

ORIGINAL

20-7618

No.

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SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

KRYSTAL LYNN ALEXANDER - JASMIN, CHRIST, D.O.D.

**PETITIONER,**

vs.

THE CITY OF SANTA MONICA, SANTA MONICA POLICE DEPARTMENT,  
OFFICER COCHRAN 3830, OFFICER JAUREGUI 3740, DOES 1-10, et al.

**RESPONDENTS(s)**

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

**PETITION FOR WRIT OF CERTIORARI**

Krystal Lynn Alexander – Jasmin, Christ, D.o.D.  
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## QUESTIONS PRESENTED

1. Did the Ninth Circuit Court of Appeals err in its dissent from well-established Constitutional and case law authored by its own court, and law authored by this Supreme Court?
2. Did the Court of Appeals err in its dissent from the official record by excluding admissible, expert witness evidence and testimony presented by the Plaintiff/Appellant/Petitioner to show an undue bias for uncorroborated, inadmissible defenses presented by the “Governmental Actor” Defendants/Appellees/Respondents?
3. Did the Court of Appeals err in acting as a witness, the court itself testifying, on the official record to “facts not in evidence” regarding uncorroborated mental health allegations which contradict expert witness testimony of Dr. Suzie Dupee?
4. Did the Court of Appeals err in not reinstating properly served, “dismissed without prejudice” Defendants, Los Angeles County; DCFS?
5. Did the Court of Appeals err in not joining “Doe” Defendant, the State of California, to the ongoing court action?

## LIST OF PARTIES

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:

1. THE CITY OF SANTA MONICA,
2. SANTA MONICA POLICE DEPARTMENT (SMPD),
3. SMPD OFFICER COCHRAN 3830,
4. SMPD OFFICER JAUREGUI 3740,
5. SMPD OFFICER GLASER 3485,
6. SMPD OFFICER GARCIA 3778,
7. SMPD OFFICER DIAZ 3754,
8. THE COUNTY OF LOS ANGELES,
9. LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS),
10. JEWELL BRIGHT, DCFS SOCIAL WORKER (CSW)
11. STEPHANIE RUSH, DCFS SOCIAL WORKER (CSW)
12. JAMIE HEIN, DCFS SOCIAL WORKER (CSW)
13. DOES 1-10, including:
  - a. STATE OF CALIFORNIA (CA),
  - b. CA SUPERIOR COURT, JUDGE JULIE FOX BLACKSHAW
  - c. GERALD WILKINS, DCFS SOCIAL WORKER (CSW)
  - d. SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT, and

- e. LOS ANGELES COUNTY DEVELOPMENT AUTHORITY (LACDA),  
FORMERLY, HOUSING AUTHORITY OF THE COUNTY OF LOS  
ANGELES (HACOLA)
- f. Doe 6
- g. Doe 7
- h. Doe 8
- i. Doe 9
- j. Doe 10

#### LIST OF RELATED CASES

- 1. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT Case  
No.: 19-55785
- 2. United States District Court- Central District of California Case No.: 2:16-  
cv-06999-FMO-JDE
- 3. United States District Court- Central District of California Case No.: 2:15-  
cv-07054-FMO-JEM
- 4. Superior Court of the State of California, E. Edelman's Children's Court Case  
No.: CK79009 (A, B, C)

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1. Constitution of United States of America· Amendment I, herein at pages 11, and 35
2. Constitution of United States of America· Amendment IV, herein at pages 11, 24, 27, 28, 30, 34, 36, 45, 49, and 50
3. Constitution of United States of America· Amendment V, herein at pages 11, 27, 28, 29, 30, 32, 33, and 34
4. Constitution of United States of America· Amendment XIV, Section 1, herein at pages 12, 28, 30, 32, 33, and 34
5. United States Judicial Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary, herein at page 12
6. United States Judicial Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities, herein at page 13
7. United States Judicial Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently, herein at page 14
8. 42 U.S.C. Title 42 · CHAPTER 21 · CIVIL RIGHTS, SUBCHAPTER I §1981. Equal rights under the law, herein at page 16
9. 42 U.S.C. Title 42 · CHAPTER 21 · CIVIL RIGHTS, SUBCHAPTER I— §1983. Civil action for deprivation of rights, herein at pages 16, 24, 27, 28, 29, 30, 32, 33, 34, and 35

**10.42 U.S.C. Title 42 · CHAPTER 21 · CIVIL RIGHTS, SUBCHAPTER I—**

§1985. Conspiracy to interfere with civil rights, herein at page 17

**11.42 U.S.C. Title 42 · CHAPTER 21 · CIVIL RIGHTS, SUBCHAPTER I—**

§1986. Action for neglect to prevent, herein at pages 19, and 23

**12.42 U.S.C. Title 42 · CHAPTER 45 · SUBCHAPTER I · §3617. Interference, coercion, or intimidation, herein at page 20**

**13.28 U.S.C. Title 28 · PART VI · CHAPTER 171 · TORT CLAIMS**

PROCEDURE §2674, herein at pages 20, 43, and 50

**14. Ballard v. Hunter, 204 U.S. 241, 255 (1907), herein at pages 43, and 48**

**15. Palmer v. McMahon, 133 U.S. 660, 668 (1890), herein at pages 43, and 48**

**16. United States v. Classic, 313 U.S. 299, 326 (1941), herein at pages 43, and 50**

**17. Monroe v. Pape, 365 U.S. 167, 180 (1961), herein at pages 43, and 50**

**18. Calabretta v. Floyd (9th Cir. 1999) 189 F.3rd 808, herein at pages 44, and 49**

**19. Fisher v. City of San Jose (9th Cir. 2007) 509 F.3rd 952, herein at pages 44, and 49**

**20. United States v. Warner (9th Cir. 1988) 843 F.2nd 401, 405, herein at pages 44, and 49**

**21. United States v. Romero Bustamante (9th Cir. 2003) 337 F.3rd 1104, 1109, herein at pages 44, and 49**

**22. United States v. Ramos - Zaragosa (9th Cir. 1975) 516 F.2nd 141, 144, herein at pages 44, and 49**

**23.** United States v. Cervantes (9th Cir. 2000) 219 F.3rd 882, 888-890, herein at pages 44, and 50

**24.** Martin v. City of Oceanside (9th Cir. 2004) 360 F.3rd 1078, 1081-1083, herein at pages 44, and 50

**25.** United States v. Martinez (9th Cir. 2005) 406 F.3rd 1160, herein at pages 44, and 50

**26.** United States v. Russell (9th Cir. 2006) 436 F.3rd 1086, herein at pages [44] 45, and 50

**“PROCEDURAL DUE PROCESS”**

**27.** Marchant v. Pennsylvania R.R., 153 U.S. 380, 386 (1894), herein at page 41

**28.** Mathews v. Eldridge, 424 U.S. 319, 335 (1976), herein at page 41

**29.** Ballard v. Hunter, 204 U.S. 241, 255 (1907), herein at page 41

**30.** Palmer v. McMahon, 133 U.S. 660, 668 (1890), herein at page 41

**31.** Carey v. Piphus, 435 U.S. 247, 259 (1978), herein at page 41

**32.** Mathews v. Eldridge, 424 U.S. 319, 333 (1976), herein at page 42

**33.** Baldwin v. Hale, 68 U.S. (1 Wall.) 223, 233 (1863), herein at page 42

**34.** Armstrong v. Manzo, 380 U.S. 545, 552 (1965), herein at page 42

**35.** Tumey v. Ohio, 273 U.S. 510 (1927), herein at page 42

**36.** Murchison, 349 U.S. 133 (1955), herein at page 42

**37.** Goldberg v. Kelly, 397 U.S. 254, 271 (1970), herein at page 42

**38.** Marshall v. Jerrico, 446 U.S. 238, 242 (1980), herein at page 43

**39.** Schweiker v. McClure, 456 U.S. 188, 195 (1982), herein at page 43

**“Questions of Exceptional Importance”**

**40.** People v. Morton (2003) 114 Cal.App.4th 1039, herein at page 46

**41.** People v. Superior Court [Irwin] (1973) 33 Cal.App.3rd 475, herein at pages 46, and 48

**42.** People v. Bennett (1998) 17 Cal.4th 373, herein at pages 47, and 48

**43.** Charles C. (1999) 76 Cal.App.4th 420, 425, herein at page 47

**44.** Thierry S. (1977) 19 Cal.3rd 727, 734, fn. 6, herein at page 47

**DISSENT FROM Case No.: 19-55785, DOCKET ENTRY 29 inapplicable usage of:**

**45.** US v. Calhoun, herein at page 37

**46.** US v. Nohara, herein at page 37

## CITATIONS, OPINIONS, AND ORDERS ISSUED ON ORDERS

Petitioner respectfully prays that a Writ of Certiorari issue to review the judgment below.

The **opinion of the United States court of Appeals for the Ninth Circuit** appears at Appendix B to the petition and is reported at page 62;

The **opinion of the United States District Court** appears at Appendix E AND Appendix F to the petition and is reported at pages 95 and 123, respectively;

## JURISDICTIONAL STATEMENT

The date on which the United States Court of Appeals decided my case was 09/16/2020. A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 10/28/2020, and a copy of the order denying rehearing appears at Appendix A on page 59.

The jurisdiction of this Court is invoked under 28 U.S. Code § 2101, and 28 U. S. C. § 1254(1).

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES, AND  
REGULATIONS

**1. CONSTITUTION OF UNITED STATES OF AMERICA, SPECIFICALLY,  
THE 1ST AMENDMENT, THE 4TH AMENDMENT, THE 5TH  
AMENDMENT, AND THE 14TH AMENDMENT, SECTION 1.**

**a. Constitution of United States of America- Amendment I**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

**b. Constitution of United States of America- Amendment IV**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**c. Constitution of United States of America- Amendment V**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb;

nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**d. Constitution of United States of America- Amendment XIV, 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.

**2. United Nations Treaty, especially CHAPTER IV: Human Rights,**

**International Covenant on Civil and Political Rights. New York, 16 December 1966.**

**3. THE CODE OF CONDUCT FOR UNITED STATES JUDGES, INITIALLY ADOPTED BY THE JUDICIAL CONFERENCE ON APRIL 5, 1973, KNOWN AS THE "CODE OF JUDICIAL CONDUCT FOR UNITED STATES JUDGES", in pertinent part, states:**

**a. Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary**

- An independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

**b. Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities**

- **(A) Respect for Law.** A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **(B) Outside Influence.** A judge should not allow family, social, political, financial, or other relationships to influence judicial conduct or judgment. A judge should neither lend the prestige of the judicial office to advance the private interests of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge. A judge should not testify voluntarily as a character witness.
- **(C) Nondiscriminatory Membership.** A judge should not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin.

c. **Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently, in pertinent part, states:**

- The duties of judicial office take precedence over all other activities.

The judge should perform those duties with respect for others, and should not engage in behavior that is harassing, abusive, prejudiced, or biased. The judge should adhere to the following standards:

**(A) *Adjudicative Responsibilities.***

(1) A judge should be faithful to, and maintain professional competence in, the law and should not be swayed by partisan interests, public clamor, or fear of criticism.

(4) A judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law. Except as set out below, a judge should not initiate, permit, or consider ex parte communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers. If a judge receives an unauthorized ex parte communication bearing on the substance of a matter, the judge should promptly notify the parties of the subject matter of

the communication and allow the parties an opportunity to respond, if requested...

(5) A judge should dispose promptly of the business of the court.

**(B) *Administrative Responsibilities.***

(1) A judge should diligently discharge administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court personnel.

(6) A judge should take appropriate action upon receipt of reliable information indicating the likelihood that a judge's conduct contravened this Code, that a judicial employee's conduct contravened the Code of Conduct for Judicial Employees, or that a lawyer violated applicable rules of professional conduct.

**(C) *Disqualification.***

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances in which:

(a) the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding...

**4. 42 U.S.C. Title 42 · CHAPTER 21 · CIVIL RIGHTS, SUBCHAPTER I §1981.**

**Equal rights under the law (a) AND (c)**

**(a) Statement of equal rights**

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

**(c) Protection against impairment**

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

(R.S. §1977; Pub. L. 102–166, title I, §101, Nov. 21, 1991, 105 Stat. 1071.)

**5. 42 U.S.C. Title 42 · CHAPTER 21 · CIVIL RIGHTS, SUBCHAPTER I—**

**§1983. Civil action for deprivation of rights**

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within

the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia. (R.S. §1979; Pub. L. 96–170, §1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104–317, title III, §309(c), Oct. 19, 1996, 110 Stat. 3853.)

## **6. 42 U.S.C. Title 42 · CHAPTER 21 · CIVIL RIGHTS, SUBCHAPTER I—**

### **§1985. Conspiracy to interfere with civil rights**

#### **(1) Preventing officer from performing duties**

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

**(2) Obstructing justice; intimidating party, witness, or juror**

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

**(3) Depriving persons of rights or privileges**

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such

State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators. (R.S. §1980.)

## **7. 42 U.S.C. Title 42 - CHAPTER 21 - CIVIL RIGHTS, SUBCHAPTER I—**

### **§1986. Action for neglect to prevent**

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case;

and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. (R.S. §1981.)

**8. 42 U.S.C. Title 42 - CHAPTER 45 - SUBCHAPTER I - §3617. Interference, coercion, or intimidation**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 3603, 3604, 3605, or 3606 of this title. (Pub. L. 90-284, title VIII, §818, formerly §817, Apr. 11, 1968, 82 Stat. 89; renumbered §818 and amended Pub. L. 100-430, §§8(1), 10, Sept. 13, 1988, 102 Stat. 1625, 1635.)

**9. 28 U.S.C. Title 28 - PART VI - CHAPTER 171 - TORT CLAIMS**

**PROCEDURE §2674. Liability of United States**

The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a

private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.

**10. California Penal Code... § 148(a)(1): Willfully resisting a police officer**

**11. Cal. Penal Code Section 647 (f): Public Intoxication**

**12. Fed. R. App. P. 40(a)(1), herein at page 47**

**13. (ORDER LIST: 589 U.S.) THURSDAY, MARCH 19, 2020 ORDER** **In light of the ongoing public health concerns relating to COVID-19**, the following shall apply to cases prior to a ruling on a petition for a writ of certiorari: IT IS ORDERED that the deadline to file any petition for a writ of certiorari due on or after the date of this order is extended to 150 days from the date of the lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing. See Rules 13.1 and 13.3.

**14. (ORDER LIST: 589 U.S.) WEDNESDAY, APRIL 15, 2020 ORDER** **In light of the ongoing public health concerns relating to COVID-19**: IT IS ORDERED

that with respect to every document filed in a case prior to a ruling on a petition for a writ of certiorari or petition for an extraordinary writ, or a decision to set an appeal for argument, a single paper copy of the document, formatted on 8½ x 11 inch paper, may be filed. The document may be formatted under the standards set forth in Rule 33.2, or under the standards set forth in Rule 33.1 but printed on 8½ x 11 inch paper. The Court may later request that a document initially submitted on 8½ x 11 inch paper be submitted in booklet format.

## STATEMENT OF THE CASE

Krystal Lynn Alexander - Jasmin, Christ, Doctor of Divinity, is being suppressed by the government. Ms. Alexander - Jasmin and her children, Michele Kalani Jasmin, Kellie Makayla Jasmin and Karissa Julie Jasmin, have not been afforded equal rights under the law, and have been subjected to excessive attempts to prevent equal protections and enjoyment of the law, tantamount to impairment, by nongovernmental discrimination, and impairment under color of State and Federal law. The aforementioned impairments have caused the necessity for civil action. Ms. Alexander - Jasmin has not attended any institution of learning distinguished or accredited as a "law school", and has not received any credential required to represent any person other than herself in any legal action, hence, her children are not allowed to join as parties to the civil actions identified herein.

Under color of several statutes, ordinances, regulations, customs, etc., Ms. Alexander - Jasmin was subjected to the deprivation of rights, privileges, and immunities secured by the Constitution and laws of the United States of America. A civil action was filed against the liable parties, and ten (10) "DOE" Defendants, by the party injured. A conspiracy ensued wherein there was a plot to interfere with civil rights and civil action, obstructing justice and self-advocacy by deception, dishonesty, force, intimidation, threat, and intentional infliction of mental, physical and emotional harm, causing injury, and to influence the outcome of said civil action.

The conspiracy included the impeding, hindering, obstructing, and defeating the due course of justice, with intent to deny to a citizen the equal protection of the laws, and to injure her for lawfully attempting to enforce her rights protected under the laws; depriving her of rights and privileges. Evidence of these deprivations was filed and demonstrated in the content of the filings in the “Related Cases” identified herein, but was intentionally disregarded by the lower courts, in furtherance of the conspiracy.

The actions of the lower courts have been in violation and dereliction of their sworn duties, causing the basis for civil action granted by 42 U.S.C. §1986. Action for neglect to prevent. With the evidence being filed, and as such, a part of the complete court record, each Defendant/Respondent, by way of their own knowledge or of their legal representative, as well as the court itself, had a requirement to review the evidence of the case, and the opportunity, responsibility and power to prevent or aid in preventing the commission of the aforementioned deprivation of rights and damages thereof. By reasonable diligence, each party to the civil action and the court itself could have prevented said damage, but neglected to do so. The law identifies such behavior as “wrongful acts”, and charges that the wrongdoer be held liable to the party injured for all damages caused by such “wrongful acts”.

In the initial filing of related cases, 1) United States District Court- Central District of California Case No.: 2:15-cv-07054-FMO-JEM, and 2) United States District Court- Central District of California Case No.: 2:16-cv-06999-FMO-JDE,

the following claims were formally stated as a part of the court record, and are as follows:

**Claim #1**

1. Petitioner has a claim under 42.U.S.C. § 1983 for violation of the 4th Amendment Violation: Invasion of Privacy & Unlawful Search & Seizure of Property
2. The above civil right was violated by Santa Monica-Malibu Unified School District the City of Santa Monica, Santa Monica Police Department, and SMPD Officers of the SMPD, Cochran 3830, Jauregui 3740, Glaser 3485, Garcia 3778 and Diaz 3754
3. SMMUSD employee, Cathryn Taylor contacted SMPD. SMPD sought out the petitioner with full knowledge no crime had been committed, and without any evidence of child abuse. SMPD went to the petitioner's residence with a show of force of 5 uniformed officers, and entered onto the petitioners' private property to conduct an investigation and make an arrest without a warrant or probable cause; laying the foundation for a plethora of violations of petitioner's rights. They seized the property for an extended time while the petitioner was not home. The petitioner and her children were then the subject of an unlawful detention, and false arrest. SMMUSD employees then colluded with SMPD to falsify evidence and cover up the existence of the false arrest and civil rights violations. Cathryn Taylor and SMMUSD employee Wendy Wex-Gellis proceeded gave false statements to assist SMPD in their

attempts to evade liability for false arrest, unlawful detention, malicious prosecution, and other violations against the petitioner. Ms. Taylor appeared and testified in deposition a 12/10/18 while still committing perjury.

4. As a result of the Respondent's violation of the above civil right, the petitioner was harmed in the manner asserted in all paragraphs above. The petitioner attributes all liability of damage to respondents individually and collectively, as a result of the combined efforts between governmental agencies to violate the petitioner's rights and oppress her so that she would remain violated; all parties are responsible for their actions and their coconspirators actions, and inseparable as a matter of law.
5. SMPD deprived the petitioner of rights guaranteed under the United States Constitution and laws of the State of California, and caused unwarranted, unlawful and unnecessary intrusions into the private lives of citizens which had further repercussions. Their actions caused broken familial bonds when the children were unlawfully removed from the petitioner by SMPD with the false arrest, then, after initiating their involvement, conspired with the Department of Children and Family Services to further remove the children without due process of law or necessity.
6. If not for the actions of these respondents, the subsequent harm and damage caused by DCFS would not have been possible. These respondents caused circumstances which broke up a family for more than two years without such

a break up being justified or necessary. SMPD forced the family under the authority of the state with a false arrest, and then by involving DCFS who acted in collusion with SMPD to make an unlawful detention of the petitioner's children.

7. These respondents caused the petitioner to be subject to public ridicule and the reputation of the petitioner to be publically damaged when remarks which were intended to embarrass, humiliate and vilify the petitioner in the community were published by a newspaper; Santa Monica Daily Press, who distributes their articles around the world on the world wide web/internet.
8. Due to the arrest, which was a "false arrest" by legal definition, being reported to the Department of Justice (DOJ), the petitioner lost her job and appeal to get her job back with the Department of Public Social Services. The termination of employment was solely due to the police reporting the false charge of "Willful Cruelty/Inflicting Injury to a child" to the DOJ; false charges which showed up when petitioner's employer conducted a routine background check.
9. The petitioner, an entertainer, missed an opportunity to participate in the filming of a large scale movie production "Straight Outta Compton" which she was already confirmed to attend. It was an important, once in a lifetime opportunity for the petitioner. The petitioner missed other performance opportunities and exposure that she was normally and regularly engaged in for her career prior to this incident.

10. The petitioner was required to dedicate irreplaceable time to resolve these issues.

11. Petitioner experienced extreme emotional distress.

**Claim #2**

1. Petitioner re-alleges and incorporates all paragraphs above.
2. Petitioner has a claim under 42.U.S.C. § 1983 for violation of the 4th and 5th Amendment Violation: Excessive Force, Excessive Show of Force Without a Warrant & Unlawful Search and Seizure of Persons
3. The above civil right was violated by the City of Santa Monica, Santa Monica Police Department, and Officers of the SMPD, Cochran 3830, Jauregui 3740, Glaser 3485, Garcia 3778 and Diaz 3754
4. When SMPD arrived to the petitioner's residence with 5 officers (a show of force) and 3 marked police vehicles to make contact with the petitioner as a part of their child abuse suspicion investigation under the guise of a welfare check, and in conflict with the petitioners constitutional interests, they did so without a warrant or any attempt to get a warrant even though they were required by law to have a warrant for such an investigation. They arrested the petitioner and her children at their home for "Public Intoxication" while they were at a private residence and no one was intoxicated. They made this contact in absence of a warrant, probable cause, or a crime having been committed. Upon arrest, SMPD officers touched the petitioner in an offensive manner, and took her children and possessions from her.

**Claim #3**

1. Petitioner re-alleges and incorporates all paragraphs above.
2. Petitioner has a claim under 42.U.S.C. § 1983 for violation of the 4th and 5th Amendment Violation: Unlawful Arrest without Probable Cause/ Assault and Battery
3. The above civil right was violated by the City of Santa Monica, Santa Monica Police Department, and Officers of the SMPD, Cochran 3830, Jauregui 3740, Glaser 3485, Garcia 3778 and Diaz 3754
4. When after the petitioner asked if she was in fact being detained or free to go after denying any involvement in crime or illegal activity, the SMPD did not allow her to go free. After asserting her rights, SMPD arrested the petitioner without a crime having committed in retaliation. SMPD officers placed the petitioner was under arrest for Public Intoxication although she was not in public or intoxicated, then each officer refused to administer a breathalyzer even though she continued to request one. SMPD offensively touched her while they carried out a false arrest.

**Claim #4**

1. Petitioner re-alleges and incorporates all paragraphs above.
2. Petitioner has a claim under 42.U.S.C. § 1983 for violation of the 4th and 14th Amendment: False Arrest and Imprisonment/ Assault and Battery

3. The above civil right was violated by the City of Santa Monica, Santa Monica Police Department, and Officers of the SMPD, Cochran 3830, Jauregui 3740, Glaser 3485, Garcia 3778 and Diaz 3754
4. While acting under authority given by the state of California and the City of Santa Monica, the SMPD arrested the petitioner under false pretenses for a crime their training suggests they knew she did not commit; PUBLIC INTOXICATION. SMPD officers then physically touched the petitioner in an offensive manner to exact their false arrest. SMPD refused to administer the breathalyzer she requested at the scene of arrest and later at the SMPD jail/station.

**Claim #5**

1. Petitioner re-alleges and incorporates all paragraphs above.
2. Petitioner has a claim under 42.U.S.C. § 1983 for violation of the 5th Amendment: Police Misconduct; Conspiracy
3. The above civil right was violated by the City of Santa Monica, Santa Monica Police Department, Does Officers, and Officers of the SMPD, Cochran 3830, Jauregui 3740, Glaser 3485, Garcia 3778 and Diaz 3754
4. When none of the 5 officers at the scene acted to protect the rights of the petitioner, they became complicit in the false arrest of petitioner which deprived her of liberty and other rights. SMPD officers arrested the petitioner under a false charge, denied her due process by refusing to acknowledge their need for a warrant, and denied her equal protection under

the law when they performed these actions. All of the officers at the scene and several officers at SMPD Jail refused to administer a breathalyzer when the petitioner repeatedly requested one. The petitioner's children were arrested for no reason, and handed over to DCFS by SMPD when they were not abused or neglected, and there was another adult to care for them in relation to the false arrest for "Public Intoxication". Police filed an incident report which was riddled with false statements. These actions set in motion a myriad of instances where the petitioner was repeatedly denied her rights by coconspirators (DCFS) under the color of law. Police later denied that the petitioner was ever arrested when they were contacted by Victim's Compensation in their investigation of the petitioner's application for relief from the job loss caused by SMPD's false arrest and false reporting to the Department of Justice.

#### Claim #6

1. Petitioner re-alleges and incorporates all paragraphs above.
2. Petitioner has a claim under 42.U.S.C. § 1983 for violation of the 4th Amendment, 5th Amendment, and 14th Amendment: Custodial Interference
3. The above civil right was violated by the City of Santa Monica, Santa Monica Police Department, Officers of the SMPD, Cochran 3830, Jauregui 3740, Glaser 3485, Garcia 3778 and Diaz 3754, the County of Los Angeles, the Los Angeles County Department of Children and Family Services, CSW Jeweutt Bright, and CSW Stephanie Rush

4. When SMPD officers denied the petitioner the right to parent her children by refusing to allow Dana Rogers to care for them in the face of the false arrest for PUBLIC INTOXICATION, the police interfered with her right to parent. The officers elected to arrest the children when there was no actual or lawful reason to do so. They conducted an unlawful seizure of persons when no such circumstances were established allowing them to do so. When the SMPD decided to subjugate parental authority over the petitioner's children against the family's constitutional interests, they denied liberty, due process and equal protection to the petitioner and her children. SMPD involved DCFS when it was unnecessary, and fabricated false charges to justify their arrest of the children. When DCFS agent J. Bright decided to detain children into state custody while he knew they were not abused or neglected, he acted in furtherance of SMPD's false arrests of the petitioner's family. DCFS agents Bright and Rush then entered false allegations in a petition to initiate court proceedings where they recommended the state mandated breakup of the petitioner's family based solely on the false reports of SMPD and their own false, fabricated allegation of child abuse. DCFS argued to keep children who they knew were not abused or neglected for more than 2 years, and strongly opposed for the record when the judge gave the children back to the petitioner.

**Claim #7**

1. Petitioner re-alleges and incorporates all paragraphs above.

2. Petitioner has a claim under 42.U.S.C. § 1983 for violation of the 5th Amendment and 14th Amendment: Unlawful Detention
3. [The above civil right was violated by the City of Santa Monica, Santa Monica Police Department, Officers of the SMPD, Cochran 3830, Jauregui 3740, Glaser 3485, Garcia 3778 and Diaz 3754, the County of Los Angeles, the Los Angeles County Department of Children and Family Services, CSW Jeweutt Bright, and CSW Stephanie Rush]
4. [The aforementioned] subjugated parental rights from the petitioner without investigating, or confirming a substantiated occurrence of child abuse or neglect, the DCFS agent denied the petitioner and her children due process and equal protection. DCFS failed to conduct any investigation at all before detaining the petitioner's children, and claimed to rely solely on SMPDs false arrest as evidence of child abuse. DCFS then had the children further detained in a court of law by entering a petition to the court which contained false allegations fabricated by DCFS to grant them custody of the petitioner's children. DCFS agents Bright and Rush committed acts of perjury when they signed that the allegations which they knew were false and never had any evidence to support were true. The children remained in state custody for more than 2 years based on DCFS's perjury and acts of unlawful detention.

**Claim #8**

1. Petitioner re-alleges and incorporates all paragraphs above.

2. Petitioner has a claim under 42.U.S.C. § 1983 for violation of the 5th Amendment and 14th Amendment: DCFS Entered False Evidence into a Judicial Proceeding
3. The above civil right was violated by the County of Los Angeles, Los Angeles County Department of Children and Family Services, DCFS agents, Jeweutt Bright, Stephanie Rush and Jamie Hein
4. When DCFS agents filed a petition in a dependency proceeding September 2014, they did so knowing the petition contained false allegation that they themselves fabricated against the petitioner. They had no evidence to support their allegations, and they knew it would cause the petitioner to lose custody of her children based on the courts reliance on the false allegations as evidence for DCFS's *prima fascia* case. They falsely claimed the petitioner had a history of substance abuse. They falsely claimed the petitioner left her children unsupervised on numerous prior occasions, a claim for which they had no dates or incidents to cite. After their late investigation did not yield any evidence to support their fabricated allegations, DCFS agents fabricated yet another allegation against petitioner, alleging the petitioner had a history of unresolved mental health problems. DCFS entered a total of 3 false allegation against the petitioner in an effort to deprive the petitioner and her family of their rights, and all of the allegations were proven to be unfounded. The petitioner's family was separated for more than 2 years because of DCFS's false reporting, and entering false allegations and evidence in a

judicial proceeding. DCFS also falsified witness statements to help support their false allegations. This denied the petitioner due process and equal protection under the law.

**Claim #9**

1. Petitioner re-alleges and incorporates all paragraphs above.
2. Petitioner has a claim under 42.U.S.C. § 1983 for violation of the 4th Amendment, 5th Amendment and 14th Amendment: DCFS Entered False Evidence into a Judicial Proceeding, Unlawful Detention & Witness Intimidation
3. The above civil right was violated by the County of Los Angeles, Los Angeles County Department of Children and Family Services, and DCFS agent, Jamie Hein
4. When the DCFS DI Hein agent filed an addition to a petition in October 2014, she did so knowing the initial allegations filed in September were false, but re-alleged them anyway. During her investigation she threatened to have the petitioner's children adopted if the petitioner did not turn over confidential medical records, or if the petitioner's children went to court and contradicted her false statements and false reporting. She authored a third false allegation in an amended petition to the court in retaliation for the petitioner's refusal to waive her rights to privacy of her medical records. She fabricated witness statements to cause the petitioner to lose custody of her

children. This denied the petitioner due process and equal protection under the law, and caused detriment to the petitioner and the petitioner's family.

**Claim #10**

1. Petitioner re-alleges and incorporates all paragraphs above.
2. Petitioner has a claim under 42.U.S.C. § 1983 for violation of the 1st Amendment: Religious Persecution, Defamation of Character
3. The above civil right was violated by the City of Santa Monica, Santa Monica Police Department, the County of Los Angeles, Los Angeles County Department of Children and Family Services, and DCFS agent, Jamie Hein
4. SMPD exacted a false arrest on the petitioner while she was wearing religious garb, then attributed false quasi-religious statements in their report to the petitioner. After SMPD involved DCFS and DCFS's initial false allegations were known to be unfounded, DCFS DI Hein filed an amended petition October 2014 which included a third false allegation. She did so without there being any incidents of child abuse or neglect. The allegation was risk based and she claimed the risk was related to petitioner's religious practices. She described the petitioner's religious practice of "fasting and praying" as "staring at walls" and "talking about God and the devil". She specifically recommended that the children not be returned even though she knew they were not abused or neglected, and even though she knew she had no evidence to suggest the petitioner was a risk to her children. She had no evidence to suggest the petitioner had any unresolved mental or emotional

problems, but still signed under penalty of perjury that the petitioner's religious practices caused risk of detriment and harm to her children. This infringed on the petitioner's rights to practice her religion, and caused detriment to the petitioner's family and the reputation of the petitioner's character. Later, SMPD and Cathryn Taylor conspired to commit perjury in the deposition conducted December 06, 2018 by their counsel regarding the religious garb the petitioner was wearing on the day of the arrest.

**DISCUSSION ON APPEALS Case No.: 19-55785, DOCKET ENTRY 29**

Regarding "Dkt Entry:29-1, Page 2 of 5", the panel is affirming all previous orders, even though those orders are based on known false evidence that is on record as being previously dismissed and/or designated as "unfounded" by a judge in state court.

In addition to not addressing all issues cited in the filing of the appeal, there are discrepancies with what was addressed. The court cites, "no reasonable expectation of privacy" for police presence at private residence while SMPD reported they were present to conduct a child abuse suspicion investigation. The mere presence of SMPD did not violate a right, however, the child abuse suspicion investigation did violate several of Ms. Alexander-Jasmin's rights. The initial arrest for "Obstruction" of an investigation is based on the warrantless child abuse suspicion investigation which is recognized as a 4<sup>th</sup> Amendment Violation under well-established law. The subsequent, false charge to bolster the arrest is not an

appropriate place to memorialize the encounter that transpired 09/19/2014, because it was just additional misconduct, in addition to the warrantless presence to search and seize evidence. The panels' assertion goes directly against aforementioned, well-established due process laws, as well as laws specifically requiring a warrant for their presence at a private residence outside of an emergency.

When the officers escalated their simple presences to a "detention", then escalated the detention to an "unlawful extended detention", then escalated to an arrest for "Obstruction" all without a warrant granting permission to conduct a child abuse suspicion investigation at Ms. Alexander-Jasmin's residence, they violated her rights, the rights of her children, and caused irreversible harm and damage. As such, US v. Calhoun, and US v. Nohara do not apply here. The panel's decision to affirm the lower court and dismiss the case seem to be based on the fact that the police were allowed to be present on the property, but they are neglecting to address the warrantless child abuse suspicion investigation which is expressly prohibited in the constitution, as well as an abundance of instances of well-established case law cited herein.

The overall tone of the panel seems to be "mocking" Ms. Alexander-Jasmin's audacity to seek justice against the government, and it is extremely dismissive of the severity of this case, as well as the harm and damage which was caused when SMPD willfully decided to deny Ms. Alexander-Jasmin her enumerated rights. This false arrest caused an unnecessary break up of a family for over 2 ½ years, only to result in all underlying aspects of the case brought against Ms. Alexander-Jasmin

to be dismissed as “unfounded”. This false arrest caused termination of employment due to false reporting of child abuse to the United States Department of Justice.

Tampering stemming from this false arrest caused an excessive amount of relationships to sour, and Ms. Alexander-Jasmin and her children to be harassed and assaulted in several communities within Los Angeles County, immediately upon arriving in those places. People have been intentionally poisoned against Ms. Alexander-Jasmin, even to the point where they have been convinced she is an evil to be punished by individual citizens. Ms. Alexander-Jasmin has been subjected to numerous, unwarranted attacks and threats, and, as such, her liberty was stolen. Ms. Alexander-Jasmin’s pursuit of happiness was intentionally ended by acts of misconduct by her own government. Ms. Alexander-Jasmin’s peace has been stolen. The very foundation of Ms. Alexander-Jasmin’s life was shattered, and she has been denied due process to be made whole from the damage.

The panel has dishonestly stated that there is “no law or existing precedent” upon which to view my appeal favorably, however, prior 9th Circuit ruling dissent.

The panel itself provides false testimony to assist the Respondents on page 4. See ID:11825682, Dkt Entry: 29-1, Page 4 of 5, Lines 1-3, which reads, “Once on the property, and after conducting a lawful investigation, a reasonable officer could have concluded that there was probable cause to arrest for Public Intoxication under Cal. Penal Code Section 647 (f).” At page 4, lines 8-15, the panel falsely testifies that there was evidence of intoxication, contradicting evidence and testimony from the lower court. With regard to this excerpt, and in addition to all

aforementioned laws outlined herein, remember that there were no criminal charges prosecuted and claims of child abuse were deemed “unfounded by a state court judge. Also, consider the following:

1. SMPD has reported numerous times that the investigation was for child abuse suspicion, not Public Intoxication, and not securing the required warrant opened the door to further abuses of power and harm, causing excessive, recorded damage.
2. The assertion that the investigation was lawful is false, because the law requires that SMPD have a warrant before conduction a child abuse suspicion investigation, and SMPD did not even apply for a warrant before gathering 5 uniformed offices at the residence to search and seize evidence for their suspicion of child abuse investigation, nor were they waiting for one when they seized the property for more than an hour before the arrest.
3. The initial arrest was for “Obstruction” of a child abuse suspicion investigation, not “Obstruction” of a Public Intoxication investigation.
4. Law requires that a citation for a misdemeanor offense be issued, not an arrest. Plus, the Public Intoxication charge was imposed on someone arrested at a private residence, and no elements of Cal. Penal Code Section 647 (f), especially the required “blocking a public space or way” or inability to care, were present.
5. Ms. Alexander-Jasmin was jailed 3 days, her reputation was publicly ruined, she was terminated from her employment, and her children were unlawfully detained as wards of the state for almost 3 years only for the case to be

dismissed as “unfounded”. She also lost family and friends who agreed to participate in an unlawful attempted “exile” of the family, because they could not withstand the pressure by their own local government.

6. Ms. Alexander-Jasmin was sexually assaulted, because the methods of discouraging valid Civil Rights Claims is harassment, abuse and torture. A plot to convince the public that Krystal was a “Sex Demon” was created and an excessive amount of people, citizens, participated in the harmful and damaging behavior. Krystal was looked upon as an “object”, and forced into sexual encounters. The State of California’s Victim Compensation Board was intentionally withholding assistance designated for victims that was previously approved in 2019. Where the law allowed them up to 45 days to issue relocation funds, the State of California Victims Compensation board took approximately six (6) months to process the claim and issue the funds. Krystal and her family was subjected to more attacks and abuses during that period of time.

The Civil Rights and Appellate courts showed bias against well-established law and decisions from their own courts to grant an unfair dismissal of a valid claim. The harmful actions of the Respondents/Respondents which were the basis of Ms. Alexander-Jasmin’s Civil Rights Claim caused the Jasmin Family actual harm and damage. The Jasmin Family have been made targets for contempt, scorn and abuse in their community, and the lawlessness of the government demonstrates a clear need to claim the provisions of “a well-founded fear of persecution” as a basis to seek refugee status.

## REASONS FOR GRANTING THE PETITION

### PROCEDURAL DUE PROCESS: CIVIL

Due process requires that the procedures by which laws are applied must be evenhanded, so that individuals are not subjected to the arbitrary exercise of government power. **Marchant v. Pennsylvania R.R.**, 153 U.S. 380, 386 (1894).

There is a required balancing of the government's chosen procedure with respect to the private interest affected, the risk of erroneous deprivation of that interest under the chosen procedure, and the government interest at stake. See **Mathews v. Eldridge**, 424 U.S. 319, 335 (1976).

A court proceeding is not a requisite of due process. **Ballard v. Hunter**, 204 U.S. 241, 255 (1907); **Palmer v. McMahon**, 133 U.S. 660, 668 (1890).

First, “[p]rocedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or property.” **Carey v. Piphus**, 435 U.S. 247, 259 (1978).

I reported the lower courts dissention from well-established law, however, the higher court ignored my report, declined to review my brief in the best light, and affirmed the lower courts decisions even though their decisions were not in line with well-established law, ignored the underlying facts of record, and were based on already debunked evidence stemming from prior court proceedings.

I was never present at a hearing due to being under attack in my own community, for the contempt and scorn the false arrest and filing of the civil case garnered. I timely motioned for a hearing, or rehearing, but was denied. My case

was not considered, there was clear bias where law was disregarded and the respondents were favored, and all judges' orders have been heavily reliant on language in the filings of the Respondents/Respondents/Governmental Actors which presents alleged evidence which was already debunked in the lower, state court before filing the civil claim. I have not had a hearing. "Some form of hearing is required before an individual is finally deprived of a property [or liberty] interest."

**Mathews v. Eldridge, 424 U.S. 319, 333 (1976).**

"Parties whose rights are to be affected are entitled to be heard." **Baldwin v. Hale, 68 U.S. (1 Wall.) 223, 233 (1863).** This right is a "basic aspect of the duty of government to follow a fair process of decision making... The purpose of this requirement is to ensure abstract fair play to the individual. Thus, the notice of hearing and the opportunity to be heard "must be granted at a meaningful time and in a meaningful manner." **Armstrong v. Manzo, 380 U.S. 545, 552 (1965).**

Just as in criminal and quasi-criminal cases, an impartial decision maker is an essential right in civil proceedings as well. "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. . . . **Tumey v. Ohio, 273 U.S. 510 (1927); In re Murchison, 349 U.S. 133 (1955).** And see **Goldberg v. Kelly, 397 U.S. 254, 271 (1970).** ". . . At the same time, it preserves both the appearance and reality of fairness . . . by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with

assurance that the arbiter is not predisposed to find against him." **Marshall v. Jerrico**, 446 U.S. 238, 242 (1980); **Schweiker v. McClure**, 456 U.S. 188, 195 (1982).

Ms. Alexander-Jasmin was falsely arrested and jailed for 3 days based on a misdemeanor charge. In the case of a misdemeanor... the officer may arrest the suspect only long enough to identify the suspect and give the suspect a summons to appear in court... The contact with SMPD was unlawful from its inception.

This case should be considered and decided beginning at the claimed civil rights violations, not at a later point where the accused feel they have their best defense against the claims. This case has not been decided using applicable law, and is not being considered in its entirety, instead, actual law has been disregarded, and focus has been obscured and narrowed to favor the accused. A court proceeding is not a requisite of due process. **Ballard v. Hunter**, 204 U.S. 241, 255 (1907); **Palmer v. McMahon**, 133 U.S. 660, 668 (1890). Due process required that SMPD get a warrant before traveling to Ms. Alexander-Jasmin's residence to conduct a child abuse suspicion investigation when there was no emergency reported.

Respondents' issue presented in "Issues Presented: B" argues that Officers were entitled to qualified immunity ...fails. The **State Sovereign Immunity and Tort Liability, in 1946**, the federal government passed the **Federal Tort Claims Act (28 U.S.C. §2674** which states in pertinent part, "... police act with the authority of the state. When police officers on duty misuse that formidable power to commit... the public employer must be held accountable for their actions." See **Monroe v. Pape**, 365 U.S. 167, 180 (1961). As the Supreme Court stated in **United States v. Classic**,

**313 U.S. 299, 326 (1941)**, "misuse of power ,possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken 'under color of state law."

In **Calabretta v. Floyd (9th Cir. 1999) 189 F.3rd 808**, it was held ... for the purpose of investigating a possible child abuse, where there were no exigent circumstances ... requires ... a "warrant". Santa Monica Police Department (SMPD) has self-reported that they were present at the private residence to conduct a child abuse suspicion investigation. Well-established law has long held SMPDs desire to a child abuse suspicion investigation requires a warrant.

Also see **Fisher v. City of San Jose (9th Cir. 2007) 509 F.3rd 952**., where it was held that "...the failure to get an arrest warrant when the person to be arrested is in his own home and there are no exigent circumstances justifying the lack of a warrant is a 4th Amendment violation".

Also see **United States v. Warner (9th Cir. 1988) 843 F.2nd 401, 405**; **United States v. Romero Bustamante (9th Cir. 2003) 337 F.3rd 1104, 1109**, where it was held that "The Fourth Amendment protections against warrantless searches and seizures extend to the curtilage around one's home..."

Also note, in **United States v. Ramos - Zaragosa (9th Cir. 1975) 516 F.2nd 141, 144**, the court held that "...a 'show of force,' ... an attempted detention was in fact an arrest... illegal."

And see **United States v. Cervantes (9th Cir. 2000) 219 F.3rd 882, 888-890**; **Martin v. City of Oceanside (9th Cir. 2004) 360 F.3rd 1078, 1081-1083**; **United**

**States v. Martinez (9th Cir. 2005) 406 F.3rd 1160; United States v. Russell (9th Cir. 2006) 436 F.3rd 1086.** The original reports, expert witness testimony, dismissal of charges and allegations by judges in lower courts, and other evidence prove there was no emergency, no one needed protection, and SMPD openly admit that their presence at Ms. Alexander-Jasmin's residence was primarily motivated by an intent to search and seize evidence; an investigation. "The 'emergency aid' exception to the 4th Amendment, per the federal Ninth Circuit Court of Appeal, is a function of law enforcement's 'community caretaking function,' and requires a finding of three circumstances to be applicable: The police must have 'reasonable grounds' to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property; and, **the search must not be primarily motivated by an intent to arrest and seize evidence**; and, there must be some reasonable basis, 'approximating probable cause,' to associate the emergency with the area or place to be searched." The law expressly prohibits police to conduct investigations under the guise of welfare checks, and prohibits child abuse suspicion investigation without a warrant.

Ms. Alexander-Jasmin's family was detained during **SMPD's warrantless investigation of child abuse suspicion**, Ms. Alexander-Jasmin was cooperative until SMPD became excessively aggressive and offensive. Ms. Alexander-Jasmin invoked her family's rights and was arrested for the **original charge of "...California Penal Code... § 148(a)(1) (willfully resisting a police officer)..."** SMPD's statement regarding the arrest allegedly being lawful "... because they had probable cause to

arrest for Public Intoxication...”, fails. The mere existence of a subsequent charge imposed by SMPD after they were already in violation of the aforementioned, well-established law does not absolve them of the legal requirements they ignored when carrying out their desired child abuse suspicion investigation. The arrest was unlawful, and the additional, subsequent charge was retaliatory in nature; an abuse of power.

The court is showing bias against well-established law from their own court to grant a dismissal while the harmful actions of the Respondents which are the basis of Ms. Alexander-Jasmin’s Civil Rights Claim were already effectuated before the claims of the Respondent’s defense took place. Consideration by the full court is therefore necessary to secure and maintain uniformity of the court’s decisions.

#### **QUESTIONS OF EXCEPTIONAL IMPORTANCE**

The proceeding involves one or more **questions of exceptional importance**, because there are present issues upon which the panel decision conflicts with the authoritative decisions of other United States Courts of Appeals that have addressed the issue as well.

With regard to SMPD’s welfare check, also see **People v. Morton (2003) 114 Cal.App.4th 1039**, which states a welfare check of this nature, “... was not legally sufficient...”

Also see **People v. Superior Court [Irwin] (1973) 33 Cal.App.3rd 475**, where it was held that, “Although a police officer may, with exigent circumstances, secure a

residence (or other protected place) pending the obtaining of a warrant or consent to search, the law will not allow a warrantless entry and securing of the premises if the exigency is of the officers own making. ..." Also in line with the decision in **People v. Bennett (1998) 17 Cal.4th 373.**

Do note that, "Taking a minor 'into temporary custody,' as authorized by W&I § 625, is the functional equivalent of an arrest." (In re **Charles C. (1999) 76 Cal.App.4th 420, 425**; see also In re **Thierry S. (1977) 19 Cal.3rd 727, 734, fn. 6.**)

All of the actions of SMPD have been condemned by law, and should likewise be condemned by this court, in line with previous decision published by this court. The orders dated 09/16/2020 directly conflict with existing opinions by this, as well as, other courts of appeal and the Supreme Court, and substantially affect a rule of national application in which there is an overriding need for national uniformity. This was submitted to the clerk and opposing counsel 14 days after entry of judgment, in compliance with Fed. R. App. P. 40(a)(1).

Ms. Alexander-Jasmin denied due process, and falsely arrested and jailed for 3 days based on a misdemeanor charge. In the case of a misdemeanor, the officer may arrest the suspect only long enough to identify the suspect and give the suspect a summons to appear in court. The contact was unlawful from its inception.

Los Angeles County (DCFS) refused to answer the properly served summons. The case should have been considered and decided beginning at the claimed civil rights violations, not at an arbitrary, later point where the accused feel they have their best defense against the claims. The case was not decided using applicable

law, and was not considered in its entirety, instead, actual law has been disregarded, and focus has been obscured and narrowed to favor the accused. With respect to these facts, it is reasonable to conclude the Jasmin Family was denied the right to life, and rights to due process and a fair trial in Civil Court. During Ms. Alexander-Jasmin's chance to get justice, the courts engaged in lawlessness, choosing to dissent from well-established law and judicial opinions and case laws generated in prior cases by their own court. As a result, a panel of judges made decisions in clear conflicts with decisions of the United States Supreme Court, as well as well-established law, and multiple published decisions of the court to which the petition was addressed, the United States Court of Appeals for the Ninth Circuit.

A court proceeding is not a requisite of due process. *Ballard v. Hunter*, 204 U.S. 241, 255 (1907); *Palmer v. McMahon*, 133 U.S. 660, 668 (1890). Due process required that SMPD get a warrant before traveling to Ms. Alexander-Jasmin's residence to conduct a child abuse suspicion investigation when there was no emergency reported. Also see *People v. Superior Court [Irwin]* (1973) 33 Cal.App.3rd 475, where it was held that, "Although a police officer may, with exigent circumstances, secure a residence (or other protected place) pending the obtaining of a warrant or consent to search, the law will not allow a warrantless entry and securing of the premises if the exigency is of the officer's own making. ..." Also in line with the decision in *People v. Bennett* (1998) 17 Cal.4th 373. All of the

actions of SMPD have been condemned by law, and should likewise be condemned by the court.

**Prior decisions issued by the United States District Court for the Ninth (9<sup>th</sup>)**

**Circuit:**

In Calabretta v. Floyd (9th Cir. 1999) 189 F.3rd 808, it was held ... for the purpose of investigating a possible child abuse, where there were no exigent circumstances ... requires ... a "warrant". Santa Monica Police Department (SMPD) has self-reported that they were present at the private residence to conduct a child abuse suspicion investigation. Well-established law has long held SMPDs desire to a child abuse suspicion investigation requires a warrant.

Also see Fisher v. City of San Jose (9th Cir. 2007) 509 F.3rd 952., where it was held that "...the failure to get an arrest warrant when the person to be arrested is in his own home and there are no exigent circumstances justifying the lack of a warrant is a 4th Amendment violation".

Also see United States v. Warner (9th Cir. 1988) 843 F.2nd 401, 405; United States v. Romero Bustamante (9th Cir. 2003) 337 F.3rd 1104, 1109, where it was held that "The Fourth Amendment protections against warrantless searches and seizures extend to the curtilage around one's home..."

Also note, in United States v. Ramos - Zaragosa (9th Cir. 1975) 516 F.2nd 141, 144, the court held that "...a 'show of force,' ... an attempted detention was in fact an arrest... illegal."

And see *United States v. Cervantes* (9th Cir. 2000) 219 F.3rd 882, 888-890; *Martin v. City of Oceanside* (9th Cir. 2004) 360 F.3rd 1078, 1081-1083; *United States v. Martinez* (9th Cir. 2005) 406 F.3rd 1160; *United States v. Russell* (9th Cir. 2006) 436 F.3rd 1086. “The ‘emergency aid’ exception to the Fourth Amendment, per the federal Ninth Circuit Court of Appeal, is a function of law enforcement’s ‘community caretaking function,’ and requires a finding of three circumstances to be applicable: The police must have ‘reasonable grounds’ to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property; and, the search must not be primarily motivated by an intent to arrest and seize evidence; and, there must be some reasonable basis, ‘approximating probable cause,’ to associate the emergency with the area or place to be searched.” The law expressly prohibits police to conduct investigations under the guise of welfare checks, and prohibits child abuse suspicion investigation without a warrant.

The Respondents/Respondents argued that Officers were entitled to qualified immunity, however, The State Sovereign Immunity and Tort Liability, in 1946, the federal government passed the Federal Tort Claims Act (28 U.S.C. §2674 which states in pertinent part, “... police act with the authority of the state. When police officers on duty misuse that formidable power to commit... the public employer must be held accountable for their actions.” See *Monroe v. Pape*, 365 U.S. 167, 180 (1961). As the Supreme Court stated in *United States v. Classic*, 313 U.S. 299, 326 (1941), “misuse of power ,possessed by virtue of state law and made possible only

because the wrongdoer is clothed with the authority of state law, is action taken "under color of state law." The law required them to make a settlement to avoid wasting the courts time, instead, the court conspired with the "Respondents" to deny Ms. Alexander-Jasmin justice, and agreed to dismiss a righteous civil rights case in clear conflict with the spirit of the United Nations Treaty, especially

**CHAPTER IV: Human Rights, International Covenant on Civil and Political Rights.**

New York, 16 December 1966.

The original reports, expert witness testimony, dismissal of charges by Santa Monica City Attorney's Office, dismissal of allegations by a judge in a lower court, and other evidence prove there was no emergency, no one needed protection, and SMPD openly admit that their presence at Ms. Alexander-Jasmin's residence was primarily motivated by an intent to search and seize evidence; an investigation prohibited by well-established law.

SMPD's statement regarding the arrest allegedly being lawful "... because they had probable cause to arrest for Public Intoxication..." is not only in conflict with their prior admissions, the evidence and the law, it fails the law from every angle. The mere existence of a subsequent charge imposed by SMPD after they were already in violation of the aforementioned, well-established law and Civil Rights requirements does not absolve them of the legal requirements they ignored when carrying out their desired child abuse suspicion investigation. The arrest was unlawful, and the additional, subsequent charge was retaliatory in nature, and an abuse of power. The strategy of distracting from the true nature of the case to

generate a defense by highlighting additional tortious acts, and claiming the additional, tortious acts are a valid defense is what “lawlessness” is. The lawlessness was perpetuated by officers of the court. Where officers of the court have adopted lawlessness, there can be no fair trials.

## CONCLUSION

During Ms. Alexander-Jasmin's chance to get justice, the courts engaged in lawlessness, choosing to dissent from well-established law and judicial opinions and case laws generated in prior cases by their own court. The petition for a writ of certiorari should be granted based on the following, proven facts:

In a routine, yet unlawful, "rousting" of "Krystal Jasmin" on Friday, September 19, 2014, Ms. Alexander-Jasmin's family was detained in what Santa Monica Police Department (SMPD) initially, accurately reported in their narrative as an unfounded and warrantless investigation of child abuse suspicion [description is not verbatim]. The law has expressly forbidden this type of contact with citizens by police. No crime nor abuse had occurred, and the stated purpose of their presence was strictly motivated by the desire to search and seize any unflattering information they could gather with the intent to use the information in a judicial proceeding. Without Ms. Alexander-Jasmin having a criminal history, and with no crime reported, SMPD still chose to bring her under the jurisdiction of the state. In furtherance of their plot, there are several documented instances of malice, fraud and oppression where SMPD knowingly generated false reports to intentionally cause harm, and enlisted others to do so as well.

Ms. Alexander-Jasmin was cooperative while SMPD became excessively aggressive and offensive. Ms. Alexander-Jasmin invoked her family's rights and was arrested for the original charge of "...California Penal Code... § 148(a)(1) (willfully resisting a police officer)...", for an unlawful investigation.

When SMPD realized Ms. Alexander-Jasmin was intelligent and aware of her rights they decided to charge her with an additional crime they knew she had not committed in an effort to tarnish her reputation and bury her under the color of law. After already taking the family, including the minor children, into custody unlawfully, and after contacting the Los Angeles County Department of Children and Family Services (DCFS) in disregard of the governing laws. SMPD falsely charged the mother with “Intentional infliction of harm to a minor” (“Child Abuse”) when no child was ever reported as being abused, there was nothing justifying claiming the children were ever abused, and there was no preauthorization by any legal authority allowing for an investigation into abuse.

SMPD fabricated a child abuse charge, then intentionally enlisted DCFS to confound and frustrate Ms. Alexander - Jasmin’s chances of receiving justice. DCFS intentionally entered false allegations of child abuse into a judicial proceeding. California Judge, Julie Foxx Blackshaw, intentionally disregarded the law, to aid in the conspiracy, claiming jurisdiction over children she knew were not abused, and based on allegations which clearly did not meet the standards of the governing laws she swore to uphold. She, herself, deemed all allegations as unfounded, as she also made an order to retain custody of the children for the state, and personally granted the County Counsel to go on a phishing expedition into Ms. Alexander - Jasmin’s life for almost three years with the intent of uncovering any negative information that could be sued to support the false allegations. The continued, unlawful investigation lasted almost 3 years and yielded no negative results they could use.

The initial arrest charges from 09/19/2014, which were widely published and disbursed in a newspaper and on the internet, were declined for prosecution by the City Attorney's Office of Santa Monica on 09/24/2014. Ms. Alexander- Jasmin lost her good reputation, child custody, and was terminated from her employment with the Department of Public Social Services based on the false arrest, false charges, and SMPD reporting the false information to DCFS and the Department of Justice (DOJ). The aforementioned newspaper article called Ms. Alexander- Jasmin a "bad parent" and a "drunk mom", included the petitioners name, age and address.

DCFS entered false allegations stemming from the disowned arrest into children court to retain custody of the children before ever establishing they were abused and the judge violated the family's rights further by allowing the local government more time, in excess of two (2) years, to "pad" a case against the innocent mother to avoid accountability for their Civil Rights Violations. Ms. Alexander- Jasmin still submitted to the government process and filed a lawsuit against the government for the Civil Rights Violations in 2015. Due to threats to terminate her parental rights and unlawfully adopt her children away, she was forced to re-file in 2016 under the case number listed herein.

As a result of the respondents' actions and inactions the petitioner has been subject to libel, slander, contempt, loss of reputation, loss of familial bonds, and extreme emotional distress. Evidence of which was provided to and receipt acknowledged by counsel for the defense during the deposition of Krystal Jasmin on Thursday, December 6, 2018.

The petitioner's attempts to be compensated by California's Victim Compensation Program were thwarted by the dishonesty of SMPD when they claimed that the petitioner was never arrested 09/19/2014, and was only issued a citation for the misdemeanor charges.

The strain of the injustice allowed by the conspiracy has worn on the family and caused several relationships to sour. The petitioner was put in a position where she is now required to utilize the remedy provided by law, to request justice, restore her good name and reputation, repair her legacy so it is untarnished by the actions of the respondents, and to be made whole from the nightmarish situation caused by the respondents.

Ms. Alexander-Jasmin submitted the required "Administrative Claims Process" forms within the prescribed six (6) months of the false arrest. She was denied an amicable resolution which granted her permission to file a lawsuit. She filed a lawsuit in 2015, within the prescribed one (1) year of being rejected in the Administrative Claims Process. Ms. Alexander-Jasmin was then subjected to threats by her government for pursuing justice, and they threatened to terminate her parental rights and adopt her children away for reporting their abuses. Due to threats to terminate her parental rights and unlawfully adopt her children away, she was forced to re-file in 2016 under the case number listed herein.

Ms. Alexander-Jasmin was denied justice in the United States District Court-Central District of Los Angeles, and, after making every possible petition and motion, she was forced to file a claim with the United States Court of Appeal for the

Ninth (9th) Circuit, who disregarded its own laws to deny Ms. Alexander-Jasmin justice. A decision that clearly conflicts with well-established law, as well as the United Nations Treaty, was entered by a panel of three (3) judges on 09/16/2020, in clear violation of Human Rights with regard to deprivations of rights, and fair trials. The court affirmed a harmful decision of a lower court in clear conflict with an abundance of its own prior cases and published decisions.

Ms. Alexander - Jasmin is now petitioning the United States Supreme Court to review the case, wherein, the Supreme Court Justices are being asked to:

- 1) Condemn the lower courts' dissent from well-established Constitutional and case law.
- 2) Condemn the lower courts' dissent from the official record by excluding admissible, expert witness evidence and testimony presented by the Plaintiff/Appellant/Petitioner.
- 3) Condemn the lower courts' undue bias for uncorroborated, inadmissible defenses presented by the "Governmental Actor" Defendants/Appellees/Respondents, and condemn the lower courts' decision to act as a witness instead of triers of facts, the court itself testifying, on the official record to "facts not in evidence" regarding uncorroborated mental health allegations which contradict expert witness testimony of Dr. Suzie Dupee.
- 4) Condemn the lower courts' not reinstating properly served, "dismissed without prejudice" Defendants, Los Angeles County; DCFS.

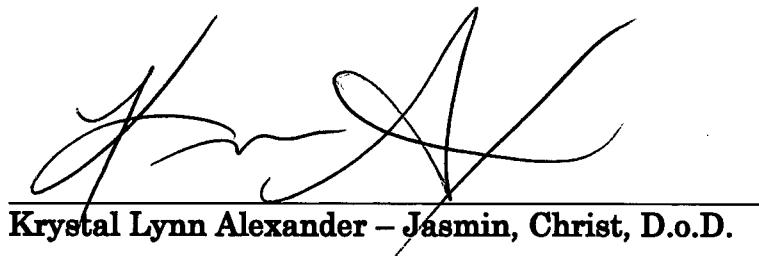
5) Seriously consider if it is a wise decision for national security and the present state of the world, to ignore facts and evidence of Christ living among you, and being victimized by this government.

The law is clear, and, thus far, the actions of the court giving rise to civil action, and in the handling of the civil actions listed herein, have lacked the integrity, dignity, liberty and the justice the United States of America purports to embody. A correction of the errors of the lower courts is necessary.

For the foregoing reasons, the petition for a writ of certiorari should be granted.

**Dated this 25<sup>th</sup> day of March, 2021.**

**Respectfully submitted,**



**Krystal Lynn Alexander - Jasmin, Christ, D.o.D.**

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