

No. 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,

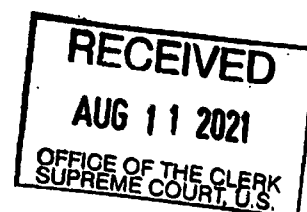
Respondents.

(CSC No. S268712)  
(COA No. 4th Civ. E076944)  
(SBSC No. CIVSB 210196633)  
(SBSC No. LLTVA 2000547)

**SUPPLEMENTAL BRIEF.**

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

HENRY FREDERICK RAMEY, JR.  
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Petitioner in Pro Se.



## **QUESTION PRESENTED FOR REVIEW.**

Did the California Court of Appeal, Fourth Appellate District, Division Two, err in an issue of nationwide importance, and now in conflict with the Ninth Circuit, 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?

### **CORPORATE DISCLOSURE STATEMENT.**

None of the Parties is a corporate entity or even a Limited Liability Company.

## ARGUMENT.

### INTRODUCTION.

Petitioner is a victim of injustice. Despite being an issue of law, on July 7, 2021, counsel for Respondent Pena Gomez, Michael C. Earle, lied to both Court and Jury at Petitioner's Jury Trial in *Pena Gomez v. Ramey*, San Bernardino Superior Court Case No. LLTVA 2000547 that the CDC Eviction Moratorium does not apply to Petitioner's case when it damn well applies in his case. He should be disciplined like Rudolph W. Giuliani. See *In re Giuliani* (New York 1 App. Div. 2021) <https://s3.documentcloud.org/documents/20971841/matter-of-giuliani.pdf>, and *In re Giuliani* (D. C. Ct. of App. 2021) <https://www.democracydocket.com/wp-content/uploads/sites/45/2021/07/Order-Sua-Sponte-Staying-Appeal.pdf>. This Court upheld the Moratorium in *Alabama Ass'n of Realtors v. Dept. of Health & Human Services*, [https://www.supremecourt.gov/opinions/20pdf/20a169\\_4f15.pdf](https://www.supremecourt.gov/opinions/20pdf/20a169_4f15.pdf) (2021), by a 5-4 vote.

On August 3, 2021, the Centers for Disease Control reinstituted its Eviction Moratorium. If this case came from either Modoc or Plumas Counties, then the Moratorium would no longer apply, **BUT** it still applies to San Bernardino County which is next to Los Angeles County, which is mounting high on more COVID-19 cases. In fact, the rest of California's 54 other Counties, including Sacramento, San Francisco, Alameda, Santa Clara, Orange, and San Diego Counties are in the high or substantial range of Covid Cases. Because the Country is still ravaging from the COVID-19 Delta Variant, the last thing we need is multiple evictions and spread this Country into a land of death and misery like what India and Brazil is going through.

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**I. THE CALIFORNIA COURT OF APPEAL LACKS JURISDICTION IN A CASE INVOLVING NATIONAL IMPORTANCE, AND NOW IN CONFLICT WITH THE NINTH CIRCUIT, IN THAT THE UNLAWFUL DETAINER 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, July 31, 2021. Since the new CDC Eviction Moratorium was enacted on August 3, 2021, that Moratorium now expires on October 3, 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 NOT EVEN THE TRIAL JUDGE WHO REPEATED JURY INSTRUCTIONS AND MADE REFERENCE TO AN UNRELATED LLC.***

Petitioner had a Jury Trial between July 6-7, 2021, where the Jury had ruled against him. However, the Judgment was not entered yet. A Hearing on the Status of the Judgment is on August 20, 2021, at 8:30 a. m., in Department S17 of the San Bernardino Superior Court. No Writ of Possession has been issued yet.

Petitioner sought review as to Case No. LLTVA 2000547, Because the Centers for Disease Control originally issued its Eviction Moratorium on September 4, 2020. The current Moratorium now expires on October 3, 2021.

Yet, Real Party in Interest continued 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 as on this date.

The new Moratorium, <https://www.cdc.gov/coronavirus/2019-ncov/communication/Signed-CDC-Eviction-Order.pdf>, at p. 13, states that:

“Any evictions for nonpayment of rent initiated prior to issuance of this Order but not yet completed, are subject to this Order. Any tenant, lessee, or resident of a residential property who previously submitted a Declaration, still qualifies as a ‘Covered Person’ and is still present in a rental unit is entitled to protections under this Order. Any eviction that was completed before issuance of this Order including from August 1 through August 3, 2021 is not subject to this Order, as it does not operate retroactively.”

Here, Respondents still lacked all authority to hear this Unlawful Detainer Action, because the Centers for Disease Control, now headed by Dr. Rochelle P. Walensky, M. D., M. Ph. Has already made the determination that there should be no eviction cases heard during the pandemic.

This Court has not yet fully ruled on a validity of an Eviction Moratorium. Petitioner does not want to hear about “how it adversely affects the property owners of rental property.” If some Members of this Court believe in a right to life, then it should uphold the CDC Eviction Moratorium and prevent illness and deaths because of homelessness and cramped family quarters and garages due to COVID-19. If one is not in this belief, then ask Congresswoman Cori Bush.

Of course this Court should have learned from the cases of *Dred Scott v Sanford*, 60 U.S. 393, 19 How. 393, 15 L. Ed. 691 (1857), and *Plessy v. Ferguson*, 163 U.S. 537, 16 S. Ct. 1138, 41 L. Ed. 256 (1896), that a Court should not be using excuses to deprive the rights of the people.


Petitioner requests that since there is no definitive Decision affecting an Eviction Moratorium, even though there was one during World War II (See *Tranchina v. Arcinas* (Cal. App. 1 Dist. 1947) 78 Cal.App.2d 522, 526.), and that he is a Type 2 Diabetic entitled to relief under the CDC Eviction Moratorium, instead of denying this Petition in secret, and despite meeting the requirements of the Moratorium, Petitioner requests that

the Petition be granted, and that he be appointed counsel for this Petition, like in *Gideon v. Wainwright*, 372 U.S. 335 (1963).

**CONCLUSION.**

Petitioner hereby requests that this Court reverse the Order Denying the Petition for Writ of Mandamus filed on April 22, 2021, and thereafter require the Appellate Division of the Superior Court to in turn issue a Writ of Mandamus instructing the Trial Court to dismiss *Hector Pena Gomez v. Henry Frederick Ramey, Jr.*, San Bernardino Superior Court Case No. LLTVA 2000547, and restrain the issuance of any Judgment or Writ of Possession therein.

Dated this 4<sup>th</sup> day of August, 2021

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

Annelise Marie Frank (1929-1945)

Jose Ferrer (1912-1992)

Henry Fonda (1905-1982)

The Hon. Abe Fortas (1910-1982)

Supplemental Brief-Ramey v. Appellate Division

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