

**LETTER OF APPENDICES**  
(Found after the Petition)

**Appendix I---Appeals Court Order of aug 12, 2021**

**Appendix II--Appeals Court Order of Nov 02, 2021**

**Appendix III --appeals Court Order of Nov 10,  
2021**

**Appendix IV--District Court Denial to proceed in  
Forma Pauperis of July 29, 2021**

**Appendix V--District Court Granting order to  
proceed in Forma Pauperis**

**Appendix VI --Exhibit of the Motion For  
Standing filed by petitioner on 04/02/2021  
District Court libeled as “Letter to the Judge” (2  
pages sample)**

**Appendix VII-- District Court order of march 22,  
2021 Dismissal for Lack of Prosecution. (Libel)  
and falsely stating that the petitioner had not  
served summons. Summons are filed before the  
date of this order by petitioner as persona propria.**

**Appendix VIII --Email sent to the District court  
Clerk by petitioner notifying that petitioner  
attempted to log in the conference but no  
password nor meeting number were provided by  
the court. Yet the CCourt marked absent.**

**Appendix IX--relevant entry related to this case  
made by petitioner in Case 21-55802 Appeals  
Court 9th Circuit Document ID 12187873- 4 pages.**

**FILED**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

AUG 12 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ADA MARIA BENSON, M.D.,

No. 21-55797

Plaintiff-Appellant,

D.C. No.

v.

5:20-cv-02595-JWH-KK

IHSS DPSS, In Home Supportive Services;  
et al.,

Central District of California,  
Riverside

Defendants-Appellees.

ORDER

Before: SCHROEDER, TASHIMA, and HURWITZ, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the orders challenged in the appeal are not final or appealable.

*See* 28 U.S.C. § 1291. Consequently, this appeal is dismissed for lack of jurisdiction.

All pending motions are denied as moot.

**DISMISSED.**

DA

Appendix I

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

NOV 2 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ADA MARIA BENSON, M.D.,

Plaintiff-Appellant,

v.

IHSS DPSS, In Home Supportive Services;  
et al.,

Defendants-Appellees.

No. 21-55797

D.C. No.

5:20-cv-02595-JWH-KK

Central District of California,  
Riverside

ORDER

Before: SCHROEDER, TASHIMA, and HURWITZ, Circuit Judges.

Appellant's motion for reconsideration (Docket Entry Nos. 15, 18) is denied.

*See* 9th Cir. R. 27-10.

No further filings will be entertained in this closed case.

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

NOV 10 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ADA MARIA BENSON, M.D.,

Plaintiff - Appellant,

v.

IHSS DPSS, In Home Supportive  
Services; et al.,

Defendants - Appellees.

No. 21-55797

D.C. No. 5:20-cv-02595-JWH-KK  
U.S. District Court for Central  
California, Riverside

**MANDATE**

The judgment of this Court, entered August 12, 2021, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule  
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Nixon Antonio Callejas Morales  
Deputy Clerk  
Ninth Circuit Rule 27-7

*Appendix III*

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

Ada Maria Benson,

CASE NUMBER:

5:20-cv-02595-JWH-KKx

PLAINTIFF(S),

v.

IHSS DPSS, et al.,

DEFENDANT(S).

**ORDER ON MOTION FOR LEAVE TO APPEAL IN  
FORMA PAUPERIS:**

28 U.S.C. 753(f)  
 28 U.S.C. 1915

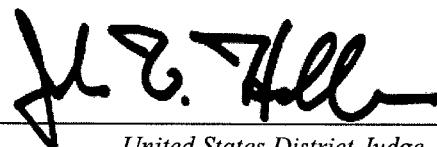
The Court, having reviewed the Motion for Leave to Appeal In Forma Pauperis and Affidavit thereto, hereby ORDERS: *(The check mark in the appropriate box indicates the Order made.)*

**The court has considered the motion and the motion is DENIED.** The Court certifies that the proposed appeal is not taken in good faith under 28 U.S.C. 1915(a) and is frivolous, without merit and does not present a substantial question within the meaning of 28 U.S.C. 753(f).

The Clerk is directed to serve copies of this Order, by United States mail, upon the parties appearing in this cause.

July 29, 2021

Date



United States District Judge

**The Court has considered the motion and the motion is GRANTED.** It appears to the Court that the proposed appeal is taken in good faith within the meaning of 28 U.S.C. 1915(a). The Court certifies that the proposed appeal is not frivolous, that it presents a substantial question. The within moving party is authorized to prosecute an appeal in forma pauperis to the United States Court of Appeals for the Ninth Circuit without pre-payment of any fees or costs and without giving security therefor.

A transcript is needed to decide the issue presented by the proposed appeal, all within the meaning of 28 U.S.C. 753 (f). The Court Reporter is directed to prepare and file with the Clerk of this Court an original and one copy of a transcript of all proceedings had in this Court in this cause; the attorney for the appellant is advised that a copy of the transcript will be made available. The expense of such transcript shall be paid by the United States pursuant to 28 U.S.C. 1915(c) and 753(f).

The Clerk is directed to serve copies of this Order upon the parties appearing in this cause.

Date

United States District Judge



**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

Ada Maria Benson, v. IHSS DPSS, et al.,	CASE NUMBER 5:20-cv-02595-JWH-KKx  <b>PLAINTIFF(S)</b>  <b>DEFENDANT(S)</b>
<b>ORDER RE REQUEST TO PROCEED IN FORMA PAUPERIS</b>	

**IT IS ORDERED** that the Request to Proceed *In Forma Pauperis* is hereby GRANTED.

December 16, 2020

Date



United States Magistrate Judge

**IT IS RECOMMENDED** that the Request to Proceed *In Forma Pauperis* be **DENIED** for the following reason(s):

<input type="checkbox"/> Inadequate showing of indigency <input type="checkbox"/> Legally and/or factually patently frivolous <input type="checkbox"/> Other: _____	<input type="checkbox"/> District Court lacks jurisdiction <input type="checkbox"/> Immunity as to _____
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Comments:

Date

United States Magistrate Judge

**IT IS ORDERED** that the Request to Proceed *In Forma Pauperis* is hereby:

<input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED (see comments above). IT IS FURTHER ORDERED that:	<input type="checkbox"/> Plaintiff SHALL PAY THE FILING FEES IN FULL within 30 days or this case will be dismissed. <input type="checkbox"/> This case is hereby DISMISSED immediately. <input type="checkbox"/> This case is hereby REMANDED to state court.
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Date



United States District Judge

Page 1 of 5

FILED CLERK, U.S. DISTRICT COURT
4/12/2021
CENTRAL DISTRICT OF CALIFORNIA
BY: IV DEPUTY

United States District Court

Central District of California

4th District Eastern Circuit

Riverside County, California

Case No 5:20-cv-02595-JWH-kk

Attention Deputy Clerk Irene Vasquez

Urgent Motion to Standing - To Continue on  
Active Case In ADR Process.

This Case Should be Active.

Document received by plaintiff on  
March 29, 2021 "Dismiss For lack  
of Prosecution" is erroneous. This case  
is in the active process of ADR in  
Compliance with Federal Rule of Civil  
Procedure mandated by Federal Court  
L.R 16-15.

1<sup>o</sup> Federal Court failed to mail back  
the Summons form completed by plaintiff  
to the Clerk's Office as per Rule 4.(b)  
Plaintiff e-mailed Clerks and Clerk spoke  
by phone on February 2021.

2<sup>o</sup> As per discovery Rule

The time the plaintiff discovered that  
Summons were completed and stamped (Seal)

Page 2 of 5

by Clerk is February 15, 2021. On February 15, 2021, plaintiff e-mailed the Clerk of the Court requesting the Summons to be released. The Summons completed by the Clerk as per Rule 4, arrived to plaintiff in the last week of February 2021. See the e-mail response of Ms.

Irene Vasquez deputy clerk attached. Immediately, the plaintiff followed up with ADR procedures. All parties of the defense were served accordingly.  
1<sup>o</sup> IHSS - DPSS. Summons for ADR were served with tracking No 95-16406699861054434244 Delivered February 25, 2021 at 0.210 PM USPS.

Prior Proofs of Services are Court mandated documents as Standing Order document No 8 of 12/21/2020 and after Judge John W. Holcomb requested that plaintiff mailed the defendant any orders the court issued to the plaintiff in this case.

2<sup>o</sup> Mt Lyon RV Park and Resort was served by U.PS. on March 18, 2021 because

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—  
GENERAL

Case No. EDCV 20-02595-JWH (KKx)

Date March 22, 2021

Title *Ada Maria Benson v. IHSS DPSS, et al.*

Present: The Honorable JOHN W. HOLCOMB, UNITED STATES DISTRICT JUDGE

Irene Vazquez

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: (IN CHAMBERS) Order to Show Cause re Dismissal for  
Lack of Prosecution**

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a Defendant within 90 days after the complaint is filed. Fed. R. Civ. Proc. 4(m).

In the present case, it appears that Plaintiff has not served the summons and complaint on one or more Defendants. Accordingly, the Court, on its own motion, hereby orders Plaintiff to show cause in writing on or before **April 12, 2021**, why this action should not be dismissed, with respect to each Defendant who has not been served, for lack of prosecution. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument. This Order to Show Cause will be discharged if Plaintiff files, before the deadline set forth above, a proof of service of the summons and complaint.

**IT IS SO ORDERED.**

ADA MARIA BENSON <bensonadamarie@gmail.com>  
Draft To: JWH Chambers <JWH\_Chambers@cacd.uscourts.gov>

Thu, Nov 18, 2021 at 1:04 PM

Dear Ms. Vazquez

The link did not open. There was no password provided. I tried to open browser on web and it required a password and a meeting id number. None were provided.

Please do not mark me absent, that I logged in but the link provided is not good.

Please send any information regarding the meeting by mail.

Thank you

Ada maria Benson

[Quoted text hidden]

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Appendix VIII

**42 U.S. Code § 1982** -Provides that all citizens of the United States shall have the same right in every state and territory as is enjoyed by all citizens of such state and territory to inherit, purchase, lease, sell, hold, and convey real and personal property. §1982 bars all racial discrimination, private as well as public, in the sale or rental of property.

04/13/2018 Ms. Benson was assaulted while attempting to park her vehicle to go to the gym while she was a gym's patron at that time. The Hemet Police Department assisted the assailant to carjack Ms. Benson's vehicle towing it to the Desert Towing facility located at 2429 South San Jacinto, San Jacinto, Ca. Ms. Benson walked to the Hemet Police Station considering that Ms. Benson suffers from vertigo and hypertension. The Hemet Police dispatcher refused to provide the whereabouts of Ms. Benson's vehicle. Ms. Benson had to use a form of interrogation on cross questioning to obtain the response. The Hemet Police Department knew exactly where the vehicle was towed and the same vehicle was intentionally damaged a few minutes later, the same dispatcher that initially refused to provide information, provided the full address and phone number. **Video available.**

An individual has not stopped to be an individual regardless of the acts involving an arrest. Therefore, any property held by the individual should belong solely to the individual, not to the law enforcement agents as it is inherited in the individual to have the right to have and to sustain his own assets.

Few months later, in 2018 Ms. Benson is hit in an accident Hit and Run destroying partially Ms. Benson's van . Ms. Benson manages to fix partially her vehicle and few months after the accident, Ms. Benson's van was poked with a heavy tool from underneath after parking at Walmart's parking lot in San Jacinto while Ms. Benson's passport, and all her wallet were robbed from inside Ms. Benson's vehicle the same day forcing Ms. Benson to donate the vehicle. Ms. Benson's bank account was subtracted to the last penny.

Throughout the entire time after the accident Ms. Benson heard the Hispanic officers talking near the Public Library: "Total Loss, Total Loss" As if referring to the accident and the van.

During Federal active Duty, On August 20, 2020 Ms. Benson's van was carjacked and towed causing excessive economic damages leaving Ms. Benson on the street walking. Personal objects and daily notes disappeared while the van was in possession of the Hemet Police Department. The vehicle was clearly searched.

**On April 07 through April 10, 2020**, Hemet Police Department assisted in assaulting Ms. Benson at her workplace where Ms. Benson was attacked and ended with bleeding internal injuries logged in the hospital and in Ms. Benson's medical file. Hemet Police assisted in confiscating Ms. Benson utility trailer.

*This incident took place at Mt Lyon RV & Resort  
Hemet, CA.*  
On April 10, 2020, A Hemet Police officer Shroedder told Ms. Benson that he (Schroeder) was given power by the Superior Court to assume Ms. Benson's job and to become in charge of Ms. Benson's work assignment while calling Ms. Benson with the index

finger towards the police SUV. "Come and see read the Superior Court warrant" In other words, Schroedder was attempting to get Ms. Benson inside the SUV. There was no search warrant on paper. In response to Ms. Benson's question on the legality of Schroeder Hemet Police officer, Schreodder responded to Ms. Benson with profane, obscene and vulgar language to incite himself to further violence while holding hands close to the weapon. Shroedder told Ms. Benson to "Freeze". You are frozen. "I will get on top of your patient's care and finances." Schroedder refused to allow Ms. Benson to get her utility trailer that had parked in her place of work. Kept hand on top of the pistol and shroedder's voice was abusive and obscene. Ms. Benson recorded in video the obscenities spoken by Shroedder when Ms. Benson questioned the legality of the Hemet Police on assisting assault at Ms. Benson's workplace. Ms. Benson had been injured in her workplace by two assailants while providing health care. Had notified the Hemet Police and had requested help to protect. Ms. Benson had reported abuse by the park janitors and strangers to the patient she was assigned to work with. The injuries suffered by ms. Benson produced internal bleeding. The retaliation on mandated reporters has been obvious. Ms. Benson walked towards the Hemet Police Department and requested from the officers supervisor in chief retrieve her utility trailer and the chief supervisor refused to assist and told Ms. Benson , "Hemet Police was going to take over the situation." Ms. Benson has never transferred ownership of her utility trailer. However, it has come to Ms Benson's knowledge that her utility trailer has been in use transporting heavy objects while using the plate of the trailer. "

**25 CFR § 11.448** "Abuse of office. A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a misdemeanor if, knowing that his or her conduct is illegal.

**USC 13th Amendment.**" Neither slavery nor involuntary servitude excepts as punishment for crimes whereof the party shall have been duly convicted for crime shall exists within the United States."

More than two decades of law enforcement persecution and intentional damages, libel and slander to the civil liberties of the plaintiff and her adult children are enough evidence of the premeditated malice. The persecution and profiling on Ms. Benson is a clear evident example of indirect slavery and terrorism where the city is used as indirect prison and tormentors whippers while keeping the malicious eyes in the private life of an individual and her adult children.

### **Abduction Day**

Ms. Benson was dragged out of her closed and locked vehicle with brute force on September 09, 2020 at Cheney Nicot', Hemet Police Department opening the vehicle forcing Ms. Benson out pressing her neck and face against the door of her own vehicle while pulling a swollen right arm towards the back further injuring while handcuffing without any questions neither concern of Ms. Benson's health or conditions.

**Siglar Vs. Hightower 12F3d. 191 (5th Cir 1997)**

Appendix (Exhibit) IX Page 2 of 4

There were no questions whether handcuffing could be at front or back but, thigh enough to the point of leaving puncture marks on Ms. Benson's wrists that lasted three weeks to heal, while Ms. Benson's arms are left fractured after broken on 2018 and right arm totally swollen with vessels swelling as result of thrombosis. Handcuffs used had sharp small spikes.

There were no paramedics called to the scene. Cheney Nicot neither Orlando (Nicot's partner) cared to see if Ms. Benson suffered from any medical conditions. Ms. Benson was dragged, face against the driver's door side glass, body pushed against her vehicle, neck pressed against the window, force used against her back and neck pulling forcefully Ms. Benson's injured arms toward the back with fury, while the Federal phone fell on the driver's seat, pushed on the back towards the Hemet Police Patrol without shoes, driven away from her vehicle abducted and locked as an object inside Hemet Police Station, disregarding Ms. Benson's medical conditions and any law related to arrests and the holding time of an individual taken to a police station. Appellant cannot stay away without medication. Has serious heart problems and medication has to remain with the appellant at all the times. Hemet Police never considered that the abducted victim is a working disable senior in daily medical care.

**Restatement of Second of Torts (1965) Sec 46.** Defines Elements of Torts. (1) One who by extreme and outrageous conduct intentionally or recklessly causes severe emotional stress to another is subject to liability for such emotional distress, and if bodily harm to the other results from it, for such bodily harm.

The humiliating act of physical assault while someone is in privacy undergoing health struggles affects not only the integrity of a person, but the misconstrued social stigma placed on the arrested as seen in society as a criminal. There is conscious dragging of Ms. Benson as an object under the devastating physical appearance that seizures force people to undergo and that are dealt with in privacy. In moments in which a person feels ill does not want anyone to visualize the physical struggles, Ms. Benson was exhibited in public. **Hudson vs. McMillian 503 U.S 1 (1992)**

**Benchmark For U.S District Court Judges 6th Edition, section I 1.01** "The first appearance of the defendant after arrest is usually before a magistrate judge. If the defendant consents, the initial appearance may be conducted by video teleconferencing (Fed. R. Crim. P. 5(f)). A. If the arrest was made without a warrant, require that a complaint be prepared and filed pursuant to **Fed. R. Crim. P. 3 and 4**"

In violation of 28 U.S. Code § 4101 Following detention, Ms. Benson was falsely accused by Hemet Police for disorderly conduct, intoxication in public citing the California Penal Code 53.5 and for using her own vehicle for human in-habitation citing California Penal Code 53.3. Detention Id number 10801 was assigned and a Hemet Police Citation number 19508 was handed requesting \$685.00 with false malicious retaliatory charges making appear Ms. Benson, Ada Maria as an individual that disregards civility while excessive force, malicious prosecution, retaliatory arrest, and violations of the right to due process and equal protection were imposed.

Appendix (Exhibit) IX Page 3 of 4

One more time, defamatory statements were published with knowledge of their falsity and reckless disregard of the truth.

Ms. Benson was dragged out forcefully and physically and mentally abused, tossed and locked as an object that was forfeited and tossed in a dark room for long hours without access to anything and to anyone.

In this case, Ms. Benson is a disable senior that was undergoing seizures. Her cardiovascular condition was isolated and left locked inside a room without medications neither food for more than 8 hours. A person that takes serious medications for all her medical conditions, has the need to have access to the basic needs at hand or any further damages to the health occur. Ms. Benson had a handicap sign posted on the front near the windshield. Enough to know that a disable person may have been inside the vehicle.

**"Graham v. Connor, 490 U.S. 386, 396-97 (1989).**

**Deliberate Indifference to a Serious Medical Condition or a Substantial Risk of Harm** Section 242 prohibits a law enforcement officer from acting with deliberate indifference to a substantial risk of harm to persons in custody. Therefore, an officer cannot deliberately ignore a serious medical condition or risk of serious harm. **Ms. Benson has a serious cardiovascular condition above all the other disabilities, Ms. Benson was physically and verbally attacked on April 07 through April 10, 2020 inside her job place while had spoken to Hemet Police about intruders wanting to hurt at the workplace.** The attack was verbally slander and physically forcing internal bleeding, proven by the local emergency hospital ,C-scans and lab tests and photos. To this date Ms. Benson is under heavy treatment.

U.S.A.M § 9-27.220 Failure to respect the 8th Amendment with deliberate indifference to serious medical conditions.

The day before the abduction, Ms Benson's new US passport and US international Id had arrived. Ms. Benson had called her O.B to advise on having children without a husband. A textbook on the Criminal section had suddenly arrived. Ms. Benson had been making plans to visit her mother. Few days prior to being abducted, Gatekeeper's Armed Security Guards had threatened to arrest Ms. Benson for impersonating a federal worker while Ms. Benson held her federal worker ID at hand and was a legal federal worker. The phrase spoken at the lobby of the Hemet Police Department while Ms. Benson was locked inside a filthy room were: "we will call the DPSS to get the children so they can be raised by someone else." Ms. Benson believes the speech was related to Ms. Benson's plan of bringing life to the world by herself.

**Abuse of Powers\_25 CFR § 11.448** Dissemination of private life of citizens.

**18th U.S. Code§ 3041.**Power of courts and magistrates. The abduction of September 09, 2020 demonstrates that Hemet Police has no regard for the US Constitutional

Appendix (Exhibit) IX Page 4 of 4

**Case: Benson, Ada Maria v. IHSS-DPSS, Mt Lyon Rv and Resort,  
Cal\_OSHA, Labor Law San Bernardino, Ca**

**AFFIDAVIT-DECLARATION UNDER Rule 29 OF THE SUPREME COURT**

I Benson, Ada Maria, (Persona Propia) declare under penalty of perjury and under the Constitutional laws of the United States, that I am serving via PACER and USPS mail delivery a copy of the petition made to the Supreme Court to all parties involved in this matter in compliance with the Rule 29 of the Supreme Court and in compliance with the 28 U. S. C. § 1746.

Respectfully Submitted November 18, 2021



Benson, Ada Maria  
(Persona Propia)