

20-7219

No. _____

CHICAGO

Supreme Court, U.S.
FILED
JAN 27 2021
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

CEDRIC WESTBROOK

— PETITIONER

(Your Name)

vs.

CHRISTIAN PFEIFFER, Warden

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SECOND APPELLATE DISTRICT COURT OF CALIFORNIA

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CEDRIC WESTBROOK

(Your Name)

KVSP B5-209/P.O. Box 5102

(Address)

Delano, Ca 93216

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Does the State Court have an arbitrary right to re-classify a legal document into a specific classification of filings that the State knows has surmountable procedural hurdles, and not be violating Petitioner's Fourteenth Amendment Rights?

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:

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Baske v. Burke (1981) 125 Cal.App.3d 38, 43; 177 Cal.Rptr. 79

Hazel-Atlas v. Hartford-Empire Company 322 J.S. 238; 64 S.Ct. 997; 88 L.Ed 1250

Kulchar v. Kulchar (1969) 1 Cal.3d 67; 87 Cal.Rptr. 489

Rodriguez v. Cho (2015) 236 Cal.App.4th 742; 187 Cal.Rptr.3d 227

United States v. Throckmorton (1878) 98 J.S. 61; 25 L.E. 93

STATUTES AND RULES

California Code of Civil Procedure 437 (b)

OTHER

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

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

OPINIONS BELOW

For cases from **federal courts**:

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

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 is unpublished.

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

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 is unpublished.

For cases from **state courts**:

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

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 is unpublished.

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

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 is unpublished.

JURISDICTION

[] For cases from **federal courts**:

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

[] No petition for rehearing was timely filed in my case.

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

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

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

[] For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Petitioner's Fourteenth Amendment and Equity Rights

STATEMENT OF THE CASE

On June 18, 2020, Petitioner had filed an "Independent Equitable Action Claim," to set-aside Petitioner's lengthy default; and, requesting proper review of Petitioner's case due to Petitioner never having priorly the privilege to a fair adversary hearing priorly (See United States v. Throckmorton (1878) 98 J.S. 61,65-66; 25 L.Ed. 93; and, Kulchar v. Kulchar (1969) 1 Cal.3d 467; 82 Cal.Rptr. 489; 462 P.2d 17).

On July 15, 2020, the Los Angeles Superior Court decided to arbitrarily convert Petitioner's equitable action claim into a general "habeas corpus," in order to deny the Court's jurisdiction under equitable consideration. While, in-addition, after Petitioner's appeal was filed, the Second Appellate District Court decided to arbitrarily allege that the Lower Court had lacked jurisdiction to grant Petitioner relief under the Court's equitable jurisdiction. Plus, pointing out to Petitioner, the State's statutorial biasness concerning usage of their Code of Civil Procedures § 7 (b); and, asserting equitable jurisdiction under nonstatutorial grounds that the State's own case law shows no indistinction (See Baske v. Burke (1981) 125 Cal.App.3d 38, 43; 177 Cal.Rptr. 794; Rodriguez v. Cho (2015) 236 Cal.App.4th 742; 187 Cal.Rptr.3d 227).

On October 22, 2020, Petitioner's "Petition for Review" was filed in the California Supreme Court. Petitioner had addressed the arbitrary decisioning of the Lower Court to conspicuously convert Petitioner's equitable action into the general jurisdiction of habeas corpus proceedings. While, in-addition pointing out from United States Supreme Court decisions and Federal Rule 60(b) & (d), how equitable review is a distinct grounds for equitable consideration. Petitioner had requested from the State High Court remand and instructions to the Lower Court on reviewing Petitioner's proper equitable motion (See Hazel-Atlas v. Hartford-Empire Company 322 J.S. 238,244; 64 S.Ct. 997; 88 L.Ed. 1250). However, the State High Court denied their constitutional obligation to enforce and keep within conformity the laws of the land.

REASONS FOR GRANTING THE PETITION

There is an arbitrary inequity within the State of California's enforcement of their laws. Especially, if esquires specialized in the filings of equity jurisdiction or given full consideration from filings; but, Petitioner as amongst a non-acceptable class are rendered inequality and denial of due process of law, due to Petitioner's class not permitted to practice or research this field of law with the State court. So, Petitioner requests from the J.S. Supreme Court original jurisdiction in order to enforce the State of California equality and due process in review of Petitioner's equitable claims.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Wesbrook

Date: January 13, 2021