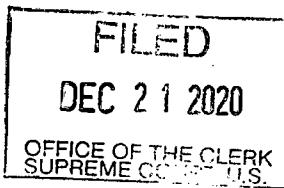


20-7844

ORIGINAL

IN THE



SUPREME COURT OF THE UNITED STATES

PAUL PATRICK JOLIVETTE

— PETITIONER

(Your Name)

VS.

UNITED STATES DISTRICT COURT OF

CALIFORNIA NORTHERN DISTRICT

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

PAUL PATRICK JOLIVETTE

(Your Name)

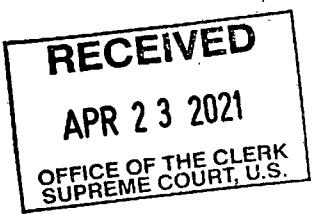
P.O. Box 8101, T40846.

(Address)

San Luis Obispo Ca, 93409

(City, State, Zip Code)

(Phone Number)



## QUESTION(S) PRESENTED

1. Did the United States Court of Appeals For The Ninth Circuit Order in " DENIAL " of a writ of mandate to enforce a judgment Registered and entered in the United States District Court of California Northern District to command and compel the USDC Northern to issue writs of enforcement to full satisfaction and accord to all terms, conditions, stipulations and monetary award as expressed in the Abstract of Judgment, after the People of the State of California's Specific Waiver of immunity, and all franchise protection as expressed in the Certified Abstract of Judgment, action DENY the Petitioner First essential right to Due Process and Equal Protection as guaranteed by the Fourteenth Amend U.S. Constitution, and Specifically Section 5, laws and treaties, in accordance to 28 USC § 3202.
  
2. Did the Respondent abuse it's discretion by failing to exercise authority/jurisdiction under Title 42 USC § 1983, and under " Equity" supplemental jurisdiction for Civil Contempt in accordance to the expressed terms, conditions, stipulation, and monetary award in the Abstract of Judgment.

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Recorders Office # DOC-2014-J829356-00, Jan 23, 2014.

APPENDIX B Order 9th Cir Court of Appeals No. 20-72715, Denied, 10/13/2020

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

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

**OPINIONS BELOW**

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

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

reported at 3-14-CV-80001-RS 1/02/2014; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

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

reported at 20-72715 10/13/2020; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

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

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

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

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

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

1.

## **JURISDICTION**

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

The date on which the United States Court of Appeals decided my case was 10/13/2020.

[x] No petition for rehearing was timely filed in my case. Was Not Accepted By Court.

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

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

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

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

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

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

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

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

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

EX Parte Young, 209 U.S. 123 28 S Ct 441 1908 U.S. Lexis 1726 52 L Ed 714  
Connally v. General Construction Co., 269 U.S. 385  
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Phelps v. Alameda, (9th Cir 2009) 569 F 3d 1120  
U.S. v. Fabre 978 F 2d 1262 1992 U.S. App Lexis 34584 (7th Cir 1997)

### STATUTES AND RULES

28 USC Section 3202  
28 USC Section 1603 (a), (F)(1)(A)  
28 USC Section 1331  
28 USC Section 1997e(a)  
28 USC Section 1963 and 1738  
28 USC Section 1651  
28 USC Section  
Federal Rules of Civil Procedure 59 (e), 60 (b)  
Administrative Procedure Act Title 5 USC Section 701-706

### OTHER

Constitutional Authority  
U. S. Constitution Art I, Section X  
U.S. Constitution Art Iv Section 1.  
U.S. Constitution IV, V., VI, VIII, XI, and XIV Amendments

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

This case involves a Federal Question sufficient to sustain jurisdiction upon the grounds of a complete denial of due process of law to enforce a lawful remedy at law after full disclosure notice and opportunity to be heard and defend as a matter of law, and knowingly refusing to answer under penalty of perjury and full commercial liability to the facts stated therein, and default has been entered into the record as evidenced by the Certified Abstract of Judgment in favor of the Plaintiff -iff and against the defendant, lodged in the record, and enforceable as a matter of law.

U.S. Const XIV Amendment, Denial of Due Process and Equal Protection under the law to enforce a lawful remedy .

28 USC Section 1331, Federal Question

## **LIST OF PARTIES**

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

PAUL PATRICK JOLIVETTE, PLAINTIFF

UNITED STATES DISTRICT COURT OF CALIFORNIA NORTHERN, RESPONDENT

PEOPLE OF THE STATE OF CALIFORNIA, REAL PARTY IN INTEREST

## **RELATED CASES**

A. EXHAUSTION of Administrative Proceeding Adjudicator Court. Case No.04-2013-87237-CV-J2

B. Registration of Judgment in the United States District Court of Nevada, 2:13-MS-0091

C. Registration of a Sister State Judgment in the United States District Court  
of California Northern District. Case No. 3:14-MC-8001-RS

D. Superior Court of Solano County cas No FCR211674

## STATEMENT OF THE CASE

This action originates from a counter-claim from an unlawful conviction in a criminal action in wanton disregard for authority both personal and subject matter jurisdiction, that has been properly challenged by special appearance to invoke said challenge to the People of California's authority as the prosecution attorney through the Attorney General office, who has confessed No Jurisdiction had ever been properly obtained in the first instance as an exception to the general rule.

### STATEMENT OF FACTS

1. This action originates from a unconstitutional / invalid criminal conviction in complete disregard for authority both personal and subject matter jurisdiction, as confessed by the A.G. and evidenced by the Certified Abstract of Judgment in the court record, 3:14-CV-80001-RS.
2. Plaintiff has followed all court procedures to exhaust informal remedies prior to seeking court intervention to address all grievances and to invoke a challenge to the Attorney General's authority in the action at bar pursuant to 28 USC § 1997e, and Title 5 USC § 701-706, of the Administrative Procedure Act, and has obtained a judgment in the Plaintiff's favor and against the People of California, Real Party in Interest in this action. Mandating Release of Plaintiff.
4. Plaintiff has Registered said judgment in the United States District Court of Nevada in case no. 2:13-MS-00091, on 11/19/2013, which became final on 12/30/2013.
5. Plaintiff then Registered the USDC Nevada Judgment in the United States District Court of California Northern District in case no. #:14-CV-80001-RS, on Jan 02, 2014, which became final on Jan 12, 2014, resulting in the failure of the court to issue writs / orders for enforcement and a complete denial of Due Process and Equal Protection under the law, in addition to the aiding and abetting of unconstitutional false imprisonment of the Plaintiff, without a remedy at law.

REASONS FOR GRANTING THE PETITION

1. Plaintiff asserts that there is no verified evidence in the record that the U.S. Supreme Court will not take jurisdiction if it should not: but it is equally true that it must take jurisdiction if it should. The Judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the Constitution. The court cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, the court must decide it. The court has no more right to decline the exercise of jurisdiction, which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. Questions may occur which the court would gladly avoid, but the court cannot avoid them. All the court can do is to exercise its best judgment, and conscientiously perform its duty, and the Plaintiff denies any verified evidence exists to the contrary. *Ex Parte Young*, 209 U.S. 123 28 S Ct 441 1908.
2. Plaintiff asserts that there is no verified evidence in the record that Plaintiff has not been denied Due process and Equal Protection by the Void Process initiated by the PEOPLE OF CALIFORNIA, in violation of the Fourteenth Amendment, which provides that No State shall deprive any person of life, liberty, or personal property without due process of law, nor shall it deny to any person within its jurisdiction the equal protection of the law, as the first essential of law is Due Process, *Connally v. General Construction Co.*, 269 U.S. 385, and the Plaintiff denies any verified evidence exists to the contrary.
3. Plaintiff asserts that there is no verified evidence in the record that District Courts of the United States will not restrain a state officer (Attorney General) from executing an "Unconstitutional order/judgment entered by the State in wanton disregard for authority both personal and subject matter in case no. [FCR211674] entered in Solano County Superior Court of California, and confessed by the A.G. as evidenced by the Certified Abstract of Judgment in the record, and the Plaintiff denies any verified evidence exists to the contrary.
4. Plaintiff asserts that there is no verified evidence in the record that this action does not originate from a counter-claim to the unconstitutional entry of order/judgment as stated above that has violated the rights and privileges of the Plaintiff which has been guaranteed by the U.S. Constitution, and has caused the Plaintiff to suffer irreparable damage and injury by the continued false imprisonment and failure to enforce a lawful remedy by agreement of the

- parites as evidenced by the AOJ in the record, as confessed by the Defendants, and waiver of all immunity protections under the Eleventh Amendment as expressed in the AOJ, and may be held in Civil Contempt and awarded the same expressed terms, conditions, stipulation and Monetary award as granted in the original judgment entered, under said contempt authority of the Federal Court, to correct a miscarriage of justice and make the Plaintiff whole as a matter of law, and the Plaintiff denies any verified evidence exists to the contrary.

5. Plaintiff asserts that there is no verified evidence in the record that the Judgment filed and registered in the United States District Court Northern District of California in case Number 2:14-CV-80001-RS, on Jan 02, 2014, and recorded in the San Francisco County Recorders Office on Jan 23, 2014, Doc-2014-J829356-00, does not grant/authorize a Federal Court to utilize its power under civil contempt, to correct a illegal and invalid order of the State Court entered under "Color of State law" in complete denial of Due Process and Equal Protection under the 14th Amend. of the U. S. Const., is not only void as a matter of law, because it conflicts with the supreme authority of the Federal Constitution, and the Plaintiff denies any verified evidence exists to the contrary.

6. Plaintiff asserts that there is no verified evidence in the record that the governing authority for the enforcement of judgments entered in the USDC is not 28 USC § 3202(A), which states, "A judgment may be enforced by any of the remedies set forth in this subchapter, and a court may issue other writs pursuant to section 1651 of Title 28, as necessary to support such remedies" (for the enforcement of monetary and performance judgments)

and the Plaintiff denies any verified evidence exists to the contrary.

7. Plaintiff asserts that there is no verified evidence in the record that Plaintiff has not tendered to the Ninth Circuit Court of Appeals a Writ of Mandate in case number 20-72715, that was unlawfully denied in contravention of the Constitutional guarantee to enforce lawful remedies entered by judgment after full due process of law, and waiver of all 11th amendment immunities, and confession of entry of a order/judgment in wanton disregard for authority under color of state law, to the deprivation of the Plaintiff right of liberty, without due process as confessed by the People of California, warranting the intervention by extraordinary remedy of the Ninth Circuit, and now this court as a matter of law, and the Plaintiff denies any verified evidence exists to the contrary.

8. Plaintiff asserts that there is no verified evidence in the record that the appropriate remedy at law is not a Writ of Mandate pursuant to Title 28 USC § 3202(A), for the enforcement of a judgment under 28 USC §1651, to command and compel a inferior court to perform thier ministrial duty under the law and issue writs / orders for the enforcement of lawful judgments entered by agreement of the parties as evidenced by the judgment entered and the Certified record in support thereof, and the Plaintiff denies any verified evidence exists to the contrary.

9. Plaintiff asserts that there is no verified evidence in the record that a District Court does not use applicable State law through Fed R. Civ P. R. 69, to enforce a judgment of the USDC after it has become final, through the Registration of said judgment under 28 USC § 1963, from the United States District Court of Nevada in Cas No. 2:13-MS-00091, 11/19/2013, and the Plaintiff denies any verified evidence exists to the contrary.

10. Plaintiff asserts that there is no verified evidence in the record that the Registration of the Judgment under 28 USC § 1963, is a praid procedure that does not require the intervention of a judge, (Patco, 699 F 2d 544), as " upon receiving a certified copy of the judgment, the clerk of the court in which the judgment is being registered, merely enters the Sister State Judgment into the court docket," (1992 U.S. App Lexis 4 id): *Associated Business Telephone Corp. v. Greater Capitol Corp.* 128 F R D 63 65 n 3,(D N J 1989), and the Plaintiff Denies any verified evidence exists to the contrary.

11. Plaintiff asserts that there is no verified evidence in the record that " Once a Certified copy of the Final Judgment has been Registered in a USDC, the Judgment is not treatedas if it were an original judgment of the registering court" as the judgment registered is the equivalent to a new federal judgment, obtained by filing an independant action on the original judgment. *Standford v. Utley*, 341 F 2d 265 268 270,(8th Cir 1965); *U.S. v. Fabre*, 978 F 2d 1262 1992 U.S. App Lexis 34584 (7th Cir 1997); Res Judacata and Collateral Estoppel precluding relitigation of a final Judgment. *Del Prado v. B.N. Dev Co.*, (2010) 602 F 3d 660, and the Plaintiff denies any verified evidence exists to the contrary.

12. Plaintiff asserts that there is no verified evidence in the record that *In re Bungardner v. Kupke*, 2006 U.S. Dist Lexis 72728 [E.D. Cal. Oct 04, 2006] did not state, "The court assignee sought to amend the judgment issued from the U.S. District Court of the Southern District of Florida, it appears from the documents filed by Vinyard, that she is asking this court to amend a 1993 judgment entered in the U.S. District Court For The Southern District of Florida. That judgment appears to relate to proceedings in the U.S. Bankruptcy Court For The Southern District of Florida... her Motion request this court to amend the Judgment. This Court is unable to discern what, if any, jurisdictional basis exists for this court to amend a judgment entered by the USDC of Florida."

Simple Registration of a Foreign Judgment under 28 USC § 1963, is a general matter, motions to amend, or modify judgments are made pursuant to Fed R Civ Proc § 59(e), or 60(b). However, if a motion is made pursuant to Fed R Civ Proc § 59(e), and is not brought within Ten (10) days after entry of judgment, the District Court lacks jurisdiction to hear the motion." *Carter v. United States*, 973 F 2d 1479 1488, (9th Cir 1992). The Ten (10) day requirement is clearly not met in the instant action with respect to the judgment entered on Jan 02, 2014, and became FINAL on Jan 12, 2014, for the Record, and the Plaintiff denies any verified evidence exists to the contrary.

13. Plaintiff asserts that there is no verified evidence in the record that a Judgment may not be Registered in many Districts, and any motions to modify, or amend the judgment under Fed R Civ Proc § 60(b), must be presented to the original court that rendered judgment. *Board of Trustees Sheet Metal Workers Nat. Pension Fund v. Elite Erectors Inc.*, 212 F 2d 1031 1034, (7th Cir 2000), and the Plaintiff denies any verified evidence exists to the contrary.

14. Plaintiff asserts that there is no verified evidence in the record that in the case at bar the JUDGMENT Registered in the UNITED STATES DISTRICT COURT OF CALIFORNIA NORTHERN DISTRICT in Case No. 3:14-CV-8001-RS, Jan 02, 2014, has not become Final on Jan 12, 2014, as a matter of law and Enforceable to all terms, conditions, stipulations and monetary award granted as expressed in the Certified AOJ, as the time limit for appeal has long since expired, *Hilao v. Estate of Marcos*, 536 F 3d 980.

"State law does not divest a Federal Court of authority / jurisdiction to enforce it's own Judgments entered into the record", in complete denial of due process of law and right of enforcement of a lawful remedy, and the Plaintiff denies any verified evidence exists to the contrary.

15. Plaintiff asserts that there is no verified evidence in the record that this is a second or successive petition as it does not present a new claim, e.g. "If it attacks the order entered on procedural grounds, or the defect in the integrity of the proceedings, as in the case at bar, and therefore is not a second or successive proceedings, *Phelps v. Alemeda*, (9th Cir 2009) 569 F 3d 1120, and the Plaintiff denies any verified evidence exists to the contrary.

16. Plaintiff asserts that there is no verified evidence in the record that the California State Court of Appeals has not enforced a judgment against a California resident circumventing the Debtor's objection. The Court reasoned that it would be against Public Policy to protect an entity who wrongfully sought to circumvent the substantive laws of one jurisdiction, by enlisting the aid of courts in another jurisdiction. *Pettis v. Municipal Court*, (1970) 12 Cal App 3d 604 85 Cal Rptr 233, and Plaintiff denies any verified evidence exists to the contrary.

17. Plaintiff asserts that there is no verified evidence in the record that this United States Supreme Court does not have a Legal Duty to the Plaintiff under the 14th Amend U.S. Const. to safeguard and protect the Plaintiff's Right to "LIBERTY" and not be "FALSELY IMPRISONED" after redress of grievance by a Special Appearance to invoke a challenge to the People of California's authority/jurisdiction, and confessed by same that none was ever obtained making all orders therefrom null, void and moot as a matter of law, Mandating this Court Intervention under your superior authority to command and compel the United States District Court Northern District of California, Respondent to perform their official duty under the Full Faith and Credit Clause, U.S. Const. Art. I., § IV, and Civil Procedure for enforcement of judgments, which allows for court judgments to be rendered in one court, sued on in a second court, and then the judgment on judgment of the second court, successively sued on in a third court, and enforced by the latter court. The same result occurs when a Plaintiff moves it's judgment between Federal and State Courts. U.S. Dist Court of Appeals of The Fifth and Eleventh Circuits, (2010) 602 F 3d 660; *Del Prado v. B.N. Dev Co.*, (April 05, 2010). Res Judicata and Collateral Estoppel Apply, in the case at bar, and the Plaintiff denies any verified evidence exists to the contrary.

18. Plaintiff asserts that there is no verified evidence in the record that this U.S. SUPREME Court does not have Authority / Jurisdiction to issue a writ of Certiorari to correct this miscarriage of justice as Constitutional Oath Bound Officers of this Court to Enforce the law as they are written, and to protect Republican Form of Government to redress wrongs suffered by one of the people of these United States "Plaintiff" as the People of California RPI have waived all immunities under the Eleventh Amendment, as expressed in the Certified Abstract of Judgment. The immunity defenses are not available to a state government official and/or private individuals who have conspired with other entities to violate the Plaintiff's inalienable private contractual and Constitutional rights to enforce a lawful remedy. *Brandon v. Holt*, (1985) 469 U.S. 464 473 [ 105 S Ct 973 83 L Ed 2d 878]; *Connor v. City of Santa Ana*, (9th Cir 1990) 897 F 2d 1487 1492 n 9; 28 USC § 1603(a), (F)(1)(A), Waiver of all Immunities, and the Plaintiff denies any verified evidence exists to the contrary.

#### CONCLUSION

Wherefore, in sum, based on the foregoing argument, undisputed affidavits of facts in the record, and Certified Abstract of Judgment lodged in the court Record, the Plaintiff moves this honorable court to issue and grant a Writ of Certiorari in this action to correct this miscarriage of justice under color of state law, and to command and compel the Respondent to uphold thier Constitutional Oaths of Office and perform their legal duty as impartial adjudicators in the specific performane of their ministerial duty to issue writ and orders for the enforcement of the expressed judgment as it has been written to full satisfaction and accord with all terms and conditions therein;

2. or in the alternative issue an alternate order to show cause, why if any, the relief requested should not be granted, by Counter-Affidavit signed under penalty of perjury before a Notaru Public;
3. For any/all further relief known to this court in the interest of Due Process, Equal Protection and Justice under the law.

#### VERIFICATION

I the under signed Plaintiff/Petitioner has read the foregoing and know it's contant. The Facts stated herein are true, correct, complete, and not misleading. Admissible as evidence as an exception to the hearsay rule of the evidence code, under penalty of perjurt of the laws of California Republic.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Paul Jolivette

Date: 40 09 - 2021