

NO. 20 - 7844

IN THE
SUPREME COURT OF THE UNITED STATES

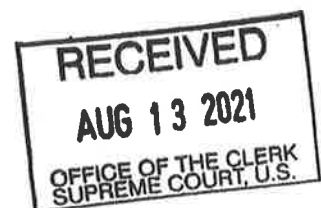
PAUL PATRICK JOLIVETTE, PETITIONER

VS.

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA RESPONDENT

PEITION FOR REHEARING, UNDER RULE 44.

PAUL PATRICK JOLIVETTE
P.O. Box 8101. CDCR No. T-40846.
San Luis Obispo California, 93409



Petitioner / Plaintiff moves this court by This Petition For Rehearing to consider the following additional facts in support of the petition to grant an order for the Respondent to issue writs of enforcement and Injunctive relief in compliance with the most basic of Due Process' customary protection to Enforce a Judgment entered in a court of the United States without right of enforcement to carry out the stipulated agreement and contractual obligation of the Defendant, as expressed in the attached Certified Abstract of judgment, as the Petitioner is without an enforceable remedy at law to date, as guaranteed by the U.S. Const. Art.II. § X.

Respectfully submitted.

Date July 10, 2021

By Paul Jolivet
Paul Patrick Jolivet,

RULE 44.

JURIDICTION

Title 42 USC § 1983

Title 42 USC § 1997 (e)

Title 28 USC § 1331 (a)

Title 28 USC § 1738 , and § 1963

Uniform Foreign Country Money Judgment Act (2005)

United States Constitution 1st, 5th, and 14th Amendments

United States Constitution Article III, Section 2

PARTIES

PETITIONER

PAUL PATRICK JOLIVETTE
P.O. Box 8101. # T40846
San Luis Obispo Ca, 93409

RESPONDENT

UNITED STATES DISTRICT COURT FOR
NORTHERN DISTRICT OF CALIFORNIA
455 Golden Gate Avenue
San Francisco Ca, 94102

STATEMENT OF CASE

This Complaint for Registration and Enforcement of a Certified Judgment From another District pursuant to Title 42 USC § 1983: Title 28 USC § 1331(A), 1343, 1738, & this court has Supplemental Jurisdiction over state claims, because Plaintiff's V., VI., & XIV, Amend Constitutional Guaranteed Rights were violated by an individual acting under "Color of State Law", Denied Plaintiff's secured Federal Right to Due Process, Equal Protection, and Court Access to enforce a lawful remedy in accordance to the terms, conditions, stipulations and monetary award granted in favor of the Plaintiff and against the Defendants as expressed in the Certified Abstract of Judgment lodged with the court, to correct a miscarriage of justice.

ARGUMENT AND PROCEDURAL HISTORY

1. This action originates from an unconstitutional and invalid conviction in Denial of the Plaintiff federally protected right to Due Process, Full Disclosure and Equal Protection as guaranteed by the 14th Amend. U.S. Const, "Void Process" by the Superior Court of California For The County of Solano, in case no. FCR211674, PEOPLE OF CALIFORNIA v. PAUL PATRICK JOLIVETTE, that has resulted in a complete miscarriage of justice and Plaintiff's un-constitutional and unlawful imprisonment; which has been properly challenged as evidenced by the Certified Records in the court file.

2. The Plaintiff made a special appearance to the PEOPLE OF CALIFORNIA (Defendant 1), by presentment of a Summons, Motion For Discovery, Affidavit of Facts of Specific Negative Averments to invoke a legal challenge to the Defendants/Trial Courts personal and subject matter jurisdiction and rebuttal of same, all alleged charges and claim of actual innocence to ascertain the true and correct facts on and for the record, and present Plaintiff's affirmative defenses to correct the record, and exhaust Administrative Remedies prior to seeking formal review, and has been granted a Judgment in Favor of the Plaintiff and against the Defendant 1, as evidenced by the Certified Abstract of Judgment in the records.

- A. PAUL PATRICK JOLIVETTE v. PEOPLE OF CALIFORNIA Case No.04-2013-87237-CV-J2;
- B. PAUL PATRICK JOLIVETTE v. PEOPLE OF CALIFORNIA Case No.2:13-MS-00091;
- C. PAUL PATRICK JOLIVETTE v. PEOPLE OF CALIFORNIA Case No.3-14-MC-80001-RS;
- D. PAUL PATRICK JOLIVETTE v. PEOPLE OF CALIFORNIA Case No. ECU 09235;

Plaintiff asserts the above identified Judgments pursuant to Blacks Law Dictionary 6th Ed. are considered "Contracts of Record" ...in carrying out the judgment of the court.

The U.S. Constitution In Convention, September 17, 1787, Preamble states, "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of LIBERTY to ourselves and our prosterity, do ordain and establish this

Constitution for the United States of America." U.S. Const.Art.II. § X. "Laws impairing the obligation of contracts".

Blacks Law Dictionary 6th Ed. Remedy. The means by which a right is enforced or the violation of a right is prevented, redress or compensated. Long Leaf Lumber, Inc. v. Svolos, 1a App 258 So 2d 121 124. The means employed to enforce a right. U.C.C. § 1-201: Chelentis v. Luckenbach S.S. Co., 247 U.S. 372 38 S Ct 501 503 62 L Ed 1171.

3. This Petition For Rehearing is presented to correct the record and provide this honorable court with a clear understanding of the magnitude of the Plaintiff's deprivation of due process, to enforce a lawful remedy and right of enforcement thereof, without remedy to date by actions of actor who have failed to enforce the law as written, 28 USC § 3202, to issue orders to command and compel inferior courts to perform their ministerial duty under the law, and ensure the Plaintiff Equal Protection to enforce the Judgment entered as a matter of law. Fidelity National Finance Inc., v. Friedman 798 F 3d 872 2015 U.S. App Lexis 14430.

4. Plaintiff asserts that in re Del Prado, 602 F 3d 660 667 (5th Dist 2010) Holding, "That while a "Judgment" is a document reflecting the determination of a claim on the merits," A "Registered Judgment" is simply the perfection of an existing Judgment in another jurisdiction so as to permit foreign enforcement. De Leon v. Marcos, 742 F Supp 2d 1168 1173 (D.Colo. 2010).

Where the United States obtained a judgment against a tax payer for certain federal tax assessments, government was precluded from reasserting same claim against tax payer in second action: Rather, government had to comply with the requirements of 28 USCS § 1963, to enforce prior Judgment. United States v. Buaiz, 102 A.F.T.R. 2d (RIA) 6256 (E.D. Tenn 2008). Federal Court to Federal Court Judgment Enforcement, Caballero v. Fuerzas Armadas Revolucionarias De Colombia, 945 F 3d 1270 2019 U.S. Lexis 38567 (10th Cir 2019): Uncontested Judgment is final for the purposes of 28 USCS § 1963, Herzfeld v. Parker 100 F.R.D. 770 1984 U.S. Dist Lexis 19815 (D.Colo.1984), and collateral estoppel is appropriate in the present case at bar, warranting this court's intervention to correct this ongoing miscarriage of

injustice without a remedy at law to date unless this court performs in accordance to the safeguards and protections of the U.S. Constitution, as one of the people, as the Plaintiff has continuously suffered disenfranchisement of said protects and right of enforcement as a matter of law without a remedy to date.

5. Plaintiff asserts the judicial council has adopted standards and ethics requirements for the expressed purpose to promote public confidence, as it would seem intolerable to permit the PEOPLE OF CALIFORNIA to play fast and loose with the administration of justice by deliberately failing to perform in accordance to the expressed terms, conditions and monetary award. *People v. Williams* (2000) 170 Cal App 4th 587 628; *Plaut v. Spend Thrift Farm Inc.*, 514 U.S. 211 218-219 (1995).

6. Plaintiff asserts that the Respondent has in fact aided and abetted the PEOPLE OF CALIFORNIA in "UNLAWFUL FALSE IMPRISONMENT" by their failure to perform the official legal duty as oath bound judicial officers of the court, whose actions or inactions are arbitrary and capricious, as the U.S. Supreme Court has held, "A court abuses its discretion when it has effectively deprived the Plaintiff of his Inalienable Rights to Judgment Enforcement and the principles of fundamental fairness without Due Process and Equal Protection under the law to obtain liberty from an invalid order in want of authority, *Payne v. Tennessee*, 501 U.S. 808 825 (1991); *Rent A Center West Inc., v. Jackson*, (2010) 561 U.S. 63 67.

7. Plaintiff asserts the Equal Protection Clause is not so lay as to let stand the denial entered in the record as the facts now show a complete denial of Equal Protection and False Imprisonment of the Plaintiff and prima facie verified evidence of actual innocence, that simply cannot stand by this court as a matter of law. *Edwards v. Balisok*, 502 U.S. 641 647 117 S Ct 1584 (1997).

8. Plaintiff asserts the record is indisputable that the Plaintiff has been deprived of an adequate state remedy by calculated design of oath bound judicial officers to circumvent the Plaintiff's right to enforce a judgment and lawful remedy, *Durre v. Dempsey*, 869 F 2d 543 548 (10th Cir 1989).

9. Plaintiff asserts that the Defendant had a legal duty with a obligation to conform to legal standards of reasonable conduct in light of apparent risk of unlawful imprisonment and imminent danger, *Karrar v. Barry County Road Comm'n*, 127 Mich App 821 339 N.W. 653 657; Obligatory conduct or service which is mandatory for a judicial officer to perform. *Heley v. King*, 220 Tenn 189 415 S.W. 2d 136. Obligation recognized by law requiring actors to conform to certain standards of conduct for the protection of others against unreasonable risk of False Imprisonment.

10. Plaintiff asserts the court record reflects no opposition from the Defendants, nor the Solicitor General of the United States, and public policy reasons articulated in favor of requiring of proof of actual innocence are compelling. Our legal system is presumed in part on the maxim, "No one cannot take advantage of his own wrong" (C.C.P. § 3571). An innocent person wrongfully convicted due to inadequate representation has suffered a compensable injury, because in that situation the nexus between malpractice and palpable harm is sufficient to warrent a civil action, however inadequate to address the lose. *Bailey v. Tucker* (1993) 533 Pa 237 247 [621 A 2d 108 113]; *Heck v. Humphrey*, 512 U.S. 477; *Common Law Torts*. *Preiser v. Rodriquez*, 411 U.S. at 489-492; *Mitchum v. Foster*, 402 U.S. 225 242 32 L Ed 2d 705 92 S Ct 2151 (1972).

11. Plaintiff asserts that the vary purpose of Title 42 USCS § 1983, was to interpose the Federal Courts between the States and The People, as guardians of the people's Federal Rights ... "To Protect the People from Un-Constitutional action under color of state law. *Ex Parte Virginia*, 100 U.S. at 346, in carrying out that purpose, Congress plainly authorized courts to issue Injunctions, by specifically authorizing suits in equity as on of the manners of redress.

12. Plaintiff asserts the courts denial of enforcement of a properly registered sister state judgment under 28 USCS §1963, in complicit in failure to provide one of the people "Plaintiff" Equal Protection from false imprisonment and monetary damages, under the law as guaranteed by the U.S. Const. 14th Amend. The Respondents action were unreasonable, arbitrary and capricious. *General Hosp*, 673 F Supp 177.

13. Plaintiff asserts the Constitution assigns to judges the "Judicial Power" to decide case and controversies" Art. III. § 2. That power does not licence judge's to craft new laws to fit their personal agenda, but, only to "discer[n] the course described by written laws on the books, as it currently exists, and to follow it in resolving disputes between the people over facts and events, "controversies" if one exists, however, there is no contorversey in the case at bar, as evidence by the respondents silent record. Osborn v. Bank of United States, 22 U.S. 738 866 9 Wheat 738 6 L Ed 204 (1824).

In the case at bar, a handful of judges and prosecuting attorneys have acted with complete disregard for authority to "condem[n] all they personally [***50] disapprove of, and for no better reason than [they] disapprove of it." Jordan, 71 S Ct 703 95 L Ed 886 at P 242. For thi reason, Hamilton warned, "While Liberty can have nothing to fear from the judiciary alone, it has everything to fear from the union of judicial and legislative powers. The Federalist No. 78 at P 466. No doubt for reasons as presented hear

CONCLUSION

Wherefore, in sum, based on the foregoing, unrebutted affidavit of facts, certified record and abstract of judgment lodged in the court file and appended hereto, the Petitioner moves this honorable court to grant this petition for rehearing and enter an order for the Respondent to issue orders for the enforcement of the expressed judgment in the record to full satisfaction and accord, as a matter of law.

or in the alternative appoint counsel to assist in this action to obtain a lawful remedy, as the petitioner is un-trianed at law, and has tried to help the court understand the magnitude of the constitutional deprivation the Petitioner has suffered to date.

Respectfully submitted.

Date July 10, 2021

By Paul Salvette

**Additional material
from this filing is
available in the
Clerk's Office.**