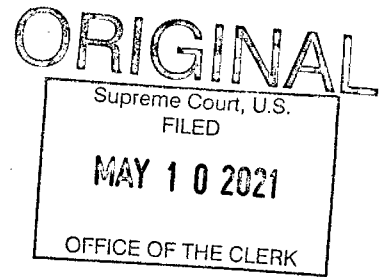


20-8336

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Go. Memo Vera — PETITIONER
(Your Name)

vs.

CENTRAL DIST. OF CALIF. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT of APPEALS for the NINTH CIRCUIT.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Go. Memo Vera
(Your Name)

S.V.S.P. P.O. Box 10470
(Address)

Colorado Ca. 97940
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Whether the Decision rendered by U.S. Central District of Ca. on the case 2:18-cv-07434-JAK-MS is final?

Whether the failure to apply F.R.C.P. 60 (b) as a equitable remedy, was clearly erroneous as a matter of law?

Whether it could be exercised Discretionary review under F.R.A.P. 4. (a)(4)

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:

MEXICAN EMBASSY 1911 Pennsylvania Ave N.W.
Washington DC 20006
UNITED NATIONS SECRETARIAT 405 E 42 St.
New York NY 10017

RELATED CASES

Morales v Sherman 949 F.2d 474 (2020)
Alfred V. Conapp v. Puerto Rico 458 U.S. 902
VERA v. CIPRIAN 213 U.S. Dist. LEXIS 8772A

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	7
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	8
STATEMENT OF THE CASE	9.
REASONS FOR GRANTING THE WRIT	14
CONCLUSION.....	16

INDEX TO APPENDICES

APPENDIX A	Denial of Motion for Reconsideration.	19.
APPENDIX B	9th Cir Order.	21
APPENDIX C	Motion for Reconsideration. 10 pages.	22.
APPENDIX D		
APPENDIX E		
APPENDIX F		

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Clayton v. Byer 848 F.2d 840	9.
Arbitrage S. 4. v. Caen 2019 U.S. Dist. Lexis 224728	10
Baniatker v. Davis 140 S.Ct 1098 207. Lexis 21.	10.
Coca v. Alvarez Machain 542 U.S. 492	11.
Paker v Delta Airlines 432 1993 U.S. App. Lexis 24983.	11.
U.S. Summer 224 F.2d 1005 (4th Cir 2000)	12
Graham v Florida 560 U.S. 48 120 S.Ct 201.	12
Miller v. Alabama (2012) 567 U.S. 460.	12.
STATUTES AND RULES	
Senate Bill 240, 241.	8
A.P. MOSES.	8
Pen Cod. MOSE, MOSE.	8

OTHER

VIENNA CONVENTION OF CONSULAR AFFAIRS.
MANDELA RULES

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

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix C 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 United States district 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.

☐ 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.

JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was Nov 2, 2020.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: NOV 17 2020, and a copy of the order denying rehearing appears at Appendix 4.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on filed 11/2/2021 (date) in Application No. A. See U.S.C. 119. pag. 17 Hovav v. VAK

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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Senate Bill 260 Fed. Cod. 2051. A.P. 2224 P.L. 2055
meritfull opportunity for release from the controlling offense or
enhancement for which a court imposed the longest term of imprisonment
§ 2051 (a)(2)(B)

9C. Wright & A. Miller Federal Practice & Procedure § 2284 at 276 (1982)
Several Courts have applied a more flexible test under which appellate
Court consider the extent & purpose of the consolidation, and the
relationship of the consolidated actions see *Wanou-McNee v.*
Washington National Insurance Co. 719 Fed. 927 930 (7th Cir 1983)
Ringwald v. Hains 675 Fed. 708 771 (Cir 1982) *Jones v. Den Norske*
Amenkariing A/S 451 Fed. 909. 980 87 (2d Cir 1971) This has the
interpretations In our opinion, it is essential that the point at which
a judgment is final be crystal clear because appellate rights depend
upon it

Dickerson 400 U.S. at 117. 103 S. Ct. 900 Fed. enhancement does
not depend upon the mechanics of state post conviction procedures, but
rather involves the [state] conviction underlying, lawfullness Congress
could of course give retroactive effect to changes in state law for
purposes of Fed. statutes for policy reasons unrelated to innocence
or an error of law. *U.S. v. Van* 728 Fed 888 911 (DC Cir 2008) (per
curiam)

STATEMENT OF THE CASE

The decision adjudged in the case 2:18-cv-07634-JAK is not final. Hence see pag. 2: line 15-17. pag 2 line 12 of Motion for Reconsideration Case 2:19-cv-06846-JAK ASE No. 20-55787. Appendix.

EXPRESSIO UNUS EST. EXCLUSIO ALTERIUS.

The instant case is similar as what is noted in the text of Clayton's petition alleged a violation of his Due Process rights when the State Ct denied his receding petition without a hearing. thereby depriving him of liberty interest without due process. Fed. due process challenges to state adjudication of state substantive rights are generally cognizable. This may be particularly true where, as here, a process petitioner haven't raised a question not yet clearly decided: Clayton 848 Fed. 2d 844 n.2 Swarthout v. Cooke. 542 U.S. 214.

Anderson v. Montgomery 2017 U.S. Dist. Ct. 198271.

The petition was dismissed based upon a technicality. defect, or procedural shortcoming. X.R.C.P. 6 Hence see pag. 2. line 11-14 M.F.R. An abuse of discretion is a "plain error, discretion exercised to an end not justified by the evidence, a judgment that is clearly against the logic and effect of the facts as are found." Int'l. Jensen, Inc. v.

Metprocont. U.S. 4. Inc. 4 Feb. 819, 822 (4th Cir. 1993) cit. omitted.
When reviewing for abuse of discretion, "definite and firm conviction
that the Ct. below committed a clear error of judgment in the conclusion
it reached upon a weighing of the relevant factors." Smith v Jackson
84 Fed. 1213. 1221. (4th Cir 1994) A.B.C. Arbitrage S. 4. v. Caen
2019. U.S. Dist. Vexio 220723.

Petitioner was lulled into inaction during the filing of his
Appeal at the 4th Cir Petitioner Appeal is entitled to be heard.
pursuant F.R.A.P. (a) (4) Hence see pag. 3. line 14-27 MFR

Daniel v. Davis 140 S. Ct. 1098 207 Vex 2p.
Barry v. Town of Rollinsford. 104 Fed. Appx 728
U.S. App. Vexio 10257. Plaintiff attempt to
secure review the underlying judgment because
of their Pro se status because they were lulled
by the Dist. Ct. into believing that their Notice
of Appeal was timely as to both Motion for Recon-
sideration and the underlying judgment while the
Supreme Ct. has recognized that an untimely Appeal
"under 'unique circumstances' this exception only
applies only where a party has performed an act
which properly done would postpone the deadline
for filing an Appeal. and has received specific
assurance by Judicial Officer that his Act
was properly done.

The F.R.A.P. 4(a)(4) permits Appellant to preserve
his claims. Hence see pag 4. line 4-27.

The denial of the Opposition of Motion to dismiss is not final and/or appealable in that it is an interlocutory order 28 U.S.C. § 1291. *Smith v. Jackson*, *supra*; *Rialo v. Huaco* 2017 U.S. Dist. Lexis 9050201 WL 2/2021. *Stickler v. Arpaio*. When analyzing a complaint for failure to state a claim under R 12 (b)(6) "[a]ll allegations of material fact are taken as true and construed in light most favorable to the Plaintiff. However legal conclusions couched as factual allegations are not presumption of truthfulness and/or conclusory allegations of law and unwarranted inferences are not sufficient to suffice. Hence p. line 1-4

The decision not to apply F.R.C.P. 40(b) as equitable remedy in the instant case stands in sharp conflict with the decisions of the 9th Cir and other circuits Hence see pages line 7-27

Coan v. Alvarez Machain 542 U.S. 492

All the Claims herein predicated are amply supported by precedent case law set forth in the Constitutional claims Hence see page 4, 7, 8, 9.

We are "bound by decisions of prior panels unless an en banc decision or subsequent legislation undermines those decisions" *Clou v. U.S. Dep't of Housing and Urban Dev.* 948 Fed. Cir. 410 n.2 (9th Cir 1991) (per curiam) (quoting *United States v. Washington*, 872 Fed. 874 880 (9th Cir 1989)). We need not decide whether *Clou* decision is an argument that a party must assert actual for it to be appealable *Baker v. Getta*, 4th Cir. line 4. 432 1992 U.S. App. Lexis 24982.

Because the Dist. Ct failed to address the "objections" which is necessary to correct a clear mistake and prevent an "unjustice"; order may be enter Nunc Pro Tunc to make the record speak for itself. Please see pag. 11. 1-14-27.

"[T]he power of a Nunc Pro Tunc order] is limited - one and may be used only where necessary to correct a clear mistake and prevent injustice U.S. v. Summer 224 Fed 1009, 1009 (4th Cir 2000)

Graham v Florida. 560 U.S. 48 48, 120 S. Ct 211 the 8th Amend. prohibition of cruel and unusual punishment encompasses the fundamental principle that the imposition of state's most severe penalties on juvenile offenders

Whether the Court could exercise Discretionary Jurisdiction? The Court may retain jurisdiction even if the Fed. claims over with it has original jurisdiction as dismissed. See Imaginering Inc. v. Kiewit Fed. Co. 974 Fed. 1203 1209. (4th Cir 1992)

"[W]e review a Dist Ct denial of a motion to withdraw a guilty plea for abuse of discretion U.S. v. Washington 788 Fed 1231-1234 (4th Cir 2015.) citation omitted. A Court abuses it's discretion when it reach it's decision on an inaccurate view of the law or on a clearly erroneous finding of fact U.S. v. Ensminger 567 Fed 587. 590 (4th Cir 2009)

Due to diminished culpability and greater prospects to reform Miller v. Alabama. (2012) 567 U.S. 460. 122 S. Ct 247.

The fraudulent motion to dismiss perpetrated upon the Court by the Deputy Attorney General Heather Arrambarr Hearse case Pag. 12 line 17-27. Controlling statutory Rules U.S. CENTRAL DISTRICT Ct. Rules 226, 251, 252

Based upon the context of Fed. R. Civ. P. 11, the Dist Ct. decision to impose sanctions for violating the Ct. local Rules is subject to 3 levels of review: first we examine for clear error the Ct's finding of historical fact; second we review de novo the determination that counsel violated the local Rules; and third we apply an abuse of discretion standard to the Dist Ct. choice of sanctions. *Waren v. Guetker* 29 Fed. 1384 1388 (4th Cir 1994) (per curiam). We need not decide what the appropriate standard of review should be in the instant appeal, however because we would reach the same result regardless of which one were applied.

REASONS FOR GRANTING THE PETITION

Petitioner has presented a case in which the decision is not final yet with propounded a fed. question relating to fed. relief. derived from consolidating the actions presenting a common issue of law or facts under 42 (a) which shall be treated as a single action. Hence see page 2 line 17-27 pag 3 line 12 Case 2:19-cv-06846-JAK-AND.

Petitioner invokes a sovereign interest in not being denied discriminatorily his status within the rightful sense of the Federal Court system in the state, he further articulates an interest apart from that of party and expresses a Quasi-Sovereign interest.

The doctrine of comity is based on "respect for the sovereignty of other states countries" and under the forum state will generally apply the substantive law of a foreign sovereign to causes of action *Wong v. Tennessee Inc* 29 Cal. 2d 129, 702 P.2d 570, 575 214 Cal Rptr 412 (1985) (Cal) *Alfred L. Snapp v. Puerto Rico* 458 U.S. 502

This case is akin to *Morales* who filed a petition of H.C. in the Fed Ct. challenging the sufficiency of the evidence supporting his attempt of robbery conviction as well as the Trial Ct. refusal to dismiss prior conviction leading to be sentence *Morales v. Sherman* 949 F.2d 474 (2020)

Wherefore petitioner beseech this Honorable Court to exercise judicial discretion on the matters heretofore presented. with decide important Fed. questions decided in a way that conflicts or is contrary to clearly established Fed. law as dictaminated by this Honorable Tribunal; furthermore has departed from that accepted and usual course of judicial proceedings

As the estate has acknowledge in Morales case the District Ct. erred by dismissing the the petition. and similar... in light of that disposition. as Morales unsuccessful effort to obtain relief under a different ballot initiative Prop. 13. which resulted in the issuance of new, intervening judgments places petitioner Memo VERA on the direct identical scale. which sharply tips the balance of equities in his favor. Petitioner respectfully direct the Court attention to VERA v. Gipeon 2013 U.S. Dist. Lexis 87724 Reconsideration granted by reopening granted.

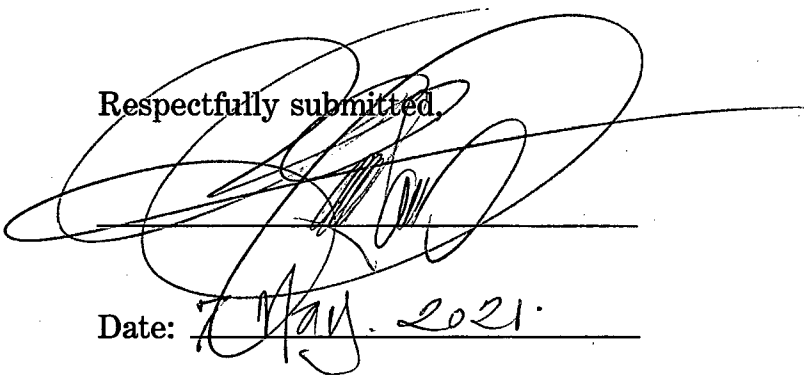
The case is of such imperative public importance as it collectively benefit one of the most obdiviated classes within the Nation the ADA. DD P. class

Federal jurisdiction over state claims exist when the federal claim is sufficiently substantial to confer federal jurisdiction and there is a common nucleus of operative fact between the state and the federal claims Cyber v. P.G.A. Tour Inc 925 F.2d 417 421 (9th Cir 1991)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and loops around itself.

Date: 7 May. 2021.