

No. **21-125**

Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

In the

Supreme Court of the United States

CONSTANTINO BASILE,
Petitioner

v.

THE LOS ANGELES FILM SCHOOL,
LLC. *ET. AL.*,

Respondent

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

PETITION FOR
WRIT OF CERTIORARI

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QUESTION

Whether a Petitioner is entitled to a conservative summary judgement of 1 Billion dollars awarded after instructions on remand or another amount *ordered by the Supreme Court pursuant to 28 U.S.C. § 2106*, after 8 years of properly and accurately reporting to the District Court and Ninth Circuit the circumstances with appropriate application of law and code, providing analysis of issues warranting *several* awards for damages to total 7.1 Billion; first separately the 4 copyright claims with torts dismissed by executive order leading to an all-encompassing “*mega complaint*” at 4 Billion in damages and now nearing triplicate to include damages for: Nevada District Court’s dismissal violating racketeering laws as defined in 18 U.S.C. §1961 - (§1503(a), §1510, §1511, §1512, §1513, §2339A, §1992, §1962(c); and the Ninth Circuit’s affirmation of this and another order creating conclusive “pattern of dismissal”, a proven collaboration with these and other Defendant-Respondents to further Criminal Copyright Infringement conspiracy through organization;

and whether or not the Ninth Circuit panel(s) and the several judges of the lower courts with agencies who plotted to assassinate Petitioner and several members of his immediate family before resolution of the claims, should be charged criminally in violation of “RICO”.

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Respondents:

- (1) The Los Angeles Film School, LLC
dba The Los Angeles Film School (listed on cover)
- (2) Twentieth Century Fox Film Corporation
- (3) Scott Free, LLC.
- (4) Sony Pictures Entertainment, Inc.
- (5) Sony Pictures Television, Inc.
- (6) Kripke Enterprises
- (7) Amblin Entertainment, Inc.
- (8) NBCUniversal Media, LLC (NBCUniversal)
- (9) Warner Bros. Entertainment, Inc.
- (10) Legend Pictures, LLC. (Legendary Pictures),
- (11) Lilly Wachowski (Andrew Wachowski),
- (12) Lana Wachowski
- (13) Ehm Productions , Inc. (TMZ)
- (14) Jonathon Nolan
- (15) Christopher Nolan
- (16) Onza Partners SL, Onza Entertainment
- (17) RIO Properties, LLC (“RIO - All Suites Hotel
Casino - Caesars Entertainment Corporation)
- (18) Thorndal, Armstrong, Delk, Balkenbush &
Eisinger

- (19) Southwest Airlines, Co.
- (20) Robert A. Leark, P.H.D.
- (21) Las Vegas Metropolitan Police Department
- (22) Superior Court of California, County of Los Angeles
- (23) U.S. District Court – Central District of California of Western Division
- (24) The Ninth Court of Appeals
- (25) The Federal Bureau of Investigation
- (26) JAMS, Inc.
- (27) Mitchell, Silberberg & Knupp LLP
- (28) Ford Harrison, LLP
- (29) City of Oxnard (Oxnard Police Department)
- (30) City of Beverly Hills (Beverly Hills Police Department)
- (31) Michelle Obama
- (32) Blake Lively
- (33) Nancy Pelosi (California's 12th Congressional District)
- (34) Gold Coast Cab Company
- (35) Alston & Bird, LLP.

Cases:

Basile v. Los Angeles Film School, LLC.

Case No. 2:14-cv-00412

United States District Court - Central District of California - Western Division

Basile v. Los Angeles Film School, LLC.

Appeal No. 15-56309

The Ninth Circuit Court of Appeals

Basile v. Twentieth Century Fox Corporation

Case No. 2:14-cv-04263

United States District Court - Central District of California - Western Division

Basile v. Twentieth Century Fox Corporation

Appeal No. 14-56423

Basile v. Sony Pictures Entertainment

Case No. 2:14-cv-04264

United States District Court - Central District of California - Western Division

Basile v. Sony Pictures Entertainment

Appeal No. 14-56418

Basile v. Warner Bros. Entertainment

Case No. 2:15-cv-05243

United States District Court - Central District of California - Western Division

Basile v. Warner Bros. Entertainment

Appeal No. 16-55067

Basile v. Southwest Airlines Co.

Case No. 2:15-cv-01883

United States District Court - Central District of California - Western Division

Basile v. Southwest Airlines Co.

Appeal No. 18-16332

Basile v The Los Angeles Film School, LLC. et al.

Case No. 2:18-cv-08604

United States District Court - Central District of California - Western Division

Basile v The Los Angeles Film School, LLC. et al.

Appeal No. 19-56293

Appeal No. 20-56276 (decision pending)

PETITION FOR A WRIT OF CERTIORARI

Petitioner Constantino Basile respectfully petitions for a writ of certiorari under Supreme Court Rule 11, or in the alternative if The Ninth Circuit Court's order is released during transmitting of the petition for review, from the judgment entered by The Ninth Circuit Court of Appeals.

OPINIONS BELOW

The order of the Central District Court dismissing, and The Ninth Circuit Court not releasing order to; or affirming, the dismissal of a 28 U.S.C. 455(a), and F.R.C.P. 60(d) motion, filed to remove an obstructive vexatious litigant order functioning only to "provide material support" to Defendant - Respondents, preventing proper and continued litigation of Petitioner's claims filed then obstructed for Criminal Infringement of a Copyright - 18 U.S.C. §2319 under 18 U.S.C. §1961 of the RICO Act; 18 U.S.C. §1503(a), §1510, §1511, §1512, §1513; §2332b; 2339A; and Civil Rights Violations under 42 U.S.C. §1983, §1985(2), and §1986 all conflicting with interest of justice, dismissed then affirmed in The Ninth Circuit Court of Appeals in pattern.

JURISDICTION

As noted, The Ninth Circuit Court is either still at a standstill and this petition reaches this Court under Supreme Court Rule 11, or The Ninth Circuit Court has affirmed Judge Carney's affirmation of Magistrate Judge Spaeth's inapplicable banter of res judicata doctrine obstructing an 8 year RICO claim, her noting the Complaint to be only a "fantastical" assembly of facts.

This decision warranted an appeal that The Ninth Circuit did not process and abused the Petitioner and its discretion in abusive dialogue affirming contrary the to the 5th and 14th Amendments of The United States Constitution, failing to apply U.S. Code. This petition is tailored for a review of all facts and circumstances but specifically under rule for oversight of the dismissal of the Petitioner's, Motion to Recuse Judge Carney and Magistrate Judge Spaeth pursuant to 28 U.S.C. §455(a) and F.R.C.P. 60(d), to remove the vexatious litigant label to continue to ADR activating the operative RICO complaint, with an amended filing of additional RICO violations and new Defendants, as described and explained here.

The United States Supreme Court has jurisdiction pursuant to 28 U.S.C. §2106.

RELEVANT CONSTITUTIONAL PROVISION

The Fifth and Fourteenth Amendment to the United States Constitution provides in part, “No state shall ...deprive any person of life, liberty, or property, without due process of law.”

STATEMENT OF THE CASE

The Racketeer Influenced and Corrupt Organizations Act protects all U.S. citizens pursuing remedy for civil claims with available resources applicable to punishing criminal activities outlined in 18 U.S.C. §1961, in addition to acts indictable under 18 U.S.C. §1962(c), to safely pursue life, liberty, and property and reclaim one's property if stolen as part of conspiracy; a civil claim in this particular complex situation necessary to be pled here in the context of a 42 U.S.C. §1983 and §1985(2), as all Defendant Respondents have conspired to remove Petitioner of his property and prevent him from resolving these theft issues, with their *8 years of obstruction, violence and trickery*.

Defendants engaged in many acts violating 18 U.S.C. §1961 §1503a, §1510, §1512, §1513, §2339A, §2332b, §1992, §1958 and 42 U.S.C. §1983 and §1985(2), §1986, with end result exceeding 1 Billion dollars in proven damages.

This case involves intellectual property theft and conspiracy, the theft furthered with violent attacks (*See* Central District Court - Case No. 2:18-cv-08604 - Dkt. No. 1 and Dkt No. 210, Exh.3) on the Petitioner and his immediate family during

preparation and litigation of the 4 individual copyright Complaints dismissed in clear error in the District Court - the decisions then affirmed all in the same day after all the 4 accumulated into the Ninth Circuit, at different stages when affirmed without notation as to reasons.

These issues now *connected through continuous conspiracy* filed properly as a Complaint (hereinafter referred to as "the RICO complaint") and heard only in opposition hearings then abruptly recommended for dismissal on grounds of res judicata when there is nothing repetitive or imperfect or relabeled, while obstructively deeming Petitioner a vexatious litigant. This sabotage obstruction laughable after delay twice by two District Court employees - one assistant to Judge Dolly M Gee, Kane Tien, the other a District Court cashier named Andres Pedro - stealing documents and exhibits during litigation rendering the District Court Defendants.

6-10-15 - *Basile v. The Los Angeles Film School, LLC* (See "the RICO complaint" - Central District Court - Case No. 2:18-cv-08604 - Dkt. No. 1) - Kane Tien removed after its filing an extremely critical 2049 page document (Decl. in Support of Plaintiff's Motion to Vacate Arbitration Award) with reports of the parties threatening before attacks and legal failures by the JAMS Arbitrator to facilitate resolution of the many properly presented claims.

The 2049 page document wasn't found until Petitioner called then showed up to the District Court clerk and Kane Tien looked for it and found it, then scanning it into the docket on 6-30-15, after response by Defendant-Respondents.

A few days before its refile 7-20-15, Petitioner left for downtown and a few hours later Defendant-Respondent Oxnard Police staged a break in at Petitioner's parent's home making reference to Kane Tien in a way only Petitioner would understand. After searching Petitioner's room questionably on a break in, the one Officer telling Petitioner's mother that "he has teenagers" and to "tell your son to keep his room cleaner" (inferring mouth shut), with enough oddity for it to have been mentioned to Petitioner when he returned; the beginning of the racketeering by Oxnard Police Department. The content of the missing 2049 page document that was being refiled, clearly the Oxnard Police Department's concern and target.

7-13-15 · *Basile v Warner Bros.* · Andres Pedro stole a package of 28 non-paper e.s.i. exhibits to a copyright claim after its manual filing, essential to briefing, changing the course of the entire litigation process of several copyright claims a matter of law, causing wasted court and Petitioner's time prolonging the dangerous pursuit of resolution to the claims resulting in many of the Defendant-Respondents threatening and carrying out violent attacks on every member of Petitioner's family; violations by trickery and spoliation,

"MIB3" After its filing, The Ninth Circuit Court removed the critical MIB3 dvd when transmitted, seemingly to rely on Defendant-Respondent's edited version as reason for declaring the Petitioner's work not to be infringing. (See Central District Court - Case No. 2-18-cv-08604 · Dkt.No.1 ¶94)

“Prometheus” Twentieth Century Fox and Scott Free Films, during processing of the copyright claim, were caught in clear conspiracy the U.S. copyright office: (See Central District Court - Case No. 2:18-cv-08604-Dkt. No.1 ¶151)

Dainese v. Cooke, 91 U.S. 580, 584 (1875) (remanding where “the summary and irregular manner in which the case was tried below leaves this court in great doubt as to what was tried, and on what evidence the cases were heard”)

After briefing this U.S. Supreme Court with no definitive response officially on three of the four copyright appeals “dismissed in pattern” and affirmed 2-27-17, all claims were adjusted into one claim after realization of all elements of true conspiracy being present, seasoned heavily with violations of RICO and Civil Rights, “the RICO complaint” was filed 10-5-18. Hearings took place 1-9-19 and 1-16-19 on Defendant’s Motion to Dismiss before Magistrate Judge Autumn D. Spaeth. (See Ninth Circuit Court - Appeal No.19-56293 - Dkt. No. 11, Exh. 4 and Dkt. Nos. 9 and 13 - *Transcripts of hearings*) The Report and Recommendation issued by the Magistrate strangely in the same pace and mood as the *suggestion* by counsel for Defendant-Respondent Mitchell Silberberg and Knupp (Counsel for Defendant Sony Pictures and Steven Spielberg) to deem Petitioner a vexatious litigant.

Hearing and Explosion

After hearing 1-9-19, there was an explosion on 1-12-19 in a Paris bakery the news headline reading:

“ Three killed as explosion tears though bakery; dozens injured.”

Because the attacks in Paris took place in November 2015 while Steven Spielberg was screening Bridge of Spies, it’s a very suspicious reference to Rick Baker’s and Barry Sonnenfeld’s dialogue in an article appended to the *Basile v. Sony* Complaint at issue three days earlier - (See Central District Court - 2:18-cv-08604 - Dkt. No. 4 - Complaint, Exhibits - Volume III.- Exh. 2, p.175 and p.238 and Exh. 16.)

The article discusses that : “ Shooting ‘Men in Black 3’ Without a Third Act Ready Might Have Been a Really Stupid Idea”

The referenced ‘stupid idea’ was due to the MIB3 production having begun filming - with Petitioner’s time travel elements added - without a third act. No coincidence that the day of the release of the trailer for MIB3 (12-12-11), with included time travel elements from Petitioner’s copyright works, there was a gunman Tyler Brehm shooting people “randomly” in front of Los Angeles Film School on the very route Petitioner takes to school but didn’t walk that morning.

Another attack related to the hearing and this awaited decision; an attempt on Petitioner’s life.

Magistrate Spaeth’s Report and Recommendation was affirmed 10-17-19 by Judge Carney too quickly for it to have even been possible that Judge Carney

conducted any review let alone a proper determination of evidence or the complaint.

The same day as the affirmation, Petitioner was beaten nearly to death and robbed of the original flash drives with exhibits and creation documents thus far, and his personal belongings unsafe to leave in his office due to occasional ghosts in and out. *The incident occurred at "The Tavern" a house restaurant / bar in Ventura Ca.* After behaviors unprecedented, it seems to have been plotted by Oxnard Police who had an Oxnard car waiting around the corner from a restaurant in Ventura, responding after Petitioner managed to survive a vicious, "controlled by security" attack and robbery out of nowhere, being kicked in the head at least 10 times on the grass entrance after walking outside for a moment, having escaped by running to a local hotel lobby "Crown Hotel" where Petitioner and desk agent called police.

The incident was brutal with 20 people standing around in front in a circle on a grass entrance and watched, to prevent the street tourists from seeing. The Oxnard police retrieved the camera footage from the restaurant the very next morning.

Petitioner suffered brain damage more visible on an MRI that further effected his speech causing not slight slurring from air conditions reported several times and in appeal, but *extreme slurring and delayed speech requiring a neurologist*. After the Christmas gas toxin causing Petitioner much worse of the same injury, Petitioner required to be prescribed medications for brain trauma and several months of speech therapy ongoing for paralysis of the face and epiglottis.

(See Central District Court - Case No. 2:18-cv-08604 - Dkt. No. 210, Exh. 3; and Ninth Circuit Court - Appeal No. 19-56293 - Dkt. No. 4, pp. 15-16)

REASONS FOR GRANTING THE WRIT

An immediate appeal in The Ninth Circuit was met with an abusive affirmation order inflicting intentional anxiety and more trauma to Petitioner 's already traumatized family after more attacks this time on Petitioner 's parents in their gated community at the marina in Oxnard.

On 7-23-20 an additional Complaint with several additions to "the RICO complaint" was filed and blocked by Judge Carney; Defendants *new parties and existing Defendant Oxnard Police* for obstruction and intimidation occurring during processing of the appeal for "the RICO complaint" by The Ninth Circuit.

8-10-20, Petitioner 's parents were verbally assaulted by awaiting neighbors, at 83 years old threatened into self-abusing Petitioner 's mother breaking her leg. This attack was on camera and followed by possible coercion into false statement signing at the hospital. These neighbors began to conspire in retaliation with Defendant-Respondent Oxnard Police and were reported. This attack on Petitioner 's parents occurred a few hours after Petitioner was robbed at knifepoint to his neck in Woodland Hills, Ca. 37 miles away.

9-10-20 the affirmation of the District Court's dismissal by The Ninth Circuit was released

(See Case No. 2:18-cv-08604 - Central District Court - Docket #210) - 8 years of litigation abruptly halted at the trial point or summary adjudication submission - involving proven CIVIL RIGHTS claims and RICO claims including theft, kidnapping and attempted murder of every one of Petitioner's family member living and working in Los Angeles - *the damages could and should be consequentially revised to treble.*

The Motion to Recuse Magistrate Judge Spaeth and Judge Carney Pursuant to F.R.C.P. 455(a) and Motion for Appropriate Relief Pursuant to F.R.C.P. 60 (d), that this current Petition addresses, requires removal of an obstructive vexatious litigant label inappropriately applied to Petitioner with now 8 years of perfect litigation history, its function only to hinder, obstruct, delay, and prevent a 4 Billion dollar claim from resolution that cannot be solved outside of the bounds of the court system.

Petitioner's Opening Brief to Judge Carney's order denying relief, currently in the Ninth Circuit Court of Appeals (Ninth Circuit Court - Appeal No. 20-56276 - Dkt. No. 7; *see also* Dkt. No. 14) was met first with a response by the court saying that based on the court's docket they "don't know" whether the case should proceed forward.

Recently, 6-7-20, Counsel for Southwest Airlines' counsel Craig Delk of Thorndal, Delk, Armstrong, Balkenbush, & Eisinger, nudged the Ninth Circuit for a response it having passed the 4 month mark.

See *Payne v. Britten*, 749 F.3d 697, 700 (8th Cir. 2014) (treating the district court's failure to rule on the defendants' qualified immunity defense as

equivalent to a denial of the defense, asserting interlocutory appellate jurisdiction over the denial, and remanding for a ruling)

Here, we could treat The Central District Court's and The Ninth Circuit Court of Appeal's failure to order remedy, and Ninth Circuit's failure to rule at all at the stand still of "whether the case should move forward only looking at the docket," the exact same way.

Petitioner asserts that proper jurisdiction is that of The Supreme Court to order an award for damages as well as remand. As the Court explained in one case involving an intervening development, "[t]his court, in the exercise of its appellate jurisdiction, has power not only to correct error in the judgment entered below, but to make such disposition of the case as justice may at this time require." *196 Watts, Watts & Co. v. Unione Austriaca Di Navigazione*, 248 U.S. 9, 21 (1918).

To more urgently note: See *Levin v. Miss. River Fuel Corp.*, 386 U.S. 162, 170 (1967) (observing that "this point is so clear that we see no occasion for remanding the issue to the Court of Appeals for its consideration of the point" and that "[e]ffective judicial administration requires that we dispose of the matter here").

New evidence of Conspiracy to the Ninth Circuit and District Court's Collaboration for Corrupt Dismissal and Affirmation in Addition to Refusal to Provide Appropriate Remedy

On New Year's Day (1-1-20) - Nancy Pelosi's house was attacked referencing the Table of

Contents to the just filed Motion to Disqualify -
 Central District Court - Case No. 2:18-cv-08604 -
 Dkt. No. 223, p.4): an enormous evidence of extortion
 for participation in terror, or evidence of extortion for
 having dismissed the claims and now being
 presented with a Motion for Appropriate Relief.

(Nancy's Garage – Black Spray Paint)

\$2K CANCEL RENT
 UBI

A WE WANT
 EVERYTHING !
x_ (pig's head)
(blood in large Z "pattern")

(Petitioner's Motion - D.C. - Dkt, No. 223, p.4)

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Because Petitioner had just been attacked with
 toxin that was without question a kill gas at
 Christmas 2020, while the occupants of the house
 where Petitioner lives hid upstairs sending only one

text message down the entire day and night, about an ambulance Petitioner had tweeted about a few seconds before for his safety feeling a kidnapping, or murder - indicating someone was instructing Petitioner's family upstairs to quickly try to prevent it being perceived as a planned kidnapping or plot they were forced to participate in - there are only two situations that would make sense based on previous activities of "unknown police" - who Petitioner's family finally admitted in July 2020 to have visited Petitioner's father at his business with instructions and material to install in the air system, causing Petitioner injury to his brain; both possibilities here include this attack having been a war cry of sorts that Petitioner was still alive, and:

- (1) The Motion for Appropriate Relief just filed worried someone who had agreed to participate and render decision that was contrary to evidence and code; requiring more money for their trouble; or
- (2) A shakedown by parties involved in the racketeering and attacks against Petitioner and his family for a portion of the money possibly set aside from the 900B ordered by Nancy Pelosi - the way a "not so sophisticated organization" would think.

Petitioner was forced to run out of the house and walk through the neighborhood several times on Christmas day 6 days before, and return several times only the last time to find the toxic gas stronger and experiencing "white out vision" with one or two breaths. Immediately thought to be a planned assassination or kidnapping since Petitioner having seen the ambulance hiding around the corner when he walked back home. This attack caused serious

repercussions from when Petitioner was beaten nearly to death the year before 10-17-19 · damage that lasted for 6 months through therapy for speech and motor function.

This suggests strongly that the someone who texted Petitioner during saying “the ambulance was for the neighbors” was notified by someone monitoring tweets that Petitioner frequently uses in situations for safety. The someone who texted Petitioner at the very second the ambulance drove away while being photographed mistakenly mentioned the awaiting ambulance before Petitioner spoke to them about it while struggling in the downstairs of the house; the *veritable bottle cap* after the house party. Petitioner’s been many times attacked with gas and knows it was an assassination, the second since 10-17-19.

The District Court simply cannot dismiss any of this litigation. Abruptly, the Magistrate with qualification of an intellectual property attorney prior to becoming a Magistrate Judge changed her course of thought after hearing and recommended a dismissal based on a doctrine of res judicata in a repeat of what Mitchell, Silberberg, Knupp · Attorney for Sony Pictures Entertainment and Amblin) suspiciously suggested in hearing, applying this vague and not complicated doctrine to an ongoing RICO with a vexatious order, enforced with the violent beating and attempted murder and robbery of Petitioner 10-17-19, the day of the release of the affirmation by Judge Carney, and the vicious nature of the behavior engaged in by all Defendants, Petitioner respectfully asks that this Petition for Writ of Certiorari be received for consideration on

“the RICO complaint” and all of its moving parts: 42U.S.C. §1983; §1985(2), §1986 and 18 U.S.C. §1961 (R.I.C.O) inclusive.

It was suggested 1-9-19 by Magistrate Spaeth that these claims go directly to the ADR table with The Los Angeles Film School and what was understood to be all Defendants, it would be just and proper for the court to have advised such in its supporting report and recommendation, instead this was put off when Magistrate Spaeth *was either told* what to write in her order or *she was being solicited* what to write in her order at hearing by Defendant's counsel, and agreed during the 8 month wait for the Report and Recommendation to be released.

The following docket references and appendix items outline with great clarity the appropriateness of the awards sought, the many violations of the basic Constitutional provisions governing litigation practices relating to business in The United States; and illustrates the need for proper “procedural due process” and resolution as to the violations to U.S. Code inflicting injury, and failure to provide Petitioner protection from theft, abuse and dishonor.

Petitioner emphasizes his request for timely relief with a Rule 11 Petition for Writ of Certiorari requesting monetary award for damages and respectfully asks the court for a swift and critical justice remand. *A proper decision must be fiercely crafted by the US Supreme Court Justices.*

Timeline of Briefing and Events

- 10-5-18 · Petitioner filed “the RICO complaint.” (See 2:18-cv-08604 · Central District Court · Dkt. Nos. 1-17)

Motions to Dismiss and Opposition Papers were filed through 1-2-19

- 1-9-18 and 1-16-19 · Hearings took place in Magistrate Judge Autumn D. Spaeth’s Courtroom at the Ronald Reagan Courthouse, Santa Ana, Ca.

(See Transcripts · Ninth Circuit Court · Case No. 19-56293 · Dkt. Nos. 9 and 13)

- 9-30-19 · U.S. Magistrate Judge Autumn D. Spaeth released her Report and Recommendation

(See 2:18-cv-08604 · Central District Court · Dkt. No. 179)

- 10-9-19 · Petitioner filed Objections (with suggestions to the revision of The Magistrate Act)

(See 2:18-cv-08604 · Central District Court · Dkt. Nos. 181-183)

- 10-17-19 · Judge Cormac J. Carney released his order affirming Magistrate Spaeth’s recommendation, *that night Petitioner was*

beaten nearly to death and robbed in a public restaurant, footage stolen by Oxnard Police the next morning.

(See 2:18-cv-08604 - Central District Court - Dkt. Nos. 185-187)

- 12-10-19 - Petitioner filed its Opening Brief and accompanying Motion to Transmit Physical Exhibits Pursuant to 27-14

(See Central District Court - Case No. 2:18-cv-08604 - Dkt. No. 210. Exh.3 and Ninth Circuit - Appeal No. 19-56293 - Dkt. Nos. 6 and 7)

- 7-3-20 - Petitioner filed a Reply Brief with additional materials relevant and important, supporting the claims.

(See Appeal No. 19-56293- Ninth Circuit Court - Dkt. No. 73)

- 7-9-20 - Petitioner filed a Supplemental Statement in Support of Petitioner - Appellant's Reply Brief with new activities of RICO engaged in by neighbors and Respondent Oxnard Police.

(See Appeal No. 19-56293- Ninth Circuit Court - Dkt. No. 77)

- 7-23-20 - Petitioner filed a necessary complaint with new RICO Defendants -

Seabridge Security (Cobalt Security), and existing Respondent Oxnard Police Department:

(See Case No. 2:18-cv-08604 - Central District Court - Dkt. No. 210)

- 7-27-20 - Judge Carney enters order citing Petitioner was labeled a "vexatious litigant" and obstructing the filing of the new complaint:

(See Dkt. No. 210)

- 8-10-20 - Petitioner 's parents were attacked on camera causing serious *life threatening* injury to Petitioner 's, mother, breaking her leg severely. The attack was by the same neighbors in question with Seabridge Security (Cobalt Security), who conspired for Oxnard Police recently to facilitate their response to threaten Petitioner as retaliation for the RICO claims. Oxnard Police then attempting to coerce Petitioner's parents into cooperating with their false statement making at the hospital.

(See again Dkt. No. 210)

- 9-10-20 - The Ninth Circuit Court of Appeals enters affirmation of dismissal by Judge Spaeth and Judge Carney of "the RICO complaint":

(See Case No. 2:18-cv-08604 - Central District Court - Dkt. No. 213)

- 11-17-20 - Petitioner filed its Motion to Recuse U.S. Magistrate Judge Spaeth and Judge Carney Pursuant to 28 U.S.C. 455(a) and Motion for Appropriate Relief Pursuant to F.R.C.P. 60(d): *a much larger cybertheft and two vicious attacks* took place and were ignored (See Central District Court - 2:18-cv-08604 - Dkt. No. 217, p. 16 and Exh, 7)

(See Case No. 2:18-cv-08604 - Central District Court - Dkt. No. 217)

- 11-19-20 - The motion was referred to Judge Josephine L. Stanton: (See Case No. 2:18-cv-08604 - Central District Court - Dkt. No. 218)
- 11-24-20 - Judge Josephine L. Stanton struck Petitioner 's Motion to Disqualify Judicial Officers:

(See Case No. 2:18-cv-08604 - Central District Court - Dkt. No. 219)

- Anticipating conspiracy again, Petitioner noticed its appeal to the Ninth Circuit 11-30-20 - (See 2:18-cv-08604 - Central District Court - Dkt. No. 220 and 221), and then quickly Motioned for Relief from Judge Stanton's order.

- 12-8-20 Petitioner filed its Motion to Disqualify Judge Josephine L. Stanton Pursuant 28 U.S.C. 455(a) and Motion for Appropriate Relief Pursuant to F.R.C.P. 60(d) From Her Order Striking Petitioner 's Motion to Recuse Magistrate Judge Autumn D. Spaeth and Judge Cormac J. Carney Pursuant to 28 U.S.C. 455(a) and Motion for Appropriate Relief Pursuant to F.R.C.P. 60 (d):

(See Case No. 2:18-cv-08604 - Central District Court - Dkt. No. 223)

- 1-1-20 - Nancy Pelosi's house was attacked referencing the Table of Contents to the just filed Motion to Disqualify - Dkt. No. 223):
<https://sanfrancisco.cbslocal.com/2021/01/03/report-pelosi-san-francisco-home-vandalized-graffiti-apparent-pigs-head/>
- 1-6-20 Petitioner filed its Opening Brief to the first filed Motion to Recuse and for Appropriate Relief.
(See Appeal No. 20-56276 - Ninth Circuit Court District Court - Dkt. Nos. 6 and 7)
- 1-11-20 After first being referred to Judge Stanton in error, the Motion was referred to Judge Carney to provide oversight of her review of his previous order denying relief from the vexatious order, which he did ordering in favor of Defendants contrary to Supreme Court Justice Scalia.

(See Case No. 2:18-cv-08604 - Central District Court - Dkt. No. 228)

Due to COVID and the time issues involved already preventing resolution of any part of the claims, and lack of proper personnel that can be trusted at this point in any of the lower courts *to not obstruct or delay in collaboration with Defendants*, albeit without precedent to be decided for a Petitioner to receive a summary judgement with actual dollar amount ordered by the Supreme Court, it seems that requiring decision for judgement to be entered after contemplation by any of the lower courts would be too far off for there not to be unnecessary risk to Petitioner's life. The individual claims are all supported with adequate evidence leaving not much else to review in trial. ("The district court's failure [to address a potentially dispositive matter when ruling on summary judgment] does not require a remand, however, because the record is sufficient to permit us to resolve the issue as a matter of law."). E.g., *Ellison v. Ford Motor Co.*, 847 F.2d 297, 300-01 (6th Cir. 1988)

Petitioner asks for a precedent decision on damages that should go uncontested, or a remand to the District Court with firm instructions for "the RICO complaint" to which this Motion to Recuse Magistrate Judge Spaeth and Judge Carney Pursuant to 28 U.S.C. 455(a) and for Appropriate Relief Pursuant to F.R.C.P. 60(d) was necessary, *to be activated and operational again for ADR scheduling* with instructions for summary judgment as to appropriate Defendants decided by

The Supreme Court, and *if* The Supreme Court deems necessary, a trial on remaining Respondents.

The Constitution gives Congress the powers to regulate the Supreme Court's appellate jurisdiction, to create the lower federal courts, and to prescribe the procedures used in the federal courts. U.S. CONST. art. I, § 8, cl. 9, 18; *id.* art. III, § 1, cl. 1; *id.* art. III, § 2, cl. 2; *Sibbach v. Wilson & Co.*, 312 U.S. 1, 9–10 (1941); *Wayman v. Southard*, 23 U.S. (10 Wheat.) 1, 21–22, 43 (1825).

When it comes to the specific topic of how appellate courts dispose of cases, Congress has legislated on the subject through 28 U.S.C. § 2106.

That statute provides:

The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances. 28 U.S.C. § 2106 (2018).

When review is properly done of the materials referenced to all claims to “the RICO complaint” and its litigation upwards racking clearer focus to errors presenting a scheme of participation illustrated with its Opening Brief (19-56293, Dkt. 1) and “Motions to Recuse and for Relief” – (2:18-cv-08604 - Dkt. Nos. 215, 217, 223) - the decision to not ever enter an

award for summary judgement at any level or in either California or Nevada District Courts, conspiracy rings true.

A conflict in the 12th District where lies the Ninth Circuit - due to their association with political figure Defendant locally or the executive order from high above to dismiss all four accumulated copyright appeals 2-27-17 (at different stages of litigation during the time of briefing for *Basile v. Southwest Airlines, but all a matter of law copyright and torts*) continues to infect the decision making process in violation of Petitioner 's rights to "due process" under the Fifth and Fourteenth Amendment of The Constitution of The United States of America, in pursuit of his award for other damages and well as award from profits generated by his stolen property - most reasonable option being The Supreme Court's final say as to the portion of the box office profits Petitioner is entitled to, with additional punitive compensation for Petitioner and his family being attacked.

The functions of the Ninth Circuit to reverse and provide summary as should have the District Court without the need for appeal, is understood to not be procedurally possible in the Supreme Court only reversing and remanding without *dollar amount* order when for a Petitioner 's favor, however, since three of four of the copyright appeals included copyright infringement and but not yet 18 U.S.C. § 2319 criminal copyright infringement as RICO, were nudged upstairs to the Supreme Court *when* the activities were engaged in outlining RICO violations visibly compiling a 42 U.S.C. *Civil Rights* claim, then when later considered as "one complete

series of actions" establishing everything to have been a "function as a conglomerate conspiracy" between Respondents to escape liability using violence, the Supreme Court can consider this Petition for Writ of Certiorari *a second time review* after their first unspoken call to action to create "*the RICO complaint*", and remand with instructions that should be specific to the prayer for damages according to:

Section 25 of the Judicial Act 1789:

Judiciary Act of 1789, ch. 20, § 24, 1 Stat. 73, 85:

[W]hen a judgment or decree shall be reversed in a circuit court, such court shall proceed to render such judgment or pass such decree as the district court should have rendered or passed; and the Supreme Court shall do the same on reversals therein, except where the reversal is in favour of the Petitioner , or petitioner in the original suit, and the damages to be assessed, or matter to be decreed, are uncertain, in which case they shall remand the cause for a final decision. And the Supreme Court shall not issue execution in causes that are removed before them by writs of error, but shall send a special mandate to the circuit court to award execution thereupon.

Section 25, which governed Supreme Court review of state decisions, provided:

[T]he proceeding upon the reversal shall also be the same, except that the Supreme Court,

instead of remanding the cause for a final decision as before provided, may at their discretion, *if the cause shall have been once remanded before*, proceed to a final decision of the same, and award execution. *Id.* § 25, 1 Stat. at 86 (emphasis added).

The Ninth Circuit and other state courts of appeal *are to remand* cases involving such matters as to whether a complaint states a legally sufficient claim (see *Adkisson v. Jacobs Eng'g Grp., Inc.*, 790 F.3d 641, 649 (6th Cir. 2015); or whether a Petitioner's evidence is sufficient to withstand summary judgment, not just without any application in opinion or order affirm a decision. E.g., *Jerri v. Harran*, 625 F. App'x 574, 578–79 (3d Cir. 2015); *Giraldes v. Roche*, 357 F. App'x 885, 886 (9th Cir. 2009) (mem.)

Underling, italicizing and bolding cannot articulate for a full understanding. The chaos and abuse that's ensued requiring *award for damages* is measurable legalistically and Petitioner requests very respectfully that the order should be reflective of this.

What was experienced *after affirmation* of dismissal to the four copyright claims in the Ninth Circuit - after pattern dismissal in District Court - was disbelief watching the *sanctification of their participation by also affirming dismissal* of the Complaint in Nevada District Court that was thoroughly litigated with admissions in depositions by the four flight attendants who engaged in the obstruction and attempt to frame Petitioner , then ALSO affirmation of the obstructive dismissal of "the RICO complaint", clarifying the Ninth Circuit's

position not only to have been *operating on an executive order* by affirming the four copyright claims' dismissals, but now again *providing material support* in violation of 18 U.S.C. § 2339A possibly also operating under executive order again.

The United States constitution has thus far provided Americans an iron based foundation upon which all U.S. Code, legal doctrine, and U.S. case law have been built since, supporting freedom and one's right to safely generate wealth and prosperity. When these principles fail us by referees' disregard for honorable and just resolution of business issues by *application of the governing legal science* due to their own bias or error for reason of furthering agenda, removing the U.S. Court system and its functions that it must exist for, we are not secure in the preserving of one's property and ability to pursue remedy, when Respondents are all in violation of 18 U.S.C. § 1961 and the claims have grown to the most substantial accumulation of injustices against a citizen in history; creating an even more disturbing presentation of problems are the violations to Petitioner's civil rights under 42 U.S.C. § 1983 and § 1985(2), preventing resolution of any claim and separating Petitioner from his own property for now 8 years.

The District Court has not provided relief only obstruction and The Ninth Circuit Court of Appeals refuses to provide any oversight at all with now two standout cases thrown aside by manipulated organization of statements of false facts and failure to apply laws, leading to now a pattern of "dismissal and abusive affirmation" of

Petitioner's all-encompassing "the RICO complaint" and the complaint against Southwest Airlines in Nevada - which involved threats in front of Judge Boulware and kidnaping twice during litigation that when completed was conclusive enough for summary judgement - in violation of virtually all governing constitutional provisions, case law and federal statutes.

In the same spirit as threat before kidnapping, by Southwest counsel, "bound, gagged, and thrown in the trunk of a car.", Nancy Pelosi's daughter made a disturbing reference to the threat by Judge Wayne, "Mr. Basile, off with your head!", using similar dialogue on the news on 1-2-19, only a few days before hearing with Magistrate Judge Spaeth 1-9-19, and therefore related to both events:

(See Case No. 2:18-cv-08604 - Central District Court - Dkt. No.1, ¶¶107-116)

<https://www.google.com/amp/s/www.newsweek.com/nancy-pelosi-daughter-cut-head-bleeding-1277380%3famp=1>

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

DATED: 7-26-21



CONSTANTINO BASILE
Petitioner