No. 20-5331

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

Michael Alan Bruzzone, *Petitioner*

And

Intel Corporation and ARM Inc., and pursuant 28 U.S.C. § 1391(c)(3) the parent Japanese headquartered and United Kingdom domicile Softbank ARM Holdings

Respondents

ON PETITION FOR WRIT OF CERTIORARI to the
UNITED STATES COURT OF APPEALS for the NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Michael Alan Bruzzone
Civic Servant of the Federal Trade Commission
Advocate for "lawful class" at 42 U.S.C. § 1981(a)(b)
U.S. Attorney designate; 31 U.S.C. § 3730(b)(1) at (c)(3)
(FCA) Relator Original Source
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QUESTIONS PRESENTED

I. In a 15 U.S.C. § 1 controversy claiming industry, law, attorney, group boycott, can District and Appellant Courts, one after the next, deny a citizen retained by Congress to investigate at 15 U.S.C. §§ 5, 15 and recover theft U.S.C. §§ 3729, 3730(b)(1)(c)(3) his U.S. Constitution 14th guarantees of administrative and procedural due process, confrontation, hearing and searching examination, privileges and equal protection to protect himself from the opposition's associates network retaliation?

II. In same civil controversy can District and Appellant Courts deny 14th amendment guarantee to quash speech? Thereby conceal defendant's reliance on California anti-SLAPP too libel a federal agent, reversing who is harming whom, to cover up defendant's concealing enterprise organized crime infiltration detrimental to United States, States of the United States, Citizens of United States and commerce on affirmative antitrust determinations; Federal Trade Commission v Intel Corporation Docket 9341 & EUCC 37.990 v Intel Corp., and on federal and State agent discovery 15 U.S.C. § 1, 2 cognizable § 15 and 18 U.S.C. §§ 241, 242, 1371, 1512, 1513, 1516, 1519, 1957, 1962c cognizable § 1964c.

III. At the appellate level can Ninth Circuit Judges deny confrontation on appeal negating too address an indigent Appellant's legitimate Motion to proceed in *forma pauperis*? And thereby do dismiss said appeal?

IV. Administratively, appellant having revealed to a Ninth Circuit Docket Clerk his intention to pay $505 District Court filing fee [to expedite the appeal] can Judges then expedite too Dismiss said Appeal pursuant 28 USC § 1915 (e)(2) while **a)** filing fee is transiting in the mail and, **b)** on judgment Entered the day following District Court Entry of Payment?

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pondering if the reviewing law clerk dismissed the appeal? This would also be difficult for Appellant, an outsider, thought despised by local BAR, too establish.

However, I cannot excuse Ninth Circuit failing to notice appellant mandate pending, thinking I would move for (re)Hearing, Reconsideration, Alter or Amend sans Motion to Stay Mandate? Thus to quash this Petition for Writ of Certiorari too the United States Supreme Court. And of course that Motion to reconsider would have been denied while time to stay mandate passed. Appellants suspicion of chicanery, skullduggery inside Ninth Circuit where I have previously advised Justice Thomas "management problems requiring oversight", stands clear to me, Justice review and reinstatement of appeal No. 20-15326 subject 28 U.S.C. § 455(a)(b)(1)(5) (iv) at FRCP 60(b)(6) on deprivation of civil rights under the color of law 42 U.S.C. § 1981 (a)(b), in-State at §1983 subject 42 USC § 1985(1)(2)(3). The Related Intel Inside price fix matters for two decades, mine and other plaintiff's, have never not been any other way, subject to interference including; FRCP 60(d)(3) 18 U.S.C. §§ 2, 3, 241, 242, 371, 1001, 1341, 1503, 1505, 1510, 1511, 1512, 1513, 1516, 1519, 1956, 1958, 1961, 1962c cognizable 1964c, 1831 and 2382 questions, 31 U.S.C. § 3729 theft from federal government, States and citizens, industry and commerce.

JURISDICTION

As of this Petition for Writ of Certiorari, Ninth Circuit has not responded to Petitioner's pendant Motion to re-instate and HEAR 20-15326 pursuant FRAP 59e

Chief Judge Muller and Magistrate Judge Barnes issue a minute ORDER March 13, 2020 stating "Plaintiffs Motion is DENIED without prejudice. Plaintiff may renew request in circuit court upon filing appeal."

Appellant hands Motion to Proceed in *forma pauperis* at Ninth Circuit on March 16, 2020, waits in mail room probably a week suspect back dated said filed March 19, 2020.

On April 22, 2020, Ninth Circuit issues an ORDER stating "A review of the records reflects that the appeal may be frivolous. Court may dismiss a case at any time, if court determines the case is frivolous, See 28 U.S.C. § 1915(e)(2). Question arises, **1)** what facts reflect the appeal may be frivolous? Facts are unaddressed by Eastern District and by Ninth Circuit within both case dismissals.

Continuing, "within 35 days after the date of this order, appellant must (1) dismiss the appeal, or (2) file a statement why the appeal is not frivolous and should go forward."

On May 14, 2020 Appellant files at Ninth Circuit "Petitioner Statement that Appeal Should Go Forward", and is exactly as it should be, in form and content an amended complaint that could have been sought by Eastern District. Bruzzone claims in matter are both cognizable and meritorious. Bruzzone fails to comprehend how his claims are frivolous non examined, unheard at Eastern District and at Ninth Circuit subject FRCP 60(b)(1)(3)(6) on *Bivens v Six (Un)known Narcotics Agents*, 403 U.S. 388 (1971) and *Monell v Department of Social Services of the City of New York*, 436 U.S. 658 (1978) given the history in these v Intel Corp. matter's of Constitution 1st (association primarily) 5th and 14th amendment denials; contract, due process, equal

protection, searching examination, confrontation denials prejudicing this Plaintiff – Appellant who is a federal and states witness in the Intel Corp. antitrust, industry, corporate and consumer Intel Inside® 'price fix' robberies and espionage matters retained by Congress Constitution 9th, Federal Trade Commission at 15 U.SC. §§ 5, 15 and U.S. Attorney Northern California District and Department of Justice at 31 U.S.C. 3729, 3730(b)(1)(c)(3).

"Confrontation clause is violated when a trial court precludes a meaningful degree of cross examination (*Springer v U.S.*, 388 A.2d 846, 854, D.C. 1978). The curtailment of cross examination is rendered more severe when a government witness is involved; under such circumstances, extensive cross examination . . . [is] required to satisfy the confrontation guarantee (*Lawrence v U.S.*, 482 a.2d 374, 377 DC 1984). Under the Confrontation Clause "testimonial" out of court statements and other hearsay is not admissible if the accused did not have the opportunity to cross examine the accuser or the accuser is unavailable at trial", *Crawford v Washington*, 541 U.S. 36, 2004.

Here is where the situation becomes suspect at 28 USC § 455(a)(b)(1)(5)(iv) subject FRCP 60(b)(1)(3)(6). Statement and Motion sit in excess of 100 days and on June 29, 2020 this Appellant contacts Docket Clerk for Status, not the receptionist, the DOCKET CLERK and asks if any decision has been made on Appellant's motion pursuant *forma pauperis* and judicial review Appellants Statement for continuation. Docket Clerk informs this appellant those answers are no. Appellant informs the female voice on the phone he will pay the filing fee. She responds "do what ever you feel is the right decision for your case". $505 cashiers check is secured June 30th,

placed in U.S. priority mail service to Clerk of Court Eastern District, first attempted deliver July 3, actual delivery and Entry July 7, 2020. The filing fee is paid.

Still on the July 2nd dismissal paying the fee is not the issue, "Upon review of record, and response to court's April 22, 2020 order, we conclude this appeal is frivolous". Again, "how is the appeal frivolous? If appeal is frivolous Judges Graber, R. Nelson, Vandyke must be able to substantiate in their decision, 'why frivolous' but they have not. So why not? Is it because Appellant's right to appeal is being denied? Appellant has stated specific claims, persons, and is capable as a discovery paralegal.

And there is another question. Motion for fee waiver and this Petitioners statement sits up until the day he informs Docket Clerk he will pay the filing fee and then miraculously a Ninth Circuit decision is expedited and case is dismissed within the week on July 2, 2020, lacking any clarification why the appeal is frivolous that is not the appeal question; "beyond doubt that the plaintiff can prove no sets of facts in support of his claims for relief"; *Conley v Gibson*, 355 U.S. 41, 45 (1957) *Iqbal quoting Twombly*. Raises questions at FRCP 59(a)(1) subject FRCP 60(b)(1)(3)(6) and for Ninth Circuit Chief Justice Thomas management oversight on continuing best practice questions occurring inside Ninth Circuit causes law and justice concern.

Did reviewing appellate law clerk simply write up a dismissal and authorize it? Write it up and pass it through with no judicial review? In Northern District, I have observed Judges law clerk's interfering in the procedures of administrative clerks.

An analysis made by the late Judge Jacob Henry Friendly (1903 – 1986) of United States Court of Appeals for Second Circuit, 1959 through 1974, including Chief Judge 1971 through 1973, in his **"Some Kind of Hearing,"** generated a list to

the content and relative priority of address Bruzzone has rarely experienced pursuant confronation, examination, equal protection;

1. An unbiased tribunal.

2. Notice of the proposed action and the grounds asserted for it.

3. Opportunity to present reasons why proposed action should not be taken.

4. The right to present evidence, including the right to call witnesses.

5. The right to know opposing evidence.

6. The right to cross-examine adverse witnesses.

7. A decision based exclusively on the evidence presented.

8. Opportunity to be represented by counsel[4]

9. Requirement that the tribunal prepare a record of the evidence presented.

10. Requirement written findings of fact and reasons for decision.

Raises a crucial question; was appeal 15326 expeditiously dismissed at 28 U.S.C. § 1915(a) to prevent Petition, a Writ of Certiorari to the U.S. Supreme Court skirting around non payment of fees? Associate frauds on corporate placement is an epidemic across Northern California District pursuant Intel Corp. and the Softbank ARM Holding plc and ARM Inc. case matters, the Intel Inside® price fix federal and State and the general consumer recoveries. Opposing network pays off, whether job placement and or promotion within this corporate political network, or other means. A fact of Intel network includes shoeing in and maintaining the marginally capable.

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[4] On interference by defendants falsely portraying Petitioner-Plaintiff "Not a [qui tarn}relator" and "vexatious litigant of frivolous claims", creates question promoting legal service market boycott. Whereas (false) evidence defendants plant into case record does crush the truth.

LAW ARGUMENTS

Fourth, Fifth and Ninth Circuits state a frivolous claim is without arguable substance in law or fact, *Franklin v Murphy*, 745 F.2d 1221, 1227-28 (9th Cir. 1984); *Woodall v Foti*, 648 F.2d 268, 271 (5th Cir. 1981); *Boyce v Alizaduh*, 595 F.2d 948, 951-52 (4th Cir. 1979); *Watson v Ault*, 525 F.2d 886, 891-92 (5th Cir. 1976).

Addressing the contention *frivolous*, "a complaint is legally frivolous when it lacks an arguable basis in law or fact; "*Neitzke v Williams*, 490 U.S. 325 (1989). Rather, Plaintiff and Appellant succinctly detail's the cognizable nature of his factual claims on Constitution, statute, case law and federal discovery. On *Conley v. Gibson* 355 U.S. 41 (1957), "a complaint should not be dismissed . . . unless it appears beyond doubt the plaintiff can prove no set of facts in support of a claim that entitle him to relief". All ambiguities or doubts must also be resolved in the plaintiff's favor. See *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1969). Complaint cannot be dismissed "simply because the court finds the plaintiff's allegations unlikely" noting the "age old insight allegations might be strange but true", said Supreme Court Justice Sandra O'Conner in *Denton v Hernandez*, 505 U.S. 25 (1992) (from Ninth Circuit). In a one page dissent, "Henderson should be allowed to pursue his case" said Justice Stevens and Blackman. Bruzzone has made similar claims as Hernandez reporting to Federal Bureau of Investigation, and Congress, drugged, phasing in and out of sedation, being interrogated, hit, grabbing his attacker's arm coming with a syringe, rapped inside his home, transported; 1997 into 2001, by suspects thought to be corporate and or private detectives. Previously Bruzzone is suspect framed in corporate secure data theft and larcenies associated Advanced Micro Devices employment. The "Court can dismiss a

complaint as factually frivolous only if the allegations conflict with noticeable facts and that it was impossible to take judicial notice that none of the alleged rapes [facts] occurred". "*in forma pauperis* complaint is frivolous [under § 1915(d)] where it lacks an arguable basis either in law or in fact", *Neitzke v Williams*, 409 U.S. 319 at 325.

Jurisdiction of court to reform a judgment on the grounds of extrinsic fraud has never been questioned. "Where the unsuccessful party has been prevented from exhibiting fully his case, by fraud or deception practiced on him by his opponent(s), as by [examples cited] these, and similar cases which show that there has never been a real contest in [any] trial or hearing of any [Bruzzone] case [matter], are reasons for which a new suit may be sustained to set aside and annul the (former) judgment or decree, and open the case for a new and fair hearing"; *United States v Throckmorton* 98 U.S. 61 [25 L. Ed .93] quoting *Clark v Clark*, California Appellate, 4th District, September 5, 1961. "In all these cases and many others which have been examined, relief has been granted, on the ground that, by some fraud practiced directly upon the party seeking relief against the judgment or decree, that party has been prevented from presenting all of his case [which is also a nation's case] to the court" *id.*

Rule 60, like all the Federal Rules of Civil Procedure, "is to be liberally construed to effectuate the general purpose of seeing that cases are tried on the merits"; *Rodgers v Watt*, 722 F.2d 456, 459 (9th Cir.1983). In determining Rule 60(b) applicability, courts should be mindful that rules are to be construed to achieve just determination of every action, Fed.R.Civ.P.1, "to effectuate the general purpose of seeing cases are tried on merit and to dispense with technical procedural problems". *Staren v American National Bank & Trust Company of Chicago,* 529 F.2d 1257, 1263

(7th Cir. 1976); "[S]peaking generally, [the considerable body of federal decisions has] been in marked harmony with the proposition that 60(b) is a remedial rule to be liberally construed," 7J, Moore & J. Lucas, Moore's Federal Practice ¶ 60.22[2] at 247 (2d ed. 1982). In *re Magouirk*, 693 F.2d 948, 951 (9th Cir. 1982), "Under Rule 60(b), excusable neglect is liberally construed, especially in instances where order or judgment forecloses a trial on the merits of a claim. See *Schwab v Bullock's Inc.,* 508 F.2d 353, 355 (9th Cir. 1974) and *Patapoff v Vollstedt's, Inc.*, 267 F.2d 863, 865 (9th Cir. 1959).

All circuits have made clear relief is broadly available at Rule 60(b)(6) when justified by extraordinary circumstances, even if one element of extraordinary circumstance is a [long time] ground specified in clauses (b)(1) through (b)(5). Federal Rule of Civil Procedure 60 provides, in relevant part: **(b)** Grounds for Relief from Final Judgment, Order, or Proceeding: On motion and just terms, the court may relieve a party or its legal representative from final judgment, order, or proceeding for following reasons: **(1)** mistake, inadvertence, surprise, or excusable neglect; **(2)** newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); **(3)** fraud (intrinsic or extrinsic), misrepresentation, or misconduct by opposing party; **(4)** the judgment is void; **(5)** the judgment has been satisfied, released, or discharged; it is based on earlier judgment that is reversed or vacated; or applying it prospectively is no longer equitable; **(6)** <u>for any other reason that justifies relief.</u> '"If parties are allowed to manipulate, and otherwise make a mockery of "the temple of justice" <u>through acts of fraud and unnecessary delay</u>, the public will lose faith in the court's ability to settle disputes based on the

facts and substantive law."' *Chambers v. NASCO, Inc.*, 501 U.S. 32, 46 (1991), quoting *Anderson v. Dunn*, 19 U.S. 204, 227 (1821). Fraud upon the court is extended to officers of the court, and when an attorney exerts improper influence on the court "the integrity of the court and its ability to function impartially is directly impinged"; *R.C. by Ala. Disabilities Advocacy Program*, 969 F. Supp. at 691 citing *Broyhill Furniture Industries Inc. v. Craft Master Furniture Corp.*, 12 F.3d 1080, 1085-86 (Federal Circuit 1993).

On setting aside judgment on misrepresentation of evidence, *Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944),* "a court may at anytime set aside a judgment after discovered fraud upon the court . . . the inherent power of a court to investigate whether a judgment was obtained by fraud is beyond question". "Power to unearth such a fraud is the power to unearth it effectively", *Root Refining Co., v Universal Oil Products Co.*, 169 F.2d 514 (3rd Cir 1948). On issues of merit "to vacate judgments whenever action is appropriate to accomplish justice"; *Klapprott v United States*, 335 U.S. 601, 69 S.Ct. 384, 93 L.Ed. 266 (1949) and where the situation could not be "fairly or logically classified as mere 'neglect' on (petitioners) part." Bruzzone has never not defended from defendant fraud whatever the institution of (in)justice including Ninth Circuit; subject only to "a reasonable time" *Ackermann v United States*, 340 U.S. 193, 197-202 (1950). On newly discovered evidence Bruzzone is always denied "must be of material nature and so controlling as probably to induce a different result", *Giordana v McCartney*, 385 F.2d 154 (3rd Cir.1967); and "whenever action is appropriate to accomplish justice"; *Pierre v Bemuth. Lembeke Company*, 20 F.R.D. 1156 (S.D.N.Y)

Jurisdiction of a court in an independent suit to reform a judgment on grounds of extrinsic fraud has never been questioned *Throckmorton*. "Extrinsic fraud induces one not to present a case in court, deprives one of the opportunity too be heard or prevents discovery or obtaining information"; *Cornell Law School LII Wex*. Pursuant *Marshall*, relief from intrinsic fraud has also been granted; "*West Virginia Oil and Gas Co., v George E. Beece Lubler Co.*, g213 F.2d 702 (5th Cir. 1954). Distinction between fraud on the court and fraud relieved by independent action is ambiguous. See, Moore & Rogers, at 692 n266. Cases under the Amended rule of March 1946 have not distinguished between the two types; E.g., *Dowdy v Hawfield*, 189 F.2d 637 (D.C. Cir. 1950); *Hayden v Rumsey Products*, 96 F. Supp 988 (W.D.N.Y. 1951) (suppression of defense). Relief has been granted where consent order was based on erroneous representations by law officials; *Flemming v Huebsch Laundry* 159 F.2d 581 (7th Cir. 1947). Impoverished party attempting too proceed without counsel, filed an answer that did not comply with the rules; *Woods v Severson* 9, F.R.D. 84 (D. Neb 1948).

Attempting to free himself from defamation Bruzzone is subject continuous denial of his 14th amendment guarantee to expose, through discovery and extensive examination defendant fraud(s) subject 15 U.S.C. § 1, 18 U.S.C. 1962c, 42 U.S.C. 1981(a)(b), in-state §1983 proximate concert acts 42 U.S.C. § 1985(1)(2)(3) subject *Bivens v Six (Un)known Narcotics Agents*, 403 U.S. 388 (1971); *Cherry St., LLC, v Hennessee Group LLC*, 573 F.3d 98 (2nd Cir. N.Y. 2009), *Continental Ins. Co. v Pierce County. Wash.*, 690 F.Supp. 930 (W.D. Wash 1987); *Davis v Welchler* U.S. 22, 24; *Global-Tech Appliances, Inc., v SEB S.A.*, Supreme Court of United States,

Certiorari to U.S. Court of Appeals for Federal Circuit No 10-6; argued February 23, 2011; *Int'l Boxing Club,* 348 U.S. 236, (1955); *Kapp v National Football League*, 586 F.2d 644, 648-49 (9th Circuit 1978); *Kehr v A.O. Smith Corp. 521 U.S. 179* (1979); *Klor's Inc. v. Broadway-Hale Stores*, Inc, 359 U.S. 207 (1959); *Monell v Department of Social services of the City of New York*, 436 U.S. 658 (1978); *Monroe v Pape*, 365 U.S. 167, 196 (1961); *Radovich v Nat'l Football League*, 352 U.S. 455 (1957), *Sedima S.P.R.L v Inrex Co.*, 105 S.Ct 3275, 3285 (1985), *Stern v United States Gypsum*, 547 F.2d 1329, *Stromberg v California*, 28 U.S. 359; NAACP v Alabama, 375 U.S. 449; *Ostrofe v H.S. Crocker Company,* 740 F.2d 739 (9th Circuit 1984); *Spurr v United States*, 174 U.S. 728, 735; *Tellis v United States Fidelity & Guarantee Co.*, 805 F.2d 741, 748 (7th Cir. 1986); *Wilson v Garcia* 471 U.S. 261 (1985). Denied relief, "defendants have not established beyond doubt plaintiff can prove no set of facts in support of [Bruzzone] claim[s] for relief"; *Conley v Gibson*, 355 U.S. 41, 45 (1957). Nor can defendants prove Bruzzone claims are frivolous; *Neitzke v Williams, Dixon v Pitchford.* Let them try to prove "no merit" – send this case to discovery.

In cases involving public figures or matters of public concern, the burden is on the plaintiff to prove falsity in a defamation action. *Nizam-Aldine v City of Oakland*, 47 Cal. App. 4th 364 (Cal. Ct. App. 1996). In cases involving matters of purely private concern, the burden of proving truth is on the defendant. *Smith v Maldonado*, 72 Cal.App.4th 637, 646 & n.5 (Cal. Ct. App. 1999).

Intel defamatory use of SLAPP in federal court and ARM Inc. defamatory furtherance in Califiornia State exhibit their concert reliance CCP §§ 391(b), 425.16, 425.17, 425.18 for their purpose of slandering to libel, in these matters, Federal Trade

Commission discovery aid Bruzzone who is 42 U.S.C. §1981 (a)(b) Intel Inside® recovery "lawful" class advocate verse Intel Corp. lawless associates have no ground [too stand] on Anti-SLAPP, Bruzzone speech is protected enlisted in federal and state agency; *Hilton v Hallmark Cards*, 599 F.3d 894 (2010); *New.Net Inc. v Lavasoft* 355 F.Supp. 2d 1090, 1098 (C.D. Cal. 2004); at Clayton and in California Cartwright Act.

California Anti-SLAPP provides if a motion under statute is granted, pursuant ARM Inc., and the moving respondent demonstrates that Petitioner Intel brought the cause of action for purpose of harassment, or delay, too inhibit respondent's public participation, to defame, to interfere with respondent movement to exercise protected constitutional rights, or expose wrongful injure to plaintiff and lawful class, the court shall award moving party for actual damages; $6.6 B price fix recovery proposed.

California, like other states, discourages "strategic lawsuits against public participation [where] anti-SLAPP [can] masquerade as ordinary suits but are brought too deter citizens from exercising their political or legal rights or to punish them for doing so." *Batzel*, 333 F.3d 1024.

California appellate courts have developed multiple tests to determine whether a defendant's activity is in connection with a public issue. California Appellate for First District surveyed appellate cases and divined from three categories of public issues: **(1)** statements "concern[ing] a person or entity in the public eye"; **(2)** "conduct that could directly affect a large number of people beyond the direct participants"; **(3)** "or a topic of widespread, public interest" Id. at 89. In *Weinberg v. Feisel* the Third District articulated a more restrictive test designed to distinguish between issues of "public, rather than merely private, interest", 110 Cal.App.4th 1122, 2 Cal.Rptr.3d

385, 392 (2003). **First**, "public interest" does not equate to mere curiosity. **Second**, a matter of public interest should be something of concern to a substantial number of people. **Third**, there should be closeness between the challenged statements and the asserted public interest. **Fourth**, the focus of speaker's conduct should be in the public interest rather than a mere effort to gather ammunition for another round of private controversy. **Finally**, [a] person cannot turn private information into a matter of public interest by communicating it to a large number of people; Id. at 392-93.

Two categories of conduct to which anti-SLAPP statute applies are "any written or oral statement or writing made in a place open to public or public forum in connection with an issue of public interest", and "any other conduct in the furtherance of the exercise of the constitutional right of a petition, or the constitutional right of free speech in connection with a public issue or an issue of public interest." § 425.16, subd. (e)

In *Weinberg v Feisel*, 110 Cal App 4thm 1122, 2 Ca; Rptr, 3d 385 at California Court of Appeal, (2003) "causes of action arising out of [false] allegations of criminal conduct, made under circumstances like those alleged in this case, are not subject to anti-SLAPP. Otherwise, wrongful accusations of criminal conduct, which are among the most clear and egregious types of defamatory statements, automatically would be accorded the most stringent protections provided by law, without regard to circumstances in which they were made – a result that would be inconsistent with the purpose of the anti-SLAPP and would unduly undermine protection accorded by paragraph 1 of Civil Code § 46, which includes as slander any false and unprivileged communication charging a person with a crime, and the California rule that false

accusations of crime are libel per se (Civ. Code, § 45a; 5 Witkin, Summary of Cal. Law (9th ed. 1988) Torts, § 482, p. 566). Where Intel Corporation, ARM SoftBank and ARM Inc. cannot demonstrate Bruzzone makes criminally wrong accusations therefore vex, misrepresent to unknowing law enforcement, secure FBI and Secret Service affiliate fixer, detectives, hooligans and informants to SWAT Bruzzone, place in false or hateful light while Bruzzone is engaged in protected activity, on **1)** federal discovery enlistment, **2)** federal investigative contract, **3)** on inter-nation, federal and state discovery, including California Department of Justice investigative assignment affirming Intel Corp. antitrust violations, **4)** on Bruzzone knowledge and witness to civil racketeering, **5)** to criminal racketeering, **6)** on witness to his own marking, targeting, retaliatory defamation, denied confrontation explicitly meant to punish and make a crime ring's example, including for not playing ball with Intel Corp. engaged in cartel sales operations, interstate commerce violation, competitor theft including by employees, media operatives, business agents some of whom recruit Bruzzone to aid them in secure data theft; 1991 through 1996. Bruzzone first reports to FBI July 1996.

REASON FOR GRANTING THE WRIT

Northern California District and Ninth Circuit are caught in defendant network sophistry unable to substantiate, on fact and law, Bruzzone is anything other than a federal agent and patriot whose 14th amendment guarantee too free himself on the merit of his claims exposing defendant's concert six year defamatory fraud, and 29 year retaliatory targeting by associate actors including jurists disabling mechanic's of justice process furthers harm to Bruzzone professional, financially, in reputation and makes both nation and industry crime example irregularly "rendered contrary to the

CERTIFICATE OF COMPLIANCE FORM AND WORD COUNT

Petitioner declares under penalty of perjury this writ has been formatted pursuant rule 33.2 in acceptable type face and font. The processing system word count the body of this declaration sans cover, table of contents and table of authorities is 6,230 words.

Date: August 6, 2020

Michael Bruzzone, in pro se

Michael A. Bruzzone
Representing Self, Campmkting@aol.com

**In UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Michael A. Bruzzone Petitioner - Appellant v. Intel Corporation, in concerted action with ARM Holdings plc and ARM Inc. executives and their attorneys; et al., Defendants - Appellee Defendants	Ninth Circuit No. 20-15326 from ECAD 2:18-cv-0865 KJM DB PS **Petition for (re)HEARING FRAP 40 MOTION TO ALTER OR AMEND JUDGMENT PURSUANT FRCP 59(a)(1)(b) subject FRCP 60(b)(1)(3)(6) and 28 U.S.C. § 455(a)(b)(1)(5)(iv)** **Appellant seeks reinstatement of Appeal at FRCP 4 on interference to disable the mechanics of justice process, Dismissal is not an inadvertent mistake on the history of Intel Corp. and ARM Inc. related case matters but the denial of Justice process on extrinsic fraud, associate network at 18 U.S.C. § 1962c and the extra judicial chicanery cognizable 18 U.C.C. § 1964c at *Bivens*** **Appeal is meritorious, "beyond doubt"** **Originating Eastern District supports Petitioner right to appeal; filing fee is paid** **Judge Graber bias contested Oregon Judge Nelson bias contested BYU** **Seeking management oversight from Chief Justice Thomas in a case matter said reviewed Judges Graber, R. Nelson, and Vandyke. Appellant ponders whether that is true on potential manipulation by the reviewing Clerk to quash this appeal advising "frivolous" and generating said dismissal for Judge's rubber stamp.**

RELIEF SOUGHT

Justice Thomas; appellant seeks reinstatement of appeal 20-15326 for panel hearing and cautions at 28 USC § 455(a)(b)(1)(5)(iv) not just assignment or draw of Ninth Circuit Judges pursuant review, but of any law Clerk assigned to make a case recommendation for judicial consideration the merits of this appeal. Appeal is meritorious, Eastern District has never opposed and supports [all] Plaintiff's right to appeal; the appeal filing fee is paid.

Filed with Clerk of Ninth Circuit, served July 12, 2020

/s/
Michael Bruzzone, representing self

FBI Original Source of Intel Network RICO in 1996
FTC Invited Field Report Docket 9288; 1998 – 2000
CDOJ and NYDOJ First to Report Intel Section 1 Violation in 1998
CDOJ Lettered to Work Report, Intel Section 15 USC 1 Violation in 2000
SEC Notice INTC Stock Market Rig, Accounts Fraud; 2007 through current
U.S. Attorney Northern California District FCA Relator; 2008 & current
FTC Witness Analysts v Intel Corp. Docket 9341 now consent order monitor
Court of Appeals Federal Circuit Acknowledge 31 USC § 3730 Relator; 2014