USSC No.: 20-7424 ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

ALAN DOUGLAS, Petitioner - Appellant, vs. SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES Respondent-Appellee,	Writ of Cert to USCA 9th Cir on HC Medical Malpractice Injury *Res Ipsa Loquitur* USSC No.:________________ USCA 9th Cir No.: 20-73506 D.C. No.: 2:20-cv-07524-RSWL-AS 2nd District Court of Appeal-CA No. B294801=S265908 Sup Ct-CA Los Angeles County Super. Ct. Cases No. BC657529/BC696685

Petition for WRIT of Certiorari to USSC against USCA 9th Circuit No 20-73506 on 2nd HC

In re ALAN DOUGLAS, Petitioner (Fed. R. App. P. 21(a)(2)(A))
Appeal from the US District Court, Central District of California
Western Division Case No.: 2:20-cv-07524-RSWL-AS; Phone: (213) 894-1565
[1] US District Court 0973-2 -- FRAP 9th Circuit Rule 21-2(a)
PUBLISHED OPINION REQUESTED:

FILED
MAR 0 2 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR WRIT OF CERTIORARI, *Sua sponte*
on **2HC** against USCA 9th Circuit Case No 20-73506
"irreparable" injury or harm and cause immediate danger-exposed to sudden cardiac death

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NON-Capital--Personal Injury Medical Malpractice

The Questions Presented for Review - US Sup Ct Rule 14.1(a)

I. The Relief Sought - Reverse and Settle Personal Injury [9th Circuit FRAP 21(a)(2)(B)(i)]

II. The issues (The Questions Presented for Review) [9th Circuit FRAP 21(a)(2)(B)(ii)]
See below [1], [2], [3], [4], [5], [6] and [7].

[1] Appellant's US Constitutional and Civil Rights Violation;

[2] Reverse Judgment issued on Feb.19, 2019 in favor of Timothy J. Daskivich, MD by TJ;

[3] Reverse Judgment issued on Feb.14, 2019 in favor of CSMC by TJ in LASC;

[4] Reverse Judgment issued on Jan. 18, 2019 in favor of Nancy Zimmerman, NP and Jay Neal Schapira, MD by TJ in LASC;

[5] Court Order for AWARD based on Documents presented, which is just and proper;

[6] Reassignment the Cases to Settlement Court if No Award is granted;

[7] Reverse, remand, reassignment and Trial Judge Disqualification based on plain ERRORS, bias with gross prejudice, willful misconduct and adverse personal reaction with cruelty.

III. The Facts necessary to understand the issue presented by the Petition.
[9th Circuit FRAP 21(a)(2)(B)(iv)]

IV. The reasons why the writ should issue [9th Circuit FRAP 21(a)(2)(B)(iv)]

The Los Angeles County Superior Court
Superior Court Case No.: BC657529/BC696685
List of Superior Court Judges on Both Cases

1. Hon. Benny C. Osorio – Dept.97, Room 630
2. Hon. Dennis Landin – Dept.93 Superior Court
3. Hon. Elaine Lu – Dept. 5 PI [Personal Injury] Court
4. Hon. William F. Fahey – Dept. 69, Room 621 Superior Court, Independent Calendar, last Judge assigned for all purposes
5. Hon. Stephen I. Goorvitch – Supervising Judge for PI Court
6. Hon. Ruth Ann Kwan – Dept.1 – Supervising Civil Cases in Superior Court
7. Hon. Richard J. Burge Jr. – Dept. 1 – Supervising Civil Cases in Superior Court
8. Hon. Yolanda Orozco – Dept. 5 PI [Personal Injury] Court in Superior Court
9. Hon. Joseph R. Kalin – Dept. 21, Central District-Stanley Mosk Courthouse
10. Hon. Samantha Jessner – Dept.1, Central District- Stanley Mosk Courthouse, - Supervising Judge Civil
11. 2DCA - Second District Court of Appeal of California
12. Supreme Court of California - en Banc - for many writs;

List of Opposite Counsels for LASC Cases BC657529 and BC696685

1. Kathryn S.M. Mosely, Esq., State Bar No.: 92852=>LASC BC657529 and BC696685
2. Lee M. Moulin, Esq., State Bar No.: 232843 => LASC BC657529 and BC696685
3. Robert C. Reback, Esq., State Bar No.: 58092 =>LASC BC696685
4. Stephen A. Diamond, Esq., State Bar No.: 176735 =>LASC BC696685

IN THE SUPREME COURT OF THE UNITED STATES

ALAN DOUGLAS, Petitioner - Appellant, vs. SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES Respondent-Appellee,	Writ of Cert to USCA 9th Cir on 2HC Medical Malpractice Injury *Res Ipsa Loquitur* USSC No.:____________ USCA 9th Cir No.: 20-73506 D.C. No.: 2:20-cv-07524-RSWL-AS 2nd District Court of Appeal-CA No. B294801=S265908 Sup Ct-CA Los Angeles County Super. Ct. Cases No. BC657529/BC696685

Petition for a WRIT of Certiorari to USSC against USCA 9th Circuit No 20-73506 on 2HC

In re ALAN DOUGLAS, Petitioner (Fed. R. App. P. 21(a)(2)(A))
Appeal from the US District Court, Central District of California
Western Division Case No.: 2:20-cv-11208-RSWL-AS; Phone: (213) 894-1565
US District Court -- FRAP 9th Circuit Rule 21-2(a)
PUBLISHED OPINION REQUESTED:

MEMORANDUM OF POINTS AND AUTHORITIES

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STATEMENT OF THE CASES BC657529/BC696685 – 2DCA B294801

Appellant -Alan Douglas in *propria persona* filed an initial complaint as of April 11, 2017 [4/11/2017], the statute of limitations for allegations of Medical Malpractice Negligence is tree years under the *Cal. CCP § 340.5* cite: "In an action for injury or death against a health care provider based upon such person's alleged professional negligence, the time for the commencement of action shall be three years after the date of injury or one year after the plaintiff discovers." This is because a claim of professional negligence of a dependent adult or an elder is analogous to similar torts of assault, battery or injury to others. *See Benun v. Superior Court,* 123 Cal. App. 4th13, 126 (2004). Appellant alleging professional negligence, medical malpractice and recklessness done by Medical Doctors, Nurses and CSMC - [TJ' ERR]. The Appellant in these LASC Cases *BC657529/BC696685* is a Victim of Medical Malpractice on event happened on January 29, 2016. The Defendants moved for Motion for Summary Judgment and TJ granted in favor of Defendants.

JURISDICTION Statement of Appealability

The judgment entered pursuant to the Superior Court's order granting the motion for summary judgment for LASC Cases BC657529/BC696685 are an appealable final judgment pursuant to Code of Civil Procedure sections 904.1.(1).The US District Court notified Appellant for its opinion on Jan.15, 2021-See Appendix. In addition to that USCA 9th Circuit issued Order Denying Motion for Reconsideration on Feb.12, 2021. So, the Petition is filed on timely manner and The Supreme Court of United Stated has Jurisdiction on the Appellant's Petition for Writ of Certiorari to USCA 9th Circuit on COA.

PRAYER [The Relief Sought]

The Relief Sought - Reverse and Settle Personal Injury [9th Circuit FRAP 21(a)(2)(B)(i)]

REASONS FOR GRANTING THE PETITION

[1] Appellant's US Constitutional and Civil Rights Violation

Appellant's US Constitutional and Civil Rights Violation

(1) US Constitutional Rights:

Appellant do not have Jury Trial-The case was terminated by Trial Judge and violated Appellant's Constitutional right for equal protection by the Law- US Constitution -- Amendment VII (1791) ... "the right of trial by jury shall be preserved"; Amendment IX (1791)-Appellant's right to Settle the Medical Malpractice Cases in LASC; Amendment X (1791); Amendment XIV (1868) Section 1. All persons born or naturalized in the United States ... "nor deny to any person within its jurisdiction the equal protection of the laws" *Brown v. Board of Education*;] [FRAP 9th Circuit Rule 30-1.4(a)(vi)]. *See* Case: 20-56105, 11/25/2020, ID: 11905943, DktEntry: 19-1, Page 188. USA Constitution Amendment VII (1791) In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, then according to the rules of the common law. *See* Case: 20-56105, 11/25/2020, ID: 11905943, DktEntry: 19-1, Page 189. USA Constitution Amendment IX (1791) The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. *See* Case: 20-56105, 11/25/2020, ID: 11905943, DktEntry: 19-1, Page 190. USA Constitution Amendment X (1791) The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. *See* Case: 20-56105, 11/25/2020, ID: 11905943, DktEntry: 19-1, Page 191. USA Constitution Amendment XIV (1868) 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 abridge 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. *See* Case: 20-56105, 11/25/2020, ID: 11905943, DktEntry: 19-1, Page 192. The Equal Protection Clause is from the text of the Fourteenth Amendment to the United States Constitution. In United States constitutional law, a Due Process Clause is found in both the Fifth and Fourteenth Amendments to the United States Constitution, which prohibits arbitrary deprivation of life, liberty, or

property by the government except as authorized by law. *See* [1]*Madison, P.A. (2 August 2010). "Historical Analysis of the first of the 14th Amendment's First Section". The Federalist Blog. Archived from the original on November 18, 2019. Retrieved 19 January 2013.* [2] *"The Bill of Rights: A Brief History". ACLU. Archived from the original on August 30, 2016. Retrieved 21 April 2015.*
[3] *"Honda Motor Co. v. Oberg, 512 U.S. 415 (1994), at 434". Justia US Supreme Court Center. June 24, 1994. Retrieved August 26, 2020.* The U.S. Supreme Court interprets these clauses broadly, concluding that they provide three protections: procedural due process (in civil and criminal proceedings); substantive due process, a prohibition against vague laws; and as the vehicle for the incorporation of the Bill of Rights.

[2] Mistake in Law and Erroneous Decision in Intermediate Court - 2DCA

Please, refer to Appellant-Alan Douglas -- Petition for Writ of Certiorari--filed on Jan.4, 2021 under USSC Docket No.: 20-6881 pages 19 - 33.

[3]The facts on the Record entitled Appellant for Extraordinary Relief

Please, refer to Appellant's explanation in USSC Docket No.: 20-6881 pages 33 - 37.

[4] Reason for granting Appellant's *Petition for a WRIT of Certiorari to USCA 9th Circuit* are presented in USSC Case 20-6881 pages 17- 37.

[5] Appellant's ARGUMENTS " *Why Writ of Certiorari to USCA 9th Circuit shall be granted ?"*

The Questions Presented for Review - US Sup Ct Rule 14.1(a) in this Petition Appellant construed as [7] Reverse, remand, settle or reassignment the Cases BC657529/BC696685 to Settlement Court and Trial Judge Disqualification based on plain ERRORS, bias with gross prejudice, willful misconduct and adverse personal reaction with cruelty.

ARGUMENTS - PETITION FOR WRIT OF CERTIORARI TO USCA 9TH CIRCUIT ON COA

[1] Introduction and Proceeding for Certificate of Appealability [COA]

(1)Background

The District Court dismissed without prejudice Alan Douglas's Petition for a Writ of Habeas Corpus, which is Summary Denial without decision on the merits. Summary dismissal is appropriate only where the allegations in the petition are "vague [or]

conclusory" or "palpably incredible", "patently frivolous" or "false," Blackledge v. Allison, 431 U.S. 63, 75-76, 97 S.Ct. 1621, 1629-30, 52 L.Ed.2d 136 (1977) ;
Hendricks v. Vasquez, 974 F. 2d 1099 - Court of Appeals, 9th Circuit 1992. The Appellant's Petition for Writ of Habeas Corpus does not meet the standard for summary dismissal. Alan Douglas set forth his claims for relief with specificity, and included Amended "Notice of Appeal."[28 U.S.C §§ 2252, 2253]. His claims, when unanswered, cannot be characterized as so incredible or frivolous as to warrant summary dismissal. It's not a Case with Appellant – Alan Douglas. After that Douglas filed a Notice of Appeal [Amended] and request for certificate of appealability. In timely manner Appellant asked for Extension of Time and get granted to November 30, 2020. With this Motion for Reconsideration Douglas ask District Court to grand Permission for COA with "Certified Issues" stated below.

Appellant ask this Court to review De Novo a District Court's decision denying a Petition for Habeas Corpus. Bailey v. Hill, 599 F.3d 976, 978 (9th Cir.2010). In addition to that, Appellant also ask this Court to review De Novo a District Court's determination that it does not have jurisdiction over a Habeas corpus Petition. Id.

The US District Court; Central District of California-Western Division Case No.: 2:20-cv-07524-RSWL-AS subsequently dismissed the complaint without prejudice pursuant to Stanley v. California Supreme Court, 21F.3d 359, 360 (9th Cir. 1984); Rule 2(a), Rules Governing Section 2254 Cases in the United States Supreme Court, the Court lacks jurisdiction over the Petition. See Smith v. Idaho, 392 F3d 350, 352-55 (9th Cir. 2004).

(2)Predecessor to the COA Statute:

Starting in 1908, a state prisoner seeking to appeal a federal trial court's denial of a petition for a writ of habeas corpus under 28 U.S.C. § 2254 was required to obtain a certificate of probable cause authorizing an appeal. See Act of March 10, 1908, ch. 76, 35 Stat. 40 (current version at 28 U.S.C. § 2253). Congress added the CPC requirement because of delays in state capital cases caused by perceived "frivolous" appeals in federal habeas cases. See Barefoot v. Estelle, 463 U.S. 880, 892, 103 S.Ct. 3383, 77 L.Ed.2d 1090 (1983). However, at the time of the 1908 statute, federal circuit courts did not possess

appellate jurisdiction over a district court's denial of a habeas petition and subsequent CPC. Instead, an appeal of the denial of habeas relief went directly to the Supreme Court. See, e.g., Grammer v. Fenton, 268 F. 943, 946-47 (8th Cir.1920).

In 1948, the CPC statute was recodified as 28 U.S.C. § 2253 and provided that no appeal could be taken from a final order in a habeas proceeding, "unless the justice or judge who rendered the order or a circuit justice or judge issue[d] a certificate of probable cause." See Slack, 529 U.S. at 480, 120 S.Ct. 1595 (quoting Act of June 25, 1948, 62 Stat. 967) . The Supreme Court subsequently acknowledged the broad discretion granted by section 2253 to the courts of appeals: "It is for the Court of Appeals to determine whether such an application to the court is to be considered by a panel of the Court of Appeals, by one of its judges, or in some other way deemed appropriate by the Court of Appeals." In re Burwell, 350 U.S. 521, 522, 76 S.Ct. 539, 100 L.Ed. 666 (1956) (per curiam) (emphasis added); see also United States ex rel. Sullivan v. Heinze, 250 F.2d 427 (9th Cir.1957) (post-Burwell decision denying CPC via one-judge order); Burgess v. Warden, 284 F.2d 486, 488 (4th Cir.1960) (post-Burwell decision holding CPC may be ruled upon by one or three judges depending on whether court is in session).

Under AEDPA, the petitioner must obtain a COA in order to appeal the denial. 28 USC § 2253(c). See also Miller-El, 537 US at 335–36. In Miller-El v Cockrell, 537 US 322 (2003) the Supreme Court held that obtaining a COA is "a jurisdictional prerequisite" to appeal. Id at 336. Because obtaining a COA is a jurisdictional requirement, courts can never entertain an appeal when no COA has been obtained, and they must raise the failure to obtain a COA sua sponte. See Gonzalez, 132 S Ct at 648. To obtain a COA, the inmate must make a request to a district or circuit court judge. See 28 USC § 2253(c)(1). Note that although the text of the statute refers to issuance by "a circuit justice or judge," courts have universally interpreted this to mean that a district court or circuit court judge can issue the writ. Gonzalez, 132 S Ct at 649 n 5. This understanding of the statute is made explicit in Federal Rule of Appellate Procedure (FRAP) 22(b)(1) ("[T]he applicant cannot take an appeal unless a circuit justice or a circuit or district judge issues a certificate of appealability."). In the application, the inmate includes the issues he wishes to raise on appeal. In general, the application process is informal, there is no hearing, and the government rarely files a brief in response to the prisoner's request. Consider Third

Circuit Local Appellate Rule 22.1 ("The appellees may, but need not unless directed by the court, file a memorandum in opposition to the granting of a certificate [of appealability]."). The determination is simply made in chambers. If the district court judge denies the request, the inmate may apply to the circuit judge. See FRAP 22(b)(1).In addition, a notice of appeal to the circuit court can be treated as a request for a COA. See FRAP 22(b)(2). However, 92 percent of all COA rulings are denials. See King, 24 Fed Sent Rptr at 308 . Further, unlike the petitioner, the state is not required to seek a COA in order to appeal. See FRAP 22(b)(3).The Supreme Court may review circuit court denials of COA requests on writ of certiorari. See Hohn v United States, 524 US 236, 253 (1998). The COA requirement in AEDPA is derived from the pre-AEDPA certificate of probable cause (CPC) requirement. Congress first enacted legislation requiring this "threshold pre-requisite to appealability" in 1908. Miller-El, 537 US at 337.The CPC requirement was therefore, considered the "primary means of separating meritorious from frivolous appeals." Barefoot v Estelle, 463 US 880, 892–93 (1983).Because the statute requiring a CPC did not specify the standard for issuance of the certificate, the Supreme Court in Barefoot v Estelle 463 US 880 (1983) filled the gap by holding that to obtain a CPC, a petitioner must make a "substantial showing of the denial of [a] federal right." Id at 893. In a footnote, the Court explained that a "substantial showing" requires that the petitioner "demonstrate that the issues are debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are adequate to deserve encouragement to proceed further." Id at 893.

When Congress enacted AEDPA, it replaced the CPC requirement with the closely related COA provision. Although the legislative history of AEDPA includes no commentary about the COA provision, the Supreme Court has stated that "Congress confirmed the necessity and the requirement of differential treatment for those appeals deserving of attention from those that plainly do not." Miller-El, 537 US at 337. Section 2253 provides the current statutory framework for appeals seeking federal habeas relief, beginning with a general grant of jurisdiction in § 2253(a). 8 USC § 2253(a). The subsequent sections narrow and define that jurisdiction. Subsection (c)(1) states that "[u]nless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding." 28

USC § 2253(c)(1). Next, subsection (c)(2) specifies that "[a] certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right." 28 USC § 2253(c)(2). This provision adopts the standard set forth by the Supreme Court in Barefoot but requires that the petitioner show the denial of a constitutional, rather than a federal, right. In light of the similarity between the CPC and COA requirements, the Court extended the Barefoot standard to COAs in Slack v McDaniel, 529 US 473 (2000) holding that the COA's "substantial showing" requirement "includes showing that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." Id at 483–84 Slack permits the issuance of a COA not only when the district court has rejected a substantial, debatable constitutional claim but also when the district court has rejected the petition on a substantial, debatable procedural ground, so long as the petitioner can also show an underlying debatable constitutional issue. Id at 484. Finally, subsection (c)(3) provides that a COA "shall indicate which specific issue or issues satisfy the showing required by paragraph (2)." 28 USC § 2253(c)(3).In other words, the COA must specify a substantial, debatable constitutional issue. This Comment focuses primarily on the (c)(3) requirement, although subsections (c)(2) and (c)(3) are necessarily interdependent.

First, when a habeas corpus petitioner seeks to initiate an appeal of the dismissal of a habeas corpus petition after April 24, 1996 (the effective date of AEDPA), the right to appeal is governed by the certificate of appealability (COA) requirements now found at 28 U. S. C. § 2253(c) (1994 ed., Supp. III). This is true whether the habeas corpus petition was filed in the district court before or after AEDPA's effective date.

Second, when the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue (and an appeal of the district court's order may be taken) if the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the

district court was correct in its procedural ruling. Slack v. McDaniel 529 U.S. 473 (2000)

[2] Legal Argument to Support Appellant's Request for COA

Non-Prisoners.[Appellant-**Alan Douglas is NON-Prisoner**] Habeas corpus proceedings are characterized as civil in nature. See e.g., Fisher v. Baker, 203 U.S. 174, 181 (1906). However, under Fed. R. Civ. P. 81(a)(2), the applicability of the civil rules to habeas corpus actions has been limited, although the various courts which have considered this problem have had difficulty in setting out the boundaries of this limitation. See Harris v. Nelson, 394 U.S. 286 (1969) at 289, footnote 1. Rule 11 is intended to conform with the Supreme Court's approach in the Harris case.

Accordingly, to 28 U.S.C. § 2254 COA - Rule 11. Certificate of Appealability: Certificate of Appealability. The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue. The Magistrate Judge in US District Court do not ask Appellant –Alan Douglas to submit additional Evidence and do not produce [R&R]. The statute then specifies that a COA "may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right,"[28 U.S.C. § 2253(c)(2) (2012)] and that the COA "shall indicate which specific issue or issues" on which a satisfactory showing has been made.[28 U.S.C. § 2253(c)(3) (2012)] "Despite the language of [the statute], . . . Rule 22(b) [of the Federal Rules of Appellate Procedure] permits a district judge to issue a COA." [See FED. R. APP. P. 22(b)]. If the court issues a certificate, the court must state the specific issue or issues that satisfy the showing required by 28 U.S.C. §2253(c)(2). If the court denies a certificate, the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22. A motion to reconsider a denial does not extend the time to appeal.

JURISDICTION AND STANDARD OF REVIEW

"The COA statute establishes procedural rules and requires a threshold inquiry into whether the circuit court may entertain an appeal." Slack v. McDaniel, 529 U.S. 473, 482, 120 S.Ct. 1595, 146 L.Ed.2d 542 (2000). Appellant ask this Court for De Novo questions of statutory interpretation. See United States v. Cabaccang, 332 F.3d 622, 624-25 (9th Cir.2003) (en banc). In construing federal statutes, Petitioner presume that the ordinary meaning of the words chosen by Congress accurately express its legislative

intent. Brower v. Evans, 257 F.3d 1058, 1065 (9th Cir.2001).
Appellant believes that, "[a] court may grant a certificate if the applicant makes a 'substantial showing of the denial of a constitutional right." Arredondo v. Huibregtse, 542 F.3d 1155, 1165 (7th Cir. 2008) (quoting 28 U.S.C. § 2253(c)(2)). Alan Douglas argue that "[a]n applicant has made a 'substantial showing' where 'reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were "adequate to deserve encouragement to proceed further." Id. (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000).

Appellant's [Alan Douglas] Appeal is not frivolous, because substantial Constitutional rights are violated. Please, refer to Attached Stamped copy: Case 2:20-cv-07524-RSWL-AS Document 15 Filed 10/16/20 Page 2 of 65 Page ID #:378.

Previously in this matter, the Magistrate Judge do not issue a Report and Recommendation [R&R] recommending the summary denial of Petitioner's [Alan Douglas] Petition for Writ of Habeas Corpus, and the dismissal of this case without prejudice. Petitioner filed timely Amended 'Notice of Appeal" filed on 9/16/2020 by US Court of Appeal for the 9th Circuit. Appellant ask US District Court to amend the Report and Recommendation, which are now pending. At this juncture, the Court has not yet ruled on the Appellant's amender Notice of Appeal.. However, pursuant to the 2009 amendment to Rule 11 of the Rules in Section 2254 cases, the district court must issue or deny a Certificate of Appealability [COA] when it enters an order adverse to applicant. Hence, in the event that the district court accept and review Appellant amended Notice of Appeal, Petitioner respectfully requests the issuance of a Certificate of Appealability [hereafter "COA"].
The issues on which a COA is sought are set forth in § II, infra.
The legal standard applicable to granting or denying a COA is set forth in § III, infra.
A summary of the grounds for issuance of a COA in this matter is provided in § IV, infra.
This request is also based upon the files and records in this case, including but not limited to the Petition and supporting Appendices filed as separate files to this Motion for Reconsideration, and the Objections to Report and Recommendation [R&R], which are recently filed."

ISSUES ON WHICH A "COA" IS SOUGHT.

Whe he T ia C e Wa I effec i e.

The fo i g a e he b a ia USA C i i a i a i again he A e a –
A a D g a :

(1) T ia J dge [TJ] i he S e i C f Ca ifo ia fo L A ge e C d
ha e e gh j dicia e R e e Ca ifo ia a d USA C i i a d de
A e a ' igh :

(a)USA C i i a igh a c ce XIV A e d e Sec i O e-e a
ec i b he La ;

(b)A a d a d C e a i [" ed e "] a Vic i f Medica Ma ac ice Ca e
BC657529 a d BC696685 i h e i b di I j [Ca . Pe . C de Sec i
24e(f)(4)]- PLAIN ERROWS- aj i a e e f fac , fac ha e e eft
, i a a g e a e e i c ded, ha be ed c ec he
i a e i a a d e e e a TJ i g.

(2) I addi i ha TJ e a d ab e hi J dicia e, e i fu i c d c- a ed
i he A e a Pe i i W i fo Ma da e/P hibi i i h Re e fo J dge
Di a ifica i . C a d ORDERS f P ceedi g i L e C a e i c ded i
A ached A e dice f c ide a i b RP RJ. See A e dice Tab 9, 13, 14,15, 16.

(3) A e ica i h Di abi i Ac 1900[ADA]:

42USC 12101 e e

28 CFR Pa 35 [Ti e II De a e f J ice]

LEGAL STANDARD FOR ISSUANCE OF A COA – 28 USC 2253(c)(2)

The A i e i a d Effec i e Dea h Pe a Ac ("AEDPA") ide ha , i de
a e a a ea f a fi a de de i g habea c , a Ce ifica e f A ea abi i
be b ai ed fr a ci c i j ice f he di ic c j dge. 28 U.S.C. 2253,
bd. (c)( ).

I de b ai a COA, he e i i e a e a " b a ia h i g f he de ia f
a c i i a igh ." 28 U.S.C. 2253(c)(2). H e e , he e i i e eed h ha
he h d e ai he e i . La b igh . S e a , 220 F.3d 1022, 1025 (9 h Ci . 2000)
(e ba c) ["... [O]b i he e i i e eed h ha he h d e ai he

merits. He has already failed in that endeavor"]. Rather, the petitioner is merely required to make the "modest" showing (Lambright, supra, at 1025) that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong."

First, when a habeas corpus petitioner seeks to initiate an appeal of the dismissal of a habeas corpus petition after April 24, 1996 (the effective date of AEDPA), the right to appeal is governed by the certificate of appealability (COA) requirements now found at 28 U. S. C. § 2253(c) (1994 ed., Supp. III). This is true whether the habeas corpus Petition was filed in the district court before or after AEDPA's effective date.

Second, when the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue (and an appeal of the district court's order may be taken) if the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling. Slack v. McDaniel, 529 U.S. 473, 484 (2000). As explained by the Ninth Circuit in Jennings v. Woodford, 290 F.3d 1006 (9th Cir. 2002), the substantial showing standard required for a COA is "relatively low." Id., at 1011, citing Slack, supra. Hence, a COA must issue if any of the following apply:
(1) the issues are debatable among reasonable jurists;
(2) another court could resolve the issues differently; and or
(3) the questions raised are adequate enough to encourage the petitioner to proceed further.
(4)Finally, "The court must resolve doubts about the propriety of a COA in the petitioner's favor." Jennings, supra, citing Lambright, supra, at 1025."
Appellant ask the Court for Permission to Brief [AOB-Appellant Opening Brief] the following "Certified Issues" or whatever this Court find for just and proper:

(1)Petition for Writ of Habeas Corpus – Amended and Clarified with Appendices to Support Evidence and Procedure in lower Court, including Supreme Court of California. See, Appellant's Appendices Tab 16 attached to this Motion for COA.

(2)Extraordinary Writ of Mandamus/Prohibition to Disqualify Hon. William F. Fahey, PJ [Copy of this Proceeding in Superior Court of California for Los Angeles County – In support with Appendices from LASC, 2DCA and Supreme Court of California are Attached in Appendices as Tab 9, 13, 14,15, 16. Furthermore, Appellant attached copy of last Submission of Opposite Counsels-see Appendices Tab

7 and Tab 8. Finally, this Court may request full Transcript from California Supreme Court, or Appellant to submit transcript of the available procedure.[Full Transcript contain more than 10,000 pages] . Petitioner believe that US District Court do not have full Transcript and Magistrate Judge failed to produce [R&R] –Report and Recommendation and do not asked Appellant Alan Douglas to provide additional Information as part of Investigation FRCP Rule 55(b)(2)(D)].

(3)ORDER to show Cause issued by USCA for 9th Circuit Clerk to Hon. William Fahey, PJ—Court Officer in Superior Court of California for Los Angeles County why these Medical Malpractice Cases [BC657529 and BC696685] should have not been settled in Superior Court of California for Los Angeles County as contradiction exist to all Evidence provided in Appellant's[Alan Douglas] Medical Record?

(4)Why Judgment in favor of Zimmerman, NP and Schapira, MD shall be reversed ? This Statement is Support with Appendices including last Submission by Opposite Counsels to 2DCA is attached to this Motion as Appendices – see Tab 9, 13, 14,15, 16.

(5)Why Judgments in favor of Daskivich, MD and SCMC shall be reversed? This Statement is Support with Appendices including last submission by Opposite Counsels to 2DCA is attached to this Motion with separate Appendices [Table of Content included]. See Appendices Tab 7,8, 9, 13, 14,15, 16.

Uncertified Issues (Optional):

(1)Briefing for Good Faith Settlement for Zimmerman, NP and Schapira, MD [Denied in all Lower Courts].

(2)Briefing for Good Faith Settlement for Daskivich, MD and CSMC [Denied in all Lower Courts].

(3)Briefing for Settlement in Superior Court of California for Los Angeles County-Direction for continuing trial in Settlement Court. Appellant was told that he need Judge Order for this purpose.

ARGUMENTS SUPPORTING ISSUANCE OF COA.

"Reasonable Jurists Could Differ as to Whether Counsel was Ineffective."

(1) The Deputy Clerk erroneously treated Appellant-Alan Douglas- as a prisoner. **Alan Douglas is NON-Prisoner**. The Deputy Clerk check the box and certify that Appellant do not submit a Certificate of Authorized Funds form completed and signed by an Authorized Officer at the prison. Copy of this Document filed on Aug. 19, 2020 is Attached inside of Appendices filed to Support this Motion. Please, see Appendices, Tab 5.

(2) In the "Notice of Judge Assignment and Reference to a United States Magistrate

Judge (Petition for Habeas Corpus)" the Court assigned as U.S. Magistrate Judge Alka Sagar on Aug.19, 2020.This Notice stated that the Magistrate Judge shall prepare and file a Report and Recommendation [R&R] regarding the disposition of this case, which may include proposed findings of fact, conclusion of law, and proposed order or judgment, and which shall be served on all parties.

(3) The Appellant – Alan Douglas never received copy of "Report and Recommendation" [R&R], but received over the mail paper copy of all Documents filed on the Docked for US District Court under the Case: 2:20-cv-07524-RSWL-AS. The [R&R] shall include explanation for Summary Denial without Decision on the merits. The Appellant's Merits on the Case are explain in more detail in his amended "Notice of Appeal - Answer to Show Cause" to USCA for 9th Circuit filed on 9/16/2020.

(4) Trial Judge [TJ] in the Superior Court of California for Los Angeles County do not have enough judicial power to Rule over California and USA Constitution and to deny Appellant's rights:

(a)USA Constitutional rights as concern XIV Amendments Section One-equal protection by the Law;

(b)Award and Compensation ["redress"] as Victim of Medical Malpractice Cases BC657529 and BC696685 with serious bodily Injury [Cal. Pen. Code Section 24e(f)(4)]- PLAIN ERROWS-major misstatements of facts, facts that were left out, important arguments that were not included, shall be used to correct the mistake in law and reverse all TJ rulings.

(5)In addition to that TJ use and abuse his Judicial power, use willful misconduct-stated in the Appellant Petition Writ for Mandate/Prohibition with Request for Judge Disqualification. Copy and ORDERS of Proceedings in Lower Courts are included in Attached Appendices for consideration by RP or RJ, see Appendices Tab 9, 13, 14,15, 16.

(6)American with Disability Act 1900[ADA]:

42USC §§12101 et seq

28 CFR Part 35 [Title II Department of Justice]

(7) The Magistrate Judge failed to :

(a)reveal the truth and to serve in Interest of Justice – FRCP Rule 55(b)(2)(C);

(b) establish the truth of any allegation by evidence or to Investigate any other matter

accordingly, to FRCP Rule 55(b)(2)(D);

(c)submit Report and Recommendation [R&R] to Appellant and request Appellant to provide Medical Record or Transcript from Trial Court – Superior Court of California for Los Angeles County, or any other evidence to support his claim.

Based on the above Arguments Supporting Issuance of COA Petitioner ask this Court the Amended "Notice of Appeal – Answer to Order to Show Cause" filed on 9/16/2020 with USCA for 9th Circuit to be "incorporated by reference" in Appellant's COA. And also, all Appendices Attached as Additional Documents to this Motion for COA.

CONCLUSION. Appellant ask respectfully the Reviewing Judge [RJ] or Reviewing Panel [RP] in USCA for 9th Circuit to take into Consideration filed Amended Notice of Appeal on 9/16/2020 with US Court of Appeal for 9th Circuit. **The Appellant- Alan Douglas- is not Prisoner** and shall be applied *28 U.S.C. § 2254 Rule 12* and also filed Form 1 by 9th Circuit. Habeas corpus proceedings are characterized as civil in nature. See e.g., Fisher v. Baker, 203 U.S. 174, 181 (1906). Appellant USA Constitutional right are severely violated., including the right for redress.

For the reasons stated herein, should the USCA for 9th Circuit Panel Review Petitioner's MOTION FOR COA, accordingly the Court should issue a COA as to the "Issues on Which a COA is Sought." 28 U.S.C. §2253(c)(2).

[3] Legal Argument in Support of Appellant's Brief for COA

Non-Prisoners. [**Appellant-Alan Douglas is NON-Prisoner**] Habeas corpus proceedings are characterized as civil in nature. See e.g., Fisher v. Baker, 203 U.S. 174, 181 (1906). However, under Fed. R. Civ. P. 81(a)(2), the applicability of the civil rules to habeas corpus actions has been limited, although the various courts which have considered this problem have had difficulty in setting out the boundaries of this limitation. See Harris v. Nelson, 394 U.S. 286 (1969) at 289, footnote 1. Rule 11 is intended to conform with the Supreme Court's approach in the Harris case.

Accordingly, to 28 U.S.C. § 2254 COA - Rule 11. Certificate of Appealability: Certificate of Appealability. The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue. The Magistrate Judge in US District Court do not ask Appellant –Alan Douglas to

submit additional Evidence and do not produce Report and Recommendations [R&R]. The statute then specifies that a COA "may issue...only if the applicant has made a substantial showing of the denial of a constitutional right,"[28 U.S.C. § 2253(c)(2) (2012)] and that the COA "shall indicate which specific issue or issues" on which a satisfactory showing has been made.[28 U.S.C. § 2253(c)(3) (2012)] "Despite the language of [the statute],... Rule 22(b) [of the Federal Rules of Appellate Procedure] permits a district judge to issue a COA." [See FED. R. APP. P. 22(b)]. If the court issues a certificate, the court must state the specific issue or issues that satisfy the showing required by 28 U.S.C. §2253(c)(2). If the court denies a certificate, the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22. A motion to reconsider a denial does not extend the time to appeal.

JURISDICTION AND STANDARD OF REVIEW

"The COA statute establishes procedural rules and requires a threshold inquiry into whether the circuit court may entertain an appeal." Slack v. McDaniel, 529 U.S. 473, 482, 120 S.Ct. 1595, 146 L.Ed.2d 542 (2000). Appellant ask this Court for De Novo questions of statutory interpretation. See United States v. Cabaccang, 332 F.3d 622, 624-25 (9th Cir.2003) (en banc). In construing federal statutes, Petitioner presume that the ordinary meaning of the words chosen by Congress accurately express its legislative intent. Brower v. Evans, 257 F.3d 1058, 1065 (9th Cir.2001).

Appellant believes that , "[a] court may grant a certificate if the applicant makes a 'substantial showing of the denial of a constitutional right." Arredondo v. Huibregtse, 542 F.3d 1155, 1165 (7th Cir. 2008) (quoting 28 U.S.C. § 2253(c)(2)). Alan Douglas argue that "[a]n applicant has made a 'substantial showing' where 'reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were "adequate to deserve encouragement to proceed further." Id. (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000).

Appellant's [Alan Douglas] Appeal is not frivolous, because substantial Constitutional rights are violated. Please, refer to Attached Stamped copy: Case 2:20-cv-07524-RSWL-AS Document 15 Filed 10/16/20 Page 2 of 65 Page ID #:378.

Previously in this matter, the Magistrate Judge do not issue a Report and

Recommendation [R&R] recommending the summary denial of Petitioner's [Alan Douglas] Petition for Writ of Habeas Corpus, and the dismissal of this case without prejudice. Petitioner filed timely Amended 'Notice of Appeal" filed on 9/16/2020 by US Court of Appeal for the 9th Circuit. Appellant ask US District Court to amend the Report and Recommendation, which are now pending. At this juncture, the Court has not yet ruled on the Appellant's amender Notice of Appeal.. However, pursuant to the 2009 amendment to Rule 11 of the Rules in Section 2254 cases, the district court must issue or deny a Certificate of Appealability [COA] when it enters an order adverse to applicant. Hence, in the event that the district court accept and review Appellant amended Notice of Appeal, Petitioner respectfully requests the issuance of a Certificate of Appealability [hereafter "COA"].Appellant-Alan Douglas is NON-Prisoner and shall apply Rule 11, Sec. 2255.

The issues on which a COA is sought are set forth in § II, infra.

The legal standard applicable to granting or denying a COA is set forth in § III, infra.

A summary of the grounds for issuance of a COA in this matter is provided in § IV, infra.

This request is also based upon the files and records in this case, including but not limited to the Petition and supporting Appendices filed as separate files to this Motion for Reconsideration, and the Objections to Report and Recommendation [R&R], which are recently filed. In addition to the above Appellant filed "Excerpts of Record" on 11/25/2020 in order to be used in his Brief. The Brief Support Appellant Motion for COA filed for Case: 20-56105 on 11/13/2020, ID: 11893433, Docket Entry: 16-1, Page 1 of 26.

ISSUES ON WHICH A "COA" IS SOUGHT.

Whether Trial Counsel Was Ineffective.

The followings are the substantial USA Constitutional violations against the Appellant – Alan Douglas:

(1) Trial Judge [TJ] in the Superior Court of California for Los Angeles County do not have enough judicial power to Rule over California and USA Constitution and to deny Appellant's rights:

(a)USA Constitutional rights as concern XIV Amendments Section One-"equal protection by the Law";

(b)Award and Compensation ["redress"] as Victim of Medical Malpractice Cases

BC657529 and BC696685 with serious bodily Injury [Cal. Pen. Code Section 24e(f)(4)]- PLAIN ERROWS-major misstatements of facts, facts that were left out, important arguments that were not included, shall be used to correct the mistake in law and reverse all TJ rulings.

(2) In addition to that TJ use and abuse his Judicial power, use willful misconduct-stated in the Appellant Petition for Writ of Mandate/Prohibition with Request for Judge Disqualification. Copy and ORDERS of Proceedings in Lower Courts are included in Attached Appendices for consideration by RP or RJ. See Appendices Tab 9, 13, 14,15, 16.

(3) American with Disability Act 1900[ADA]:

42USC §§12101 et seq

28 CFR Part 35 [Title II Department of Justice]

LEGAL STANDARD FOR ISSUANCE OF A COA – 28 USC § 2253(c)(2)

The Antiterrorism and Effective Death Penalty Act ("AEDPA") provides that, in order to take an appeal from a final order denying habeas corpus, a Certificate of Appealability must be obtained from a circuit justice or from the district court judge. 28 U.S.C. § 2253, subd. (c)(1).

In order to obtain a COA, the petitioner must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). However, the petitioner need not show that he should prevail on the merits. Lambright v. Stewart, 220 F.3d 1022, 1025 (9th Cir. 2000) (en banc) ["... [O]bviously the petitioner need not show that he should prevail on the merits. He has already failed in that endeavor"]. Rather, the petitioner is merely required to make the "modest" showing (Lambright, supra, at 1025) that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong."

First, when a habeas corpus petitioner seeks to initiate an appeal of the dismissal of a habeas corpus petition after April 24, 1996 (the effective date of AEDPA), the right to appeal is governed by the certificate of appealability (COA) requirements now found at 28 U. S. C. § 2253(c) (1994 ed., Supp. III). This is true whether the habeas corpus Petition was filed in the district court before or after AEDPA's effective date.

Second, when the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue (and an

appeal of the district court's order may be taken) if the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling. Slack v. McDaniel, 529 U.S. 473, 484 (2000). As explained by the Ninth Circuit in Jennings v. Woodford, 290 F.3d 1006 (9th Cir. 2002), the substantial showing standard required for a COA is "relatively low." Id., at 1011, citing Slack, supra. Hence, a COA must issue if any of the following apply:
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(3) the questions raised are adequate enough to encourage the petitioner to proceed further.
(4)Finally, "The court must resolve doubts about the propriety of a COA in the petitioner's favor." Jennings, supra, citing Lambright, supra, at 1025."
Appellant ask the Court for Permission to Brief [AOB-Appellant Opening Brief] the following "Certified Issues" or whatever this Court find for just and proper:

(1)Petition for Writ of Habeas Corpus 28 U.S.C. §2255 [for NON-Prisoner]– Amended and Clarified with Appendices to Support Evidence and Procedure in lower Court, including Supreme Court of California. See, Appellant's Appendices Tab 16 attached to this Motion for COA.

(2)Extraordinary Writ of Mandamus/Prohibition to Disqualify Hon. William F. Fahey, PJ [Copy of this Proceeding in Superior Court of California for Los Angeles County – In support with Appendices from LASC, 2DCA and Supreme Court of California are Attached in Appendices as Tab 9, 13, 14,15, 16. Furthermore, Appellant attached copy of last Submission of Opposite Counsels-see Appendices Tab 7 and Tab 8. Finally, this Court may request full Transcript from California Supreme Court, or Appellant to submit transcript of the available procedure.[Full Transcript contain more than 10,000 pages] . Petitioner believe that US District Court do not have full Transcript and Magistrate Judge failed to produce [R&R] –Report and Recommendation and do not asked Appellant Alan Douglas to provide additional Information as part of Investigation FRCP Rule 55(b)(2)(D)].

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Appellant's[Alan Douglas] Medical Record? What is the personal issue involved?
(4)Why Judgment in favor of Zimmerman, NP and Schapira, MD shall be reversed ? This Statement is Support with Appendices including last Submission by Opposite Counsels to 2DCA is attached to this Motion as Appendices – see Tab 9, 13, 14,15, 16.
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Uncertified Issues (Optional):
(1)Briefing for Good Faith Settlement for Zimmerman, NP and Schapira, MD [Denied in all Lower Courts].
(2)Briefing for Good Faith Settlement for Daskivich, MD and CSMC [Denied in all Lower Courts].
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(1) The Deputy Clerk erroneously treated Appellant-Alan Douglas- as a prisoner. **Alan Douglas is NON-Prisoner**. The Deputy Clerk check the box and certify that Appellant do not submit a Certificate of Authorized Funds form completed and signed by an Authorized Officer at the prison. Copy of this Document filed on Aug. 19, 2020 is Attached inside of Appendices filed to Support this Motion. Please, see Appendices, Tab 5. *Petition for Writ of Habeas Corpus for NON-Prisoner can be fixed with Motion for Habeas Corpus under the Rule 28U.S.C. §2255 for NON-Prisoner-Civil Case, which apply to Alan Douglas.*
(2) In the "Notice of Judge Assignment and Reference to a United States Magistrate Judge (Petition for Habeas Corpus)" the Court assigned as U.S. Magistrate Judge Alka Sagar on Aug.19, 2020.This Notice stated that the Magistrate Judge shall prepare and file a Report and Recommendation [R&R] regarding the disposition of this case, which may include proposed findings of fact, conclusion of law, and proposed order or judgment,

and which shall be served on all parties.

(3) The Appellant – Alan Douglas never received copy of "Report and Recommendation" [R&R], but received over the mail paper copy of all Documents filed on the Docked for US District Court under the Case: 2:20-cv-07524-RSWL-AS. The [R&R] shall include explanation for Summary Denial without Decision on the merits. The Appellant's Merits on the Case are explain in more detail in his amended "Notice of Appeal - Answer to Show Cause" to USCA for 9th Circuit filed on 9/16/2020.

(4) Trial Judge [TJ] in the Superior Court of California for Los Angeles County do not have enough judicial power to Rule over California and USA Constitution and to deny Appellant's rights:

(a)USA Constitutional rights as concern XIV Amendments Section One-"equal protection by the Law";

(b)Award and Compensation ["redress"] as Victim of Medical Malpractice Cases BC657529 and BC696685 with serious bodily Injury [Cal. Pen. Code Section 24e(f)(4)]- PLAIN ERROWS-major misstatements of facts, facts that were left out, important arguments that were not included, shall be used to correct the mistake in law and reverse all TJ rulings.

(5)In addition to that TJ use and abuse his Judicial power, use willful misconduct-stated in the Appellant Petition for Writ of Mandate/Prohibition with Request for Judge Disqualification. Copy and ORDERS of Proceedings in Lower Courts are included in Attached Appendices for consideration by RP or RJ, see Appendices Tab 9, 13, 14,15, 16.

(6)American with Disability Act 1900[ADA]:

42USC §§12101 et seq

28 CFR Part 35 [Title II Department of Justice]

(7) The Magistrate Judge failed to :

(a)reveal the truth and to serve in Interest of Justice – FRCP Rule 55(b)(2)(C);

(b) establish the truth of any allegation by evidence or to Investigate any other matter accordingly, to FRCP Rule 55(b)(2)(D);

(c)submit Report and Recommendation [R&R] to Appellant and request Appellant to provide Medical Record or Transcript from Trial Court – Superior Court of California for Los Angeles County, or any other evidence to support his claim.

Based on the above Arguments Supporting Issuance of COA Petitioner ask this Court the Amended "Notice of Appeal – Answer to Order to Show Cause" filed on 9/16/2020 with USCA for 9th Circuit to be "incorporated by reference" in Appellant's COA. And also, all Appendices Attached as Additional Documents to this Motion for COA.

CONCLUSION. Appellant ask respectfully the Reviewing Judge [RJ] or Reviewing Panel [RP] in USCA for 9th Circuit to take into Consideration filed Amended Notice of Appeal on 9/16/2020 with US Court of Appeal for 9th Circuit. The Appellant- Alan Douglas- is **not Prisoner and shall be applied 28 U.S.C. § 2255 Rule 12** and also filed Form 1 by 9th Circuit. Habeas corpus proceedings are characterized as civil in nature. See e.g., Fisher v. Baker, 203 U.S. 174, 181 (1906). Appellant USA Constitutional right are severely violated., including the right for redress.

For the reasons stated herein, should the USCA for 9th Circuit Panel Review Petitioner's MOTION FOR COA, accordingly the Court should issue a COA as to the "Issues on Which a COA is Sought." 28 U.S.C. §2253(c)(2).

END of the PETITION

CONCLUSION

Based on the above, Appellant believe that his "*Petition for a WRIT of Certiorari to USCA 9th Circuit on 2HC*" shall be granted.

Award may be granted based on Document presented in USSC Case 20-6881. Accordingly, correct Direction shall be given to California State and any other remedies in favor of Appellant he may be entitled to them as just and proper.

All parties shall bear their own costs. (Solberg v. Superior Court of San Francisco, 19 Cal. 3d 182,561 P.2d 1148, 137 Cal. Rptr. 460, 1977 Cal.)

Respectfully submitted,

Dated: March 2, 2021 Signed by:

Los Angeles, CA Alan Douglas