

QUESTION(S) PRESENTED

Three Orders by three Judges, at three different Superior Court branches in California, without hearing Petitioner (on 09/28/20, 09/30/20, 10/30/20), agree/believe that preserving the employment status of an assigned Court Reporter, over the Petitioner's Constitutional Rights **"would farther the interest of justice"**; and therefore ruled/ordered: **"The [Superior] Court recuses itself on this case"**. [Bold Highlight] And without Qualification, in bias, in abuse of discretion, threw Petitioner out from entire Superior Court of California; the Court Reporter is defendant (20) in Petitioner's Superior Court Case: 20TRCV00564;

Question 1:

Were Petitioner's Constitutional Rights violated (including the 1st, 5th, and 14th Amendment(s))?

Question 2:

"The [Superior] Court recuses itself on this case", while not transferring/reassign the case to the California Federal Court, is in violation of Petitioner's Constitutional Rights?

LIST OF PARTIES

At the California Superior Court Case No.: 20TRCV00564

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:

“ BALDWIN RENEE- Defendant;
 BORDEN KIM – Defendant;
 CHANDLER'S SAND & GRAVEL INC.- Defendant;
 DEPARTMENT OF HOUSING AND COMMUNITY
 DEVELOPEMENT- Defendant;
 DOSE 20 - 50 – Defendant;
 DOWDALL LAW OFFICES A.P.C. –Defendant;
 DOWDALL TERRYR. – Defendant;
 EIFLER ROBIN G.- Defendant;
 FAMIGHETTI ROBIN- Defendant;
 FLAKER TRACIE- Defendant;
 GALINDO EDWIN G. – Defendant;
 GUZMAN MANUAL- Defendant;
 GUZMAN VICTOR – Defendant;
 MEGEFF JON- Defendant;
 MIYAKE KEN – Defendant;
 N & K COMMERCIAL PROPERTY INC. – Defendant;
 THE MANAGEMENT OF SKYLINE MOBILE PARK- Defendant;
 THOMPSON-BELL DELLA- Attorney for Defendant;
 TORRANCE POLICE DEPARTMENT; & DEPARTMENT OF
 MENTAL HEALTH/MENTAL- Defendant;
 WAY TSAE- Defendant;
 WEINERT RICHARD- Defendant;”

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR A WRIT OF MANDAMUS

Petitioner respectfully prays for a writ of certiorari as follows.

OPINIONS

The opinion of the highest state court to review the merits appears at APPENDICES A, B, and C to the petition and is made by the Superior Court of California; and is unpublished.

JURISDICTION

Article III of U.S. Constitution, 28 U. S. C. § 1254, §1651, Sup. Ct. Rule 20. And under 28 U. S. C. § 1257(a).

The dates on which the Superior Court of California decided my case are:

On 09/28/2020 at Torrance Courthouse;

On 09/30/2020 at Stanley Mosk Courthouse; and

On 10/08/2020 at Burbank Courthouse.

A copy of these Orders/decision appears at Appendices A, B, and C;

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. The 1st Amendment "petition the government for a redress of grievances"
2. The 14th Amendment, not to deprive "any person of life, liberty, or property, without due process of law", a legal obligation of all states.
3. The 14th Amendment, not to deprive "equal protection of the laws"
4. The 5th Amendment, Due process does require that certain procedures be followed before any action is taken.

RELIEF SOUGHT

Petitioner prayer for reversal; and have Petitioner back as a Plaintiff to California Superior Court at Torrance Courthouse, Case No.: 20TRCV00564, and if possible with same Hon. Judge Tanaka;
Or other relief as this Hon. Court deems appropriate.

FACTS / STATEMENT OF THE CASE

Petitioner a 74 years Old person with medical issues that cannot drive long distances to be followed by Court appearance, [see, Complaint pars., 26.b; 26.h.; 51.; 75; see case docket dated 10/07/2020 EXHIBIT 12], a non-attorney, English language is not Petitioner's primary, that lives on SS income at a Mobile Home Park.

1. On 08/11/2020, in the Superior Court of California, Torrance Courthouse, case TRCV00564, the Complaint was filed under Equitable Relief / State Laws / Federal Laws and Federal Constitution; ("the Case")

2. On 09/28/2020 – a Minute Order; Appendix A, and without hearing Petitioner, in bias, in abuse of discretion, without Qualification the Hon. Judge Tanaka disqualified himself and also Ordered/ruled:
"The [Superior] Court recuses itself on this case." (Underline, [], added); *throws* Petitioner out the entire California Superior Courts; violating Petitioner's Constitutional Rights [including 1st, 5th, 14th Amendment(s)] to our Federal Constitution, as stated on above p. 2;

3. On 09/30/2020 - a Minute Order; Appendix B, and without hearing Petitioner, in bias, in abuse of discretion, at the Stanley Mosk Courthouse of California Superior Court, the Hon. Judge Jessner overrides/conflicts the order dated 09/28/2020 which she herself directed, to have without qualifications, "The [Superior] Court recuses itself on this case.", and in a Surprise move reassigned the Petitioner's Case to California Superior Court at Burbank Courthouse; as far and on the border of Los Angeles

County; instead of transferring/reassign the case to Federal Court. In violation of Petitioner's Federal Constitution rights [1st, 5th, 14th Amendment(s)], as stated on above p. 2;

4. On 10/02/2020 Petitioner filed in Case 20TRCV00564 an Objection to the Minute Order dated 9-30-20; and a Request for Relief. No response, Petitioner's Federal Constitution Rights are still violated;

5. On 10/05/2020 Petitioner's Ex Parte Application for Order to Disqualify the Hon. Superior Court Judge Stewart, in which the case was reassigned to him, at Burbank Courthouse based on CCP 170.1, 170.5; an effort to have a Judge perform Due Process, and give Petitioner a day in court; and will assign the case back to Torrance Courthouse;

6. On 10/06/2020 Petitioner send a Request Relief letter-from-USA Supreme court Hon. Justice John G. Roberts, Jr.; Petitioner approached the Hon. Justice because she believed her rights under the Federal Constitutions were violated and the California Superior Court did not care for her Objection nor for the Federal Constitution. The letter dated 10/06/2020 was filed with the California Superior Court on 10/09/2020;

7. On 10/08/2020 additional and a second Ex Parte Application, under State/Federal Laws and Federal Constitution for Order to Disqualify Superior Court Judge(s) Jessner based on CCP 170.1 and 170.5 and Request to Reassign Case Back to Superior Court Located at Torrance Courthouse, Ex Parte addressed by paper Format return receipt

requested to the Hon. Judge Jessner; the hearing day was put on the docket and then removed immediately same day on 10/08/2020;

8. On 10/08/2020, Order; Appendix C, and without hearing Petitioner, at the Burbank Courthouse of California Superior Court, the Hon. Judge Stewart in bias and abuse of discretion, had Stroked the Petitioner's STATEMENT of Disqualification, one day ahead of the hearing day scheduled and was on the case Docket; and by doing so gave Hon. Judge Jessner a release from responding to the ExParte addressed to her;

Judge's Stewart Opinion to justify the said Stroked was untimely filing; such is contradicted by the time line provide above; also Judge Stewart justified the said Stroked because Petitioner's STATEMENT of Disqualification is a self-conflict arguments. Petitioner has no Self-conflict argument; Order dated 09/28/2020 ruled "The [Superior] Court recuses itself on this case."; and *throws* in violation of Petitioner's Constitutional Rights the Case out of any Superior Court in California; while Order dated 09/30/2020, conflicts Order 09/28/2020, by reassign the case to Burbank Courthouse; and it was not Petitioner that made these conflicting orders;

REASONS FOR GRANTING THE PETITION

1. Adequate Relief Cannot Be Obtained In Any Other Forum or From Any Other Court

- a. Petitioner's Constitutional rights: 1st, 5th, and 14th, Amendment(s) were violated; while Petitioner has earned the right to a day in Torrance Courthouse, by living and building Torrance for over 30

years. And while was approved, since 08/11/2020 to be Plaintiff in this Superior Court; and case 20TRCV564 docket shows that.

- b. The three Orders already produced in State Court are a mirror image of the State Courts' Opinions, of wishing our Federal Constitution out of their Court rooms, to be free to have "believes" that are in violation to our Federal Constitution.
- c. Mandamus appropriate where petitioner "lack adequate alternative means *to obtain the relief they seek*", *Mallard v. U.S. Dist. Court for S. Dist. of Iowa*, 490 U.S. 296, 309, (1989). And living on SS income, with a fee waiver is not adequate means to obtain the relief Petitioner seeks; Petitioner is 74 years old and lives on SS, with medical issues; and the Court Reported is having a job and income; she was assigned to Torrance Courthouse, and very young, and can be reassigned to another court house;

2. Exceptional Circumstances

The Hon. Judges has exercised their discretions, without any hearing to Petitioner medical issues and unfair to ask Petitioner to drive at old age such long distances to Burbank Courthouse, and then to plead her case; constitutes as exceptional circumstance, *Roche*, supra 27. Instances of "clear abuse of discretion," *Bankers Life & Casualty Co. v. Holland*, 346 U.S. 379, 383, (1953), or conduct amounting to "usurpation of [the judicial] power," *De Beers Consolidated Mines, Ltd. v. United States*, 325 U.S. 212, 217, (1945), to be *entitled to issuance of the writ*", *Mallard v. US. Dist. Court for S. Dist. of Jo wa*, 490 U.S. 296, 309, (1989) ("*Mallard*").

3. The Writ Will Be In Aid of State Court at any level;


Because it will provide the missing Superior Courts' procedures to take place in such cases; and eventually will save the Public Money, time and hardship;

CONCLUSION

For the foregoing reasons, Petitioner respectfully asks this Hon. Court to grant the petition for a writ of mandamus and prohibition, or, in the alternative, the petition for a writ of certiorari

Respectfully submitted,

Date: 10/13/2020




Nira Woods, Dr. Petitioner

CERTIFICATE OF COMPLIANCE

Pursuant to rule 8.204(c) of the California Rules of Court, I hereby certify that this brief contains 1881 words, including footnotes.

In making this certification, I have relied on the word count of the computer program used to prepare the brief.

Respectfully submitted on 10/13/2020



Petitioner Nira Woods, Dr.