

No. 20-5249

ORIGINAL

Before

"one supreme court" (Art. III §1 Const. of the United States.)

In re,

Marlon Blacher,

On Petition Writ of Certiorari.



"IN THE SUPREME COURT OF CALIFORNIA"
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR A WRIT OF CERTIORARI

Marlon Blacher

% 480 Alta Road

San Diego, California "92714"-9998

N/A

(Phone Number)

QUESTION(S) PRESENTED

Does the circumstances presented and detailed by STATEMENT OF THE CASE portion of the present Petition for a Writ of Certiorari warrant issuance of the Writ?

LIST OF PARTIES

☐ All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- STATE OF CALIFORNIA;
- CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION;
- Gavin Newsom, Cal. Governor;
- Xavier Becerra, Cal. Attorney General;
- Ralph Diaz, CDCR director; and
- "IN THE SUPREME COURT OF CALIFORNIA" .

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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix K to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was May 27, 2020. A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. §§ 1257(a), 1257(b)(3),

1651, 1652, 1654, 1731, 1732, 1746, 2104, 2106, 2111.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- Article I § 8 Cl. 8 Const. of the United States.
- Amendment XIII Const. of the United States.
- Title 42, United States Code, sections 1981 and 1982

STATEMENT OF THE CASE

Marlon Blacher, i.e. "Petitioner", is one living, sentient, neutral man who on the 6th day of December, 1976, is born alive (See Bonbrez v. Katz, 45 F. Supp. 138 -) and free on the portion of "the land" (Article VI, clause 2, Const. of the United States -) where the Union state known as Illinois is located and in pacata solo, which the Petitioner is not a citizen of STATE OF CALIFORNIA, nor resident of such, but the Petitioner is a National of the United States of America. Commencing at the time of Feb. 2009, to the present, the Petitioner is held deprived (*Vi et armis*) of the Petitioner's "Inalienable Rights" (Cal. Const. Art. I § 1.) by STATE OF CALIFORNIA, some corporation/trust/association/partnership/whatever it is that presently masquerade as the State of California (See Volume 9, statutes at Large, page 452.). continuously, willfully, and maliciously perpetrating "Deceit upon the public" (The Civil Code § 1711.) and through such process *de facto* it hijack all the instruments of the actual ~~officesaid~~ Union state (See Volume 9, id.) to embezzle the funds, from the Public Trust, of said Union state (See Volume 9, id.) and such ill-gotten gains are distributed amongst persons that staff said STATE OF CALIFORNIA, hereinafter "RICO person", for their part in the continuously perpetrated "Conspiracy against rights" (Title 18, United States Code, sections 241 and 242) that RICO person discriminatorily impose (*Vi et armis*) upon selected people, seemingly based on ^{RICO person's} ~~an~~ ~~each~~ ~~people's~~ ~~own~~ perception of such people's disability/gender/Nationality/Race or ethnicity/religion/heterosexual orientation/political class, including the Petitioner, which RICO person ~~unduly~~ obtain receipt of federal funds to increase said distributed ill-gotten gains which RICO person and its staffing persons utilize to engage in interstate commerce.

RICO person engage silent, undeclared, war against the "civilian" (Black's Law Dictionary 280 entry 1 (4th ed.)), neutral, Petitioner who is not a belligerent and who does not pose any actual/imminent threat to any man, woman, child, person, nor any democratic, just, and de jure system; RICO person, by means of the aforesaid hijacking, misappropriate California Department of Corrections and Rehabilitation, hereinafter "CDCR", to facilitate said war. To obtain mercenaries for the continuance of the aforesaid unjust war RICO person enter into agreement/alliance/compact/confederation/treaty with CALIFORNIA CORRECTIONAL PEACE OFFICERS ASSOCIATION, hereinafter "CCPOA", and unduly render such mercenaries independent of and superior to the civil power re CDCR acts. The aforesaid war empower *de facto* such CCPOA mercenaries to continuously perpetrate crimes against the people held deprived (*Vi et armis*) of their "Inalienable Rights" (Cal. Const.

REASONS FOR GRANTING THE PETITION

The matters brought for full, fair, and adequate consideration, by means of the present Petition for a writ of certiorari, concern: deprivation of access to courts to violation of the holdings pronounced by the court that bear Baugh v. Smith 430 U.S. 817; police power of the state exercised out of subordination to provisions of the Constitution of the United States, to violation of matters pronounced by the court that bear Gulf. C. & S. F. R. C. Co. v. Hatley (1945) 158 U.S. 98; multiple forms and manner of state perpetrated / sponsored fraud to violation of the principles established / ~~deprivation~~ by the court that bear 40 U.S. 518, The Amistad, (U.S. Conn. 1841); state imposition on the basis of race or ethnicity / Nationality / disability / gender / religion / political class for subjecting the Petitioner to discrimination in violation of the matters pronounced in Adarand Construction Co. v. Pena 515 U.S. 200, 224, which are matters that the STATE act in a manner contrary to decisions held and pronounced by the Supreme court, (See Art. III § 1 Constitution of the United States.) The war STATE OF CALIFORNIA engage against the "Civilian" (Black's Law Dictionary (9th ed.)), neutral, peaceable Petitioner who is a National of the United States of America is contrary to the matters established by Art. I § 10, clause 1 and 3 Constitution of the United States: challenges National peace and security, and the settlement of such is of public importance.

STATEMENT OF THE CASE (ii)

1 Art. 1 § 1.) by means of CDCR, and to provide ~~some~~ pretext in the law/
2 equity/commerce for such continuing perpetration said mercenaries
3 reference said arbitrarily deprived people "inmate" (which is some
4 fiction/fraud disability/gender/Nationality/race or ethnicity/religion/
5 political class that EICD person slanderously/libelously impose, vi et armis,
6 upon said deprived people, including the Petitioner) to selectively/discrimin-
7 atorily, upon the basis of such reference, and such deprived people
8 that said mercenaries perceive "African-American"/"black" are the primary
9 targets for such continuing criminal conspiracy, which said mercenary
10 perpetrators enjoy absolute impunity de facto.

11 During the year 2018 Assembly Bill 2533, which set obligations
12 upon CDCR to render designated supplies to the afore-said deprived people
13 who are referenced "indigent" (Cal. Code Regs. tit. 15 § 3138.), is consi-
14 dered and approved by Cal.'s legislature and take effect during the
15 beginning portion of the year 2019, and the Petitioner is one of such
16 people, whereby even to the very date of the present Petition for a
17 Writ of Certiorari CCPDA persons, who enjoy dictatorial control over CDCR
18 and its operations, act collusively to deprive the Petitioner of said supplies
19 notwithstanding CDCR policy that the "Department shall operate in com-
20 pliance with the statutes and regulations established by the Legislature and
21 control agencies. (See D.O.M. § 14050.1.) To accordance with presently es-
22 tablished custom throughout CDCR one small bar of "PIA" soap and one roll
23 of toilet paper, per week, is rendered to the afore-said deprived people,
24 including the Petitioner, and where such small bar of soap is to serve
25 the purpose of keeping the Petitioner's body and undergarments clean
26 throughout a 7 day time, it is evident that such small bar of soap will
27 not suffice and upon exhausting of such prior to expiration of the
28 seven day time the Petitioner is unduly subjected to the whim of any

STATEMENT OF THE CASE (iii)

1 CCPDA mercenaries), or even inmates by the present circumstances,
2 to obtain any additional soap; without the kindness of various inmates
3 whom have a surplus of prison store brought items and hold enough regard,
4 sometimes, to donate soap to the Petitioner than the Petitioner would
5 every week be without soap. Such deprivation put the Petitioner perpet-
6 ually at jeopardy of contracting skin rashes, or skin disease such as scabies, and
7 at jeopardy of suffering arbitrary punishment via CDCR "RULES VIOLATION
8 REPORT" procedure.

9 The aforesaid toilet paper is of substandard design which make it so that
10 one must use more off the roll, during each bowel movement, than what is used off
11 of the average commercially traded toilet paper rolls and in the many instances
12 when such toilet paper is extinguished prior to the aforesaid seven (7) day time
13 the Petitioner is unduly subjected to the whim of CCPDA persons for obtaining
14 additional toilet paper; and presently such undue subjection become even more
15 unlawful where the person unduly extended such capricious decision making
16 authority de facto are inmates contrary to the matter that "No inmate or group
17 of inmates will be given or permitted to assume control" (Cal. Code Regs. tit. 15 §
18 3022.) over men held by CDCR, which in many instances result with no additional
19 toilet paper rendered contrary to the matter that all of said men will be provid-
20 ed the means to keep themselves "and their living quarters, clean and to practice
21 good health habits." (Cal. Code Regs. tit. 15 § 3060.) Exacerbating such undue
22 toilet paper deficiency is the instance where during the month of November,
23 2019, an outbreak of what CDCR staffers conclude is salmonella spread
24 throughout the CDCR location referenced "CALIPATRIA STATE PRISON", here-
25 inafter "CAL", because of tainted food rendered in the dining halls there-
26 in, and the Petitioner is one who is infected by such salmonella poisoning
27 which include the symptom diarrhea and of course would exacerbate the
28 aforesaid only one (1) toilet paper roll per week problem resulting in the

STATEMENT OF THE CASE (iv)

1 Petitioner unduly left upon reliance on inmates to resolve the aforesaid toilet
2 paper inadequacy, contrary to CDCR regulations. (See Cal. Code Regs. tit. 15 § 15010.1.)
3 The aforesaid Assembly Bill 2533, codified by The Penal Code § 5007.7,
4 compel CDCR staffing persons to render sufficient paper and pen for the
5 execution of access to court but here again the aforesaid CCPDA persons
6 arbitrarily decline to render such supplies, seemingly for no other reason
7 than to redirect the funds appropriated for such supplies for addition to the
8 aforesaid funds unduly distributed among STATE OF CALIFORNIA and its
9 staffing persons for advantage and use in their interstate commerce ac-
10 tivity, whereby such failing, continuously at present, to render said sup-
11 plies is clearly contrary to state law (See The Penal Code § 5007.7.), which
12 is contrary to CDCR self-proclaimed policy that it will "operate in compliance
13 with the statutes and regulations established by the Legislature" (D.O.M. §
14 14050.1.), and constitute a continuing deprivation of property without due
15 process of law. (See Amendment XIV Const. of the United States.) The Petition-
16 er make known, such unlawful failure to render supplies, to attorneys whom
17 staff Cal.'s office of the Attorney General, whom are bound by the obliga-
18 tions imposed by Cal. Const. Art. V § 13 including "to see that the laws of
19 the State are uniformly and adequately enforced" (Id.), but said attorneys
20 respond by means of conscious disregard / deliberate indifference, seeming-
21 ly pursuant to some fraudulently concealed nonfeasance agreement Cal.
22 Attorney General maintain with CCPDA. Where it is settled that equity
23 compels performance (See Claws v. Jamieson, 182 U.S. 461 (1901).) and Con-
24 stitution of the United States compel the obligation of contracts (See Art.
25 1 § 10, clause 1.), thus, it is clear that the aforesaid circumstances of failing
26 to render the supplies warrant relief / remedy / Remedy by the present
27 Petition for a writ of certiorari.

28 Presently, the aforesaid CCPDA persons completely fail to render

STATEMENT OF THE CASE LV)

1 writing paper and ink pen, which even CDCR regulation demand (see
2 Cal. Code Regs. tit. 15 § 3138 ca.), and again the Petitioner is left to the
3 kindness of inmates to obtain ink pen and writing paper. The same
4 pattern transpire previously where during the time the Petitioner is
5 held by means of CAL only four (4) sheets of blank white paper per library
6 visit (such visit occur upon the whim of the person that staff such library, generally
7 once per seven (7) day week but at times none) and such minimal amount of paper
8 is not sufficient to draft adequate legal pleadings let alone any other kind of
9 writing. State law compel performance (see Clawson, id.) to render ink pens and
10 paper to the Petitioner. (See The Penal Code § 5007.7, and Cal. Code Regs.
11 tit. 15 § 3138 ca.)

12 Further, failing to comply with the aforesaid AB 2533, deodorant, a
13 necessary item for maintaining personal hygiene is never rendered to the
14 Petitioner. The Penal Code § 5007.7 Indigent inmates prescribe:

15 "An inmate who has maintained an inmate trust account with twenty-five
16 dollars (25) or less for 30 consecutive days shall be deemed indigent. An
17 indigent inmate shall receive basic supplies necessary for maintaining personal
18 hygiene. An indigent inmate shall be provided with sufficient resources to
19 communicate with and access the courts, including, but not limited to, stamps, writing
20 materials, envelope, paper, and the services of a notary for the purpose of notar-
21 izing a signature."

22 Thus, the aforesaid failing to render deodorant is contrary to clearly established
23 state law. Again, the Petitioner is one who CDCR reference indigent and, thus,
24 said "supplies necessary for maintaining personal hygiene" (Id.) is due to the
25 Petitioner.

26 Instead of toothpaste CDCR render tooth powder for the dental portion
27 of the aforesaid personal hygiene, and although dental flosser picks are render
28 ed at some CDCR locations none are rendered at such location presently util-
ized to hold the Petitioner, notwithstanding that because said tooth powder
contain an element(s) that excessively dry skin and such drying effect create
blisters and bleeding on the Petitioner's mouth area, further, where talcum

STATEMENT OF THE CASE (VI)

1 powder is recently discovered to lead to cancer so that said tooth powder create
2 the risk of the Petitioner contracting cancer in or around the mouth. The combs,
3 for combing hair, that are rendered (if any, some CDCR locations are without rendered
4 combs) hand and fold while the Petitioner attempt to comb the Petitioner's hair
5 which it is impossible to adequately and effectively comb said hair, it seem
6 beyond any reasonable dispute that an adequate and effectively constructed
7 comb is "necessary for maintaining personal hygiene". (The Penal Code § 5007.7.)
8 No soap with anti-bacterial properties is ever rendered to prisoners, although
9 such is rendered liberally to CDCR staffing persons, which make it a problem for
10 the Petitioner to properly sanitize the Petitioner's hands and which expose the
11 Petitioner to elevated risk of becoming ill. circumstances that are exacer-
12 cated by the kidney disease that the Petitioner suffer; surely, proper
13 hand sanitizing soap is necessary for proper hygiene.

14 No actual enforcement of positive law, formally adopted regulations and
15 rules, against CCPA persons transpire and, therefore, CCPA persons habit-
16 ually act toward the Petitioner maliciously and willfully to violation of such
17 law, which evidence that such CCPA persons have not duly taken and subscribed
18 the requisite "Oath of office" (Cal. Const. Art. XX § 3.) which would eliminate
19 them as valid "Peace Officers" but actually perpetrate continuing impersonat-
20 ion of a "Public officer and employee" (Id.) and use such impersonation as cover
21 to conceal the actual mercenary capacity, pursuant to the aforesaid
22 unlawful war RICO person engage against the Petitioner and despite
23 multiple instances and much effort on the part of the Petitioner no RICO
24 person staffer ever render the remedy/remedy due to the Petitioner.
25 For instance, presently CDCR "Correctional Peace Officers", with support from
26 the medical and mental health staffing persons, maliciously, routinely, and
27 willfully speak to inmates, regarding the Petitioner, saying the
28 Petitioner is a "baby rapist"; "child predator"; "serial rapist"; "predator";

STATEMENT OF THE CASE (VII)

1 and combine such speech with matters including: "We want you guys to
2 kill him"; "If you [attack him] nothing will happen to you"; "We're not gonna
3 help the predator if you all [attack him]"; "No one's gonna do anything behind
4 what happens to the predator", and it is plainly evident that the prison personnel
5 speak such matters to incite said inmates to deprive the Petitioner of limb/
6 life without due process of law, which emanating from said "Correctional Peace
7 Officers" is no big surprise in light of the long train of abuses and usurpations
8 perpetrated by that group of persons (See e.g. The Los Angeles Times and
9 Sacramento Bee reporting done on topic of CDCR's "Green Wall" gang; and the
10 reported cases brought before the United States District Courts throughout
11 California against CDCR "Correctional Peace Officers".) but coming from the
12 medical and mental health staffing persons whom operate under hippocratic
13 oaths that concern the honoring and preserving of life, health, and well-
14 being, the aforesaid murder conspiracy incitement is very disturbing,
15 and where said incitement is perpetrated so openly and unabashedly
16 with no witnessing employee rendering any manner of act to prevent it
17 (See e.g. Title 42, United States Code, section 1986) the true nature, organ-
18 ization and structure of CDCR is shown; "You assist an evil system
19 most effectively by obeying its orders and decrees. An evil system never
20 deserves such allegiance. Allegiance to it means partaking of the evil.
21 A good person will resist an evil system with his or her whole soul." (Ma-
22 hatma Gandhi.)

23 Faced with such continuing actual/imminent threat to the Petitioner's
24 life/limb by a STATE instrument that is supposed to be for "safely keeping"
25 the Petitioner has expended all ~~known~~^{means} known to the Petitioner to obtain
26 due remedy/remedy re said threat, including: issue notice to Ralph Diez
27 CDCR secretary and M. Pollard warden to make known said threat but both
28 persons unlawfully respond with conscious disregard/deliberate indifference

STATEMENT OF THE CASE (viii)

1 re said threat, which is but support or aiding and abetting said continuing
2 conspiracy by willful and malicious nonfeasance; issue notice to Xavier Becerra
3 Cal. Attorney General to make known said threat, whereby Becerra act to
4 the very same manner of dishonor that Diaz and Pollard perpetrate presum-
5 ably for the same purpose and with the same intent; present a Complaint
6 to be heard before the United States District Court for the southern district
7 of California whereby not even two days after the Petitioner execute
8 substituted service of said Complaint said "Correctional Peace Officers"
9 already dialogue regarding said Complaint speaking matters, including:
10 "It's over with that lawsuit he failed and he don't even know it yet";
11 "Fuck his lawsuit" notwithstanding CDCR formally adopted regulations
12 that command "Employees shall not use indecent, abusive, profane or other-
13 wise improper language while on duty" (Cal. Code Regs. tit. 15 § 3391.6a.);
14 "He's a predator, no one cares about his lawsuit"; etc.; and attempt to bring
15 multiple inmate grievances to obtain remedy to the aforesaid threat, but all to
16 no avail. The aforesaid Diaz has obligations, imposed by law, for "the super-
17 vision, management and control of the state prisons, and the responsibility for
18 the care, custody, treatment, training, discipline and employment of persons
19 confined therein are vested in the Secretary of the Department of Corrections
20 and Rehabilitations" (The Penal Code § 5054.); the aforesaid Pollard has obli-
21 gations, imposed by law, to bear responsibility "for the custody, treatment,
22 training and discipline of all inmates under his or her charge" (Cal. Code Regs. tit.
23 15 § 3380.6a.); the aforesaid persons staffing "RJ Donovan Correctional Fac-
24 ility" (whether "Correctional Peace Officer", medical staff, mental health staff) have
25 obligations, imposed by contract, to bear responsibility "for the safe custody of the
26 inmates confined in the institutions of the department" (Cal. Code Regs. tit. 15 § 3071.)
27 but where all of said STATE staffing persons act in concert to collusively incite
28 deprivation of the Petitioner's life/limb without due process of law, it is

STATEMENT OF THE CASE (IX)

1 evident that the aforesaid obligations are continuously impaired which
2 constitute violations of constitutional magnitude (See Dodge v. Board of
3 Education (1937) 302 US 74; and Poinexter v. Greenhow (1885) 114 US 270.)
4 and evinces that issuance of the writ, sought via the present Petition, is
5 warranted. It is settled:

6 "15 Beware of false prophets, which come to you in sheep's clothing, but
7 inwardly they are ravening wolves. 16 Ye shall know them by their
8 fruits. Do men gather grapes of thorns, or figs of thistles? 17 Even
9 so every good tree bringeth forth good fruit, but a corrupt tree bringeth
10 forth evil fruit. 18 A good tree cannot bring forth evil fruit, neither
11 can a corrupt tree bring forth good fruit. 19 Every tree that
12 bringeth not forth good fruit is hewn down, and cast into the fire. 20
13 Wherefore by their fruits ye shall know them." (Matt. 7:15-20
14 KJV.)

11 CCPAA persons collusively, continuously, maliciously, and willfully support
12 the aforesaid continuing conspiracy, as mercenaries under alliance/agreement/com-
13 pact/confederation/treaty with RICO person pursuant to its aforesaid unlawfully
14 engaged war, and such conspiracy include: maliciously and willfully obstructing
15 justice; perpetration of cover-ups; actively aiding/abating any given crime(s);
16 imposing (vi et armis) coercion/intimidation upon the aforesaid deprived people,
17 including the Petitioner; preventing/obstructing administrative review re any
18 given issue; among other brazenly perpetrated unjust acts, to further and promote
19 the private, STATE staffing persons supremacy (neo-communism), ideology/political
20 ideology that CCPAA persons, whom are sponsored by RICO person, collusively,
21 continuously, maliciously, and willfully embrace and impose (vi et armis) upon
22 The ~~bloody~~ and malicious nonfeasance perpetrated, collusively, continuously,
23 maliciously, and willfully ~~by the persons staffing~~ ^{by the persons staffing} ~~support the conspiracy~~ and Cal.'s office of the Attorney
24 General and District Attorneys' offices throughout Cal. encourage CCPAA persons
25 to continue the aforesaid conspiracy, which result in continued belligerence
26 imposed (vi et armis) upon the Petitioner, whereby such CCPAA persons act
27 against the "civilian" (Black's Law Dictionary, id.), neutral, Petitioner as one who
28 has no rights, which in consequence the Petitioner has suffered theft of the

STATEMENT OF THE CASE (X)

1 Petitioner's belongings; willful damage to the Petitioner's belongings; physical
2 injury done by physical attacks perpetrated by CLPWA persons; which should
3 plainly evidence the illegitimacy of such perpetrators as valid Peace Officers (see
4 e.g. Cal. Const. Art. XX § 32)

5 Under such plainly undemocratic, unlawful, and illegitimate circumstances
6 does the Petitioner attempt to gain state level recourse/remedy regarding the
7 aforesaid failing to satisfy the obligations imposed by AB 2533. On or about the
8 24th day of September, 2019, the Petitioner present the pertinent documents
9 designated for administrative review to seek such recourse/remedy but two
10 CLPWA persons, C. Espitia and D. Pallard, reject such documents on the basis that the
11 language written by the Petitioner on said documents "involve multiple issues
12 that do not derive from a single event, or are not directly related and cannot
13 be reasonably addressed in a single response due to this fact." (APPENDIX
14 A 32-35.) but when one give full, adequate, and fair consideration to said doc-
15 uments (see id. 28 and 29.) whereby the Petitioner clearly express that the
16 Petitioner present the issue that the Petitioner is "systematically deprived
17 of the indigent supplies set by Cal. Assembly Bill 2533 (2019)" (Id. at 28.) then
18 the Petitioner go on to detail the manner by which the matters established by
19 said Assembly Bill is dishonored, therefore, it is inexplicable to reject said
20 documents upon said basis. Such undue rejection lodged upon a fiction/
21 proud premise is a common tactic throughout CLCR used by its "appeals
22 coordinators" to obstruct/prevent one's so-called "Right to Appeal" (Cal. Code
23 Regs. tit. 15 § 3084.1.) and, in essence, one's right to petition the government
24 for a redress of grievances; whereby said appeals coordinators seem
25 trained with intent to constructively delay/suspend such right to
26 appeal.

27 The aforesaid administrative review documents, presented by the
28 Petitioner, are repeatedly rejected based upon the aforesaid premise

STATEMENT OF THE CASE (XI)

1 (See APPENDIX B 32-35.) and not withstanding what matters the Petitioner
 2 make known to the aforesaid Espitia and Pollard re said rejection notices
 3 (See id.), even seeking full disclosure re the asserted defect (See id. 34.); which
 4 neither Espitia, nor Pollard, ever renders such full disclosure which further
 5 evinces that the aforesaid rejection assertion is but a mere pretext to
 6 unconstitutionally prevent the Petitioner from exercising the right
 7 to petition the government for a redress of grievances on the matter.
 8 At some point during the multiple repeat rejections of the aforesaid
 9 administrative review documents Pollard conclude the effort by cancelling
 10 said documents (See id. 36-) which by CDCR regulations prevent the Petitioner
 11 from continuing the effort for administrative review on the matter and sub-
 12 sequently the only option available to the Petitioner for means of redress, at
 13 CDCR level, is to petition for redress regarding said cancellation. Next, the
 14 Petitioner does, in fact, pursue such petition (See id. 38-39.) but Pollard
 15 then reject the documents pertinent to this petition (See id. 43-44.) and
 16 ultimately cancel these documents as well, which make administrative remedy
 17 unavailable to the Petitioner.

18 On or about the 7th day of February, 2020, the Petitioner bring Petition for
 19 a writ of habeas corpus, to be heard before the Supreme Court (See Cal.
 20 Const. Art. VI § 1.), for consideration of the matters presented by the aforesaid
 21 administrative review documents, whereby on the 27th day of May, 2020, said Court
 22 deny said Petition. (See APPENDIX A.) It is settled that: "Any order denying
 23 a petition for a writ of habeas corpus must contain a brief statement
 24 of the reasons for the denial. An order only declaring the petition to be
 25 "denied" is insufficient" (Cal. Rules of Ct. Rule 4.551(cg).), whereby
 26 the aforesaid denial order (See APPENDIX A.) express that the "petition for writ

STATEMENT OF THE CASE (XII)

1 of habeas corpus is denied" (See APPENDIX A.) and as a matter of law such
 2 order (See id.) is insufficient (See Cal. Rules of Ct. id.) but pursuant to the
 3 aforesaid unlawful engagement of war and continuing conspiracy against
 4 the rights of the Petitioner such plainly void order is imposed upon the Pe-
 5 titioner to deprive the Petitioner of any actual means of recourse/remedy
 6 regarding the violations brought for full, fair, and adequate assessment/
 7 consideration re the present Petition for a writ of certiorari. The court that
 8 enter the aforesaid denial order (See APPENDIX A.) is some all-capital-
 9 letter court (See id.) and not only does the Petitioner not bring the afore-
 10 said Petition for a writ of habeas corpus to be heard before ~~an~~ all-
 11 capital-letter court (See APPENDIX B 9.) but it is settled that the Con-
 12 stitution prescribes what courts and officers exercise judicial power
 13 (See Bank of Woodland v. Oberhaus (1899) 125 Cal. 320.) and The Constitution
 14 does not prescribe judicial power for/to said all-capital-letter court (See
 15 Cal. Const. art. VI § 1.), which further evidences the absence of valid enforce-
 16 ability of said denial order. (See APPENDIX A.)

17 Jurisdiction cannot be conferred by the mere act of the parties, by
 18 any omission on the part of counsel, or by any decision, either implied
 19 or direct, that a court may itself make. (See Rogers v. Lady, 154 Cal. 282
 20 (1924).) Jurisdiction lies in the court and not a particular judge. (See Harrin-
 21 gton v. Superior Court of State of California, Inland For Placer County, 194
 22 Cal. 125 (1924).) Any acts that exceed the defined power of a court in any
 23 instance, whether that power be defined by constitutional provision, express
 24 statutory declaration, or rules developed by the courts and followed under
 25 the doctrine of stare decisis, are in excess of jurisdiction (See Aballeira
 26 v. District Court of Appeal, Third Dist., 17 Cal. 2d 280 (1940); 132 A.L.R. 715;
 27 Perry v. Superior Court, 7 Cal. App. 3d 236 (1st Dist. 1970).) ; therefore, said
 28 denial order is null and void, ab initio. (See Burnham v. Superior Court of

STATEMENT OF THE CASE (XIII)

1 California, 110 S.Ct. 2105 (1990)

2 The foregoing detailed insurgency to the right to petition the govern-
3 ment for a redress of grievances and the right to remain free from
4 discrimination, along with the right to enjoyment of the items stipulated by
5 the aforesaid Assembly Bill 2533 is capable of repetition throughout CDCR,
6 and in fact does repeat where, both, at CAL and CDCR location presently
7 used to deprive the Petitioner of the Petitioner's "Inalienable Rights" (Cal.
8 Const. Arts 1 & 11), i.e. "R.J. Donovan Correctional Facility", said items are
9 not rendered to the Petitioner and such routine defiance to positive law tran-
10 spire in consequence of the presently established and fraudulently concealed
11 impunity granted to CCPA and its member persons which encourage such un-
12 just depriving the Petitioner of the Petitioner's right to petition the go-
13 vernment for a redress of grievances. The entire STATE apparatus by
14 collusive action of the several persons whom staff the legislative, executive,
15 and judicial branches of government that have been hijacked by RICO person, operate
16 to further, promote, and protect the criminal enterprise that is known as CDCR,
17 with knowledge that CCPA persons establish a systemwide "good-ole boy net-
18 work" throughout CDCR for the purpose of encouragement of ongoing coercion/
19 intimidation of the neutral, "civilian" (Black's Law Dictionary, id.), people, includ-
20 ing the Petitioner, that are held deprived of enjoyment of liberty, safety, hap-
21 piness, and privacy by means of CDCR; no remedy, to the foregoing circum-
22 stances, is known and available to the Petitioner save for issuance of a writ
23 of certiorari. Under RICO person government de facto it grant CCPA
24 persons the title "Peace Officer", which places such persons independent of
25 and superior to the Constitution of the United States and the laws made in
26 pursuance thereof, as well as Cal. Const. and the laws made in pursuance
27 thereof in the contacts they impose (Vi et armis) upon the neutral, civilian, Pe-
28 titioner who is a National of the United States of America, it is evident that a

STATEMENT OF THE CASE (XIV)

1 title/nobility is unduly granted to CCDA persons

2 THEREFORE, based on the cumulative effect of the foregoing mat-
3 ters it is evident that issuance of a writ of certiorari /any alternate writ
4 that is adequate and effective to remedy /remedy such matters should be
5 rendered to the Petitioner.

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REASONS FOR GRANTING THE PETITION

The matters brought for full, fair, and adequate consideration, by means of the present Petition for a writ of habeas corpus, concern: deprivation of access to courts to violation of the holdings pronounced by the court that bear Bounds v. Smith 430 U.S. 817; police power of the state exercised out of subordination to provisions of the Constitution of the United States, to violation of matters pronounced by the court that bear Gulf C. & S.F. R.C. Co. v. Hefley (1945) 158 U.S. 98; multiple forms and manner of state perpetrated / sponsored fraud to violation of the principles established / ~~deprived~~ by the court that bear 40 U.S. 518, The Amistad, (U.S. Conn. 1841); state imposition on the basis of race or ethnicity / Nationality / disability / gender / religion / political class for subjecting the Petitioner to discrimination in violation of the matters pronounced in Adarand Construction Co. v. Peña 515 U.S. 200, 224, which are matters that the STATE act in a manner contrary to decisions held and pronounced by the Supreme court, (See Art. III § 1 Constitution of the United States.) The war STATE OF CALIFORNIA engage against the "civilian" (Black's Law Dictionary, 9th ed.), neutral, peaceable Petitioner who is a National of the United States of America is contrary to the matters established by Art. I § 10, clause 1 and 3 Constitution of the United States: challenges National peace and security, and the settlement of such is of public importance.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Markon Blacher, Without Prejudice; Recourse.

Date: the 16th day of July, 2020.