

20-7555  
IN THE SUPREME COURT OF THE UNITED STATES

ANTHONY A. PATEL,

Plaintiff and Appellant,

vs.

PATRICIA MILLER; *et al.*,

Defendants and Appellees.

) U.S. Supreme Court Case No. **MAR 22 2021**  
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Supreme Court, U.S.  
FILED

OFFICE OF THE CLERK

On Petition for a Writ of Certiorari to  
The U.S. Court of Appeals for The Ninth Circuit  
Denial of panel rehearing and en banc review  
(dated: November 3, 2020)

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PETITION FOR WRIT OF CERTIORARI

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Anthony A. Patel  
553 N. Pacific Coast Hwy.,  
Suite B-522  
Redondo Beach, CA 90277  
Phone: (424) 350-0123  
Fax: (310) 943-3829  
Email: tony@tonypatel.com  
Plaintiff and Appellant  
*In Propria Persona*

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## QUESTIONS PRESENTED FOR REVIEW

1. Do the federal civil rights laws passed for the benefit of Americans of African descent after the U.S. Civil War also apply with equal force and effect to Americans of Asian descent?
2. May a federal appeals court summarily affirm a case prior to the filing of opening briefs on the merits of the appeal?
3. Can a State or Territory of the United States forcibly misdiagnose an individual U.S. Citizen as suffering a mental disorder due to his/her desire to run for elected public office?
4. Is running for elected office in our society today a mental disorder which requires treatment and medical care?
5. Is a forced State-mandated misdiagnosis of mental illness and denial of equal protection based on an individual's race, creed, color or ethnicity a legally cognizable claim for relief in federal court under the federal civil rights laws?
6. Do judges and lawyers acting under color of State law violate the rights of a U.S. Citizen who is peacefully engaged in the political campaign process?
7. Can a State medical doctor or State public health entity refuse to amend an individual's incorrect medical records?
8. May lawyers and judges rely on erroneous health records in order to deprive an individual citizen of due process?
9. Are Americans better off now in 2021 from California government's misdiagnosis of appellant as suffering the bipolar mental illness of understanding both sides of the political aisle?
10. Is it a mental illness for a lawyer to aspire to work in public service of Articles I & II of the United States Constitution?

## LIST OF PARTIES

### *Plaintiff and Appellant*

ANTHONY A. PATEL, individual

### *Defendants-Appellees (parties appearing in district court and not voluntarily dismissed heretofore by plaintiff)*

Individuals: Patricia Miller; Gregory Hendey; Johanna Klohn; Atilla Uner; Charles Robinson; John C. Mazziotta; Lynne McCullough; Janet Napolitano; Douglas Nies; and Lukas Alexanian.

Public Entities: UCLA Health Information Management Service (Regents of California)

Private Entities: BUTER BUZARD FISHBEIN & ROYCE LLP; BLANK ROME; NEMECEK & COLE; MCLA PSYCHIATRIC GROUP; WASSER, COOPERMAN & MANDLES, PC; LAW & BRANDMEYER LLP; JAFFE AND CLEMENS; DeCarolis Family Law Group, LLP and Trope Fein, LLP; Greenberg Traurig LLP; SCHMID & VOILES; SILVER LAW GROUP; LEWIS BRISBOIS BISGAARD & SMITH LLP; BOREN, OSHER & LUFTMAN LLP; and MEYER OLSON LOWY & MEYERS.

**CORPORATE DISCLOSURE STATEMENT**

I, Anthony A. Patel, do hereby certify that, to my knowledge, there are no publicly-held companies or corporations as interested entities or persons to list in this Statement, except for the parties in this case.

The State of California and the State Bar of California are interested parties as it relates to all of the Defendants/Appellees.

DATED: March 22, 2021



Anthony A. Patel  
Plaintiff and Appellant  
*In Pro Per*

## LIST OF PROCEEDINGS

Anthony A. Patel vs. Patricia Miller et al., United States Court of Appeals for the Ninth Circuit, Case Number: 19-56285.

Date of Entry of Order Denying Petition for Rehearing and for Rehearing and Review En Banc: November 3, 2020.

Date of Entry of Order Summarily Affirming Judgment of the District Court: June 25, 2020.

Anthony A. Patel vs. Patricia Miller et al., United States District Court for the Central District of California, Docket Case Number: 2:19-cv-00080-CBM-AFM.

Date of the Entry of District Court's Order Dismissing All Claims in Civil Case (With Prejudice) and the Date of the Appealable Order: October 4, 2019.

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## JURISDICTIONAL STATEMENT

The jurisdiction of the U.S. Supreme Court is proper as this petition for certiorari stems from a case in a federal appeals court (the Ninth Circuit). The Court of Appeals denied a petition for rehearing and full en banc review in this matter on November 3, 2020 (the original disposition order was entered June 25, 2020 and summarily affirmed the lower U.S. district court).

Under this Court's current extended deadlines during the Covid-19 pandemic, the deadline to file this instant petition for a writ of certiorari is 150 days. This certiorari request stems directly from denial of the rehearing and denial of en banc review of the highest federal appeals court on November 3, 2020. Thus, the Supreme Court's final jurisdiction is customary and proper.

The underlying trial court matter in the U.S. district court is based upon federal civil rights violations and civil RICO claims, both of which are actionable in federal district court as a tribunal of first resort. Because subject matter jurisdiction in the federal district court was properly invoked, the appeal to the federal appeals court (the Ninth Circuit) was also appropriate.

The original case stems from appellant's request that California state actors amend his medical records. The appellant complained that State actors refused to correct his records and were conspiring with lawyers and judges in California to destroy appellant's life and career. Lower federal courts ignored Patel's self-evident and unalienable natural right to life, liberty and pursuit of happiness. The Ninth Circuit also passed and lacks interest. Hence, appellant cannot work, succeed or be productive.

## LEGAL ISSUES IN THIS CASE

The U.S. Court of Appeals for the Ninth Circuit is not interested in this case. The Ninth Circuit did not allow briefs to be filed and summarily affirmed in favor of California. The suggestion that Patel might be more intelligent than people who are in charge in California is too much for the Ninth Circuit to bear – rather, the Ninth Circuit, prefers to allow States to misdiagnose intellect as illness as the official position of U.S. Courts. However, this U.S. Supreme Court has the final say.

The principal legal issues in this case include the following:

*United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982).

*Bush v. Gore*, 531 U.S. 98 (Dec. 12, 2000).

*Texas v. Pennsylvania et al.*, 592 U.S. \_\_\_\_ (Dec. 11, 2020).

Federal civil rights: 42 U.S.C. § 1983 and 42 U.S.C. § 1985.

Fourteenth Amendment to the U.S. Constitution.

First and Fifth Amendments to the U.S. Constitution

Due Process Clause of the U.S. Constitution.

Equal Protection Clause of the U.S. Constitution.

U.S. *Declaration of Independence* (as interpretive text underlying Preamble and specific text of the U.S. Constitution).

Inherent power to control proceedings per Article III of the U.S. Constitution. Judicial Power of the United States under the U.S. Constitution to ensure States comply with the supremacy of Articles I and II of the U.S. Constitution.

Supremacy Clause under the U.S. Constitution.

Universal Declaration of Human Rights (UDHR).

United Nations Charter (1945).

## STATEMENT OF FACTS

Appellant Anthony A. Patel (“Patel”) asked California and its government agencies to correct his erroneous medical records. Rather than spend a few minutes and fix the erroneous health records Defendants caused, State agents acting under color of law conspired with lawyers and judges to ruin Patel’s career and life. The question is whether Americans of Asian descent enjoy the same rights as Americans of African descent to be free from discrimination and prejudices by State actors under color of law.

In this case, Patel (a lawyer) hoped to run for elected office and improve our current laws to work better for all Americans.

The powers-that-be in California did not like his views and background, so he was forcibly misdiagnosed by the State as mentally ill (without consent) in 2013. He submitted a request to amend records in 2019 so that he might be able to work and be productive in society. However, the State denied him and instead conspires with lawyers, judges and government agencies to improperly use these trumped-up false State health records.

Defendants suggest that Americans are better off because Patel (then a Bipolar Democrat in 2013) did not run for Congress in 2014. However, the ensuing 8 years show how ludicrous California’s position now seems to be. Indeed, a lawyer who works with both partisan sides and shares dual perspectives on issues can very much benefit his (or her) fellow citizens. But, California classifies intellect as bipolar mental disorder. The Ninth Circuit also doubts the legitimacy of President Trump’s voters (contrary to President Biden’s Inaugural 2021 Address).

## STATEMENT OF CASE

In case 2:19-cv-00080-CBM-AFM , Patel sued California state agents in 2019 for refusing to correct his involuntary mental health records. Patel was rebuffed by the bureaucratic California power structure (eerily reminiscent of the former Soviet Union). The district court then had no real interest in this case because Patel also sued several law firms and conspirators of the State. Hence, the district court agreed with the conspiring lawyers that Patel should be treated as “bipolar” and suffers illness of having better legal judgment than California judges. The case was dismissed (with prejudice) on October 4, 2019.

On appeal, the Ninth Circuit took the similar dim view that States have no obligation to correct false medical records. The Ninth Circuit did not even bother to hear briefing, because the federal appeals court relied on the incorrect health records. This alleged disorder from which Patel suffers affected many in public service over the past 245 years, but none were singled out for this harsh mistreatment based on a desire to serve his/her nation.

Patel’s requests for en banc review and rehearing in the Ninth Circuit were also ignored. However, in order to emphasize a key legal principle for the “mentally ill” Patel, the Ninth Circuit rebuked Patel in this case on Election Day, November 3, 2020 (emphasis added). The message from the Ninth Circuit was duly received by Patel and is now thus being presented to this United States Supreme Court for further action: Per the Ninth Circuit, Article III now supersedes Articles II and I of the U.S. Constitution (i.e. the framers misnumbered in the 1780s).

## REASONS IN SUPPORT OF WRIT

The Ninth Circuit today misconstrues our constitutional structure. In the U.S. legal system, the law since July 1776 emanates from the American People, not from lawyers or judges. Tenth Amendment, U.S. Constitution. But, in the jurisdiction of the Ninth Circuit, applicable law apparently originates from lawyers and judges who themselves decide how and what their subjects (citizens) should think, how they should feel, etc.

Unlike many other minorities, Patel had no personal animus for President Trump. Rather, even for former Democrats like Patel, Mr. Trump legitimately represented the views of almost half of Americans on Election Day 2020. Understanding two bipolar perspectives on November 3, 2020 is not a mental illness that a State can issue against one of its citizens.

Because Patel is a minority, California expects him to act like other minorities and hold views that are similar to his race, class, ethnicity and ancestry. Judges in the jurisdiction of the Ninth Circuit refuse to conform to facts and reality, relying instead upon their own subjective beliefs.

The Ninth Circuit cannot be permitted to dismiss President Trump's voters without a brief or hearing any more than the U.S. Supreme Court can dismiss President Clinton's voters in 2000 without hearing their grievances. Neither partisan side has a monopoly on absolute truth since 1776 – a fact well-understood by President Lincoln and President Kennedy, each of whom paid with their lives for the freedom that that judges in the Ninth Circuit enjoy to err on Election Day, November 3, 2020.

## ARGUMENT

Appellant asks this Court to grant this writ of certiorari because the issues are of substantial importance. Supreme Court Rules 10 and 12. This writ concerns the misdirected mindset of the U.S. Court of Appeals for the Ninth Circuit (judges who are living in their own alternate reality on November 3, 2020). The rights that are guaranteed to Patel are derivative of the meaning of our nation and existence as a society since July 4, 1776.

Like the federal district court in this case (who simply could not fathom Patel suing aristocrats at big law firms and complaining about local judges), the federal appeals court departed from the customary and usual norms of law practice. The Ninth Circuit is having trouble understanding that the law derives from the people in lieu of a law school board rooms.

The Supreme Court is the final arbiter on whether Article III of the U.S. Constitution (like Articles I and II) belong to the American People (as a whole) rather than to bar associations and law schools alone. The district court in California has already weighed in and does not care. The federal appeals court could not even be bothered to take a *pro se* litigant like Patel seriously.

The supervisory power of the United States Supreme Court is required over the U.S. Court of Appeals for the Ninth Circuit and for all inferior tribunals, starting from the 49 justices and on down to local courts. The Ninth Circuit misunderstands and disrespects our nation's history of 245 years. All Americans will suffer if the Supreme Court of the United States fails to intervene and protect people from incompetent lawyers and inept judges.

The legal position of the Ninth Circuit in this case involves one citation which does not allow courts to simply dismiss cases because they do not like the reality presented by the facts of life. *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982). The Defendants in this case had no legal arguments or merits to dismiss Patel's case at the pleadings stage in the district court. But, nevertheless, the case was dismissed merely because the *pro se* citizen Patel is mislabeled as mentally ill and is not taken seriously in courts in California. The Ninth Circuit has continued this abuse upon learning of Patel's bipolar support for President Trump and President Obama. However, bipolar Americans (as a Nation) superseded and elected President Biden on Nov. 3, 2020.

In this case, Patel has been singled out for mistreatment. His federal civil rights and RICO claims were never taken seriously at the district court. Further compounding the abuse was the Ninth Circuit which just dismissed the case outright without briefing. If it was that easy to dismiss the entire point of America for the past 245 years, perhaps the powerful British military would have figured it out during the Revolutionary War.

Americans have survived through generations by their belief in the Preamble of our Nation in the U.S. Constitution. Judges at the Ninth Circuit do not follow the law and cannot handle reality on November 3, 2020. They abrogate Articles I and II of the U.S. Constitution. The full en banc Ninth Circuit bench (49 justices) now expects this U.S. Supreme Court to follow its footsteps. Indeed, the Ninth Circuit seems to be voting on November 3, 2020 for a packed Supreme Court with 13 justices.

## CONCLUSION

This writ petition may be asking too much of the United States Supreme Court: to rule in favor of an unknown *pro se* pauper versus the Ninth Circuit. It may appear “mentally ill” to ask the Supreme Court to entertain such a petition for certiorari.

However, this writ is presented in good faith based on the need for the Supreme Court to intervene in the Ninth Circuit. The federal appeals circuit is biased, partisan and challenged in its judgments of reality. Their mindset is outdated and predates Election Day 2016 – as illustrated by the unanimous vote of 49 justices against supporters of President Obama and President Trump on Election Day 2020. It is almost as if the last 12 or 13 years never happened in the Ninth Circuit. These 49 judges may still be upset that President George W. Bush was ever placed into office per the U.S. Supreme Court. And this bias taints impartial judgment, prejudicing the judicial mind against all U.S. citizens.

It may indeed be asking too much for the United States Supreme Court to intervene in this *pro se in pauperis* case.

But, President Biden has asked for a lot from all Americans on January 20, 2021. Armed with Vice President Harris by his side, he has asked us to put our democracy first in fighting this awful pandemic and the enormous human and financial toll that this national crisis has taken on all of us over the past year.

President Trump also demanded a lot from citizens on January 20, 2017. He demanded us not to submit to foreign powers hostile to America’s interests. He demanded citizens not give up on 245 years of our historic journey together since 1776.

President Obama expected a lot from each individual on January 20, 2009 and January 20, 2013, respectively. His audacity pushed us to meet the enormous challenges ahead while fulfilling America's original promise of hope and opportunity for each American. He inspired Americans to reach heights that previously seemed unimaginable for many in our history.

President George W. Bush requested a lot from Americans on January 20, 2001 and January 20, 2005, respectively. He campaigned to cultivate America's innate sense of good and to foster our inherent values. He forced us to recover instantly from the most significant attack on U.S. soil (9/11/01) since Pearl Harbor 1941. He stayed the course and on message during very difficult and often unforgivably challenging times for our Nation.

So, thus, it could be asking too much for this Supreme Court to intervene in favor of a pro per litigant and against the government, lawyers and judges in the Ninth Circuit. But, President Biden has asked a lot of our country. President Trump demanded a tremendous amount from all citizens. President Obama expected a lot from all individuals. And President George W. Bush requested a lot from us Americans. And, therefore, asking for a lot from this U.S. Supreme Court stems directly from all four of these executives. Certiorari in this case derives from the historic bipolar rulings of this United States Supreme Court on December 12, 2000 and December 11, 2020.

DATED: March 22, 2021

  
Anthony A. Patel  
Plaintiff and Appellant  
*In Pro Per*

## APPENDIX

Order of U.S. Court of Appeals for  
9th Circuit  
(November 3, 2020)

APPENDIX TO PETITION FOR WRIT OF CERTIORARI