

No.: 21-1147

IN THE
Supreme Court of the United States

Yehoram Uziel
Petitioner

v.

Superior Court of the State of California for the
County of Los Angeles, et al.

Respondents

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

PETITION FOR REHEARING OF AN
ORDER DENYING A WRIT OF
CERTIORARI

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PETITIONER CERTIFICATION
Pursuant to Rule 44(2)

Petitioner hereby certifies that this petition for rehearing is presented in good faith and not for creating any delay and restricted to the grounds as specified heron.

Based on facts¹ Petitioner believes, that Petitioner is very likely to prevail on the merits before a Trier of Facts.

While Rule 10 clearly states that "*Review on a writ of certiorari is not a matter of right but of judicial discretion.*", Petitioner believes that the US Supreme Court is the last resort to protect Petitioner's constitutional civil rights under the Fourteenth and Eight Amendments to freely give evidence in court and have a fair trial by an impartial tribunal.

In this limited petition for rehearing Petitioner prays for the US Supreme Court to intervene, overturn the lower court dismissals and order adjudication based on the evidence.

I hereby declare under penalty of perjury that the above statement is true and correct



Yehoram Uziel
Northridge CA
May 5, 2022

¹ Attorney Simons is the witness that his testimony was tampered with and evidence to the tampering

GROUNDS FOR REHEARING.

The Civil act of 1866 established the US citizens' civil right "*to make and enforce contract, to sue and be sued, give evidence in Court*" and own property.

The lower Courts deprived Uziel from this civil right for no stated or apparent reason. *Uziel v. Superior Court* is a verified Complaint alleging deprivation of Uziel civil rights to sue and present evidence in Court, extortion by Defendants and tampering with a witness testimony to interfere in a legal proceeding.

All the allegations are corroborated by a sworn declaration of Attorney Simons (hereafter "Simons' testimony") - the witness whose testimony was tampered with by Defendants.

The lower Courts (District and Ninth Circuit) ignored Simons' witness testimony²; disallowed Petitioner any appearance forcing petitioner to file challenge the Magistrate Judge' impartiality³.

The Magistrate Judge ignored the challenge and the District Judge found that "Plaintiff failed to show reasons as to why the Magistrate was not a fair and impartial Judge"; and ruled to dismiss *Uziel v Superior Court* for failing to state claim plausible to the magistrate pursuant to FRCP Rule 12(6)(b), denying Uziel the right to sue, and to present his evidence in Court.

The 9th Circuit decided⁴ that there was "*no need to have any oral argument or appearance*", and concluded that Petitioner:"*failed to state a claim alleging that defendants conspired to deny him equal protection of the law based on his membership in a protected class*"[Id.]

² Appendix E1 in 21-1147 - Petition for A writ of Certiorari.

³ Pursuant to 28 USC §455 Disqualification of Judges

⁴ Dismissal of Uziel action pursuant to FRCP Rule 12 (b) (6)

21-1147 Appendix A – MEMORANDUM and MANDATE

THE PARTIES**Plaintiff**

Yehoram Uziel

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Northridge, CA 91324
Phone: 818-885-1258
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v.

Defendants:

- Superior Court of the State of California for the County of Los Angeles
- Honorable Judge Melvin D. Sandvig
- Winget Spadafora and Schwartzberg LLP (WSS)
- Gabriel Z. Reynoso Esq. SBN234027

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U.S. Constitution · Amendment XIV.

U.S. Constitution · Amendment VIII.

The Civil Right Act of 1866

Statutes:

18 USC § 242 deprivation of rights under color of law

18 USC § 1512 Tampering with a witness testimony
to interfere with legal proceedings

18 USC Ch. 41 §872 Threats and Extortion by US
officers

42 USC § 1983 civil action for deprivation of rights

28 U.S. Code § 455 (a) Disqualification of Judges

Cases:

Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)

Ashcroft v. Iqbal, 556 U.S. 662 (2009)

Uziel v ELG LASC Case # PC057843,

Uziel v ELG Appeal B299226 and

Uziel v ELG California Supreme Court case #
S263146.

Kepler v DC Partners, Inc. LASC Case # BC548528

Rules:

Federal Rules of Civil Procedures Rule 12(b)(6)

INTRODUCTION

On November 20, 2018 Attorney Steve Simon sent an Amicus Curiae letter to California Supreme Court Chief Justice the Honorable Tani Gorre Canthil-Sakauye in support of Uziel petition for review the lower California Courts refusal to consider his declaration in support of Uziel claims in Uziel v ELG.

Mr. Simons identified himself as the Attorney who represented DC partners in the dispute with Gerber and Palmer in ELG v DC a dispute that was the cause of action in Uziel v ELG. In his Amicus Curiae letter⁵ Mr. Simon describes Gerber, Palmer (and their attorneys') actions to tamper with his testimony to interfere with Uziel v ELG proceedings.

- *"It is my understanding that ELG⁶, and their Attorneys⁷ successfully prevented Uziel from Submitting my declaration and the Trial Court⁸ allowed them to prevail on the Anti SLAPP Motion".*
- *"The Current ruling by the Court of Appeal seem to exacerbate Uziel' damages in that not only is he barred arguing his case before a jury, but the Court has punished him with "attorneys fees" and costs. The current message being sent to our citizens is that they should not try to pursue justice against attorneys, because the judicial system will not support citizens who exercise their right of petitioning the Courts. Here, I believe that Mr. Uziel only wants a fair trial.>"; and: "The Court of Appeal decision upholds allegations that I know to be untrue, and sends a message that*

⁵ Appendix E1 in 21-1147 - Petition for A writ of Certiorari.

⁶ Defendants Gerber and Palmer

⁷ Defendants WSS LLP., Gabriel Reynoso, and Brandon Reif

⁸ Defendants Superior Court of the State of California and Judge Melvin Sandvig

our judicial system is biased toward attorneys that can out lawyer a party who is in proper"

California Courts, starting with Judge Sandvig, through the CA Court of Appeals and eventually California Supreme Court all ignored Uziel and his witness, Simons. The presiding Judge in Uziel v ELG (Defendant Judge Sandvig) from day one of the Uziel v ELG proceedings refused to disqualify himself⁹. Worse, Defendant Sandvig has been empowered by the Courts to "authorize" the tampering of Simons' testimony and to extort Uziel. Defendant Sandvig, from the Superior Court bench promised to further punish Uziel until Uziel stops the proceedings and rescind his claims.

Uziel v Superior Court et al. has established that the federal courts in California are no different than the CA State Courts when it comes to discrimination by preventing citizens from exercising their civil right to sue and present evidence in Court established 156 years ago in the Civil Right Act of 1866.

JURISDICTION

The date on which the United States Supreme Court denied the petition for a Writ of Certiorari was April, 25 2022.

A timely petition for rehearing is due on or before May 20 2022

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

Amendment XIV to the US Constitution provides: "*nor shall any state deprive any person any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws*".

⁹ Appendix E2 in 21-1147 Petition for A writ of Certiorari.

Amendment VIII to the US Constitution provides: "*nor excessive fines imposed, nor cruel and unusual punishments inflicted.*"

28 U.S. Code § 455 – Disqualification of US Judges (a) provides: "*Any justice, judge or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.*"

Subdivision (b)(1) provides: *he shall also disqualify himself where he has personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.*

18 U.S. Code § 872 provides "*Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be assuming to act as such, under color or pretense of office or employment commits or attempts an act of extortion, shall be fined under this title or imprisoned not more than three years or both.*"

18 U.S. Code § 242 provides: *Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both*

18 U.S. Code § 1512 (b) provides "*whoever knowingly use intimidation, threatens, or engages in misleading conduct with the intent to influence delay or prevent the testimony of any person in an official proceeding; or hinder delay or prevent the communication to a judge of the United States of information relating to the commission or possible commission of a federal offense pending judicial*

proceedings; shall be fined under this title or imprisoned not more than 20 years or both."

42 U.S. Code § 1983 established to enforce the provisions of the Fourteen Amendment to the United States Constitution provides: *Every person who under color of any statute subjects any citizen of the United States to the deprivation of any right, privilege or immunities secured by the Constitution and the laws shall be liable to the party injured in an action law suit in equity, or other proceeding for redress.*

REASONS FOR GRANTING REHEARING

I. Simons' testimony corroborates plausible facts sufficient to establish Uziel v Superior Court et al., Causes of Action.

The "fact finding" in the Ninth Circuit Decision¹⁰ is simply not true. The Ninth Circuit argument that Uziel, a self represented petitioner, "failed to state a claim plausible to the Court" is not based on any fact or evidence.

That argument is solely based¹¹ on evidence unambiguously showing the Court' refusal to allow Uziel any appearance; a deliberate Court conduct to ignore Uziel' arguments¹²; all while pretending that the Judges were acting in this proceeding as fair and "impartial" Judges

Furthermore, the District Court Judges were apparently so upset with Uziel' challenge to their impartiality failed to state or explain why none of Uziel' claims could have possibly been considered as "plausible" to the Court.

¹⁰ Dismissal of Uziel action pursuant to FRCP Rule 12 (b) (6)
21-1147 Appendix A – MEMORANDUM and MANDATE

¹¹ As the Distinct and the Nine Circuit dockets clearly show

¹² Arguments based on Simons' testimony; testimony not referred to or mentioned in any Court report, recommendation or ruling.

II. Pursuant to 28 USC §455 a judge must disqualify himself/ herself.

The law, 28 USC §455, and the Code of Ethics of Federal Judges are clear and unambiguous. Only an impartial judge can or should adjudicate any legal proceeding.

It is not the role of any judge to arbitrarily speculate the reasons for a party to challenge his / her impartiality, dismiss the challenge for any reason, or rule to retaliate against the challenging party.

The Ninth Circuit¹³ forfeited their own status or credentials for impartiality¹⁴ when the Circuit Judges arbitrarily: "*concluded unanimously*" that Uziel v Superior Court was "*suitable for decision without oral argument*".[Id.]

The Circuit Judges' finding¹⁵: "*the district court did not abuse its discretion by denying Uziel' motions to recuse both the magistrate and district court judges*"[Id.]; is not supported by fact, evidence or law.

Finally while the Ninth Circuit Judges held that any self represented litigant is a member of a protected class they simultaneously stated that Uziel: "*failed to state a claim alleging that defendants conspired to deny him equal protection of the law based on his membership in a protected class*"[Id.]; in other words, the reason for denying Uziel equal protection under the law is NOT based on any fact, law or evidence it is Uziel blame for not speculating the motives of Defendants conspiracy to extort him.

Equal protection under the law means a fair trial by an impartial tribunal. It has been a civil right of any litigant for 150 years since the civil right act of 1866.

¹³ GOODWIIN, CANBY, and SILVERMAN

¹⁴ to adjudicate the appeal

¹⁵ in conflict with Canon 2: a judge shall "*Avoid Impropriety and the Appearance of Impropriety in All Activities*".

III. No immunity from the claims in Uziel v Superior Court¹⁶

Defendant Judge Sandvig has no immunity from the allegations in Uziel v Superior Court. Neither from tampering with a witness testimony to interfere (with his own) legal proceeding, depriving a party from the civil right of equal protection of the laws nor from refusal to disqualifying himself once his neutrality is reasonably questioned.

Even if Judge Sandvig had qualified for unlimited immunity, it would not be a valid legal reason to deny Petitioner the right to present evidence in court against any defendant.

IV. Petitioner is "very likely" to prevail on the merits in Trial.

The key evidence¹⁷, until now hidden from this proceeding, are Simons testimony and Judge Sandvig declaration given a year after Simons' testimony was on his docket.

Once these evidence allowed to be presented to a jury, there is no doubt (as Simons predicted in his letter to Justice Tani) that petitioner will prevail.

The contention to dismiss Uziel' action as barred by the Roocker Feldman doctrine has no factual basis, and is not likely to be affirmed by any impartial tribunal. There is no evidence (or showing) that Uziel v Superior Court and Uziel v ELG were "*inextricably intertwined*".

¹⁶ violations of 18 USC §242, 18 USC §1512 and 28 USC §455

¹⁷ 21-1147 Appendices E1 and E2

CONCLUSION

While granting a petition for a writ of certiorari is not a "right" but a matter of discretion, The US Supreme Court is still the "last resort" to defend US citizens civil rights if abused or overlooked by the lower Courts and if required discipline impartiality and enforce the Canons in the lower Courts.

The US Supreme Court, as the author of the Ethical Code of Federal Judges the guardian of the US Constitution and the author of Federal Rules of Civil Procedures should order the lower Court to grant Petitioner his right to litigate Uziel v Superior Court before a jury.

Petitioner prays for an order to vacate prior judgments and order due process of law to litigate Uziel v Superior Court et al.

Respectfully submitted



Yehoram Uziel

May 8, 2022

CERTIFICATE OF COMPLIANCE

No.:

Yehoram Uziel

Petitioner

v.

Superior Court of the State of California for the
County of Los Angeles, et al.

Respondents

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 1721 words, excluding the parts of the petition that are exempt by Supreme Court Rule 33.1 (d).

I declare under penalty of perjury that the foregoing is true and correct.

DATED: May 8, 2022

respectfully submitted

By:



Yehoram Uziel
Petitioner in pro per

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Certificate of Service for Electronic Filing

9th Cir. Case Number 20-55554

I hereby certify that I electronically filed the foregoing/attached document(s) on this date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system.

I hereby certify that I served the foregoing/attached document(s) to all registered case participants on this date via the Appellate Electronic Filing system.

Description of Document:

**PETITION FOR REHEARING OF AN
ORDER DENYING A WRIT OF
CERTIORARI**

Signature: s/ Yehoram Uziel

Date: May 8, 2022