

No.

20-6329

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

OCT - 8 2020

OFFICE OF THE CLERK

DANIEL ACEDO — PETITIONER
(Your Name)

US DISTRICT COURT VS FOR SOUTHERN DISTRICT CALIFORNIA
SAND 1660 — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

9th Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Daniel Acedo
(Your Name)

P.O. Box 8101
(Address)

San Luis Obispo, CA 93409
(City, State, Zip Code)

N/A
(Phone Number)

RECEIVED

OCT 16 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Whether is unreasonable for an officer to re-enter private property to conduct a secondary search without consent

~~Whether is unreasonable for an officer to re-enter private property to conduct a secondary search without consent~~

~~Whether is unreasonable for an officer to re-enter private property to conduct a secondary search without consent~~

~~Whether is unreasonable for an officer to re-enter private property to conduct a secondary search without consent~~

and the US District Court not to rule on the issue and the Ninth Circuit to ignore the issue citing that Mr. Acedo fail to show "extraordinary remedy".

In other words the US District Court cites "mandate" and fails to take jurisdiction and the Ninth Circuit simply fail to intervene to force the US District Court to take jurisdiction

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:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- US DISTRICT COURT FOR SOUTHERN DISTRICT
CALIFORNIA, SAN DIEGO
- HON. JOHN A. HOUSTON
- HON O'SCANNLAIN.
- HON RAWLINSON
- HON. CHRISTEN.

US SUPREME COURT

DANIEL ACEDO

PETITIONER

V.S.,

US DISTRICT COURT OF SOUTHERN
DISTRICT CALIFORNIA, SAN DIEGO;

WRIT OF CERTIORARI

ARISING FROM NINTH CIRCUIT COURT OF
APPEALS AND US DISTRICT COURT OF
SOUTHERN DISTRICT, CALIFORNIA, SAN DIEGO

By Daniel Acedo
P.O. Box 8101
San Luis Obispo, CA 93409

Disclaimer: The 9th Circuit Court of Appeals
Opinion is appended in Appendix A Case No.
20-72622.

LIST OF PARTIES

- US DISTRICT COURT FOR SOUTHERN DISTRICT, CALIFORNIA, SAN DIEGO.
- HON JOHN A. HOUSTON
- HON O' SCANNLAIN
- HON. RAWLINS
- HON. CHRISTEN

TABLE OF AUTHORITIES

CASES:

In re Hohorst (1893) 150 U.S. 653

Hall v. City of Los Angeles., 697
F. 3d 1059, 1067

Bell v. City of Los Angeles., 835 F.
Supp. 2d 836, 849.

Pembaur v. Cincinnati., 745 F. Supp. 446,
458 (6th Cir. 1990)

INDEX TO APPENDICES

APPENDIX A ORDER CASE NO. 20-72622

US Supreme Court

DANIEL ACEDO
PETITIONER

vs.
PETITION FOR WRIT OF
CERTIORARI

v.s.

US DISTRICT COURT FOR
SOUTHERN DISTRICT CALIFORNIA,
SAN DIEGO
RESPONDENT

I
QUESTION PRESENTED FOR REVIEW

1. Whether is unreasonable for an office
to re-enter private property to conduct
a secondary and the US District Court
not to rule on the issue and the Ninth Circuit
to ignore the issue citing that Mr. Acedo
fails to show "extraordinary remedy"
In other words the US District Court cites
"mandate" and fails to intervene to force the
US District Court to take jurisdiction.

II.

CONVULS STATEMENT OF
JURISDICTION, DATES OF JUDGMENT
OR ORDER SOUGHT TO BE REVIEWED,

- On or About May 12, 2020 a motion to enter judgment in Case # 14-cv-00903 JAH-MDD in *Acedo v. Pineda* was sent to the US District Court Southern California San Diego
- On or About 6-3-2020 the court rejected the motion citing the rule of mandate
- on 7-29-2020 I discovered *Hall v. City of LA.*, 697 F.3d 1054, 1067 which afforded the court jurisdiction to enter judgment on the claim revolving around a secondary search without consent

A mandate to compel John A. Houston to take jurisdiction was sought without avail.

An appeal was not possible because the court rejected the motion.

III

SUPREME COURT JURISDICTION
AND WHY THIS COURT SHOULD CONSIDER
GRANTING WRIT OF CERTIORARI

Previously in "In re Hobarst" (1893) 150
US 653 this court compelled the lower
court to take jurisdiction and this
court should compel the lower court
to provide a decision in accordance
with due process

IV

FACT

A SECONDARY SEARCH OF MY VEHICLE
AND BELONGINGS WAS MADE WHICH

IS CONTRARY TO NINTH CIRCUIT LAW YET
I AM NOT BEING AFFORDED DUE PROCESS

V

ARGUMENT

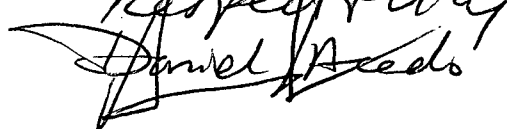
In Bell v. City of Los Angeles., 835
F. Supp. 2d 836, 849; 2017 US Dist
Lexis 65231:: Shell v. Ferry City::
April 28, 2017 It was held that
secondary searches are unreasonable
and the lower court is failing to
take jurisdiction which is harming
my due process rights

VI

CONCLUSION

Petitioner Request that this court
GRANT the writ of certiorari or
otherwise compel the lower court to take
jurisdiction

10/7/2020

Respectfully
 Daniel Needs

APPENDIX

APPENDIX A ORDER NO. 20-72622

APPENDIX B MOTION ~~SUB~~ SEEKING
JUDGMENT

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TABLE OF AUTHORITIES.

In re Hohorst (1893) 150 US 653.

Hall v. City of Los Angeles, 697 F. 3d 1059,
1067.

Bell v. City of Los Angeles, 835 F. Supp.
2d 836, 849

Pembarr v. Cincinnati, 745 F. Supp. 446, 458
(6th Cir. 1990)

APPENDIX A
DANIEL ACEDO
P.O. BOX 8101
SAN LUIS OBISPO, CA 93409

U.S. COURT OF APPEALS
NINTH CIRCUIT

DANIEL ACEDO
PETITIONER

NO.
WRIT OF MANDATE

VS.

JOHN A. HOUSTON
RESPONDENT

I.
JURISDICTION

THIS COURT HAS JURISDICTION TO COMPEL
JOHN A. HOUSTON TO TAKE JURISDICTION
AND ENTER JUDGEMENT IN FAVOR OF
DANIEL ACEDO IN CASE NO. 17-CV-2592 JWS
(JUB) A CASE IN THE US DISTRICT COURT
SOUTHERN DISTRICT IN SAN DIEGO

See In re Hohorst (1893) 150 US
653;

II

SHORT AND PLAIN STATEMENT ENTITLING PETITIONER TO RELIEF

- ① MR. ACEDO BROUGHT A SUIT IN THE US DISTRICT COURT IN SAN DIEGO IN CASE NO. 14-CV-00903-JAH-MDD
- ② THE SUIT WAS IN REFERENCE TO AN ENTRY INTO PRIVATE PROPERTY FOR ARREST... AN APPEAL HAD AN A JUDGEMENT WAS AFFIRMED.
- ③ INCLUSIVE IN THE COMPLAINT WAS A CLAIM FOR A SECONDARY SEARCH IN WHICH THE LOWER COURT DID NOT ENTER JUDGEMENT FOR MR. ACEDO
- ④ TWICE I HAVE ATTEMPTED TO HAVE THE LOWER COURT ENTER A JUDGEMENT FOR MR. ACEDO. THE LOWER COURT HAS CITED MANDATE ISSUED FROM THE

COURT OF APPEAL AFFIRMING THE COURT'S JUDGMENT.

(5) Hall v. City of Los Angeles, 697 F.3d 1059, 1067 :: December 9, 2011 provides that (matters which are outside the mandate can be decided by the lower court)

(6) The lower court did not address Ernesto Pinedo's secondary search therefore no judgement existed or exist as to this claim for this court to have affirmed.

In other words the lower court is failing to invoke its apparent jurisdiction to deny Mr. Acedo his right of recovery as already supported by dicta

See Bell v. City of Los Angeles, 835
F. Supp. 2d 836, 849; Pembarr v. Cincinnati,
745 F. Supp. 446, 458 (6th Cir. 1990)

Conclusion

This petition should be granted
ordering John A. Horston to invoke
jurisdiction See *In re Horst* (1893)
150 U.S. 853.

/s/ 2020

Respectfully
Daniel Acedo

Appended Exhibit OOI ACEDD

DANIEL ACEDO
P.O. BOX 8101
SLO, CA 93409

US DISTRICT COURT
OF SOUTHERN DISTRICT

DANIEL ACEDO

Petitioner

V.S.

ERNESTO PINEDO; et al.

Respondent

Case No.: 14-cv-00903-JAH-MDD

NOTICE AND MOTION

TO ENTER JUDGEMENT

IN FAVOR OF

DANIEL ACEDO.

Hon. JOHN A. HOUSTON

NOTICE TO DEFENDANTS AND THEIR ATTORNEY
OF RECORD.

PLEASE TAKE NOTICE THAT DANIEL ACEDO
SEEKS A \$5,000 USD PRESUMED
DAMAGES JUDGEMENT FOR THE SECONDARY
SEARCH THAT ERNESTO PINEDO DID BY
WHICH MR. PINEDO ENTER 799 ADA ST A
SECOND TIME TO TAKE PICTURES OF
MY VEHICLE WITHOUT MY CONSENT AND
WITHOUT ANY LAWFUL CONSENT AND BY

11)

MR. PINEDO'S OWN ACCORD AND VOLITION.
See PBAs attached.

1/2020

Respectfully
Daniel Acedo

Memorandum of Points and Authorities

Previously the court rejected a request to enter judgment against Ernesto Pinedo for a secondary search.

The court sent Exhibit 1 citing Mandate issued from the Ct. of Appeal
See Ex 1

After properly reviewing the 6-3-2020 rejection and on 7-29-2020 discovering Hall v. City of Los Angeles, 697 F.3d 1059, 1067 :: December 9, 2011. (providing that the lower court can decide issues that are not part of the mandate)

At no point did the Ct of Appeal rule on the secondary search and the court here did not grant Mr. Acedo relief as required by law.

See *Tomlin v. McDaniel*, 865 F.2d 209, 211 (9th Cir. 1988); *Combs v. Nick Garin Trucking* 825 F.2d 437 (Fed Cir. 1985)

The record shows that Ernesto Pinedo did a secondary search and the secondary search was unreasonable and calls for a judgement of \$5,000 USD in presumed damages See *Pembaur v. Cincinnati*, 795 F.Supp. 446, 458 (6th Cir. 1990)

The Ninth Circuit has already ~~established~~ establish that Secondary search are unreasonable See *Bell v. City of Los Angeles*, 835 F.Supp.2d 836, 849; *US v. McMullin*, 576 F.3d 810 (8th Cir. 2009); 2017 US Dist Lexis 65231 :: *Shell v. Ferry Cnty* :: April 28, 2017