

21-129

No.

ORIGINAL

FILED

JUL 26 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Arthur Lopez
(Your Name)

— PETITIONER

California Court of Appeals
vs.
etal

RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the 9th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Arthur Lopez
(Your Name)

P.O. Box 13081

(Address)

Newport Beach, Ca 92658

(City, State, Zip Code)

949 278.7793

(Phone Number)

RECEIVED

JUL 30 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Where a State Appellate Court and Judge deprive an appellant his United States Constitutional Civil Rights, including Due Process under the 14th Amendment, through an "Administrative Act" refusing to accept handwritten pleadings / filings on "Appeals" despite appellant having permanent disabilities, in violation of the Americans with Disabilities Act be subject to Civil Causes of Action since having "Sovereign immunity" and "Judicial Immunity" being forfeited.

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:

1.) Manuel Ramirez

RELATED CASES

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4-28
REASONS FOR GRANTING THE WRIT	29
CONCLUSION.....	30

INDEX TO APPENDICES

APPENDIX A	United States Court of Appeals for the 9 th Circuit 2/24/21 Memorandum Affirming the District Courts Dismissal (Case No. 20-55224)
APPENDIX B	United States District Court Final Judgement Dated 2/19/2020 (Case # EDCV 18-01835)

APPENDIX

APPENDIX X	Ca Court of Appeals. 4 th District. 2 nd Division Appeal Cases Dockets - Case No E071093, E070899, E070663, E070307, E069559
APPENDIX Y	February 9, 2018 14 pgs of Transcript citing Judge Hail O'Rand the Respondents Unlawful Acts as
APPENDIX Z	Criminal.

↳ Medical Confirmation of Petitioner Arthur Lopez's
Permanent Disabilities by Dr. Philip Maschid
and Surgeon Samuel Bederman (Dated 3/5/2014, 5/28/19
and 2016.

Table of Authorities Cited (Exceptions to Judicial Immunity)

- 1.) *Stein v. Disciplinary*
United States Court of Appeals, Tenth Circuit
April 1st, 2008 520 F.3d 1183 (10th Cir 2008)
- 2.) *Stump v. Sparkman*, 435 U.S. 349 (1978)
- 3.) *Bradley v. Fisher*, 80 U.S. 335, 351-352 (1872)
- 4.) *Mueles v. Waco*, 502 U.S. 9, 9-10 (1991)
- 5.) *Fornester v. White*, 484 U.S. 219, 225-26 (1988)
- 6.) *Pulliam v. Allen*, 466 U.S. 522, 524-25 (1984)
- 7.) *Rankin v. Howard* 633 F.2d 844 (1980)
- 8.) *Ableman v. Booth*, 62 U.S. (21 Howard) 506 (1859)
- 9.) *Harris v. Harvey*, 605 F.2d 330 (7th Cir 1979)
- 10.) *Barnett v. Harrington*, 130 F.3d 246 (1997)
United States Court of Appeals, Sixth Circuit (1997)
- 11.) *Imbler v. Pachtman*, 424 U.S. 409, 431 (1976)

Table of Authorities Cited (cont.)

(Exceptions to Judicial Immunity-cont.)

12.) Buckley v. Fitzsimmons, 509 U.S. 259 (1993)

13.) Supreme Court of Virginia v. Consumers Union of the United States, Inc. 446 U.S. 719 (1980)

14.) Ex Parte Young, 209 U.S. 123 (1908)

15.) Randall v. Brigham, 74 U.S. 7 Wall. 523 (1868)

16.) United States v. Lee, 106 U.S. 196 (1882)

17.) Owen v. Independence, 445 U.S. 622 (1980)

18.) Harlow v. Fitzgerald, 457 U.S. 800 (1981)

19.) Donald L. Meek v. County of Riverside, Albert G. Wojcik, Rodney Walker, Riverside Municipal Court, 183 F.3d 962 (9th Cir. 1999)

20.) Pierson v. Ray, 386 U.S. 547 (1967)

21.) Ex parte Virginia, 100 U.S. 339 (1880)

22.) Schucker v. Rockwood, 846 F.2d 1202, 1204 (9th Cir. 1988)

23.) Ashelman v. Pope, 793 F.2d 1072 (9th Cir. 1986)

Table of Authorities Cited (cont.)

(Americans with Disabilities Act Related)

- 1.) *Haas v. Quest Recovery Services*, 549 U.S. 1163 (2007)
- 2.) *United States v. Georgia*, 546 U.S. 1163 (2007)
- 3.) *Pennsylvania Dept. of Corrections v. Yeskey*, 524 U.S. 206, 210 (1998)
- 4.) *Board of Trustees of Univ. of Ala. v. Garrett*, 531 U.S. 356^{363m} (2001)
~~356~~
- 5.) *Louisiana ex rel. Francis v. Resweber*, 329 U.S. 459, 463 (1947)
- 6.) *Tennessee v. Lane*, 541 U.S. 509, 543 n.4 (2004)
- 7.) *City of Boerne v. Flores*, 521 U.S. 507, 512 (1997)
- 8.) *Fitzpatrick v. Bitzer*, 427 U.S. 445, 456 (1976)
- 9.) *Ex Parte Virginia*, 100 U.S. 339, 346 (1880)
- 10.) *Olmstead v. L.C.*, 527 U.S. 581 (1999)

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- 4.) *Mireles v. Waco*, 502 U.S. 9, 9-10 (1991)
- 5.) *Fornester v. White*, 484 U.S. 219, 225-26 (1988)
- 6.) *Pulliam v. Allen*, 466 U.S. 522, 524-25 (1984)
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- 8.) *Ableman v. Booth*, 62 U.S. (21 Howard) 506 (1859)
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- 11.) *Luttrell v. Pachtman*, 424 U.S. 409, 431 (1976)

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17.) *Owen v. Independence*, 445 U.S. 622 (1980)

18.) *Harlow v. Fitzgerald*, 457 U.S. 800 (1981)

19.) *Donald L. Heck v. County of Riverside, Albert J. Wojcik, Rodney Walker, Riverside Municipal Court*, 183 F.3d 962 (9th Cir. 1999)

20.) *Pierson v. Ray*, 386 U.S. 547 (1967)

21.) *Ex parte Virginia*, 100 U.S. 339 (1880)

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- 4.) *Board of Trustees of Univ. of Ala. v. Garrett*, 531 U.S. 356 ³⁶³ (2001) ~~(2000)~~
- 5.) *Louisiana ex rel. Francis v. Resweber*, 329 U.S. 459, 463 (1947)
- 6.) *Tennessee v. Lane*, 541 U.S. 509, 543 n. 4 (2004)
- 7.) *City of Boerne v. Flores*, 521 U.S. 507, 512 (1997)
- 8.) *Fitzpatrick v. Bitzer*, 427 U.S. 445, 456 (1976)
- 9.) *Ex Parte Virginia*, 100 U.S. 339, 346 (1880)
- 10.) *Olmstead v. L.C.*, 527 U.S. 581 (1999)

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 A 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 B 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 February 24, 2021

☒ 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: _____, 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 July 24, 2021 (date) on Court Order of (date) in Application No. A. the U.S. Supreme Court
Due To Covid-19.

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

United States Constitution 14th, 8th, 1st and 7th Amendment

Americans with Disabilities Act of 1990 42 U.S.C. §§ 12101-12213

Title II Part 35, Subpart B § 35.130 (a) (b)(1)

§ 35.178

§ 35.149

Federal Rules of Appellate Procedure (in Rule 32-1(e))

California Rules of Court

Rule 8.204(b)

Rule 8.40

Rule 2.135

Rule 2.118(a)

Statement of the Case

Over 150 years ago the United States Constitution was amended to incorporate the 14th amendment becoming a constitutional cornerstone, providing all people "Equal Protection Under The Law" and "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; Nor shall any state deprive any person of life, liberty or property, without due process of law; Nearly one hundred years before this the 8th amendment was adopted prohibiting government from imposing excessive fines, excessive bail, or cruel and unusual punishments, December 15th, 1791.

In addition, the Americans with Disabilities Act was enacted July 26, 1990 establishing a clear and comprehensive prohibition of discrimination on the basis of disability (U.S. 42 U.S.C §§ 12101-12213)

On or about November 30, 2017 Petitioner Arthur Lopez initiated an appeal case in the California Court of Appeals for the Fourth (Appx) District, Division Two, Case No EO69559. The presiding judge for this court, Manuel A. Ramirez. This case involves The California Court of Appeals and Manuel A. Ramirez, Individual Capacity as defendants.

Most honorable Supreme Court of the United States
this Petition for Writ of Certiorari is presented
as a result of these defendants standard of
depriving petitioner Arthur Lopez who is of
Mexican-Heritage, Hispanic-Latino Race, Male,
Catholic-Christian U.S. Born, Father of four
(two girls and two boys), of his Civil Rights
under the Fourteenth, First, Seventh and Eighth
amendments in addition to depriving petitioner
of his rights, as a permanently disabled person
under the American with Disabilities Act of 1990
(A.D.A.). These unlawful deprivation of rights
blatantly committed under color of law involved
the refusal of permitting Petitioner to litigate
and even file appeals in handwritten pleadings,
docs., filings despite petitioner providing uncontested
medical documentation confirming Petitioner's permanent
various disabilities/injuries including spinal
injuries and permanent spine compression @ the
C-3 - C-5 spine/vertebrae levels (see Appendix Z).
These spinal injuries require Petitioner to avoid
sitting for prolonged periods as doing so increases the
pain level to his lower, mid and upper back progressively
to the point of excruciating pain levels that even
prohibit walking. Furthermore, Petitioner as a result
in part also does not type and is even prohibited

from standing stationary for prolonged period as it causes swelling of his ankles. Consequently, Petitioner is required to handwrite his filings during the period of these events and as such when instructed to only submit typed forms he immediately requested an accommodation to continue submitting handwritten filings. However, the defendants ultimately refused to honor these requests despite being supported by doctor/medical documentation and proceeded to reject, return handwritten filings from petitioner and even dismissed his cases, including Case Nos E070899, E071093, E069559, (JO 56467- 4th District, 3rd Division) (JO54262), E070663, E070307-[Superior Court Case # RIV18-00376], [RSC 18-02970-(corresponding to E070899 appeal)]. This court should take judicial notice that the merits to Petitioner's Appeal cases, derailed by these defendants' unlawful acts, included physical assault by Respondent / Ex-Wife in one instance. The respondent came @ Petitioner, while he lay with his two year old boy in arms, with a 12 inch metal pitch fork (not a dinner fork) and in a hearing before Superior Court Judge Gail O'Rane on February 9, 2018 (Case # RIV18-00123) she referred to events as "Criminal" involving Respondent's acts - see Transcript, Pg. 7 attached Pgs. 1-14 as Appendix "Y". These facts support Petitioner's contention that the defendants' violations and Civil Rights deprivation are discriminatory.

to also provide a bias in favor of female white caucasian respondent /ex-wife so as to facilitate a custody bias involving Petitioner's children in the mother's favor since Petitioner has been prevented from even establishing contact with all four of his children for nearly six years and to provide a conflict with statute of limitations that correspond to civil cases involving his children. In fact, the schemes involved in maintaining petitioner's children in isolation and barring even phone contact with biological father Petitioner exists even without a restraining order in place for nearly three years and the related cases to this end are Superior Court Family Justice Center @ Lamoreaux is 16D001283 and Ca Court of Appeals active cases under D059356 - D057649 (incl. D057773, G058069, G058605). In fact, the presiding judge @ the Ca Court of Appeals 4th District, 3rd Div is the spouse to THE Director of the Public Law Center one block from each other in Santa Ana, Ca through which a Sr. Staff Atty was placed @ the Pro-Se Clinic @ the U.S. District Court who misquided Petitioner in not filing an opposition to a Motion to Dismiss a Civil Case against MFG Union Bank, WA who provided financial backing of the same Public Law Center. Moreover, the presiding judge (spouse) @ the Court of Appeals refused to recuse herself from presiding over petitioner's

appeal case against the same bank for which relief continues to be denied. Therefore, these defendants not only have violated several Federal laws and United^{States} Constitutional Civil Rights but continue to cause catastrophic harm to petitioners and to this end the initially sought injunctive relief is reiterated in the relief sought through this petition as it should have never been rejected by the US District court since this harm being inflicted to petitioners and his children is irreparable.

see *Ex Parte Young*, 209 U.S. 123 (1908). Furthermore, see *Ex Parte Virginia*, 100 U.S. 339 (1880), whereby "The prohibition of the Fourteenth Amendment are directed to the States... It is these which Congress is empowered to enforce..." This enforcement power includes the power to abrogate state sovereign immunity by authorizing private suit for damages against the States and see *Fitzpatrick v. Bitzer*, 427 U.S. 445, 456 (1976). Thus, in so far as Title II of the Americans with Disabilities Act creates a private cause of action for damages against the States for conduct that actually violates the Fourteenth Amendment, Title II validly abrogates state sovereign immunity. Also, see *Tennessee v. Lane* Supreme Court 541 U.S. 509 (2004) whereby the court ruled the ADA did NOT violate the Sovereign Immunity doctrine of the 11th amendment when, based on Congress's 14th Amendment enforcement power, of the Due Process clause it allowed individuals to sue states for denying them services based on their disabilities.

Und.

Constitutional Rights under Color of Law deprivation is equally defiant and dismissive and depriving of Plaintiff's rights and protections as afforded by the Americans with Disabilities Act of 1990 (ADA) Title II. In fact, under Title II, of this Federal Act, United States 42 U.S.C. (12101-12213), it is prohibited to discriminate on the basis of a disability by all public entities at the local level, e.g. school district, municipal, city or county, and at state level. Public Entities must comply with these Title II regulations (By the U.S. Dept of Justice and these regulations cover access to all programs and services offered by the entity. Access includes physical access (as described in the ADA Standards for Accessible Design) and programmatic access that might be obstructed by discriminatory policies or procedures of the entity (42 USC §§ 12131-12165). Furthermore, the United States Supreme Court has held that under Title II of the ADA, no person with a disability can be unjustly excluded from participation in or be denied the benefits of services, programs or activities of any public entity, see "Olmstead v. L.C.", 527 U.S. 1581 (1999). In addition, ^{Part 35} Title II, Subpart B § 35.130 (a) - states - "NO qualified individual with a disability shall,

1 on the basis of disability, be excluded from
2 participation in or be denied the benefits of the
3 services, programs or activities of a public
4 entity, or be subjected to discrimination
5 by any public entity; and (b) (1) A public
6 entity, in providing any aid, benefit, or service,
7 may not, directly or through contractual, licensing
8 or other arrangement, on the basis of disability, -

9 i) Deny a qualified individual with a
10 disability the opportunity to participate
11 in or benefit from the aid, benefit or service;

12 ii) Afford a qualified individual with a
13 disability an opportunity to participate in or
14 benefit from the aid, benefit, or service that
15 is not equal to that afforded others;

16 iii) Provide a qualified individual with a disability
17 with an aid, benefit, or service that is not
18 as effective, in affording equal opportunity
19 to obtain the same result, to gain the same
20 benefit or services that are to reach the
21 same level of achievement as that provided to others.

22 Equally significant under Title II of the ADA, Part 3.
23 Subpart J §35.178, a state shall not
24 be immune under the eleventh amendment to
25 the U.S. Constitution from an action
26 in Federal or state court of competent
27 jurisdiction for a violation(s) of this act.
28 In any action against a state for a

1 Violation of the requirements of this Act,
2 remedies (including remedies both at law
3 and equity) are available for such a
4 violation to the same extent as such
5 remedies are available for such a violation
6 in an action against any public or private
7 entity other than a state.

8 Therefore in this Civil action brought forth by
9 Plaintiff Arthur Lopez against these
10 defendants, No Sovereign Immunity applies
11 nor any other ^{State's} immunity, also see
12 United States v. Georgia, 546 U.S. 151 (2006)
13 whereby the United States Supreme Court
14 held that in so far as ^{ADA} Title II creates
15 a private cause of action for damages against
16 States for conduct that actually violates
17 the Fourteenth Amendment, Title II validly
18 abrogates State Sovereign Immunity.

19
20 Now then, these protections and rights provided
21 for the disabilities of Plaintiff Arthur Lopez
22 under the Americans with Disabilities Act
23 are most relevant to this case since these
24 defendants deliberately, heinously, and repeatedly
25 violated these protections and rights as described
26 above - ADA, Title II, Part 35, Subpart B §§ 35.130, 35.149
27 in 2018 by depriving Plaintiff of his right to
28 appeal a lower court's judgement order, depriving

1 Plaintiff of his 14th amendment rights to Due Process
2 and Equal Protection Under Law as provided under the
3 United States Constitution. These deprivations,
4 unlawful acts by the defendants occurred
5 with full, unambiguous documentation disclosing
6 Plaintiff's Permanent Disabilities and Permanent
7 Injuries caused from a Traumatic Fall on
8 December 22nd, 2015 which caused a
9 Temporary Paralysis and among other permanent
10 injuries a Permanent Spine Compression
11 @ the C-3, C-4 and C-5 vertebrae levels.
12 In addition, upper, mid and lower back/
13 spine injuries remain permanently which is
14 a cause for unwavering pain prohibiting certain
15 movements and certain positioning such
16 as extended sitting, running, cycling, swimming, etc.
17 In addition, the Spine Compression has implications
18 to the right arm, right thumb permanent sting
19 requiring a delicate operation. In fact,
20 Surgeon Samuel Bederman has cautioned,
21 in his evaluation synopsis that this Spine
22 Compression may cause quadriplegia (permanent
23 paralysis) or even death. Moreover, Dr. Philip Medid
24 has provided repeatedly confirmation in
25 writing of said permanent disabilities
26 of which was submitted to the defendants
27 from the onset of his appeal cases being
28 filed prompting fee waivers to be granted.

1 Furthermore, Plaintiff made it abundantly
2 clear he was not able to type his forms and
3 pleadings due to his Permanent Disabilities
4 and as such was compelled to handwrite
5 his filings, forms, pleadings, etc. In spite of
6 all of the medical records and repeated
7 conveying of Plaintiff's disabilities to these
8 defendants in support of the necessity to prepare
9 and file handwritten forms/pleadings for his
10 Appeal cases litigation, these defendants
11 willfully and unlawfully and unconstitutionally
12 discriminated against Plaintiff, Arthur Lopez
13 due to his disabilities by refusing to litigate
14 his appeal case, refusing to provide
15 the Court of appeal standard service of
16 appealing to lower courts judgements. In no
17 uncertain terms the clerks, the security (California
18 Highway Patrol), the judges (including Manuel A. Ramirez)
19 refused to accept Plaintiff's filings in
20 the disabled-required handwritten form-text.
21 In point of fact, they (the defendants) could
22 not even offer one iota of justification
23 or pretense for refusing plaintiff's "disability-
24 required"-handwritten filings since they
25 only offered 2 non-related California Rules of Court
26 references such as 8.204(b) and 8.40 with their
27 rejection notices. Both of these 2018 codes pertain to
28 guidelines for an actual Appeal Case "Brief" (or Opening/Reply),

1 not forms, motion pleadings or otherwise. Even so,
2 these California Rules of Court are published
3 as derived or modeled from this Court's -
4 United States Court of Appeals for the 9th Circuit -
5 Federal Rules of Appellate Procedure, Rule 32
6 which in itself relates to the topic of
7 "Form of Briefs" and, as one may expect,
8 it specifically cites under Circuit Rule 32-1(e),
9 in no uncertain terms, "Handwritten" brief filings
10 are permitted. Consequently, Plaintiff's due
11 process was barred by these defendants
12 despite repeated requests to accept the
13 lawful, handwritten (disability-required) filings
14 for Plaintiff's approximately 7 Appeal Cases.
15 It should also be noted that handwritten
16 filings have been accepted @ all Federal
17 Courts up to the Supreme Court and
18 generally has also been permitted in other
19 California jurisdictions. It should also be noted
20 that Plaintiff had a high probability
21 of prevailing in his Appeal Cases since
22 a lower court Judge David A. O'Rand, ^{see Appendix}
23 had referred to the Respondents (in these appeal
24 cases) actions as a Criminal Matter as it
25 pertained to the subject she presided over.
26 In summary, it is also relevant to cite
27 California Rules of Court 2.135 which states the Clerk
28 must not reject for filing or refuse to file any form

1 solely on the ground that: (1) It is completed
2 in handwritten or hand-printed characters;
3 also Rule 2.118 (a) THE Clerk of the Court
4 must not accept for filing or file any papers that
5 do not comply with the rules in this chapter,
6 except the Clerk must not reject a
7 paper for filing solely on the ground that:
8 (1) It is handwritten or hand-printed;
9 Therefore, these defendants having defiantly
10 deprived Plaintiff Arthur Lopez of his
11 Constitutional Rights including protections
12 under the 14th amendment, and having deprived
13 Plaintiff of his rights under the Americans with
14 Disabilities Act including protections against
15 discrimination on the basis of his disabilities
16 despite unambiguous medical confirmation of
17 these disabilities and repeated requests and
18 declarations from Plaintiff ascertaining his
19 disabilities as cause for his handwritten
20 pleadings/filings and these deprivations having
21 caused irreparable and immeasurable harm
22 for several years to Plaintiff which is ongoing
23 since he has been negated the relief sought
24 through these Appeal Cases such as a
25 Restraining Order against his former wife
26 who continued to defy even court orders from
27 another court jurisdiction further delaying the reunification
28 of Plaintiff's four children, need be held liable

1 for damages in the amount prayed in
2 his amended complaint, \$7,000,000.00 net after tax
3 (Seven Million Dollars Net after taxes).
4 Furthermore, the lower court also erred in
5 not granting the requested Restraining Order
6 and Injunctive Relief / Preliminary Injunction
7 since both the initial complaint and sampled
8 Amended Complaint reflect the violations
9 referenced here related to the Americans with
10 Disabilities Act and moreover the high probability
11 of prevailing in the appeal cases was also
12 supported by the severity of the respondent's
13 violations of the Ca Domestic Violence Prevention
14 Act described in the Request For Orders /
15 Restraining Order Applications included as part
16 of the initial complaint, evidence / exhibits.
17 Therefore, the lower court's conclusion that
18 restoration of Plaintiff's / Litigants throughout
19 the State of California U.S. Constitutional
20 Rights as provided by the 14th amendment
21 and restoration of protections against the
22 discrimination based on disabilities as
23 provided by the Americans with Disabilities
24 Act is not significant to the extent
25 of exerting the court's extraordinary and
26 sparingly granted remedy of a
27 Temporary Restraining Order is not at the
28 very least consistent with the enormous

1 significance of the United States Constitution
2 Civil Rights. Moreover, the lower court
3 cited in its denial of the TRO on 9/18/2018
4 that a Plaintiff seeking a preliminary
5 injunction must establish:

- 6 1.) That he is likely to succeed on the
7 merits,
8 2.) That he is likely to suffer irreparable
9 harm in the absence of preliminary relief,
10 3.) That the balance of equities tips in
11 his favor, and

12 4.) That an injunction is in the public interest
13 citing *Yakirah*, 2018 WL 3222042 at *3

14 (quoting *Winter v. NRDC*, 555 U.S. 7, 20, 129 S. Ct. 365, 37
15 2008.
16 Well with great certainty Plaintiff,
17 Arthur Lopez met this criteria since

- 18 1.) Plaintiff is most certainly likely to succeed
19 having provided the Court of Appeals with
20 not only a transcript excerpt (entire transcript
21 is available) reflecting testimony from Plaintiff's
22 oldest daughter identifying Respondent as
23 an initiating aggressor on 11/22/15 but also
24 facts related to a malicious prosecution
25 Respondent was a participant in on 9/12/2016
26 with the purpose of among others to
27 sabotage the processes related to a modification
28 of a protective order to facilitate contact with
three of his minor children. In addition,

1 the Restraining Order Documentation
2 included 14 Elements of hostilities
3 by the Respondent against Plaintiff
4 under exhibit (a) (Case # Reference

5 RIV18-00376 Pgs. 1-36) - "Reply - Request For
6 Domestic Violence Restraining Order"

7 In fact, since the November 27, 2017
8 date this compilation of violations by the
9 Respondent more violations have incurred
10 including the defiance to a Court Order
11 issued by the Lamoreaux Justice Center - Superior Co
12 April 24, 2019 - Orange, Ca.

13 2.) Irreparable Harm has certainly
14 ensued since Plaintiff's 4 children
15 remain alienated going on 5 yrs in
16 the absence of the relief sought
17 through the California Court of Appeals
18 Appeal Cases.

19 3.) Certainly the Balance of Equities
20 tips in Plaintiff's Favor so long
21 as his Equal Protection Under
22 Law is afforded by the 14th amendment
23 so as to remove any bias in favor of
24 of female parent; and

25 4.) Clearly it is in the Public
26 Interest to not be deprived of
27 U.S. Constitutional Civil Rights
28 and to not be deprived of Rights and

1 protections provided under the Americans
2 with Disabilities Act for those with
3 Disabilities that are subjected to
4 Discrimination for their injuries and
5 are deprived of Due Process by the
6 California Court of Appeals, and
7 5) Finally Plaintiff is also most
8 likely to succeed on the merits
9 of this case, since the defendants
10 have certainly discriminated against
11 Plaintiff due to his Disabilities
12 depriving him of Due Process, right
13 to appeal with no valid justification
14 and in clear violation of the 14th
15 amendment and ADA. Moreover,
16 the Supremacy Clause of the Constitution
17 of the United States (Article VI, Clause 2)
18 establishes that the Constitution,
19 Federal Laws made pursuant to it,
20 and treaties made under its authority,
21 constitute the "Supreme Law of the Land",
22 and thus take priority over any conflicting
23 state laws. It provides that State
24 Courts are bound by and state constitutions
25 subordinate to, that Supreme Law.
26 Furthermore, Plaintiff's Equal Protection Right
27 under Law prohibits bias in favor
28 of the female parent and also bars

1 a bias against the disabled.
2 Therefore Judge Valerie Fairbanks erred in
3 summarizing an uncertainty to a Constitutional
4 right to handwritten documents refusal violation.
5 Rather the violation of Constitutional Rights
6 stems from the deprivation of Due Process
7 originating in the discrimination due to Plaintiff's
8 Disabilities and also a violation of Equal
9 Protection under Law since non-disabled
10 litigants are provided the service Plaintiff as
11 a disabled person was denied, hereby, there
12 is no State Rule prohibiting handwritten documents
13 being filed, but to the contrary there are State
14 Rules prohibiting their rejection and compelling
15 those filing as previously noted (Rules of Court 21018(a)
16 and 2.135) as such Judge Fairbank also erred
17 on this point. moreover the
18 State Courts Knowledge of Plaintiff's Disabilities
19 as conveyed on the Fee Waiver applications which
20 were granted establishes further the discriminatory
21 acts of denying service to Plaintiff as a
22 Disabled person in violation of the ADA
23 Therefore, the lower court should have understood
24 the gravity of the violations of Federal Law
25 and granted a stop to these unlawful acts
26 by imposing the Temporary Restraining Order
27 and Preliminary Injunction since the defendant
28 intentionally and without rational basis treated him differently
than others.

Having addressed the defendants' lack/invalidated sovereign immunity by authority of the A.D.A. and having stated such by holding in *Haas v. Quest Recovery Services Inc.*, 549 U.S. 1163 (2007) and *United States v. Georgia*, 546 U.S. 151 (2006) which abrogates the States Eleventh amendment immunity opening the way for Title II to create a private cause of action for damages against States for conduct that violates the Fourteenth Amendment, clearly the lower court erred in denying the requested TRO and Preliminary Injunction. Moreover, Manuel A. Ramirez, co-defendant, forfeited any possible judicial immunity since his unlawful barring of handwritten pleadings was in itself an administrative act not a judicial act, see *Forrester v. White*, 484 U.S. 219 (1988) "Judges do not receive immunity for their administrative decisions, such as in hiring and firing court employees. Also see *Miles v. Waco*, 502 U.S. 9, 9-10, (1991). There are two exceptions to judges being immune from suits for money damages: (1) when the act is "not taken in judicial capacity, and (2) when the act, though judicial in nature, taken in the complete absence of all jurisdiction." In this case as stated earlier the California Rules of Court, Rule 2.13 S specifically bars rejection of handwritten filings as does Rule 2.118(a). Moreover, A.D.A. protections bar

denial of services/access due to disabilities Title II,
^{Part} ~~Sub~~ part B § 35.130(a), see *Olmstead v. L.C.*,
527 U.S. 581 (1999) "In the Americans with Disabilities
Act of 1990 (ADA), Congress described the isolation and
segregation of individuals with disabilities as a serious
and pervasive form of discrimination. 42 U.S.C. §§ 12101
(a)(2)(5). Title II of the ADA, which proscribes
discrimination in the provision of public services, specifies,
inter alia, that no qualified individual with disability shall,
"by reason of such disability," be excluded from participation
in, or be denied the benefits of, a public entity's
services, programs, or activities. § 12132... A further
prescription, here called the "reasonable-modifications
regulation," requires public entities to make
reasonable modifications "to avoid "discrimination
on the basis of disability,"... Also, see *Pennsylvania
Department of Corrections v. Yeskey*, 524 U.S. 206 (1998)
whereby the court held that under the ADA no
public entity may discriminate against qualified
disabled individuals due to their disability. Moreover,
the Court stated that the ADA's protections extended
to cover prison inmates as well as any other liberated
citizen. Therefore, defendant Manuel A. Ramirez fabricated
basis for not permitting disabled Plaintiff Arthur Lopez to
file and litigate his cases, see exhibit/Appendix "X",
(Ca Rules of Court, Rule 8.204 pertains to Briefs - Opening/Reply, etc and
Rule 8.40 pertains to covers for briefs) not only not true, but

also out of his jurisdiction as it specifically contradicts Judicial Council - Ca Rules of Court Rule 2.135+2.118(d) and moreover also out of his jurisdiction since the United State Constitution 14th amendment Bars deprivation of Due Process and moreover yet the Americans with Disabilities Act Bars Discrimination Based on Plaintiff's disabilities. Hence, defendant in his individual capacity and other is without any form of immunity as his administrative act is unlawful on numerous levels under color of law and is therefore actionable in a private cause of action - civil lawsuit, NON-judicial acts forfeit judicial immunity, *Forrester v. White*, 484 U.S. 219. It's also worthwhile noting that The Due Process violations under the 14th amendment occurred prior to any requests Petitioner presented to the defendants and remained a deprivation to the point of rejecting handwritten filings and dismissing Petitioner's cases, see Appendix X. Moreover, United States Court of Appeals for the 9th Circuit has held in *Donald Meek v. County of Riverside, Albert J. Wojcik, Rodney Walker*, 183 F.3d 962 (9th Cir. 1999) citing Non-judicial acts in *Richardson v. Koshiba*, 693 F.2d 911 (9th Cir. 1982), *Goodwin v. Circuit of St Louis County, MO*, 729 F.2d 541 (8th Cir. 1984) - Removing a hearing officer was an Administrative Act; - *Quercio v. Brady*, 814 F.2d 1115 (6th Cir. 1987) -

firing secretary not a judicial act; Harper v. Meckle, 638 F.2d 848 (5th Cir 1981) - holding a contempt proceeding and ordering plaintiff incarcerated were not judicial acts. (Clearly defendants unlawful denial of handwritten pleadings also is an Administrative Act and Not Judicial in violation of California Rules of Court - Rule 2.135+2.118(a). Additionally, the U.S. District court also erred in denying Plaintiff's Leave to Amend Complaint in contradiction to the United States Supreme Court ruling in Foman v. Davis, 371 U.S. 178 (1962) which held Federal Rules of Civil Procedure Rule 15(a) declares that leave to amend "shall be freely given when justice so requires," and denial of the motion without any apparent justifying reason was an abuse of discretion, case reversed. Moreover, "A.D.A." and U.S. 42 U.S.C. § 1983 through Section 5 of the 14th Amendment abrogate the States sovereign Immunity and as such both defendants are subject to a Private Cause of Action since both have discriminated grossly / blatantly against Plaintiff inflicting enormous harms (as once threatened to do by a Board of Accountancy member - President @ some point - Manuel Ramirez). Therefore, Plaintiff seeks immediate injunctive Relief and Seven Million Dollars net after taxes (\$7,000,000.00 net after taxes) minimum plus all just awards this court deems appropriate as Plaintiff has been and continues to be prevented from having contact with his children exercising his Parental Rights.

Injunctive Relief requires restraining judicial officers and state courts from abusing their positions to deny litigants their U.S. Constitutional Rights to Equal Protection Under Law and Due Process Under Law as a means to impede/obstruct justice in Family Child Custody Matters to offer a gender bias towards females - mothers as this is also Unconstitutional and ungodly. Specifically restraining the same from barring handwritten pleadings from litigants, barring discrimination on the basis of disabilities and discriminating against Male - Mexican Heritage, Catholic - Christians, Latino/Hispanic litigants including Plaintiff.

Please see following Books and Authorities in support of this petition as cited as Exceptions To Judicial Immunity and Related To Americans With Disabilities Act Piercing of Sovereign Immunity and Unlawful Discrimination On The Basis of a disability.

July 24th, 2021

Humblly submitted,

(Arthen Lopez)

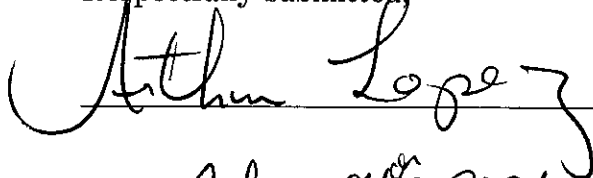
REASONS FOR GRANTING THE PETITION

This petition should be granted for obvious reasons including the unwavering protections provided by the United States Constitution 14th amendment + 8th amendment Barring Cruel and Unusual Punishment ^{permanence} just the same protections under the Americans with Disabilities Act of 1990 must be honored even by judicial officers and State Courts without interference.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Date: July 24th, 2021