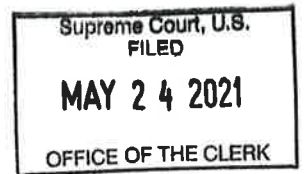


ORIGINAL

No. 20A176
(20-8298)



IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA.

HENRY FREDERICK RAMEY, JR.,

Petitioner,

v.

APPELLATE DIVISION OF
SUPERIOR COURT OF THE
STATE OF CALIFORNIA, IN
AND FOR THE COUNTY OF
SAN BERNARDINO, HECTOR
PENA GOMEZ,

Respondents.

(CSC No. S268712)
(COA No. 4th Civ. E076944)
(SBSC No. CIVSB 2101966)
(SBSC No. LLTVA 2000547)

MOTION FOR STAY.

ON PETITION FOR WRIT OF CERTIORARI TO THE CALIFORNIA
COURT OF APPEAL, FOURTH APPELLATE DISTRICT, DIVISION TWO.

MOTION FOR STAY PRESENTED TO THE HONORABLE JUSTICE KAGAN,
CIRCUIT JUSTICE.

HENRY FREDERICK RAMEY, JR.
24784 5th St.
San Bernardino, CA., 92410
TEL.: (909) 678-9348
hanksanberdoo@aol.com
Petitioner in Pro Se.

QUESTION PRSENTED FOR REVIEW.

Did the California Court of Appeal, Fourth Appellate District, Division Two, err in an of issue of nationwide importance, and refused to grant a Writ of Mandamus, despite the fact that the Trial Court was proceeding to Trial in an Unlawful Detainer Case despite an Eviction Moratorium issued by the Centers of Disease Control?

ARGUMENT.

I. PETITIONER WOULD SUFFER IRREPARABLE INJURY IN THAT THE CALIFORNIA COURT OF APPEAL LACKS JURISDICTION IN A CASE INVOLVING NATIONAL IMPORTANCE IN THAT THE UNLAWFUL DETAONER COMPLAINT IS BARRED BY THE SERVICE OF THE CDC DECLARATION TEMPORARILY BARRING EVICTIONS.

Petitioner Henry Frederick Ramey, Jr., served his CDC Declaration on Real Party in Interest on October 9 and 12, and November 24, 2020. The purpose of the CDC Declaration is to bar Unlawful Detainer Actions until, now, June 30, 2021. No Unlawful Detainer Action should have been commenced after the Declaration after it was served on Real Party in Interest. Accordingly, ***NOBODY IN THE CALIFORNIA COURTS WAS LISTENING.*** Petitioner would be evicted by the Sheriff pursuant to a Writ of Possession after his Trial on June 7, 2021, despite the fact that there is ***VALID*** CDC Eviction Moratorium in effect.

Petitioner sought review as to Case No. LLTVA 2000547, Because the Centers for Disease Control originally issued its Eviction Moratorium on September 4, 2020, which was set to expire on December 31, 2020. It has been extended three times:

1. It was extended by Congress, signed by President Trump, and set to expire on January 31, 2021.
2. It was extended by the Hon. Dr. Rochelle P. Walensky, M. D., M. P. H., Director, Centers for Disease Control, to March 31, 2021.
3. It was again extended by the Hon. Dr. Rochelle P. Walensky, M. D., M. P. H., Director, Centers for Disease Control, to June 30, 2021.

Yet, Real Party in Interest continues to prosecute the Unlawful Detainer Action, which is a misdemeanor under Federal Law on the basis of seeking the February 2020 rent that was paid on March 8, 2021, as part of Petitioner's then Chapter 13 Bankruptcy Plan, and which Petitioner already paid the previous owner Irina Hernandez \$450 on April 2, 2020, pursuant to her Three Day Notice to Pay Rent or Quit. Because of the CDC

Eviction Moratorium, the Superior Court lacks all jurisdiction to proceed in Case No. LLTVA 2000547 on May 11, 2021, or any other date.

Also, the ***CALIFORNIA COURTS SHOULD HAVE BEEN LISTENING! HELLO?!!!*** Their action in refusing to hear Petitioner's case in those Courts gave the Superior Court the authority to act in excess of jurisdiction, since they no authority to evict Petitioner in violation of the CDC Eviction Moratorium.

The Order stated in <https://www.federalregister.gov/documents/2020/09/04/2020-19654/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19#footnote-5-p55293>, states in part that:

“Therefore, under [42 CFR 70.2](#), subject to the limitations under the “Applicability” section, a landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action shall not evict any covered person from any residential property in any State or U.S. territory in which there are documented cases of COVID-19 that provides a level of public-health protections below the requirements listed in this Order.”

Section 502 of the latest COVID Relief Act states:

“SEC. 502. EXTENSION OF EVICTION MORATORIUM. The order issued by the Centers for Disease Control and Prevention under section 361 of the Public Health Service Act (42 U.S.C. 264), entitled “Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID–19” (85 Fed. Reg. 55292 (September 4, 2020) is extended through January 31, 2021, notwithstanding the effective dates specified in such Order.”

The Moratorium has since been extended to March 31, 2021, and now, June 30, 2021.

Here, this Action is barred.


In addition, none of the Judges complied with the Supremacy Clause. Adherence to Federal law is important, and these are the same type of Judges that ignore California law. See *People v. Vivar* (2021) <https://www.courts.ca.gov/opinions/documents/S260270.PDF>.

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Motion for Stay-Ramey v. Appellate Division of

CONCLUSION.

Petitioner hereby requests that this Court stay the Trial in *Hector Pena Gomez v. Henry Frederick Ramey, Jr.*, San Bernardino Superior Court Case No. LLTVA 2000547 until Petitioner files for Certiorari, and till after the Court renders Judgment in this case, and unless the CDC Eviction Moratorium is extended, until June 30, 2021.

Dated this 24th day of May, 2021

By: 
HENRY FREDERICK
RAMEY, JR.,
Petitioner in Pro Se.

DECLARATION OF HENRY FREDERICK RAMEY, JR.

I, Henry Frederick Ramey, Jr., declare that:

1. I am the Petitioner in the above-entitled Petition. If I am called to testify I would competently and truthfully testify under oath.
2. I have been a tenant at 24784 5th St., San Bernardino, California, since 2014. I am a Type 2 Diabetic, with a foot ulcer on my big left toe.
3. I would suffer irreparable injury in that the greedy Respondent Hector Pena Gomez requested the Fontana Superior Court to schedule the Trial, now presently set for June 7, 2021, at 10:00 a. m., in Department S17 of the San Bernardino Superior Court. The Unlawful Detainer case does not merit in at least these grounds:
 - a. *The Unlawful Detainer case is barred by the CDC Eviction Moratorium;*
 - b. I already paid the delinquent rent to the previous landlady, Irina Hernandez, on April 2, 2020, pursuant to her Three-Day Notice to Pay Rent or Quit;
 - c. Movant's Three-Day Notice to Pay Rent or Quit is void because he put Apartment 1 instead of Apartment 4 as his address on Movant's Three-Day Notice to Pay Rent or Quit;
 - d. The windows on the bedroom of former co-tenant Tyrone Woodman are not secured as required by Civil Code §1941.3(a)(2);
 - e. The property is a nuisance in that there is a large hole in the bathroom ceiling, caused by a leaky water pipe;
 - f. I am a Diabetic and I need relocation assistance;
 - g. The above issues are caused by unfair business practices under the Unfair Competition Law.
4. The previous property owner, Irina Hernandez, aka Irina Aviles, is the half-sister of Moises A. Aviles, now-former employer, a now-suspended attorney, and is **DISBARRED**, effective April 21, 2021. Since 2018, I had problems not paying the rent on time, because Aviles has not paid me every week. Aviles

Motion for Stay-Ramey v. Appellate Division of

owes me over \$20,000 in back wages, and owes the secretary, Denise Mata over \$8,000 in back wages. He is an irresponsible attorney and employer; he should have been the poster-child for the No on Proposition 22 (2020) campaign. Aviles would claim that he was not subject to the Labor Code in that I was supposedly an “independent contractor”, even though under Assembly Bill 5, before and after passage, that not appropriately paying me as an “independent contractor” did not meet the test as such. The reasons why Aviles is disbarred is because he failed to pay back his immigration client for fees in a Visa Petition he did not do. He failed to pay Sanctions on a medical malpractice case in Riverside Superior Court. He also did not pass the Professional Responsibility Examination. He also violated California Rule of Court 9.20(a)(1) and (2) as to about 200 clients in that he did not notify any of them by Certified Mail that he was suspended, and he did not return any of his client files.

5. On about May 13, 2020, Respondent Pena Gomez previously served me both a 3-day Notice to Pay Rent or Quit, and a 30/60-day Notice to Quit. Neither Notice complies with AB 3088. The 30/60-day Notice to Quit also does not comply with the previous provisions of Civil Code §§1945.2 and 1946.2. The 3-day Notice to Pay Rent or Quit is also incorrect in that I already paid \$450 on April 2, 2020, to Hernandez, at her house in Riverside, California. I was served a Three-Day Notice to Pay Rent or Quit by an Agent of Hernandez on about March 30, 2020. The delinquent rent in that Notice was due by April 2, 2020. My friend, Toddella D. Brown, took me to Hernandez’ house in Riverside where I gave Hernandez the money order for the delinquent rent of \$450. If I was ever delinquent for any of the rent for February 2020, Hernandez should have stated in her Three-Day Notice to Pay Rent or Quit. About half of that amount, \$225, was made on March 30, 2020.

6. Hernandez' motivation to sell the property was because she had problems getting the rent thanks to Aviles. However, when selling the property, her realtor had this unlicensed legal spokeswoman, not licensed to be an attorney, deliberately misstating the law to others, including Respondent Pena Gomez. This spokeswoman had no right to encourage the sale of the house, especially when Governor Newsom declared the State of Emergency on March 4, 2020. The sale of the house was final on about May 6, 2020.
7. Respondent Pena Gomez does not speak or understand English. He also obviously does not understand the eviction laws of the State of California. He needs to be read the Riot Act and the U. S. Constitution in this regard. On about April 6, 2020, the Judicial Council adopted Emergency Rule 1, and since the State of Emergency, the Fontana Courthouse was closed until August 2020. Respondent Pena Gomez should had obtained competent legal advice in the first place before purchasing the property, but since then, he had to resort to self-help.
8. On August 17, 2020, I overheard my former co-tenant, Tyrone Woodman, say he was moving out. After I came back with my new cell phone, three guys, friends of Woodman, who I never met, were already in my house emptying my refrigerator. My scanner and the printer belonging to Toddella D. Brown was stolen by the three tweakers.
9. On August 18, 2020, I changed the locks on the Front Door and my bedroom door thinking I was safe from further robberies.
10. On August 19, 2020, when I made copies of a demand letter addressed to Respondent Pena Gomez, I came back and found the front door and screen were wide open. I went to my bedroom and both my Sony HDTV and my Acer computer with a sticker of Congresswoman Alexandria Ocasio-Cortez and three other women were stolen. My next-door neighbors to the East saw the tweakers packing my stuff and my roommate George Lam's stuff in their

Honda Civic. In fact, Lam took a pic of the person believed to be Jeffery Bucowice, a convicted felon on parole who one of Lam's flashlights on his person. ***Bucowice and the other tweakers entered into my house through the unsecured windows on Woodman's bedroom.***

11. Later that night, I talked to Lam. He told me he took Bucowice's picture, which is attached as Exhibit "A", and incorporated herein by reference, and saw and took a picture of the getaway car. He also talked to Respondent Pena Gomez, and he said to Lam that Woodman told said Respondent he had good news and that Lam and I would move out in three days. Both Hernandez and Respondent Pena Gomez knew about Woodman and should have investigated him for his background information, since he is a convicted felon, and served prison time. Since Respondent Pena Gomez is the owner and did not stop the robberies, he is using Mexican self-help, ***AND OWES ME MONEY!***

12. The following weekend after the robbery, I had a heated argument with Respondent Pena Gomez. He did not understand my concerns, since he did not understand English and the laws, which he should have learned yesterday. I told him that the tweakers went through Woodman's windows and stole my TV, computer, and cable TV equipment.

13. On September 4, 2020, the Centers for Disease Control issued its Eviction Moratorium, barring all Unlawful Detainer Actions, initially until January 1, 2021. Said Moratorium in late December 2020 was extended by Section 502 of the previous COVID Relief Act to January 31, 2021. On January 20, 2021, said Moratorium was further extended by the CDC to March 31, 2021, and now June 30, 2021. When President Trump and later President Biden requested that CDC Eviction Moratorium be put into place, they were not joking that renters should be afforded relief during the Coronavirus Pandemic. The Moratorium now bars all evictions until June 30, 2021, and the greedy Plaintiff and the

Superior Court should not be acting to have me evicted until the Moratorium is over with.

14. I also sent him a letter, along with my State and CDC Declarations and \$112.50, in early October 2020, at his fake address at 3220 Triumph Ln., #1 (**not #4**), Ontario, California, which is attached as Exhibit “B”, and incorporated herein by reference. Because the Three-Day Notice to Pay Rent or Quit had the wrong address for Respondent Pena Gomez, said Notice is void. I don’t owe him a dime for rent that was settled with Hernandez on April 2, 2020.
15. I also saw the bathroom ceiling collapse in October 2020, due to a leaky water pipe. A copy of the picture of the hole in that ceiling is attached as Exhibit “C”, and incorporated herein by reference. I paid George Lam \$200 for the repair of the leaky pipe, which I am deducting \$100 towards any “rent” I owe to Respondent Pena Gomez.
16. In addition to the Eviction Moratorium, I request that this Motion be granted, and that Superior Court Case No. LLTVA 2000547 be dismissed, since the windows were not secured in Woodman’s former bedroom, and for him to make repairs on the bathroom ceiling. Since I am a Type 2 Diabetic, I could be susceptible for getting Coronavirus, and because of that comorbidity and the fact that it is extremely hard for me to find a place due to the Pandemic, I request that if Respondent Pena Gomez wants me out of my place, I further request that Respondent Pena Gomez pays me reasonable relocation expenses.

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17. Also, on March 8, 2021, as part of my Chapter 13 Plan, I paid Respondent Pena Gomez the \$450 for the February 2020 rent.

Under the penalty of perjury under the laws of the State of California I declare that the foregoing is true and correct, and that this declaration was executed on May 24, 2021, at San Bernardino, California.


HENRY FREDERICK RAMEY, JR.,
Declarant.

SUPREME COURT
FILED

Court of Appeal, Fourth Appellate District, Division Two - No. E076944

MAY 11 2021

S268712

Jorge Navarrete Clerk

IN THE SUPREME COURT OF CALIFORNIA

Deputy

En Banc

HENRY FREDERICK RAMEY, JR., Petitioner,

v.

SUPERIOR COURT OF SAN BERNARDINO COUNTY, Respondent;

HECTOR PENA GOMEZ, Real Party in Interest.

The petition for review and application for stay are denied.

Cantil-Sakauye
Chief Justice

COURT OF APPEAL -- STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO

ORDER

HENRY FREDERICK RAMEY, JR.,
Petitioner,
v.
THE SUPERIOR COURT OF SAN
BERNARDINO COUNTY,
Respondent;
HECTOR PENA GOMEZ,
Real Party in Interest.

E076944

(Super.Ct.Nos. CIVSB2101966
& LLTVA2000547)

The County of San Bernardino

THE COURT

The petition for writ of mandate and request for immediate stay are DENIED.

FIELDS

Acting P. J.

Panel: Fields
Ramirez
McKinster

cc: See attached list

MAILING LIST FOR CASE: E076944

Henry Ramey v. The Superior Court; Hector Gomez

Superior Court Clerk
San Bernardino County
8303 N. Haven Avenue
Rancho Cucamonga, CA 91730

Henry Frederick Ramey Jr.
24784 5th Street
San Bernardino, CA 92410

Michael C Earle
Fast Eviction Service
474 W. Orange Show Road
San Bernardino, CA 92408

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

APPELLATE DIVISION
8303 N. Haven Avenue 1st Floor
Rancho Cucamonga, CA 91730
(909) 384-1888

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
RANCHO CUCAMONGA DISTRICT

FEB 18 2021

BY Cheryl Franzen
CHERYL FRANZEN, DEPUTY

CASE NO. CIVSB2101966 / LLTVA2000547 (Fontana)

DATE: February 18, 2021

HENRY RAMEY, Petitioner, v. SUPERIOR COURT FOR THE COUNTY OF SAN BERNARDINO, Respondent, HECTOR M. PENA GOMEZ, Real Party in Interest.	<u>ORDER</u>
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The February 11, 2021 writ petition is denied.

The Honorable Corey G. Lee and The Honorable Cheryl C. Kersey concur.



Lynn M. Poncin
Presiding Judge of the Appellate Division

CC: Fontana Courthouse

I certify that copies of the above Order were mailed to counsel of record as indicated on

Court Clerk