

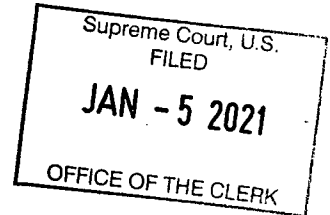
No. **20-6898**

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2020

ORIGINAL

LEWIS ANDERSON,
PETITIONER.

V.



UNITED STATES OF AMERICA,
UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA,
GAY ROBERTSON, CLERK OF THE COURT FOR THE
UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA,
THE PEOPLE OF THE STATE OF CALIFORNIA,
LISE S. JACOBSON, DEPUTY ATTORNEY
GENERAL FOR THE STATE OF CALIFORNIA,
DEBBIE ASUNCION, WARDEN FOR CALIFORNIA
STATE PRISON - LOS ANGELES COUNTY,
RESPONDENTS.

PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT.

PETITION FOR WRIT OF CERTIORARI

LEWIS ANDERSON, PRO SE

IN CARE OF:

LEWIS ANDERSON,
CALIFORNIA STATE PRISON
LOS ANGELES COUNTY
P.O. BOX 8457
LANCASTER CALIFORNIA
93539

QUESTIONS PRESENTED

1. ARE *SEHLUP V. DELO*, 513 U.S. 294 (1995), A "SUPERSEDEAS" ACTUAL INNOCENCE "GATEWAY CLAIM" THAT GOVERNS THE COMMON-LAW WRIT OF HABEAS CORPUS COMMANDING A LEGAL STAY OF PROCEEDING ON A TIME BAR PROCEDURE AND COMMANDS THE UNITED STATES DISTRICT COURT TO REFRAIN FROM PROCEEDING ON THE MERITS OF A TIME BAR?

2. DO A UNITED STATES DISTRICT COURT CLERK HAVE THE APPROVAL FROM THIS COURT TO "SEARCH", "SEPARATE", "SEIZE", "SUPPRESS", "ALTER", AND "DESTROY" A PETITIONER'S FEDERAL PETITION FOR WRIT OF HABEAS CORPUS PRIOR TO THE FILING OF THE APPLICATION?

3. WERE PETITIONER OBLIGATED BY LAW TO CONTINUE THE LITIGATION ON THE PETITION FOR WRIT OF HABEAS CORPUS AFTER PETITIONER INFORM THE DISTRICT COURT ON THE FOURTH AMENDMENT VIOLATION TO THE UNITED STATES CONSTITUTION?

4. WERE THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT OBLIGATED BY LAW TO STAY THE PROCEEDING AND CONDUCT A INDEPENDENT INVESTIGATION INTO THE ALLEGATIONS OF MISCONDUCT IN THE DISTRICT COURT AFTER PETITIONER INFORM THE NINTH CIRCUIT PRIOR TO THE DISMISSAL OF THE PETITION FOR WRIT OF HABEAS CORPUS ON THE CONSTITUTIONAL VIOLATIONS?

5. SHOULD PETITIONER HAVE BEEN ALLOWED THE EVIDENTIARY HEARING HE REQUESTED OF THE DISTRICT COURT IN HIS HABEAS PETITION PROCEEDING FOR THE PURPOSE OF ATTEMPTING TO DETERMINE WHETHER THE ALLEGATIONS INVOLVED ABUSING THE DISTRICT COURT OF THE FOURTH

AMENDMENT VIOLATION OF REMOVING PETITIONER'S MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF THE PETITION FOR WRIT OF HABEAS
CORPUS?

6. IN ACCORDING FEDERAL AND CONSTITUTIONAL LAW ARE 18 U.S.C.
U.S.C.A., AND U.S.C.S. SECTION 113 THE FEDERAL AND CONSTITUTIONAL
PROVISIONS PROVIDED FOR CRIMES COMMITTED WITHIN THE TERRITORY
OF THE UNITED STATES OF AMERICA, AND IF SO ARE PETITIONER ENTI-
TLED TO BE PUNISHED IN ACCORDING TO THE SUBDIVISIONS OF THAT LAW?

7. WHERE PETITIONER ENTITLED TO BE CHARGE WITH THE CLASS
'B' PETTY MISDEMEANOR OFFENSE FOR SLAPPING HIT GIRLFRIEND IN THE
FACE THREE TO FIVE TIMES AND THE BLOWS SPLIT / OR BRUISE THE GIRL-
FRIEND'S INNER UPPER LIP?

8. WHERE THERE A BRADY CONSTITUTIONAL SUPPRESSION VIOLATION CAU-
SE BY THE UNLAWFUL REMOVAL OF THE REBUTTER CONSTITUTIONAL EVIDE-
NCE?

9. WHERE THERE AN ACT OF DELIBERATE, INVIDIOUS DISCRIMINA-
TION IN THE ENFORCEMENT OF LAW COMMITTED BY THE UNITED STATES
DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA BY THE UN-
LAWFUL SEARCH AND SEIZURE OF PETITIONER'S MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF THE PETITION FOR WRIT OF HABEAS
CORPUS?

TABLE OF CONTENTS

QUESTIONS PRESENTED	(iii). (iv)
TABLE OF AUTHORITIES	(v). (vi). (vii)
OPINIONS BELOW	1
JURISDICTION	1, 2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	2, 3, 4, 5
STATEMENT	11, 12, 13, 14, 15, 16
REASONS FOR GRANTING THE PETITION	16, 17, 18, 19, 20, 21, 22

THE SUPREME COURT SHOULD GRANT THE PETITION TO PLACE THE FINAL DETERMINATION ON WHETHER THE PETITIONER WAS GIVEN THE OPPORTUNITY TO PRESENT HIS FEDERAL PETITION FOR WRIT OF HABEAS CORPUS TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, WHEN AN OFFICIAL OF THE COURT TOOK IT UPON HIMSELF/HERSELF TO UNLAWFULLY REMOVE THE MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE PETITION FOR WRIT OF HABEAS CORPUS BEFORE THE FILING OF THE APPLICATION .

PETITIONER ASSERT TO KEY 23; FOURTH AMENDMENT, AND REASONABLENESS IN GENERAL, S.D. N.Y. 2010, CONSTITUTIONAL VIOLATION IN SEARCH AND SEIZURE CASE IS COMPLETE WHEN GOVERNMENT OFFICIALS MAKE UNLAWFUL SEARCH OR SEIZURE; COERCED CONFESSION CASE; IN CONTRAST, MAY INVOLVE MORE THAN ONE CONSTITUTIONAL VIOLATION AND, WHERE IT DOES TWO OR MORE VIOLATIONS MAY OCCUR AT DIFFERENT TIMES AND BY DIFFERENT ACTIONS. U.S.C.A. CONST. AMENDS. 4, 5. — U.S. V. GUILANI, 743 F. SUPP. 2d 242.

CONCLUSION	23
----------------------	----

TABLE OF AUTHORITIES

CASES	PAGE
PHILLIPS V. ALLEN, 743 F. SUPP. 2d 951 [W.D. ILL. 2010]	4-5
MURRY V. LARRIER (1986) 477 US 478 912.E2 397, 106 S. CT 2639	4
LOESZEL V. CITY OF FRANKENMUTH, 743 F. SUPP. 2d 619 [E.D. MICH. 2010]	7
SCHUPP V. DELO: 513 US 292 (1995)	3-18
CUTHE V. FLEET RESERVE ASS'N, 743 F. SUPP. 2d 486 [D.M.D. 2010]	6
MORANGE V. FONTENOT, 879 F. SUPP. 679 [E.D. TEX. 1995]	22
HAMILTON V. GEITNER, 743 F. SUPP. 2d 1. [D.D.C. 2010]	6
SALAHUDEIN V. GOORD, 467 F.3d 263 [2d CIR 2006]	21
VANDYKE V. HALL, 743 F. SUPP. 2d 561 [W.D. Va. 2010]	20
YICK WO V. HOPKINS, 30 L. ED 220, 226 S. L. RPT. R. ED. 356-374 (1886)	22
LENDER NAT'L INS. CO. V. INDUSTRIAL INS. CO. 19 F.3d 444 [9TH CIR 1994]	15
GUTIERREZ V. JOHNSON & JOHNSON, 743 F. SUPP. 2d 418 [D.N.J. 2010]	8
DUNCAN V. LOUISIANA, SUPRA. 391 US AT 161	3
KLEEHAMMER V. MONROE COUNTY, 743 F. SUPP. 2d 175 [W.D. N.Y. 2010]	7-10
BOLDWIN V. NEW YORK, SUPRA. 399 US 20-71	3
LEVENTHAL V. SCHAEFFER, 743 F. SUPP. 990 [N.D. IOWA 2010]	8
KAUEMAN V. SCHNEITER, 474 F. SUPP. 2d 1014 [W.D. WISC. 2007]	21
BIVENS V. SIX UNKNOWN NAME AGENTS OF FEDERAL BUREAU OF NARCOTICS, 403 US 388 29 L. ED. 2d 619, 91 S. CT 1999 (1971)	20

TABLE OF AUTHORITIES CONTINUE

CASES	PAGE
ZITZKA V. VILLAGE OF WESTMONT, 743 F. SUPP. 2d 887 [N.D. ILL. 2010]	9
TRUJILLO V. WILLIAMS, 465 F. 3d 2010 E10TH CIR. 2006]	22
UNITED STATES V. CASTRO, 972 F.2d 1107 C9TH CIR. 1992]	5
UNITED STATES V. CHAVES, 2000 CO II ALA. 204 F. 3d 1305, 54	2
UNITED STATES V. GHAILANI, 743 F. SUPP. 2d 242, 243 [S.D.N.Y. 2010]	9 17, 19
UNITED STATES V. KUSSMAUL, 987 F. 2d 345 [6TH CIR. 1993]	5
UNITED STATES V. MICHAEL AND THOMAS ALLEN STEWART, 568 F. 2d 501, 1978 U.S. APP. LEXIS 13179	1, 3, 17
UNITED STATES V. ROMERO, 743 F. SUPP. 2d 1281 [D.N.M. 2010]	8, 9
UNITED STATES V. SMITH [2001 N.D. OKLA] 151 F. SUPP. 2d 1316	2

CONSTITUTIONAL PROVISIONS

UNITED STATES CONSTITUTION, ARTICLE I, SECTION 9 CLAUSE 2 _____	11
UNITED STATES CONSTITUTION, ARTICLE III, SECTION 2 CLAUSE 3 _____	3
UNITED STATES CONSTITUTION, ARTICLE VI, SECTION 2 _____	2
UNITED STATES CONSTITUTION AMENDMENT I _____	4, 5, 10, 12
UNITED STATES CONSTITUTION AMENDMENT, IV, _____	8, 9, 12, 16, 17, 19, 20
UNITED STATES CONSTITUTION AMENDMENT, VI, _____	2, 3, 19
UNITED STATES CONSTITUTION AMENDMENT, VIII, _____	10
UNITED STATES CONSTITUTION AMENDMENT, IX, _____	10
UNITED STATES CONSTITUTION AMENDMENT, XI, _____	10
UNITED STATES CONSTITUTION AMENDMENT V, _____	4, 5, 9, 10, 17, 19
UNITED STATES CONSTITUTION AMENDMENT XIII, _____	10

TABLE OF AUTHORITIES CONTINUE

UNITED STATES SUPREME COURT DIGEST 4-5.11.22

LATEST EDITION COURT DIGEST 255

STATUTES

18 U.S.C. SECTION 1, 2

18 U.S.C. SECTION 113 (a)(4), 3

18 U.S.C. SECTION 113 (b) AND (d)(2), 3-3

18 U.S.C. SECTION 113, 17

18 U.S.C. SECTION 600, 19

28 U.S.C. SECTION 2254, 16

28 U.S.C. SECTION 12 (b) (6), 6-7.14

28 U.S.C. SECTION 52, 8

28 U.S.C. SECTION 59, 7

28 U.S.C. SECTION 1254 (1) AND 1257 (a), 2

28 U.S.C. SECTION 2101 (c), 2

42 U.S.C. SECTION 704, 10

42 U.S.C. SECTION 7000 (c)(9), 10

FEDERAL RULES APPELLATE PROCEDURE RULE 4 (a)(4), 15

FEDERAL RULES APPELLATE PROCEDURE RULE 4 (a)(4)(A) (VI), 15

FEDERAL RULES CIVIL PROCEDURE RULE 56 (c), 13

FEDERAL RULES CIVIL PROCEDURE RULE 60 (b)(2), 14.16.18

FEDERAL RULES CIVIL PROCEDURE RULE 60 (b)(6), 14.16.18

FEDERAL RULES OF JUDICIAL CONDUCT ARTICLE II MISFEASANCE AND DISABILITY RULE 4, 4(e) - 4(g)(6), 27.27

PETITIONER ASKED THAT IN HIS NOTICE OF MOTION
AND MOTION OF "OPPOSITION" TO THE MOTION TO DISMISS
HE FOUND TO THE U.S. DISTRICT COURT HIS PAGE
25 OF 25 WITH ONE AND SIGNATURE BY MISTAKE
CAUSE RETURN TO RETURN

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2020

No. _____

LEWIS ANDERSON,
PETITIONER,

v.

UNITED STATES OF AMERICA, ET AL.
RESPONDENTS,

PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

LEWIS ANDERSON (HEREINAFTER "PETITIONER") PETITION FOR A WRIT OF CERTIORARI TO REVIEW THE JUDGMENT OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, RENDERED IN PETITIONER'S APPEAL, WHICH JUDGMENT AFFIRMED THE DENIAL BY THE DISTRICT COURT OF HIS 28 U.S.C. § 2254 MOTIONS TO REVERSE CONVICTION AND SENTENCES IMPOSED BY THE SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF RIVERSIDE OR, ALTERNATIVELY, TO ALLOW AN EVI-
DENTIARY HEARING TO ATTEMPT TO DETERMINE WHETHER THE ALLEGA-
TION INVOLVED IN THE DISTRICT COURT HAD IN FACT BEEN TRUE AND CORRECT AND THUS WHAT WAS THE CORRECT SENTENCE TO HAVE IMPOSED.

OPINIONS BELOW

THE OPINIONS OF THE COURT OF APPEALS (PET. APP. 1A - [3A]) AND THE DISTRICT COURT (PET. APP. A107 3URE) ARE NOT REPORTED.

JURISDICTION

THE JUDGMENT OF THE COURT OF APPEALS WAS ENTERED ON AUG-
UST 18, 2020. CAP. 243 THE JURISDICTION OF THIS COURT IS INVOKED
UNDER 28 U.S.C. § 1252 (1) THIS PETITION IS TIMELY FILED PURSUANT TO 28
U.S.C. § 2101 (1), AND JURISDICTION 1257 (1).

CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED

THE CONSTITUTION OF THE UNITED STATES, ARTICLE VI SECTION 2
THE SUPREME LAW OF THE LAND. § 2. THE CONSTITUTION, AND THE LAWS
OF THE UNITED STATES WHICH SHALL BE MADE IN PURSUANCE THEREOF; AND
ALL TREATIES MADE, OR WHICH SHALL BE MADE, UNDER THE AUTHORITY OF
THE UNITED STATES, SHALL BE THE SUPREME LAW OF THE LAND; AND THE
JUDGES IN EVERY STATE SHALL BE BOUND THEREBY, ANY THING IN THE
CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITH-
STANDING.

18 U.S.C. SECTION 1, IN PERTINENT PARTS
PROVIDES

NOTWITHSTANDING ANY ACT OF CONGRESS TO THE CONTRARY!

* * * (3) ANY MISDEMEANOR, THE PENALTY FOR WHICH DOES NOT EXCEED

IMPRISONMENT FOR A PERIOD OF SIX MONTHS OR A FINE OF NOT MORE

THAN \$ 500, OR BOTH, IS A PETTY OFFENSE, THE SIGNIFICANCE OF

CONGRESS' CLASSIFICATION OF PETTY OFFENSES UNDER 18 U.S.C. § 1, HAS

BEEN INDICATED IN CONSTITUTION OF THE UNITED STATES AMENDMENT

SIX, RIGHTS OF ACCUSED CASE ANNOTATIONS IV, RIGHTS TO TRIAL BY IMPAR-

TAL JURY B, RIGHT TO JURY TRIAL GENERALLY I, CRIMINAL PROSECUTIONS

TO WHICH RIGHT IS APPLICABLE (9) IN CAPITAL 264 - 266, SEE UNITED

STATES V. CHAVEZ (2000), 11 (A) 204 F.3D 1305, 54 FEDERAL RULES EVIDENCE

SERV 426, 13 FLW FED C 422 (CITIZED IN UNITED STATES V. SMITH (2001),

N.D. OKLA 151 F. SUPP. 2D 1316, UNITED STATES V. STEWART, 568 F.2D -

501, 502 (6 TH CIR. 1972). SEE DUNLAN V. LOUISIANA, SUPRA, 391 US AT 66, AND BOLDWIN V. NEW YORK, SUPRA, 399 US 70-71.

18 U.S.C. SECTION 113 (d) PROVIDES

18 U.S.C. § 113 (d) REQUIRES NEITHER A PARTICULAR DEGREE OF SEVERITY IN THE INJURY NOR THE TYPE OF SPECIFIC INTENT WHICH CHARACTERIZES THE MORE SERIOUS OFFENSES UNDER 18 U.S.C.S. § 113.

UNITED STATES V. MICHAEL AND THOMAS ALLEN STEWART, 562 F. 2d 501; 1978 U.S. APP. LEXIS 13179. OVERVIEW: FOLLOWING AN ALTERCATION WHICH TOOK PLACE AT A NATIONAL PARK, DEFENDANTS WERE CHARGED AND CONVICTED WITH ASSAULT BY STRIKING, BEATING OR WOUNDING A VICTIM IN VIOLATION OF 18 U.S.C. § 113 (d)(2) BOTH DEFENDANTS CLAIMED THEY WERE ENTITLED TO A TRIAL BY JURY AND ALLEGED THEIR NON-JURY CONVICTIONS COULD NOT STAND. THE COURT AFFIRMED THE CONVICTIONS AND HELD THAT AN OFFENSE UNDER § 113 (d) WAS A PETTY OFFENSE AND THAT DEFENDANTS HAD NO CONSTITUTIONAL RIGHT TO A JURY TRIAL. THE COURT FOUND THAT NEITHER U.S. CONSTITUTION ART. III § 2, CL. 3 NOR U.S. CONST. AMEND. VI PRESERVED THE RIGHT FOR A PETTY OFFENSE PROSECUTIONS BECAUSE PETTY OFFENSES WERE FOUND TO BE NEITHER CRIMES WITHIN THE MEANING OF ARTICLE III NOR CRIMINAL PROSECUTIONS WITHIN THE MEANING OF U.S. CONST. AMEND. VI.

THE SUPREME COURT HAS HELD THAT ASSAULT WITHIN MARITIME AND TERRITORIAL JURISDICTION, SECTION 113 (a)(4) PROHIBITS AN ASSAULT BY STRIKING, BEATING, OR WOUNDING, BECAUSE THE CRIME HAS BEEN CATEGORIZED AS A CLASS "B" MISDEMEANOR.

SCHUPP V. DELO, 513 US 298

THE COURT HELD THAT WITH RESPECT TO A STATE PRISONER'S FEDERAL HABEAS CORPUS PETITION, THE SUPREME COURT HAS HELD THAT, ABSENT A SHOWING BY THE PRISONER OF "CAUSE AND PREJUDICE" A FEDERAL COURT MAY NOT ORDINARILY AVOID SEVERAL TYPES OF PROCEDURAL BAR-INCLUDING THE BAR IMPOS-

ED WITH RESPECT TO "SUCCESSIVE" OR "ABUSIVE" CLAIMS IN A SECOND OR
SUCCESSFUL PETITION - AND REACH THE MARRIAGES OF THE PRISONERS' PED-
ETAL CONSTITUTIONAL CLAIMS.

THE SUPREME COURT, HOWEVER, HAS ALSO RECOGNIZED THAT THE
"CAUSE AND REMEDY" REQUIREMENT HAS AN "ACTUAL INADEQUATE"
EXCEPTION, SOMETIMES KNOWN BY OTHER NAMES SUCH AS THE "FUNDAM-
ENTAL MISBRIDGE OF JUSTICE" EXCEPTION. IN MURPHY V. CARPENTER (19-
66) 417 U.S. 472, 91 L. ED 2d 397, 106 S. CT 2639, THE SUPREME COURT
HELD THAT, IN ORDER TO INVOKE THIS EXCEPTION, A PETITIONER MUST
AS PETITIONER IS REQUIRED TO SHOW THAT A CONSTITUTIONAL VIOLA-
TION HAS "PROBABLY" RESULTED IN THE CONVICTION OF ONE WHO IS
ACTUALLY INNOCENT.

CONSTITUTIONAL LAW AND PROCEEDINGS AND TRIAL
(14) CRIMINAL LAW AND PROCEEDINGS AND TRIAL

KEY 4594 (1). IN GENERAL, A.D. 11, 2010, IN ORDER TO ESTABLISH
THE ELEMENTS OF A READY-TYPE ONE PRETEXT CLAIM, A PETITIONER MUST
DEMONSTRATE THAT: (1) EVIDENCE AT ISSUE IS FAVORABLE TO ACCUSED,
EITHER BECAUSE IT WAS EXCLUSIVELY OR IMPERMISSIBLY: (2) EVIDENCE MUST
HAVE BEEN SUPPRESSED BY THE GOVERNMENT, EITHER WILLFULLY OR INADVERT-
ENTLY; (3) THERE IS A REASONABLE PROBABILITY THAT PRETEXT ENDED, IN
OTHER WORDS, MATERIALITY. U.S. CONST. AMEND. 14 - PHILLIPS V. ALABAMA,
743 F. SUPP. 2d 931.

5. EVIDENCE AND WITNESSES.

KEY 4564 (1). IN GENERAL, S.D. 11, 2010, GOVERNMENT BURDEN ON AB-
USE MAY VIOLATE DUE PROCESS CLAUSE, WHICH MAY PROVIDE REMEDY IN APPR-
OPRIATE CIRCUMSTANCES REGARDLESS OF WHETHER ABUSE SUSTAINED IN DIS-
TINCT EVIDENCE OR, IF IT DOES, WHETHER EVIDENCE EVER IS USED AT TRIAL.
U.S. CONST. AMEND. 5. U.S. V. GHALAM, 743 F. SUPP. 2d

xxx1. CIVIL

(b) DUTIES AND OBLIGATIONS OF PROSECUTORS
ATTORNEYS. 2. DISCLOSURE OF INFORMATION.

KEY 1991. CONSTITUTIONAL OBLIGATIONS REGARDING DISCLOSURE.

ALDILL, 2010. UNDER BRADY ANALYSIS, EVIDENCE IS "SUPPRESSED" WHEN (1)

PROSECUTION FAILED TO DISCLOSE THE EVIDENCE IN TIME FOR DEFENDANT

TO MAKE USE OF IT, AND (2) THE EVIDENCE WAS NOT OTHERWISE AVAIL-

ABLE TO DEFENDANT THROUGH EXERCISE OF REASONABLE DILIGENCE. -

PHILLIPS V. ALLEN, 743 F. SUPP. 2D 931.

KEY 1992. MATERIALITY AND PROBABLE EFFECT OF INFORMATION IN

GENERAL. ALDILL, 2010. SUPPRESSED EVIDENCE IS "MATERIAL" UNDER

BRADY ANALYSIS, IF THERE IS A REASONABLE PROBABILITY THAT

HAD THE EVIDENCE BEEN DISCLOSED TO DEFENSE RESULT OF PRO-

CEEDINGS WOULD HAVE BEEN DIFFERENT. - PHILLIPS V. ALLEN, 743 F.

SUPP. 2D 931.

IN PERCEIVING MATERIALITY ANALYSIS UNDER BRADY, COURTS CON-

SIDER THIS CUMULATIVE EFFECT OF ALL SUPPRESSED EVIDENCE, AS OPPO-

SED TO CONSIDERABLE EVIDENCE ALONE. - ID.

A PLAINTIFF WHO WAS ACQUITTED MAY STILL HAVE A BRADY-TYPE

BUT PROVES CLAIM IF PRESENT DISCLOSURE OF SUPPRESSED EVIDENCE WOULD

HAVE ALTERED PROSECUTOR'S DECISION TO PROCEED TO TRIAL. - ID.

APPLICABLE GUIDELINES ARE THOSE IN EFFECT AS OF THE DATE OF

OFFENSE. UNITED STATES V. KUSSMALIC, 987 F.2D 345 (6-7-91).

1993). SEE ALSO, UNITED STATES V. CASTRO, 972 F.2D 1107 (9-11-

CIR. 1992).

FEDERAL CIVIL PROCEDURE. XI. DISMISSAL

(B). INVOLUNTARY DISMISSAL. 3. PLEADING.

DEFENDANT IN CIVIL.

KEY 1972. INSUFFICIENCY IN GENERAL. DALL, 2010. MAY ORDER TO SUB-

VIVE A MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM FROM WHICH RELIEF

MAY BE GRANTED, A COMPLAINT MUST CONTAIN SUFFICIENT FACTUAL MATTER,
ACCEPTED AS TRUE. TO STATE A CLAIM TO RELIEF THAT IS PLAUSIBLE
ON ITS FACE. FED. RULES CIV. PROC. RULE 12(b)(6), 28 U.S.C. § 1331 - HAMILTON
V. GERTHAUSE, 743 F. SUPP. 2d 12

A CLAIM IS FACTUALLY PLAUSIBLE, AS REQUIRED TO SURVIVE A
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF
MAY BE GRANTED, WHEN THE PLAINTIFF PLEADS FACTS ENTITLING THAT
ALLOWS THE COURT TO DRAW A REASONABLE INFERENCE THAT DEFENDANT
IS LIABLE FOR THE MISCONDUCT ALLEGED. FED. RULES CIV. PROC. RULE 12
(b)(6), 28 U.S.C. § 1331 - 1d.

5. PROCEEDINGS.

KEY 1829 - CONSTITUTIONAL OF PROCEEDINGS. D.D.C. 2010. IN EVALUAT-
ING A MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH
RELIEF MAY BE GRANTED, THE COMPLAINT MUST BE LIBERALLY CONSTR-
UED IN FAVOR OF THE PLAINTIFF, WHO MUST BE GRANTED THE BENEFIT
OF ALL INFERENCES THAT CAN BE DERIVED FROM THE FACTS ALLEGED,
IN THE COMPLAINT, AND DOCUMENTS EITHER ATTACHED TO OR INCOR-
PORATED IN THE COMPLAINT, AND MATTERS OF WHICH THE COURT MAY
TAKE JUDICIAL NOTICE. FED. RULES CIV. PROC. RULE 12(b)(6), 28 U.S.C. § 1331 - A
HAMILTON V. GERTHAUSE, 743 F. SUPP. 2d 12.

D.M.D. 2010. IN REVIEWING MOTIONS TO DISMISS FOR FAILURE TO
STATE A CLAIM, COURT VIEWS COMPLAINT IN LIGHT MOST FAVORABLE TO
PLAINTIFF, ACCEPTING AS TRUE ALL WELL-PLEADED ALLEGATIONS, AND OVER-
LOOKING ANY DEFENSES OR ALCIBS TO ALCIB AS THEY ALCIB CONCLUSIONS
AS A FACTUAL ALLEGATION, OR ALLEGATIONS THAT ARE MORE CONCLUSIONS
UNLAWFULLY REDUCTIONS OF FACTS OR UNREASONABLE INFERENCES. FED.
RULES CIV. PROC. RULE 12(b)(6), 28 U.S.C. § 1331 - CUNY V. FLEET RESERVE AS-
S'N. 743 F. SUPP. 2d 486.

W.D.N.Y., 2010, WHICH APPLIES FLEXIBLE PLAUSIBILITY STANDARD

TO MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, DISTRICT COURT
MUST ATTEMPT ALLEGATIONS CONTAINED IN COMPLAINT AS TRUE AND DRAW
ALL REASONABLE INFERENCES IN FAVOR OF UNKNOWN PARTY; ON THE
OTHER HAND, PLAUSIBLE ALLEGATIONS OF LEGAL STATUS OF DEFENDANT
ARTS NEED NOT BE ACCEPTED AS TRUE FOR PURPOSES OF RULING ON

MOTION TO DISMISS. FED. RULES CIV. PROC. RULE 12 (a)(7), 28 U.S.C.A.
MILITARY V. MOBILE COUNTY, 743 F.SUPP. 2d 175

XVI. NEW TRIAL. (B) GROUNDS.

KEY 2331. IN GENERAL. ED. MICH. 2010. A NEW TRIAL IS APPR-
PRIATE WHEN THE JURY RETURNED A SERIOUSLY ERRONEOUS RESULT AS EVI-
DENCED BY: (1) THE VERDICT BEING AGAINST THE WEIGHT OF THE

EVIDENCE; (2) THE DAMAGES BEING EXCESSIVE, OR (3) THE TRIAL BEING
UNFAIR TO THE NONVINO PARTY IN SOME MANNER, I.E., THE PROCEED-
ING WAS NOT INFLUENCED BY PREJUDICE OR BIAS. FED. RULES CIV. PROC.

RULE 59, 28 U.S.C.A. - LOVELL V. CITY OF FRANKENMUTH, 743 F.
SUPP. 2d 119.

ULTIMATELY, THE GOVERNMENT'S PRINCIPLE IN THE COURT'S ACTING ON
A MOTION FOR A NEW TRIAL IS WHETHER, IN THE JUDGMENT OF THE
TRIAL JUDGE, SUCH COURSE IS REQUIRED IN ORDER TO PREVENT AN IN-
JUSTICE; AND COURTESY AND JUSTICE WILL CONSIDERABLE RESULT, THE TRIAL
JUDGE HAS THE DUTY AS WELL AS THE POWER TO ORDER A NEW TRIAL.
FED. RULES CIV. PROC. RULE 59, 28 U.S.C.A. - ID.

FEDERAL COURTS
VIII. COURT OF APPEALS.
(A) SCOPE, STANDARDS, AND EFFECT -

1. IN GENERAL. KEY 761. - REASON FOR DECISION. D.N.Y., 2010.

DISTRICT COURTS SHOULD REVIEW ON EXHAUSTIVE SUFFICIENT FOR AN AP-
PEAL THE COURT TO SEE THAT THE PARTIZIONAL CIRCUMSTANCES OF THE CASE HAVE

BEEN GIVEN MEANINGFUL CONSIDERATION IN ORDER TO MAKE POSSIBLE MEANINGFUL SUBSTANTIVE REVIEW. — BUTIERREZ V. JOHNSON & JOHNSON, 743 F. SUPP. 2d 418.

5 - QUESTIONS OF FACT, VERDICT AND FINDING.

KEY 252. — WHAT CONSTITUTE CLEAR ERROR, AND EFFECT THEREOF. N.D. IOWA 2010. UNDER THE CLEAR ERROR STANDARD, THE COURT OR APPEALS WILL OVERTURN A FACTUAL FINDING MADE IN JUDGMENT FOLLOWING A BENCH TRIAL ONLY IF IT IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE IN THE RECORD. IF THE FINDING IS BASED ON AN ERRONEOUS VIEW OF THE LAW, OR IF THE APPELLATE COURT IS LEFT WITH THE DEFINITE AND FIRM CONVICTION THAT AN ERROR HAS BEEN MADE,

RED. RULES CIV. PROC. RULE 52, 28 U.S.C. APP. (2006 ED.) —
LEVENTHAL V. SCHAEFER, 743 F. SUPP. 2d 990 (N.D. IOWA 2010)

THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION

THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES IN RELEVANT PART: SEIZURES, SEARCHES § 1. THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSON, HOUSE, PAPERS AND EFFECTS AGAINST UNREASONABLE SEARCHS AND SEIZURES, SHALL NOT BE VIOLATED.

CRIMINAL LAW KEY 1152.2

KEY 201. QUESTIONS OF LAW AND FACTS, D. N. M. 2010. DETERMINING WHETHER A PARTY'S CONSENT TO A SEARCH WAS FREE AND VOLUNTARY IS A QUESTION OF FACTS TO BE DETERMINED FROM THE TOTALITY OF THE CIRCUMSTANCES. U.S.C.A. CONST. AMEND. 4 § 113. V. ROMERO, 742 F. SUPP. 2d 1281

WHETHER A SEARCH REMAINS WITHIN THE BOUNDARIES OF THE CONSENT IS A QUESTION OF FACT TO BE DETERMINED FROM TOTALITY OF THE CIRCUMSTANCES, AND THE TRIAL COURT'S FINDING UPHOLD

UNLESS THEY ARE CLEARLY ERRONEOUS. U.S.C.A. CONST. AMEND. 4, - 1d.

KEY. 187. - PRIOR OFFICIAL MISCONDUCT; MISREPRESENTATION, TRICK, OR DECEIT. D.N.M. 2010. IF GOVERNMENTS OFFICIALS USE THE FRUITS OF THEIR ILLEGAL CONDUCT TO OBTAIN THE CONSENT TO SEARCH AN UNWITTING CITIZEN THEN THE EVIDENCE OBTAINED IN THAT SEARCH IS OBTAINED BY EXPLOITATION OF THE PRIMARY ILLEGALLY AND IS NOT OBTAINED BY MEANS SUFFICIENTLY DISTINGUISHABLE FROM THE ILLEGALITY TO BE PURGED OF THE PRIMARY Taint. U.S.C.A. CONST. AMEND. 4 - U.S. V. ROMERO, 743 F. SUPP. 2d 1241.

19 CRIMINAL LAW KEY 517.1113
KEY. 23. FOURTH AMENDMENT AND REASONABLENESS IN GENERAL, S.D.N.Y. 2010. CONSTITUTIONAL VIOLATION IN SEARCH AND SEIZURE CASE IS COMPLETE WHEN GOVERNMENT OFFICIALS MAKE UNLAWFUL SEARCH OR SEIZURE; COERCED CONFESSION CASE, IN CONTRAST, MAY INVOLVE MORE THAN ONE CONSTITUTIONAL VIOLATION AND WHERE IT DOES, THOSE VIOLATIONS MAY OCCUR AT DIFFERENT TIMES AND BY DIFFERENT ACTIONS. U.S.C.A. CONST. AMENDS 4, 5. - U.S. V. GHAILANI, 743 F. SUPP. 2d 242.

MALICIOUS PROSECUTION
1. NATURE AND COMMENCEMENT
OF PROSECUTION

KEY. 0.5. NATURE AND ELEMENTS OF MALICIOUS PROSECUTION IN GENERAL. N.D. ILL. 2010. IN ORDER TO ESTABLISH A CLAIM OF MALICIOUS PROSECUTION UNDER ILLINOIS LAW, THE PLAINTIFF MUST SHOW: (1) THE COMMENCEMENT OR CONTINUANCE OF AN ORIGINAL CRIMINAL OR CIVIL JUDICIAL PROCEEDING BY THE DEFENDANT; (2) THE TERMINATION OF THE PROCEEDING IN FAVOR OF THE PLAINTIFF; (3) THE ABSENCE OF PROBABLE CAUSE FOR SUCH PROCEEDING; (4) THE PRESENCE OF MALICE; AND (5) DAMAGES RESULTING TO THE PLAINTIFF. U.S.C.A. CONST. AMEND. 4. - ZITKA V. VILLAGE OF WESTMONT, 743 F. SUPP. 2d 887.

CIVIL RIGHTS

(9 OF 23)

KEY. 1245. ADVERSE ACTION IN GENERAL. W.D.M.Y. 2010. AS TO ADVERSE ACTION ELEMENT OF TITLE VII RETALIATION CLAIM, KEY INQUIRY IS WHETHER EFFECT OF DEFENDANTS DECISION WAS "MATERIALLY ADVERSE". I.E., HARMFUL TO THE POINT THAT IT COULD WELL DISSUADE A REASONABLE WORKER FROM MAKING OR SUPPORTING A CHARGE OF DISCRIMINATION. CIVIL RIGHTS ACT OF 1964, § 704 (a) 42 U.S.C.A. § 2000e-3 (4) - KLEE-HAMMER V. MONROE COUNTY, 743 F.SUPP. 2d 175.

CONSTITUTIONAL AMENDMENTS

FIRST AMENDMENT, PETITIONER WERE DENIED AND DEPRIVED THE RIGHT TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.

FIFTH AMENDMENT, NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL, OR OTHERWISE INFAMOUS CRIME, NOR SHALL BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW, NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE, WITHOUT JUST COMPENSATION.

EIGHTH, AMENDMENT, EXCESSIVE BAIL SHALL NOT BE REQUIRED, NOR EXCESSIVE FINES IMPOSED, NOR CRUEL AND UNUSUAL PUNISHMENTS INFLICTED.

NINTH AMENDMENT, THE ENUMERATION IN THE CONSTITUTION, OF CERTAIN RIGHTS, SHALL NOT BE CONSTRUED TO DENY OR DISPARAGE OTHERS RETAINED BY THE PEOPLE.

ELEVENTH AMENDMENT, PASSED BY CONGRESS MARCH 4, 1794. RATIFIED FEBRUARY 7, 1795. THE JUDICIAL POWER OF THE UNITED STATES SHALL NOT BE CONSTRUED TO EXTEND TO ANY SUIT IN LAW OR EQUITY, COM-MENCED OR PROSECUTED AGAINST ONE OF THE UNITED STATES BY CITIZENS OF ANOTHER STATE, OR BY CITIZENS OR SUBJECTS OF ANY FOREIGN STATE.

THIRTEENTH AMENDMENT, SECTION 1, NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE, EXCEPT AS A PUNISHMENT FOR CRIME WHEREOF THE PARTY SHALL HAVE

BEEN DULY CONVICTED, SHALL EXIST WITHIN THE UNITED STATES, OR ANY PLACE SUBJECT TO THEIR JURISDICTION.

FOURTEENTH AMENDMENT, SECTION 1, ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES, AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS.

THE CONSTITUTION OF THE UNITED STATES, ARTICLE I, SECTION 9, CLAUSE 2. HABEAS CORPUS. THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS SHALL NOT BE SUSPENDED, UNLESS WHEN THE CASES REBELLION OR INVASION THE PUBLIC SAFETY MAY REQUIRE IT.

STATEMENT

I, PETITIONER LEWIS ANDERSON, ASSERT THAT I AM A STATE PRISONER SERVING A NINE YEAR SENTENCE WITH A RELEASE DATE OF FEBRUARY 02, 2021, AT CALIFORNIA STATE PRISON - LOS ANGELES COUNTY, AND ON NOVEMBER 01, 2018, I TURN OVER FIVE PIECES OF OUTGOING LEGAL MAIL TO CORRECTIONAL OFFICER C. ROOT, TO BE PLACED INTO THE INSTITUTION'S INTERNAL MAIL SYSTEM, PREPARED IN ACCORDANCE TO THE RULES OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA AND ONE PIECE WERE FORWARDED TO THE ATTORNEY GENERAL XAVIER BEZERRA FOR THE STATE OF CALIFORNIA. SEE CDCR FORM 22, 119 OUTGOING LEGAL MAIL RECEIPT ATTACHED HERETO IN APPENDIX

D

PETITIONER ASSERT THAT THE DOCUMENTS, CONSIST OF ONE PAGE LETTER OF APOLOGY, ONE PAGE CIVIL RIGHTS SHEET, AND TEN PAGES OF THE PETITION FOR A FEDERAL WRIT OF HABEAS CORPUS, A TWO PAGE DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS, AND ONE PAGE ELECTION

(110523)

REGARDING CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE FOR A TOTAL OF FIFTEEN PAGES. SEE APPENDIX B .

PETITIONER ASSERT THAT THE APPLICATION HAD AN ATTACHMENT OF ONE HUNDRED AND FOURTEEN PAGES OF MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE WRIT OF HABEAS CORPUS, ALONG WITH ONE HUNDRED AND ELEVEN PAGES OF EXHIBITS "A" - "K", WITH ATTACHED PROOF OF SERVICES ATTACHED TO THE BALZ OF THE MEMORANDUMS.

THE STATE OF CALIFORNIA APPLICATION FOR WRIT OF HABEAS CORPUS HAVE SEVENTY EIGHT PAGES WITH EXHIBITS ATTACHMENTS OF FIFTY SIX PAGES "A" - "K". AND THE COMBINED APPLICATION COME TO A TOTAL OF TWO HUNDRED AND SEVENTY FIVE PAGES AND ARE ATTACHED HERETO IN APPENDIX B . THE ORIGINAL APPLICATION ARE DIVIDED INTO SECTIONS .

PETITIONER ASSERT THAT IN ACCORDING TO UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA (U.S. DIST. CT.) LOGGED AND FILING STAMPS, INITIAL BY THE DEPUTY CLERK OF THE COURT RECEIVED PETITIONER'S APPLICATION ON NOVEMBER 05, 2018, AND FILED ON NOVEMBER 07, 2018, AND DURING THE SCREENING PROCESS AND BEFORE THE NOVEMBER 07, 2018, FILING OF THE APPLICATION WHILE IN CUSTODY OF THE (U.S. DIST. CT.) AN OFFICER / OFFICIAL OF THE COURT PETITIONER BELIEVE IN ACCORDING TO THE CLERK'S INITIAL IT WAS MR. GUY ROBERTSON, UNLAWFULLY SEARCHED, SEPARATED, SEIZED, SUPPRESS, ALTER, AND DESTROYED THE PETITION FOR FEDERAL WRIT OF HABEAS CORPUS BY REMOVING AND ALTERING THE MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE PETITION FOR WRIT OF HABEAS CORPUS AND FILED THE FIRST TEN PAGES OF THE WRIT OF HABEAS CORPUS: THE CIVIL COVER SHEET, THE TWO PAGES OF DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS THE EXHIBIT COVER SHEET "A-1", "A ONE". THE ORIGINAL SEVENTY EIGHT PAGES STATE WRIT OF HABEAS CORPUS AND THE

SIXTY SIX ATTACHED EXHIBITS "A-E" PAGES THE ONE PAGE ORIGINAL LETTER
 AND NOTICE OF CHANGE OF ADDRESS, AND THE SEVENTY EIGHT PAGES
 OF SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE PETITION FOR WRIT
 OF HABEAS CORPUS (CASE NUMBER 14-2012, AND FILED ON JUNE 14, 2012,
 WERE SUBMITTED AND FILED AS PETITIONER'S ORIGINAL PETIT-
 ION FOR WRIT OF HABEAS CORPUS. PLEASE SEE (U.S. DIST. COURT)
 FILED AND RETURNED COPY, CASE NUMBER (ED 18 CV 023 73 - DSF (K5)) AND
 DATED FOR NOVEMBER 07, 2018. PLEASE SEE DOCUMENTS IN APPENDIX C.
 PETITIONER ASSESS THAT UPON RECEIVING, U.S. DIST. COURT
 NOTICE OF MOTION AND MOTION TO DISMISS PETITION FOR WRIT OF HABEAS
 CORPUS AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
 OF THE MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS
 DATED FOR DECEMBER 27, 2018. PETITIONER FORWARDED A LETTER TO THE
 UNITED STATES DISTRICT COURT, STEVEN REINHARDT, FOR THE MONTHLY DISCUSS
 EXPLAINING THAT (U.S. DIST. COURT) HAS VIOLATED PETITIONER'S FEDERAL
 COURT OF HABEAS CORPUS APPLICATION FOR THE SECOND TIME. PLEASE SEE
 COURT CORRESPONDENCE DATED FOR JANUARY 07, 2019, IN APPENDIX E.
 PETITIONER ASSESS THAT THE DECEMBER 27, 2018, ORDER ALSO
 HAD A 30 DAY LEAVE TO FILE A PETITION IN OPPOSITION TO REPHRASED
 MOTION TO DISMISS.
 PETITIONER ASSESS THAT ON JANUARY 23, 2019, HE FILED A TIMELY
 NOTICE OF MOTION AND MOTION FOR PETITIONER'S OPPOSITION TO REPHRASED
 HIS MOTION TO DISMISS AND ON PAGES 3-4 LINES 12-16, HE INCORPORATED
 PURSUANT TO FED. R. CIV. P. RULE 56 (c) REQUESTING THAT THE RULES BE
 STAYED PENDING DISCOVERY OF THE MISSING DOCUMENTS. PLEASE SEE
 THE COMPLETE DOCUMENTS IN APPENDIX E.

ON MARCH 26, 2019, STATING ON PAGE 10 LINES (20-25), (OPPOSITION AT 18 (CM/ELF PAGE ID 1315).) PETITIONER STATES THAT HE FILED WITH THE PETITION A "NOW MISSING 109 PAGE DOCUMENT TITLED "MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE PETITION FOR WRIT OF HABEAS CORPUS" EXPLAINING HIS ACTUAL INNOCENCE. (OPPOSITION AT 3 (CM/ELF PAGE ID 1300).) PETITIONER WOULD LIKE DISCOVERY TO OBTAIN THIS MISSING MEMORANDUM. (SEE OPPOSITION AT 3-4 (CM/ELF PAGE ID 1300-01).) HE FILED A NOTICE OF MOTION AND MOTION BY PETITIONER FOR A "EXPEDITED" COURT ORDER INSTRUCTING THE CLERK OF THE COURT TO FILE THE 12 (b)(6) OR 12 (e) MOTION FOR "INSUFFICIENT PROCESS" OF PETITIONER'S FEDERAL AND CONSTITUTIONAL EVIDENCE OF ACTUAL INNOCENCE. PURSUANT TO SUBSECTION (d) ON RESULT OF PRESENTING MATTERS OUTSIDE THE PLEADING.

ALSO ON THIS MOTION WERE PETITIONER'S OBJECTION TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION, ACCEPTING AND ADOPTING RESPONDENT'S MOTION TO DISMISS, AND DENYING AND DISMISSING THE PETITION WITH PREJUDICE, PURSUANT TO FED. R. CIV. P. RULE 12 - PLEASE 2 PART DOCUMENTS IN APPENDIX F.

PETITIONER ASSERT THAT ON JUNE 11, 2019, THE HONORABLE S. DALE FISHER, UNITED STATES DISTRICT JUDGE EXCEPT THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS AND ENTERED HIS ORDER DENYING AND DISMISSING WITH PREJUDICE THE PETITION FOR WRIT OF HABEAS CORPUS. PETITIONER ASSERT THAT HE DO NOT HAVE A COPY OF THE OFFICIAL COURT ORDER OF DISMISSAL ON THIS ALLEGATION.

PETITIONER ASSERT THAT ON JULY 03, 2019, HE SUBMIT TO (U.S. LEN. DIST. COURT) A INTRINSIC FRAUD MOTION, MISCONDUCT BY THE OPPOSING PARTY, PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE RULE 60 (b) (2), AND 60 (b) (6), FOR ANY OTHER REASON THAT JUSTIFIES RELIEF, AND ON JULY 29, 2019, FILING ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, CIVIL CASE NUM.

BEER 19-55822, AND D.C. NO. 5:18-cv-02373-D5F-K5, CENTRAL DISTRICT OF
 CALIFORNIA, REVERSID, INTERED AN ORDER STATING IN PETITIONER PARTS THAT
 THIS APPEAL WAS FILED WHILE A TWENTY FED. R. APP. P. 4(c)(4) MOTION WAS
 PENDING IN THE DISTRICT COURT, AND PROCEEDINGS IN THIS CASE WILL BE STAY-
 ED UNTIL THE DISTRICT COURT DECIDES THE JULY 12, 2019, MOTION (WHICH WAS
 DEPOSITED FOR MAILING IN THE PRISON'S INTERNAL MAIL SYSTEM ON JULY
 08, 2019. SEE LEADER MAT'L IN, CO. V. INDUSTRIAL INSURANCE CO.,
 19 F. 3d 444 (9th Cir. 1994). WITHIN 21 DAYS AFTER THE DISTRICT COURT'S
 DECISION, APPELLANT MUST NOTIFY THIS COURT IN WRITING OF THE DECISION
 AND STATE WHETHER HE WISHES TO MOVE FORWARD WITH THIS APPEAL.
 PLEASE SEE DOCUMENTS IN APPENDIX A.

PETITIONER ASSERTS THAT THE ORDER GRANT LEAVE TO AMEND THE MOTION
 OF APPEAL PURSUANT TO FED. R. APP. P. RULE 4.

PETITIONER ASSERTS THAT ON AUGUST 26, 2019, HE SUBMIT A MOTION OF MOT-
 ION AND MOTION BY APPELLANT FOR LEAVE TO FILE AN AMENDED APPEAL PURSUANT TO
 FED. RULE OF APP. P. RULE 4(c)(4) (VI), FOR REU OF UNDER RULE 40 OF THE FED.
 R. CIV. PROCEDURE. AS WELL AS SECTION 2 OF THE MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT OF THE PETITION FOR LEAVE OF HABEAS CORPUS, TO THE
 UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT. PLEASE SEE DOCUMENTS
 IN APPENDIX "A" AND "B", SECTION 2.

PETITIONER ASSERTS THAT WITH COPIES PROVIDED BY U.S. DIST. COURT
 OF THE LAST EIGHT PAGES FRONT AND BACK OF THE U.S. POSTAGE MARKING AND A
 COPY OF THE POSTAGE MARKING ON THE RETURNING PETITIONER WAS ABLE
 TO DEMONSTRATE WITH GREAT SURFICALLY TO THE COURT HE APPEALS FOR THE
 NINTH CIRCUIT THAT THE DOCUMENTS WERE FORWARDED TO THE U.S. DIST. COURT
 AND RECEIVED BY THE CLERK OF THE COURT AND NEVER FILED AND REJECTED TO
 PETITIONER. PLEASE SEE NOTICE OF MOTION AND MOTION BY APPELLANT FOR LEAVE TO
 FILE AN AMENDED APPEAL IN APPENDIX A.

PETITIONER ASSERT THAT ON AUGUST 18, 2020, THE HONORABLE SCHROEDER AND GRABER, CIRCUIT JUDGES ENTERED AN ORDER DENYING PETITIONER'S 28 U.S.C. § 2254 PETITION AND THE FEDERAL RULE OF CIVIL PROCEDURE 60(b) MOTION. THE REQUEST FOR A CERTIFICATE OF APPEALABILITY (DOCKET ENTRY NO. 2) WAS DENIED BECAUSE APPELLANT HAS NOT SHOWN THAT "JURISTS OF REASON WOULD FIND IT DEBATABLE WHETHER THE PETITION STATES A VALID CLAIM OF THE DENIAL OF CONSTITUTIONAL RIGHT AND THAT JURISTS OF REASON WOULD FIND IT DEBATABLE WHETHER THE DISTRICT WAS CORRECT IN ITS PROCEDURAL RULING." SEE ORDER IN APPENDIX 'A'.

PETITIONER ASSERT THAT HE DID NOT CONTINUE TO LITIGATE ON THE HABEAS PETITION DUE TO HE WAS UNDER THE IMPRESSION THAT AFTER HE HAD AMENDED HIS PETITION FOR APPEAL WITH A COPY OF THE MISSING MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE PETITION FOR WRIT OF HABEAS CORPUS AND THE FEDERAL RULES OF CIVIL PROCEDURE RULE 60(b) MOTION ASSERTING THAT SOMEONE AT THE COURT WAS FELL TO FILE HIS PETITION FOR WRIT OF HABEAS CORPUS IN FULL THAT THE NINTH CIRCUIT COURT OF APPEALS WOULD TAKE JURISDICTION NOTICE OF THE ISSUES AND GIVE A RULING ON THE MERITS OF THE CASE IN HANDS.

REASONS FOR GRANTING THE PETITION

PETITIONER ASSERT THAT THE SUPREME COURT SHOULD GRANT THE PETITION TO PLACED THE FINAL DETERMINATION ON WHETHER THE PETITIONER WAS GIVEN THE OPPORTUNITY TO PRESENT HIS FEDERAL PETITION FOR WRIT OF HABEAS CORPUS TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, WHEN AN OFFICIAL OF THE COURT TOOK IT UPON HIMSELF /HERSELF TO UNLAWFULLY REMOVE THE MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE PETITION FOR WRIT OF HABEAS CORPUS BEFORE THE FILING OF THE APPLICATION.

PETITIONER ASSERT TO KEY 23, FOURTH AMENDMENT AND REASONABLENESS IN GENERAL, S.D.N.Y. 2010. CONSTITUTIONAL VIOLATION IN SEARCH AND SEIZURE CASE IS COMPLETE WHEN GOVERNMENT OFFICIALS MAKE UNLAWFUL SEARCH OR SEIZURE; CON-
FISCATION CASE, IN CONTRAST, MAY INVOLVE MORE THEN ONE CONSTITUTIONAL

VIOLATION AND, WHERE IT DOES, THESE VIOLATIONS MAY OCCUR AT DIFFERENT TIMES AND BY DIFFERENT ACTS. U.S.C.D. DIST. DIST. AMENDS. 4:5. — U.S. V. GUALANI, 743 F.2d 242.

PETITIONER ASSESS THAT THE SUPREME COURT OF THE UNITED STATES

SHOULD GRANT THE PETITION TO GIVE ITS INTERPRETATION OF DEPUTY ATTORNEY GENERAL LIEB S. THOMASON'S STATEMENT OF THE CASE EXPLANATION ON PETITIONER CONVICTION AND WHILE HERE SENTENCED. PLEASE SEE MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE MOTION TO DISMISS PETITIONER'S PETITION OF HABEAS CORPUS. (PAGE NO. 1; LINE 21-24). IN APPENDIX E.

PETITIONER ASSESS THAT LINES 21-24, STATES THAT "ANDERSON HIT HIS GIRLFRIEND IN THE FACE THREE TO FIVE TIMES AFTER SHE LAUGHED AT HIM FOR FALLING INTO A SUSHIMAN POOL. THE BLOODS SPLIT THE GIRL-FRIEND'S LIP. (LID. 1 AT 2-3) A JURY CONVICTED ANDERSON OF CORPORAL INJURY ON A CONSPIRACY RESULTING IN A TRAUMATIC LESION. (LID. 1 AT 2)

PETITIONER ASSESS THAT THIS IS HIS LEGAL ELEMENTS OF THE

SAME CASE EXPLANATION IN HIS INTERPRETATION IN PETITIONER PARTS.

ANDERSON HIT HIS GIRLFRIEND IN THE FACE THREE TO FIVE TIMES.

THE BLOODS SPLIT THE GIRLFRIEND'S LIP. PETITIONER ASSESS THAT IN THIS

ARTICLE OF LAW MEDICAL EVALUATION THE DEPUTY ATTORNEY GENERAL LIEB

S. THOMASON'S FREELY CONVICTION AND SENTENCING ARE PETITIONER ON THE ELE-

MENTS OF A MISDEMEANOR AND CAN NOT STAND. PLEASE SEE 18 U.S.C. 113.

PETITIONER ASSESS THAT IS HIS INTERPRETATION OF THE ELEMENTS OF

THE FREELY "INJURY" OF CORPORAL INJURY ON A CONSPIRACY RESULTING IN A TRAUMATIC LESION

"PROVOKED BY THE GOVERNMENT IS CORRECT AND THE COURT FINDS IT

TRUE WOULD MEANS THAT PETITIONER'S FREELY CONVICTION AND WHILE HERE SENTENCED

IN THE CASE CLEARLY "CONSPIRACY TO VIOLATE FEDERAL AND CONSTITUTIONAL LAWS"

SEE UNITED STATES V. MICHAEL AND THOMAS ALLEN WELLS, 578 F.2d 301, 1978

U.S. APP. LEXIS 13179. AND IT WOULD MEAN THAT PETITIONER'S HAS MET THE
ELEMENTS REQUIRED BY THE SHIP V. DEED, 513 U.S. 298 (1995). GATE KEEP-
ER BURDEN TO OVER-COME THE PROCEEDURE TIME BAR BY DEMONSTRATING
ACTUAL INNOCENCE.

PETITIONER ASSEST THAT HIS THEN NEELY PRESENTED EVIDENCE
CALLS INTO QUESTION THE CREDIBILITY OF THE WITNESSES PRESENTED
AT TRIAL "TO THE EXTENT THAT NO RATIONAL JURY WOULD HAVE VOTED
TO CONVICT. "ACTUAL INNOCENCE" HAS BEEN PROVED. ID SEE ID AT 341
SLIPUP. SUPED.

THE NINTH CIRCUIT REASONING IS FLAWED;
THE ~~SONE~~ AND SECOND CIRCUIT'S REASONING
CORRECTLY CAPTURES THE REQUIREMENTS
OF THE FOURTH AMENDMENT'S GUARANTY

THE NINTH CIRCUIT

THE NINTH CIRCUIT IN THIS CASE HAS DIVERTED FROM THE ISSUE
OF UNLAWFUL SEARCH AND SEIZURE ALLEGATION OF LACK OF PROBABLE
CAUSE COMMITTED BY A OFFICIAL OF COURT'S ACTING UNDER ~~THE COLOR OF~~
FEDERAL LAW. IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT DIS-
TRICT OF CALIFORNIA. AND REFUSED TO USE ITS JUDICIAL POWER TO STOP
THE PROCEEDING AND LEAD INTO OR CORRECT THE DISTRICT COURT'S VIOLATION
OF PETITIONER'S FOURTH AMENDMENT RIGHT TO THE UNITED STATES CONSTITU-
TION. AND THIS IS AFTER PETITIONER AMENDED HIS PETITION FOR "LOA" BY
SUPPLYING THE COURT WITH A COPY OF THE MISSING MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF THE PETITION FOR WRIT OF HABEAS CORPUS
AND A FED. R. CIV. P. RULE 60 (b) MOTION. DESCRIBING IN GREAT DETAILS THAT THE
WAS FORWARDED TO THE DISTRICT COURT AND NEVER FILED.

THE NINTH CIRCUIT DECISIONS WERE SETS AN EMPHATICALLY WOULD STAND-

AND (LAWYERS DO NOT HAVE TO READ THE MANUAL) AND IMPOSED A "CATCH-22"
BURDEN ON HABEAS PETITIONERS : YOUR LAWYER DID NOT ATTEMPT TO THE OBTAIN
OUR BUSINERS OF RETAINING PROOF OF THE ILLEGAL SEARCH AND SEIZURE ,

BUT NOW THAT YOU HAVE BEEN MADE AWARE OF THE ILLEGAL SEARCH AND SEIZURE, IT IS TOO LATE TO HOLD ANY HEARING ON THE REQUIREMENT.

THE UNITED STATES DISTRICT COURT, FOR THE SOUTHERN DISTRICT OF NEW YORK.

THE SOUTHERN DISTRICT OF NEW YORK, HOLDS THAT CRIMINAL LAW KEY 517.1(1), SEARCHES AND SEIZURES KEY 28, STATES THAT CONSTITUTIONAL VIOLATION IN SEARCH AND SEIZURE CASE IS "COMPLETE" WHEN GOVERNMENT OFFICIALS MAKE UNLAWFUL SEARCH OR SEIZURE. U.S.C.A. CONST. AMENDS 4, 5, U.S. V. GHAILANI, 743 F.SUPP.2D 242 (S.D.N.Y. 2010).

CRIMINAL LAW KEY 394.1(3), 537, FRUIT OF THE POISONOUS TREE DOCTRINE APPLIES NOT ONLY TO VIOLATIONS OF FOURTH AMENDMENT BUT ALSO TO COERCED CONFESSIONS IN VIOLATION OF FIFTH AMENDMENT AND TO INTERROGATIONS IN VIOLATION OF SIXTH AMENDMENT RIGHT TO COUNSEL. U.S.C.A. CONST. AMENDS 4, 5, 6, U.S. V. GHAILANI, 743 F.SUPP.2D 243.

CRIMINAL LAW KEY 42.6, 42.7(2), ONCE A DEFENDANT SHOWS THAT HE HAS TESTIFIED PURSUANT TO GRANT OF IMMUNITY WITH RESPECT TO MATTERS PERTINENT TO FEDERAL PROSECUTION, THE GOVERNMENT BEARS BURDEN OF PROVING THAT EVIDENCE IT PROPOSES TO USE IS DERIVED FROM LEGITIMATE SOURCE WHOLLY INDEPENDENT OF COMPELLED TESTIMONY. 18 U.S.C.S. § 6002, U.S. V. GHAILANI, 743 F.SUPP.2D 243 (S.D.N.Y. 2010).

CRIMINAL LAW KEY 394.1(3), GOVERNMENT CANNOT PREVAIL ON AN "INEVITABLE DISCOVERY" CLAIM BY SHOWING THAT IT IS POSSIBLE OR EVEN PROBABLE THAT IT WOULD HAVE OBTAINED CHALLENGED EVIDENCE BY UNTAINTED MEANS, U.S. V. GHAILANI, 743 F.SUPP.2D 243.

ABUSE OF PROCESS

KEY 177, MISUSE OF PROCESS.

KEY 178, IMPROPER, ULTERIOR, COLLATERAL, OR UNLAWFUL PURPOSE. W.D.Va. 2010.

UNDER VIRGINIA LAW ABUSE OF PROCESS OCCURS WHEN REGULARLY ISSUED JUDICIAL PROCESS IS USED TO ACCOMPLISH SOME ULTERIOR PURPOSE FOR WHICH THE PROCEDURE

CLASSIFIED TO U.S. SUPREME COURT DIGEST, LAYERS

COURTS § 255-VIOLATION OF FEDERAL RIGHT-REMEDY

5. WHERE FEDERALLY PROTECTED RIGHTS HAVE BEEN INVADED, THE COURTS WILL BE ALERT TO ADJUST THEIR REMEDIES SO AS TO GRANT THE NECESSARY RELIEF.

SEARCH AND SEIZURE § 4-FOURTH AMENDMENT GUARANTY.

4. THE FOURTH AMENDMENT GUARANTEES TO CITIZENS OF THE UNITED STATES THE ABSOLUTE RIGHT TO BE FREE FROM UNREASONABLE SEARCHES AND SEIZURES CARRIED OUT BY VIRTUE OF FEDERAL AUTHORITY.

SEARCH AND SEIZURE § 4-OPERATION OF FOURTH AMENDMENT.
3. THE FOURTH AMENDMENT OPERATES AS A LIMITATION UPON THE EXERCISE OF FEDERAL POWER REGARDLESS OF WHETHER A STATE (AL THOUGH JURISDICTION THAT JOINTLY IS EXERCISED WOULD PROHIBIT OR PENALIZE THE IDENTICAL ACT IF CONDUCTED BY A PRIVATE CITIZEN.

ON CERTIORARI, THE UNITED STATES SUPREME COURT REVERSED AND

REMANDED. IN AN OPINION BY BRENNAN, J., EXPRESSING THE VIEW OF FIVE MEMBERS OF THE COURT, IT WAS HELD THAT A VIOLATION OF THE FOURTH AMENDMENT'S COMMAND AGAINST UNREASONABLE SEARCHES AND SEIZURES, BY A FEDERAL AGENT ACTING UNDER COLOR OF FEDERAL AUTHORITY, GAVE RISE TO A FEDERAL CAUSE OF ACTION FOR DAMAGES CONSEQUENT UPON THE AGENT'S UNLAWFUL INDIVIDUAL CONDUCT. GIVEN SIX UNKNOWN NAME AGENTS OF FEDERAL BUREAU OF INVESTIGATION, 403 US 382, 29 LER 2d 619, 91 SCLT 1999, (1971).

ACCESS TO THE LAW LIBRARY

PETITIONER ASSERTS THAT ON MARCH 13, 2020, HE WERE PLACED INTO ADMINISTRATIVE SEGREGATION FOR THE FIFTH CHARGE OF BATTERY ON A PEACE OFFICER. AND ON APRIL 30, 2020, MOVE BACK TO GENERAL POPULATION. AND ON MAY 29, 2020, I WAS ISSUED WHAT WAS THE REMAINING OF MY PROPERTY FROM (A 525) AND UPON INSPECTION I NOTICE THAT SOME (20 OF 23)

OF MY PROPERTY WERE STILL MISSING, MAINLY THE MINUTE ORDERS FROM
THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFOR-
NIA REQUESTING THAT ONLY LEFT ME WITH A COPY OF THE COURT'S
ORDERS (1) THE REPORT AND RECOMMENDATION OF UNITED STATES MA-
GISTRATE JUDGE. FILED MARCH 20, 2019, (2) NOTICE OF MOTION AND
MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS, AND (3)
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO
DISMISS PETITION FOR WRIT OF HABEAS CORPUS, FILED DECEMBER 27,
2018. 1

PETITIONER REQUEST THAT ON APRIL 29, 2020, HE WAS PLACED IN
THE QUARANTINE SECTION OF THE BUILDING AND FOR THE LAST
EIGHT MONTHS HE HAS BEEN PLACED INTO SOME FORM OF QUARA-
NTINE, AND WAS PREVENTED FROM THE GUARANTINE BUILDING ON
NOVEMBER 25, 2020, TO HAVE ACCESS TO THE LAO LIBRARY AND ON DECE-
MBER 01, 2020, I WAS TOLD THAT THE LAO LIBRARY HAVE BEEN SUS-
PENDED FOR THE LAST THREE WEEKS. PETITIONER REQUEST THAT ON
AVERAGE HE HAS RECEIVED ABOUT ONE MAGNIFIC REQUEST FROM THE LAO
LIBRARY ON A MONTHLY BASIS, ASIDE MOTIONS AND ABOUT REQUESTS.

PETITIONER ASSESS THAT IF THE DENIAL OF ACCESS TO THE LAO
LIBRARY IS SOMEHOW COUNTERED TO VIOLATE VIOLATION OF HIS CONSTITU-
TIONAL RIGHTS, HE MAY NOT HAVE TO SUE THAT THE DENIAL HARDED
HIS ADON-FRIVOLOUS LAWSUIT, SEE SALAMUNDO V. GOOD, 417 F.3d 213
(9th Cir. 2006).

IN KAUFMAN V. SCHNEIDER, 414 F. SUPP. 2d 1014 (W.D. Wisc.
2002), THE COURT FOUND AN EIGHT AMENDMENT VIOLATION WHEN A
PERSONALITY WAS FORCED TO CHOOSE BETWEEN USING LIMITED OUT-OF-STATE
TIME FOR EXERCISE OR FOR ACCESS TO THE LAO LIBRARY.
PETITIONER ASSESS THAT THE WAY THAT THE LAO LIBRARY

DEPARTMENT OF CORRECTIONS AND REHABILITATION HAS PREVENTIVE HIM FROM ACCESS TO THE LAW LIBRARY FOR PAST NINE MONTHS AND HAVE VIOLATED PETITIONERS RIGHTS TO ACCESS TO THE COURTS. SEE TRUJILLO V. WILLIAMS, 465 F.3d 1210 (10th Cir. 2006); MARANGE V. FONTENOT, 879 F. SUPP. 679 (E.D. TEX. 1995).

PETITIONER ASSERT THAT A CRIMINAL DEFENDANT MAY MAKE A CONSTITUTIONAL CHALLENGE TO A STATUTE THAT IS FAIR ON ITS FACE AND IMPARTIAL IN APPEARANCE ON THE GROUNDS THAT ITS APPLICATION IS A DENIAL OF EQUAL PROTECTION; 1. THE EQUAL PROTECTION OBJECTION TO THE MAINTENANCE OF A PROSECUTION MAY BE MADE BY MAKING A CLAIM OF DELIBERATE, INVIDIOUS DISCRIMINATION IN THE ENFORCEMENT OF THE LAW. U.S. CONSTITUTION AMENDMENT XIV: CAL. CONST. ART. 1. § 7 (4). SEE YICK WO V. HOPKINS (1886) 118 U.S. 356, 6 S. CT 1064, 30 L. ED. 220 (EQUAL PROTECTION CLAUSE APPLIED TO DISCRIMINATORY ENFORCEMENT OF SAN FRANCISCO ORDINANCE BY ADMINISTRATIVE.

USCS JUD. CON. AND DISAB. PROC. 4
USCS FEDERAL RULES ANNOTATED RULES
FOR JUDICIAL - CONDUCT AND JUDICIAL -
DISABILITY PROCEEDINGS ARTICLE II. MIS-
CONDUCT AND DISABILITY

4. MISCONDUCT AND DISABILITY DEFINITIONS

(a) MISCONDUCT GENERALLY. COGNIZABLE MISCONDUCT IS CONDUCT PREJUDICIAL TO THE EFFECTIVE AND EXPEDITIOUS ADMINISTRATION OF THE BUSINESS OF THE COURTS. COGNIZABLE MISCONDUCT INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

4 (a) (3) DISCRIMINATION, COGNIZABLE MISCONDUCT INCLUDES INTENTIONAL DISCRIMINATION ON THE BASIS OF RACE, COLOR, SEX, GENDER, GENDER IDENTITY, PREGNANCY, SEXUAL ORIENTATION, RELIGION, NATIONAL ORIGIN, AGE, OR DISABILITY;

4 (a)(4) RETALIATION: COGNIZABLE MISCONDUCT INCLUDES RETALIATION AGAINST COMPLAINANTS, WITNESSES, JUDICIAL EMPLOYEES, OR OTHERS FOR PARTICIPATING IN THIS COMPLAINT PROCESS, OR FOR REPORTING OR DISCLOSING JUDICIAL MISCONDUCT OR DISABILITY;

4 (a)(5) INTERFERENCE OR FAILURE TO COMPLY WITH THE COMPLAINT PROCESS: COGNIZABLE MISCONDUCT INCLUDES REFUSING, WITHOUT GOOD CAUSE SHOWN, TO COOPERATE IN THE INVESTIGATION OF A DECISION RENDERED UNDER THESE RULES; OR

4 (a)(6) IN PERTINENT PARTS FAILURE TO REPORT OR DISCLOSE: COGNIZABLE MISCONDUCT INCLUDES FAILING TO CALL TO THE ATTENTION OF THE RELEVANT CHIEF DISTRICT JUDGE OR CHIEF CIRCUIT JUDGE ANY RELIABLE INFORMATION REASONABLY LIKELY TO CONSTITUTE MISCONDUCT OR DISABILITY.

RELIABLE INFORMATION REASONABLY LIKELY TO CONSTITUTE JUDICIAL MISCONDUCT OR DISABILITY RELATED TO A CHIEF CIRCUIT JUDGE SHOULD BE CALLED TO THE ATTENTION OF THE NEXT MOST-SENIOR ACTIVE CIRCUIT JUDGE. SUCH INFORMATION RELATED TO A CHIEF DISTRICT JUDGE SHOULD BE CALLED TO THE ATTENTION OF THE CHIEF CIRCUIT JUDGE. UNDER RULE 4(a)(4), A JUDGE'S EFFORTS TO RETALIATE AGAINST ANY PERSON FOR REPORTING OR DISCLOSING MISCONDUCT, OR OTHERWISE PARTICIPATING IN THE COMPLAINT PROCESS CONSTITUTE COGNIZABLE MISCONDUCT. THE RULE MAKES THE PROHIBITION AGAINST RETALIATION EXPLICIT IN THE INTEREST OF PROMOTING PUBLIC CONFIDENCE IN THE COMPLAINT PROCESS.

CONCLUSION

THE PETITION FOR A WRIT OF HABEAS CORPUS SHOULD BE GRANTED.

DATED; JANUARY 05, 2021

RESPECTFULLY SUBMITTED,

