission by acquiesce, that all accused facts that they had purposely averted in responding should be deemed admitted. See Petition, p.34. 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) 156 U.S. 51, 52; *U.S. v. Williams*, 577 F.2d 188, 194 cert denied, 439 U.S. 868 (D.C. Cir. 1978); *People v. Riel* (2000) 22 Cal.4th 1153, 1189.

Here, DC Circuit's 4 times' evasive/equivocal "reply" in its Orders of 7/31/2019, 10/13/2019, 2/5/2020 and 5/1/2020 as to severe criminal accusations raised in ECF 1791001 should constitute an adoptive admission of the following facts:

(1) In violation of 18 U.S.C. §§1519, 1512(c)(2), 2071, 1001 and 371, D.C. Circuit conspired with the American Inns of Court Appellees in taking SHAO off its CM/ECF list, on the eve of their efiling 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 American Inns of Court and Defendant Kevin L. Warnock and the Alumni Justices-Appellees (Chief Justice John G. Roberts, Justice Clarence Thomas, and Justice Ruth

Bader Ginsburg) to alter two Temple Bar Scholars' Reports in two court's records at Doc.#26th of ECF1787004 and the last two pages of ECF1787225, on 5/8/2019 and 5/10/2019 respectively. And on 5/9/2019, the DC Circuit conspired with them to block SHAO's access to the court's docket of 19-5014 by 4 hours.

(3) The DC Circuit conspired with Judge Contreras and the hacker in mutilating and altering the 4th document, JN-3, of ECF1787004, which is the cover of ECF#41 of the underlying case, in order to cover up Judge Contreras's ex parte communications and forgery of ECF41, including forging a Clerk's Office's receipt stamp that was not shown in ECF38.

(4) The DC Circuit conspired with James McManis and/or his law firm and the hacker in purging the docket of 18-800 from being the 21st document of ECF1787004.

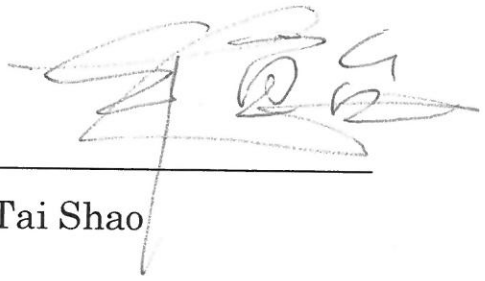
(5) The DC Circuit's Operation Manager Scott Atche conspired with the American Inns of Court to destroy evidence of the conspiracy stated in (2) by removing the alteration traces on the Temple Bar Scholars and Reports.

V. THE DC CIRCUIT'S JUDGMENT SHOULD BE REVERSED AS ITS USING ORDER TO SHOW CAUSE TO KILL AN APPEAL VIOLATES THE FUNDAMENTAL RIGHT TO APPEAL

Please see Petition, Pages 37-38. The fundamental right to appeal may not be substituted by a sua sponte Order to Show Cause by Judge Millett.

WHEREFOR, Petitioner SHAO respectfully requests recusal of the six Justices named in the caption of this Request for Recusal, and reversal of the dismissal of her appeal, and change venue to U.S.D.C. for New York.

Dated: October 27, 2020



Yi Tai Shao

VERIFICATION AND STATEMENT OF GOOD FAITH

The undersigned swear under the penalty of perjury under the laws of the United States that the foregoing and attached exhibits are true and accurate to her best knowledge and that this request for recusal is made necessarily in good faith based on direct conflicts of interest and financial interest.

Dated: October 27, 2020

Yi Tai Shao

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.

Respondents - Appellees.

—o0o—

On Petition For 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 Millett'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

CERTIFICATE OF SERVICE FOR PETITIONER's REQUEST FOR RECUSAL

YI TAI SHAO, ESQ. *In pro per*
SHAO LAW FIRM, PC
4900 Hopyard Road, Ste. 100
Pleasanton, CA 94588-7101
Telephone: (408) 873-3888
FAX: (408) 418-4070

I, Yi Tai Shao, declare

I am an agent for third party juridical person SHAO LAW FIRM, PC. On October 27, 2020, on behalf of the juridical person SHAO LAW FIRM, PC, I served PETITIONER's REQUEST FOR RECUSAL upon all respondents via email from attorneyshao@aol.com when they would be following the court's orders in not objecting to accept service via email:

SupremeCtBriefs@USDOJ.gov
Jeffrey B. Wall, Acting Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Jackie_Francis@dcd.uscourts.gov

thomas_caballero@legal.senate.gov

James S. Aist: aist@acklaw.com, maier@acklaw.com
Michael E. Barnsback: mbarnsback@ohaganmeyer.com, cgentry@ohaganmeyer.com
Mr. George A. Brandt: allen.brandt@cco.sccgov.org, kimberly.ide@cco.sccgov.org
Max Francis Maccoby, Attorney: maccoby@washglobal-law.com, maccoby@aol.com

Lauren Gallo White, Attorney: lwhite@wsgr.com, dgrubbs@wsgr.com
BJ Fadem bjfadem@fademlaw.com
Elise Mitchell elise@e-mitchell-law.com

Lawrence J. Serrano javier.serrano@cco.sccgov.org,geraldine.fann@cco.sccgov.org

James S. Aist aist@acklaw.com, maier@acklaw.com

Veronica S. Ascarrunz vascarrunz@wsgr.com, dgrubbs@wsgr.com, nchildress@wsgr.com

Drew T. Dorner
dtdorner@duanemorris.com, CSPatterson@duanemorris.com, MLFox@duanemorris.com, mlnottingham@duanemorris.com

James A Lassart
JLassart@MPBF.com, amontastier@mpbf.com, jcuellar@mpbf.com, mdiazgranados@MPBF.com, pweber@mpbf.com

Michael L. Fox MLFox@duanemorris.com, dlyons@duanemorris.com

Sean Patterson CSPatterson@duanemorris.com, dlyons@duanemorris.com

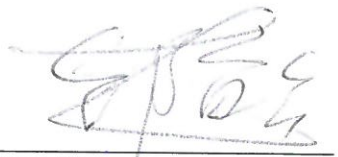
Thomas Cummings
POTOMAC LITIGATION

4085 Chain Bridge Road
Suite 400
Fairfax, VA 22030
tom.cummins@potomaclitigation.com
In addition, I will mail via first class to the following party in pro per via U.S. Postal Service

JOHN ORLANDO
1100 Lincoln Avenue
Suite 365
San Jose, CA 95125

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and accurate to the best of my knowledge.

Dated: October 27, 2020



Yi Tai Shao