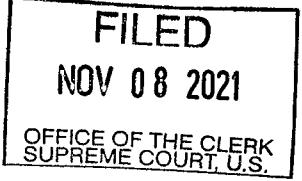


21 - 6811  
No.                   

ORIGINAL  
ORIGINAL

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IN THE  
SUPREME COURT OF THE UNITED STATES



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STEPHEN CUMMINGS -PETITIONER  
VS.

JAMES CAMERON, LIGHTSTORM ENTERTAINMENT INC., SONY PICTURES INC.,  
PARAMOUNT PICTURES CORP., PARAMOUNT HOME ENTERTAINMENT INC.,  
TWENTIETH CENTURY FOX FILM CORP., DOLBY LABORATORIES INC.

-RESPONDENT(S)

ON A PETITION FOR AN (EXTRAORDINARY WRIT) AND-OR  
WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS, 9th Circ. (San Francisco) # 21 - 55897  
OF  
UNITED STATES DISTRICT COURT, Central Dist. California,

STEPHEN CUMMINGS  
P O Box 373,  
NEW YORK, NY, 10163  
626-379-1094

## QUESTIONS PRESENTED

1. That, the lower court (and-or previous appeals court) have decided a legal matter in error, and in conflict with State and Federal Law.
  - 1a. That, this Petition is in regard to ONLY USCA, 9th Circ. (San Francisco) # 21 - 55897), of USDC, Central Dist. California, - for me to argue this Petition it is necessary to at least discuss, that which has taken place between myself and the respondents.
2. That, (as "defendant") in the most recent case (USDC Cent. Dist CA, 2:20-cv-04443), - I have in violation of my Constitutional Rights, and applicable State and Federal Law, Code, Procedure, - been denied the ability to call witnesses, take depositions, go to trial, or any other form of discovery. I am not even being allowed to SPEAK, in my own defense.
3. That, I have been illegally ordered to (pay some \$30,000 in legal fees to the respondents), and (have been ordered by the court to (remove valid filed UCC-1 liens, or other liens violations of my Constitutional, rights to freedom from illegal search and seizure, freedom from harassment (and by the government).
4. That, the court in all actions, has (through just error or bias), has denied me (the right to seek redress via the court, to right civil wrongs, and to be heard at all on valid claims), and thusly denied and violated itself, my rights under the Civil Rights Act of 1968 (25 U.S.C. § 1301-1304, U.S. Constitution and (Amendments 1-11), and all applicable State and Federal Law.
5. That, the (United States Court of Appeals), has previously (As per Rule 10 (a) "so far departed from the accepted and usual course of judicial proceedings, or has sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power:") and-or (As per Rule 10 (c), "has decided an important question of federal law

that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court”).

6. That, judicial immunity and-or state or government sovereignty do not extend to the theft of personal property without just compensation. (Constitution of the U.S.A, 5<sup>th</sup> Amendment).
7. That, in violation of my (Constitution of the U.S.A, 5<sup>th</sup> Amendment rights) against self-recrimination, I have been compelled to give testimony against myself.
8. That, (As per Rule 11, “this case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court”), in accordance with 28 U.S.C. Sub.Ch. 2101(e). And that, (the USCA 9<sup>th</sup> Circ. CA., does not have the jurisdiction or authority to (deal with the problems that legally exist in these cases/deficiencies involved). And that, the Supreme Court of the United States’ Appellate and jurisdictional authority is both appropriate and not only warranted, but REQUIRED, at this point, -to right a legal wrong(s), and deficiencies legally, which exist in the underlying decisions/cases out of the USDC courts, or previously sanctioned by the appeals courts.
9. That, pursuant to 28 U.S.C. Sub.Ch. (1651(a)), this writ is in aid of this Supreme Court of the United States’ appellate jurisdiction, and that exceptional circumstances warrant the exercise of this Court’s discretionary powers, and that adequate relief cannot be obtained in any other form, or from any other Court.
10. That, as per Rule 17, this Court’s original jurisdiction is invoked under Article III of the Constitution of the United States, 28 U.S.C. Sub.Ch. 1251 and U. S. Const., Amdt 11.
11. That, in violation of my Civil Rights, the court itself has attacked myself and my reputation fraudulently, whether through honest error or bias or other. In violation of my rights under Civil Rights Act of 1968 (25 U.S.C. § 1301-1304, U.S. Constitution's Bill

of Rights (Amendments 1-11), and prejudicially to my case and my claims.

12. That the court has Denied my right to appeal, and-or right of appeal of denial, in a timely

fashion, in violation of FRCP Rule 4, FRAP Rule 4, FRAP Rule 4(a)5.

13. Ultimately, I request that this Court, (1 - vacate/set aside all decisions/orders/judgments) , (2 - return these matters to the USDC and order that the case goes forward), and (3 – Order that I be appointed counsel – as I have repeatedly motioned for same and have stated I am willing to pay said appointed counsel with a (1/3 contingent fee as is usual).

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## **LIST OF PARTIES**

All parties appear in the caption of the case on the cover page.

## **RELATED CASES**

- 1<sup>st</sup> Case, USDC (Orlando), 6 17-cv-00908
- 2<sup>nd</sup> Case, USDC (Orlando), 6 17-cv-01897

(USCA 11<sup>th</sup> circ. Atlanta# \_\_\_\_\_)

- 3<sup>rd</sup> Case, USDC (California). 2:20-cv-08044

(Originally filed in Superior Court State of California,  
\_\_\_\_\_ removed by motion to USDC (based on Copyright  
causes of action),

- 4th Case, USDC (California), 2:20-cv-04443

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APPENDIX B	-	2 <sup>nd</sup> Case	USDC (Orlando), 6:17-cv-01897
APPENDIX C	-	3 <sup>rd</sup> Case	USDC (California). 2:20-cv-08044
APPENDIX D	-	4th Case	USDC (California), 2:20-cv-04443
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APPENDIX F	-	Partial results of “Google search”	
			( Key words: Stephen Cummings Titanic )
APPENDIX G	-	Letter to USCA, 9 <sup>th</sup> Circuit, dated July 7, 2021,	
APPENDIX H	-	Letter to Attorney General of the United States, requesting declaration	
		this petition/underlying action USDC Middle Dist. Florida (Orlando), is “of	
		public importance”, is “in the public good”, are brought in good faith.	
APPENDIX I	-	Copy of this Court’s order(s) dated 3-19-2020, and 4-15-2020, regarding	
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## TABLES AND AUTHORITIES CITED

CASES	PAGE NUMBER
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- <i>Lochner v New York</i> , (1905),	11
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· <u>U.S. Constitution and (Amendments 1-11),</u>	
- (California Penal Code 484 (theft) and (fraud)), (California Penal Code 240, and CACI 1301, (assault by liable)), (California Penal Code 646.9(a), 422(a) – (harassment)), ( California Civil Code Sect. 44, 45, 46 – (Defamation)),	
- (New York Penal Code, S 190.65 Scheme to defraud in the first degree),	
- (Florida Statutes, Title XLVI, Ch. 812, and (812.014, Theft, - “812.014)	
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- Federal anti-trust laws, FRCP, USC, 18

**OTHER**

- Florida Statute Title XL, Chapter 713. 12

- Uniform Commercial Code, and U.S. Code 12

- Laws of the States of California, Florida, New York, and other States,

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR AN (EXTRAORDINARY WRIT)

AND-OR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari and-or extraordinary writ issue to review the judgment (s) shown below.

**OPINION BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix G to the petition and is :

       - reported at \_\_\_\_\_; or  
       - has been designated for publication but is not yet reported; or  
      x       - is unpublished.

The opinion of the United States district court appears at Appendix A – D to the petition and is :

- reported at \_\_\_\_\_; or

- has been designated for publication but is not yet reported; or

- is unpublished. (to the best knowledge of petitioner)

For cases from **state courts**:

No State Court has ruled on the merits. My action against the respondents in the Superior Court of the State of California, was REMOVED to the (USDC, Central Dist. CA, Western Div.), via motion made by the defendants/respondents/((and in action of their own against myself) plaintiff's).

- 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 (USCA 9<sup>th</sup> circuit 21-55897– 8-8-2021 though Oct 8, 2021) (USDC Cent. Dist. California Decisions-orders-judgements – 9-2-20 through 9-20-21), , (USCA 11th circuit – 18-14836, 4-

1-2019 through 1-10-2020 ), and (USDC Mid. Dist. Florida – Orlando – 6:17-cv-01897, Decisions-orders-judgements – 11-2-2017 through 10-31-2018 ),

  x   - 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 \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U.S.C. Sub.Ch. 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 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 \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U.S.C. SubCh 1257(a).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

### **STATUTES AND RULES**

- 28 U.S.C. (Sub.Ch. (1651(a)), SubCh 1257(a), Sub.Ch. 1254(1)),
- Constitution of the U.S.A, and Amendment(s) 1-10
- “Due process clause” of the 14<sup>th</sup> Amendment to the Constitution
- Civil Rights Act of 1968 (25 U.S.C. § 1301-1304)
- FRCP Rule 4, FRAP Rule 4, FRAP Rule 4(a)5
- Constitution of the U.S.A, 5<sup>th</sup>, Amendment
- FRCP, USC, Civil Rights Act of 1968 (25 U.S.C. § 1301-1304,  
U.S. Constitution and (Amendments 1-11),

- (California Penal Code 484 (theft) and (fraud)), (California Penal Code 240, and CACI 1301, (assault by liable)), (California Penal Code 646.9(a), 422(a) – (harassment)), ( California Civil Code Sect. 44, 45, 46 – (Defamation)),
- (New York Penal Code, S 190.65 Scheme to defraud in the first degree),
- (Florida Statutes, Title XLVI, Ch. 812, and (812.014, Theft, - “812.014)

## OTHER

- Florida Statute Title XL, Chapter 713.
- Uniform Commercial Code, and U.S. Code

## STATEMENT OF THE CASE

### *Overview*

1. This petition is brought to review (the decisions – orders -judgements) in (USCA 9<sup>th</sup> circuit 21-55897– 8-8-2021 though Oct 8, 2021) (USDC Cent. Dist. California Decisions-orders-judgements – 9-2-20 through 9-20-21), , (USCA 11th circuit – 18-14836, 4-1-2019 through 1-10-2020 ), and (USDC Mid. Dist. Florida – Orlando – 6:17-cv-01897, Decisions-orders-judgements – 11-2-2017 through 10-31-2018 ). These matters are currently pending in USCA 9<sup>th</sup> Circuit California as: Note also: The 3<sup>rd</sup> Case, USDC Central Dist. California, USDC (2:20-cv-08044), - began in Superior Court of the State of California, and was removed by (motion of the defendants) to USDC, Central Dist. CA.
2. I hereby request that this Supreme Court of the United States, review all Docket sheet entries for all four USDC cases, -shown as the front of APPENDIX A – D, -and review HOW these matters have been handled throughout.

*Denial of due-process,*

*Denial of right to seek redress via the Court,*

3. That, (as “defendant”) in the most recent case (USDC Cent. Dist CA, 2:20-cv-04443), - I

have in violation of my Constitutional Rights, and applicable State and Federal Law, Code, Procedure, - been denied the ability to call witnesses, take depositions, go to trial, or any other form of discovery. This while the court SLANDERS / assault's me, with liable. See (APPENDIX D - Docket of(USDC (California), 2:20-cv-04443), -EVERY WORD I've said has been "stricken from the record", ....I am not even being allowed to SPEAK, in my own defense. All in violation of Constitution of the U.S.A, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 14<sup>th</sup> Amendment, and specifically the "Due process clause" of the 14<sup>th</sup> Amendment to the Constitution.

4. I quote various articles to do with due process, and the right to seek redress via the court:

"In 1983, the Supreme Court's opinion in *Bill Johnson's Restaurants, Inc. v. NLRB* set out the principle that "the right of access to the courts is an aspect of the First Amendment right to petition the Government for redress of grievances." In a June 2002 decision, *BE&K Construction Co. v. National Labor Relations Board*, the high court, though not ruling on First Amendment grounds, nevertheless noted that it had long viewed the right to sue in court as a form of petition. "We have recognized this right to petition as one of the most precious of the liberties safeguarded by the Bill of Rights," Justice Sandra Day O'Connor wrote for the Court, "and have explained that the right is implied by the very idea of a government, republican in form."".

And,

"(Constitution of the U.S.A, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 14<sup>th</sup> Amendment, (4<sup>th</sup> Amendment, (protections against unreasonable search and seizure)), (5<sup>th</sup> Amendment, requires that "due process of law" be part of any proceeding that denies a citizen "life, liberty or

property" and requires the government to compensate citizens when it takes private property for public use. "Amendment V No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, ..... nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.".)", And Cornell Law School : (*Lochner v New York*, (1905)), "Supreme Court found unconstitutional, a New York law regulating the working hours of bakers, ruling that the public benefit of the law was not enough to justify the substantive right of the bakers to work under their own terms." And Cornell Law School: "*(Bi-metallic Investment Co., v State Board of Equalization* (1915)), the Supreme Court held that only politics (the citizen's "power, immediate or remote, over those who make the rule") controlled the State's action setting the level of taxes but if the dispute was about a taxpayer's individual liability, not a general question, the taxpayer had a right to some kind of hearing ("the right to support his allegations by arguments however brief and , if need be, by proof however informal"). This left the State a lot of room to say what procedures it would provide, but it did not permit it to deny them altogether.""

***Required to give testimony against myself***

5. That, in violation of my (Constitution of the U.S.A, 5<sup>th</sup>, Amendment rights) against self-recrimination, I have been compelled to give testimony against myself, -due SOLELY to the fraudulent activities of the respondents – this - (13 years after the fact of the original creation and release of the film), and based on those fraudulent assertions, -errant decisions by the court.

***Denial of right to appeal, and-or right of appeal of denial***

6. That I have been denied the right to appeal and or right to appeal denial of right to appeal, in violation of FRCP Rule 4, FRAP Rule 4, FRAP Rule 4(a)5, See Appendix B, C, and D. Dockets and decisions.

***Illegal imposition of debt,***

***Illegal denial of State and Federal Law / UCC***

7. That, as of the date of this document, I have been illegally ordered to (pay some \$30,000 in legal fees to the respondents), and (have been ordered by the court to (remove valid filed UCC-1 liens, or other liens that neither myself, nor the State of California, nor the State of Florida,

have yet seen fit to deny / withdraw /remove). My UCC-1 Liens are in compliance with Uniform Commercial Code, -my Mechanic Lien /other are in compliance with Florida Statute Title XL, Chapter 713. Mechanic's/other Lien law). - Constituting violations of my Constitutional, rights to freedom from illegal search and seizure, freedom from harassment (and by the government).

***Fraud / theft / harassment under color of law, Judicial error or bias, vexatious***

***litigants, Theft of private property without just compensation in violation of***

***Constitutional, State and Federal law, slander and defamation of my character and***

***claims***

8. That, the court in all actions, has (through just error or bias), has denied me (the right to seek redress via the court, to right civil wrongs, and to be heard at all on valid claims), and thusly denied and violated itself, my rights under the Constitution of the U.S.A, and all Amendment(s), and all applicable State and Federal Law. I have NEVER been allowed in any action, to call witnesses, supply evidence, take depositions, proceed to trial, or any other form

of discovery, in violation of FRCP, USC, Civil Rights Act of 1968 (25 U.S.C. § 1301-1304, U.S. Constitution and (Amendments 1-11), and all applicable State and Federal Law.

9. That, judicial immunity and-or state or government sovereignty do not extend to the theft of personal property without just compensation. (Constitution of the U.S.A, 5<sup>th</sup> Amendment).

10. That, in violation of my Civil Rights, the court itself has attacked myself and my reputation fraudulently, whether through honest error or bias or other. In violation of my rights under Civil Rights Act of 1968 (25 U.S.C. § 1301-1304, U.S. Constitution's Bill of Rights

(Amendments 1-11) , and prejudicially to my case and my claims. That the lower USDC courts have ruled IN ERROR, due to, largely the fraudulent assertions put forth by the adverse parties, - and that the lower courts have IN ERROR relied ON, those fraudulent defenses and assertions in making mistaken determinations, and-or themselves making, false assertions within their decisions.

11. That, the errors in the lower court decisions are due largely/possibly totally, to fraudulent defenses and fraudulent assertions (put forth in all pleadings/all actions) by the respondents. And that, - the respondents have in fact, defrauded the / all Court's involved, this plaintiff, the

general public. They have have put forth fraudulent defenses and assertions, have and have attempted to commit fraud under the color of law. They are VEXATIOUS litigants, as per ((Central District Local Rule 83-8.1, 8.4) and (Cal. Code Civ. P., SubCh 391.391.8 (vexatious litigants statute)).

12. That, within ALL same underlying actions / court(s) the respondents have, and have attempted to, - use the court(s) themselves as a device for violations by the respondents of (California Penal Code 484 (theft) and (fraud)), (California Penal Code 240, and CACI 1301, (assault by liable)), (California Penal Code 646.9(a), 422(a) – (harassment)), ( California Civil Code Sect. 44, 45, 46 – (Defamation (liable and slander))), and (New York Penal Code, S 190.65 Scheme to defraud in the first degree), and (Florida Statutes, Title XLVI, Ch. 812, and (812.014, Theft, - “812.014). That in fact, in EVERY SINGLE PLEADING of the respondents, in EVERY ACTION, in ALL courts thus far, the respondents have (Assaulted me with liable -with seemingly impunity from the court), with words like “dillusional”, “frivolous”, etc. . This despite their legal obligation -to bring forth any relevant information in their possession

regarding these matters.

13. That, in violation of my Civil Rights, the court itself has attacked myself and my reputation fraudulently, whether through honest error or bias or other. With words like "frivolous" In violation of my rights under Civil Rights Act of 1968 (25 U.S.C. § 1301-1304, U.S. Constitution's Bill of Rights (Amendments 1-11). And has acted in a way extremely prejudicial to myself, my case, and my (valid claims as per state and federal law).

14. That, the Court, (due primarily to the fraudulent defenses and assertions made by the respondents, have relied on those fraudulent assertions, and have thus ruled in error), denying my right to due process under the law. In violation of my rights under Civil Rights Act of 1968 (25 U.S.C. § 1301-1304, U.S. Constitution's Bill of Rights (Amendments 1-11).

15. That, the combined effect of the (respondents fraudulent activities / the reliance on the court(s) thus far on those fraudulent activities and assertions / judgments-orders-decisions made in error by the court) have the combined legal effect of (theft of property by the government anyone else) without compensation, in violation of my rights under the (Constitution of the U.S.A, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, Amendment(s)). And that theft and fraud thus far is being carried out

seemingly willing, by the court system, and in violation of my right to not have my property taken without just compensation. Constitution of the U.S.A, 5<sup>th</sup>, Amendment.

Would (Menendez have made decision(s) he did, if the defendants had not lied?.

16.(Please understand, .....I don't approach the court "begging for mercy" as a pro-se plaintiff. I approach this Court saying: ....."I'M BEING DEFRAUDED .....HELP!!!! !!!!....somebody call a cop!!!""". Whether by (fraud from the respondents) and-or (non-iniquitous judicial error) and-or by (judicial bias), ....."IM BEING DEFRAUDED, ....YOU are being defrauded....we are ALL being defrauded ").

17. There is another matter regarding copyright which is not even being addressed. I here inform the court of an interesting "tid-bit" if you will from the world of film-making. I just learned something/stumbled across it looking for something else, recently, -and I was not aware of this particular situation, -I imagine that you Justices are not either, -not exactly something either of us deal with regularly, -that is this:

.....when a film is made, the Director-Studios, share the copyright for the CHARACTER

created in the film, WITH THE actor. I did not know that. The only problem with that HERE, -is that (DiCaprio) PLAYED A ROLE, he played an EXISTING PERSON, -he played ME. So .....legally/contractually, Jim/the studios CANNOT contract with (DiCaprio) to give him MY OWN personal copyright property of -myself – an existing person. Do you see?.....its possible Jim/other made some sort of deal they were **NOT** legally entitled to make. My situation is in a lot of ways like (“The Audey Murphy story”. I don’t know HOW , -that situation was handled legally, but I may offer a supplemental brief on that / other in future. Let me say about aformentioned: No discovery has yet taken place in these matters, I do not know what sort of contract James Cameron made with DiCaprio. What I do know, is that, EVERYBODY involved in creating the film, (Actors, Writers, Producer/Director, James Horner, etc.), -KNEW ABOUT ME/my life, the whole time it was being made, and prior to its release in 1997.

18.Throughout all this, and in my liens, I’ve spoken positively of the film, all legitimately involved. I have always said, that, my association to ‘Titanic’ the film, takes places only through Jim, and only via he to his company, and via same to all others, -the studios he

contracted with included. NOTE ALSO: throughout these proceedings, James Cameron HIMSELF AS AN INDIVIDUAL has been a defendant/adverse party. NOTE THIS....neither Mr Julin, or Mr Kreiner, .....(et.al.).....have EVER SPOKEN TO JAMES CAMERON. Not once. .....YET, they (these “officers of the law”) are walking into a Court of Law, and making FALSE STATEMENTS that they have absolutely no way of knowing whether they are true or not.....(they have never spoken to their client).....(my witnesses (Dr Ballard/my yachting friends/Superyacht Agents/etc/etc) have spent more time actually speaking with James Cameron, about me about the film, .....than his own attorney’s. I’m not just suing “Lightstorm Entertainment Inc.”,,,I’M SUING JIM PERSONALLY. Illegal and fraudulent misrepresentations made by his attorneys seemingly ONLY on behalf of Lightstorm, are just that.....Illegal and fraudulent misrepresentations, and incompetent, irrelevant, and immaterial. But for this reason ALSO, I hereby request that this Supreme Court of the United States REVIEW ALL PLEADINGS IN ALL 4 UNDERLYING CASES AND APPEALS (referenced in my “Brief” and “Appendix”). I have had no hearing. NONE at all.

19. The activities of both the defendants, and the USDC And USCA, thus far, are in violation of THIS Court’s directives, and federal anti-trust laws. See (“*NATIONAL COLLEGIATE ATHLETIC ASSOCIATION v. ALSTON ET AL*“) Justice Brett Kavanaugh

wrote that (.....“*traditions alone cannot justify the.....decision to build a massive money-raising enterprise on the backs of*” (parties) “*who are not fairly compensated.*”).

Further, White House press secretary Jen Psaki said Monday of the athletes: The (“*decision recognizes that, as with all Americans, their hard work should not be exploited.*”).

Glad to hear the White House say that.....where's my Amicus Brief?.....

20. The USDC and USCA decisions/orders/judgements, thus far, in all related cases or appeals, in these matters, violates again, .....(this Court's own directives \_ (my right to freedom of confiscation/ theft of personal property without just compensation via the Constitution of the U.S.A, 5<sup>th</sup>, Amendment). Also ((“An Act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for other Purposes,” also known as the “Ku Klux Klan Act.” Introduced as H.R. 320 on March 28, 1871, (The 14th Amendment, ratified in 1868, defined citizenship and guaranteed due process and equal protection of the law to all. Vigilante groups .....however, freely threatened .....Americans), and I cite (Hon Bennie Thompson v. Giuliani, et al) – and from (news article by Nicquel Terry Ellis-CNN dated Feb 17, 2021, “The complaint, ..... accuses ..... .....of violating the 1871 Ku Klux Klan Act. The lawsuit accuses them of inciting ..... to prevent the certification of .....”), and I cite (Capitol police lawsuit) -from article Dated Aug 26, 2021, Reuters By Jan Wolfe – “Seven U.S. Capitol Police officers on Thursday sued ..... alleging that he

conspired with far-right extremist groups to provoke the deadly ....attack .....

The officers .... allege the attack was culmination of months of rhetoric .... who they say knew of the potential for violence on and actively encouraged it in hopes of halting the certification of ..... The lawsuit alleges .... conspired with the extremist groups .... far-right political operatives".... in concert with other Defendants, deliberately and persistently made and encouraged false claims of ....fraud to discredit the outcome of ..... and disingenuously incite ...." the lawsuit alleged.“). Also violates Federal anti-trust laws, FRCP, USC, Civil Rights Act of 1968 (25 U.S.C. § 1301-1304, U.S. Constitution and (Amendments 1-11), and all applicable State and Federal Law, and illegally attempts to do so “under the color of law”.

21. See APPENDIX, (Case #3) “Notice of Appeal” filed in 2:20-cv-08044, USDC Cent. Dist. California, (all decisions listed or attached to the “Notice of Appeal” or made subsequently, including and specifically, (any and all related cases and-or appeals), INCLUDING (see attached), -(decision/order in Appeal #18-14836-D, dated May 30, 2019). And APPENDIX (G), USCA

09/16/2021 9 Filed order (MICHAEL DALY HAWKINS, PAUL J. WATFORD and KENNETH K. LEE) : Appellees' motion to dismiss this appeal No. 21-55897 (Docket Entry No. [3] ) is granted. See 28 U.S.C. § 1291; United States v. Sadler, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is

jurisdictional). Consequently, this appeal is dismissed for lack of jurisdiction. DISMISSED. [12230803] (RT) [Entered: 09/16/2021 03:08 PM]

22. See also APPENDIX (G): In the (USCA, 9<sup>th</sup> Circ, CA) “MANDATE” in No. 21-55897, filed Oct 8, 2021. (“Judgment of this” (USCA, 9<sup>th</sup> Circ.) “ Court entered September 16, 2021, takes effect this date.”).

***Practicality -authority of this Court's intervention or authorities at this time***

23. That, the (United States Court of Appeals(USCA 11<sup>th</sup> Circ. Atlanta)/other), has previously (As per Rule 10 (a) “so far departed from the accepted and usual course of judicial proceedings, or has sanctioned such a departure by a lower court, as to call for an exercise of this Court’s supervisory power.”) and-or (As per Rule 10 (c), “has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court”). And that, (As per Rule 11, “this case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court”), in accordance with 28 U.S.C. Sub.Ch. 2101(e).

24. That, (the USCA 9<sup>th</sup> Circ. CA., does not have the jurisdiction or authority to (deal with

the problems that legally exist in these cases/deficiencies involved), that, legal deficiencies exist within (both the decisions made at the lower USDC Cent. Dist. CA., court level, both in these underlying cases and in other related cases). Appeal of (Wright decisions) in the USCA 9<sup>th</sup> Circ., does not solve the issue of (mistaken or errored judgments made based on fraudulent defenses or fraudulent assertions of the Respondents. Warranting exercise of this Court's discretionary and-or appellate authority.

25. This petitioners actions thus far, have (never actually, ....totally and completely....properly) dismissed except WITHOUT prejudice. ( I never served the Summons' in (2<sup>nd</sup> Orlando action)), and I never paid the fee for the Appeal in (Atlanta USCA). The only total and complete, case, which has been actually carried thought properly beginning to end, was the (1<sup>st</sup> Orlando case). What hope would I have had of (review/writ of certiorari) coming out of the USDC in Orlando, -when (Atlanta USCA) denied my appeal – even though there never was a valid appeal – I never paid the fee.

26. That, pursuant to 28 U.S.C. Sub.Ch. (1651(a)), this writ is in aid of this Supreme Court of the United States' appellate jurisdiction, and that exceptional

circumstances warrant the exercise of this Court's discretionary powers, and that adequate relief cannot be obtained in any other form, or from any other Court.

*Request for Relief*

27. Ultimately, I request that this Court, (1 - vacate/set aside all (USDC decisions and orders), and all USCA decisions/orders/judgments) and, (2 - return these matters to the USDC and order that the case goes forward), and (3 – Order that I be appointed counsel, which I can pay on a contingent basis). I have been thus far, only arbitrarily, capriciously, maliciously and illegally “blame the victim” dismissed, in the original previous related cases in USDC, and USDC , and , appeals of same cases in USCA and subsequently.

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**REASONS FOR GRANTING THE PETITION**

28. That, the (U.S. Court of Appeals), has previously (As per Rule 10 (a) “so far departed from the accepted and usual course of judicial proceedings, or has sanctioned

such a departure by a lower court, as to call for an exercise of this Court's supervisory power:") and-or (As per Rule 10 (c), "has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court"

29. That, as per Rule 17, this Court's original jurisdiction is invoked under Article III of the Constitution of the United States, 28 U.S.C. Sub.Ch. 1251 and U. S. Const., Amdt 11.

30. That, (As per Rule 11, "this case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court"), in accordance with 28 U.S.C. Sub.Ch. 2101(e).

31. That, pursuant to 28 U.S.C. Sub.Ch. (1651(a)), this writ is in aid of this Supreme Court of the United States' appellate jurisdiction, and that exceptional circumstances warrant the exercise of this Court's discretionary powers, and that adequate relief cannot be obtained in any other form, or from any other Court.

32. Truly, - VERY RESPECTFULLY, - There's 3 of you right now on THIS COURT, who know of me and are aware that I have an association to the film 'Titanic', I'd say that number is

probably a lot higher. Yet THIS is what I'm having to listen to out of your USDC Judge's :

Hon Otis Wright..... “does not comply with local rules”,

Hon Menendez.....”fails to state claim upon which relief can be

based”/etc .....the “junkyard”.....”KITCHEN SINK” excuse for USDC Judge's when they

want to SHINE YOU ON and write you off without exactly saying why....again, respectfully

to all, -but I've been in your Court's before..... (i.e. .....they NEVER say just exactly HOW

it is not in compliance)..... Perhaps then you Honorable Justices of THIS Supreme Court of

the United States will tell me: How is it that MY complaints, are not in

compliance, .....when my actions are VERBATIM based on (Wepner v Stallone,

(Superior Court State of New Jersey), and ( USDC, DISTRICT OF NEW JERSEY, Civil

Action No. 03-6166)), and (Sandmann v The Washington Post, ( Eastern District of

Kentucky , 2:2019cv00019, USDC )), .....ALL of which, travelled through the court systems

successfully without ever being called, ..... “does not comply with local rules”, ”frivolous”,

“fails to state claim upon which relief can be based” , “SHOTGUN pleading”.

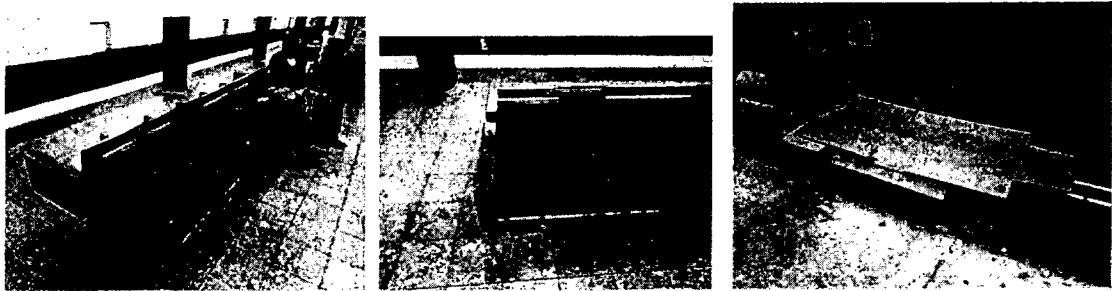
33. .....Other..... “reasons for granting the petition”.....

- Monies earned from my own property, are being used to sue me, (Harassment)

- Monies earned from my own property, are being used to hire "Officers of the COURT" (who have never spoken to their own client – James Cameron), -to LIE about these matters to the Court/General Public/their own investors/this claimant, and to SLANDER and DEFAME, and under the color of law, and via a suit against myself, in yet another (defrauding of the Court/etc.),
- That, despite the fact that (in all actions I have (Motioned to be appointed an Attorney)/been willing and able to pay same on normal contingent fee basis), I have been provided with NO counsel, -this despite the fact that (I was a defendant, being sued, regarding matters which involved (serious criminal activity which I was ALREADY A (WITNESS-and in fact COMPLAINTANT) TO THE FBI regarding), and which my rights under the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the Constitution of the U.S. do apply, this in violation of my rights to due process. And that, in every action and-or appeal in any venue, (except for the recent appeals in USCA California), I have filed Motion to be appointed counsel and have repeatedly been denied. ....Why?.
- That in EVERY case or appeal, I have filed (Motion to proceed in forma pauperis), ....in EVERY action..... I have been CONTINUOUSLY denied. -Which I consider an (criminal act of attempted fraud BY THE COURT/the United States of America) against my rights, my civil rights, all laws State and Federal. And this,

despite the fact that at MOST of those times and currently, ....I am indigent, homeless, on food stamps. I consider this an act of fraud because....it is OBVIOUS TO ME/all watching, that, ...."you people"/the defendant-debtor-respondents, have in concert with (uninvolved 3<sup>rd</sup> parties) have SOME FRAUD you have already attempted to play, -and that, -.....my action going forward in any legal/normal way....torpedo's the attempted fraud, "you people" are trying to play. If that were not the case, "you people" wouldn't waste your time and energy trying to screw me. Would you?. In short, "you people" have tried to establish some sore of (illegal hidden avenue) to funnel monies to YOURSELVES, and if my (public action) goes forward normally/legally, -as it should, ....that (destroys that (hidden/illegal)avenue) of yours/your 3<sup>rd</sup> party criminal associates and-or those of these defendant-debtor-respondents.

- .....Wanna see where I LIVE..... (while "you people" ) screw around and play games,



- In the Appeals (asked to be reviewed this brief)/and in underlying actions/and in previous actions and appeals..... I am being (currently) held in contempt of court for

walking into a court of law and telling the truth on matters I have personal knowledge of and legal standing in and valid claims regarding, .....and Im being HELD IN CONTEMPT OF COURT for doing so. Via motion MADE BY THE RESPONDENT, and (with monies earned from me/my property/etc.), and .....Despite NUMEROUS MOTIONS made by me, (to hold the respondents in contempt) for walking into a court of law, and lying to the court/general public/their own investors/this claimant, and Motions to declare the respondents vexatious litigants, - not one of same motions has been granted. In short, I am being held in contempt for telling the truth, the defendants-respondents are NOT being held in contempt for lying/defrauding/attempting to steal/defrauding their own investors/general public/this claimant/and the court. I cannot actually find ANY PLEADING of these respondents, in ANY of the underlying actions or appeals, which DOES NOT contain slanderous / defamatory /criminally purposed statements, against my person and reputation. .....Even when (it was entirely unnecessary/a simple legal argument by them would certainly have sufficed).

- I have REPEATEDLY stated publicly, that my association to the film 'Titanic' took place via James Cameron personally, and only via Jim to any/all others. .....The respondents attorneys IN THIS CASE, IN ALL CASES/APPEALS, -have NEVER SPOKEN TO JAMES CAMERON.....their own client. Ergo, they have no way to

say (what is true or what is false), - or put another way, (on the basis of WHAT information) are they making statements such as “false”, “frivolous”, “delusional”, etc., i.e. slandering and defaming my person and reputation.

- ....The Judges, ....IN THIS CASE, IN ALL CASES/APPEALS, -have NEVER SPOKEN TO JAMES CAMERON..... Ergo, they have no way to say (what is true or what is false), - or put another way, (on the basis of WHAT information/other than slander and defamatory remarks of the (respondents attorneys who have never spoke to their own client))..... are they making statements such as “false”, “frivolous”, “delusional”, etc., i.e. slandering and defaming my person and reputation. Calling me or my pleadings/statements ....”BIZZARE” / other slanderous and defamatory PREJUDICIAL FILTH against my person and reputation. I can DEFINITELY CONFIRM for your Judges -that (dealing with “you people” AT ALL regarding ANY MATTER.....especially these.....is a VERY “BIZZARRE” experience

34. Again, NO DISRESPECT to anybody.....BUT.....James Cameron’s next highest grossing film (‘Avatar’ 2010) in adjusted dollars, grossed (approx.. 44%) of ‘Titanic’. Leo DiCaprio’s next highest grossing film (‘Inception’ 2010) in adjusted dollars, grossed (approx.. 35%) of ‘Titanic’. Kate Winslet, .....well, .....let’s just say, she was (literally flipping burgers

in "Liverpool" ... "AYE!" ..... )-: ), .....prior to 'Titanic"..... If you'll allow me this slight Bon Mot, .....to say (that my involvement, my words, my ideas, my likeness, my life-story, my family history, my stories of Titanic, my own relatives, of Dr Ballard's discovery, my own personal comportment (1995-97)....etc., etc., etc.), -had no significant effect, regarding the creation of 'Titanic' the film, is insulting EMBARRASSING, RUDE, legally in error, slanderous and defamatory.

35. There are NO GOVERNMENT ENTITIES INVOLVED in the creation of the original film 'Titanic' (1995-97). The vessel was not owned by the British Government, Dr Ballard and the Woods Hole Oceanographic Institute are the discoverer's of the vessel on the bottom (THAT IS AND WAS AND IS, Dr Ballards CONTRACT with the US Navy....that he and Woods Hole could independently use the equipment/etc. to search for the 'Titanic'. The US Navy is NOT involved. Baja, where the lifesize model was made for the film, -is in Baja, California, not Baja, Mexico. There are no government entities involved in the creation of the film in (1997). Via any avenue, legal or illegal, at the time.

36. One of your own Justices (Hon. Chief Justice Renquist), RIP, said : (as much as I can verbatim quote him/the ideal he expressed, that....."He believed that the Court should reflect

the will of the people, in as much as it was possible to do so".....

**"The normal repeat viewing rate for a blockbuster theatrical film is about 5%.**

**The repeat rate for *Titanic* was over 20%.**

**"At one point, Paramount had to send out new prints of the movie because**

**theaters had literally worn out their reels".**

**"*Titanic* spent more time at #1 than most movies play in theaters".**

**" 'TITANIC' STAYED NUMBER ONE AT THE BOX OFFICE FOR 15 WEEKS,**

**A RECORD WHICH STILL STANDS TODAY".**

**If you do a "Google search" right now.....( most successful film in history ), .....Answer:**

**'TITANIC'**

**.....'Jack Dawson', and the entire film originated with me.**

I'd say "the People" have already spoken. It only remains for the Court, to get in-sync

with its own country and people. "Titanic" was release in 1997, I was 31 years old. I'm

56/going on 57 years old. I'd say I've waited long enough to be PAID by these "game

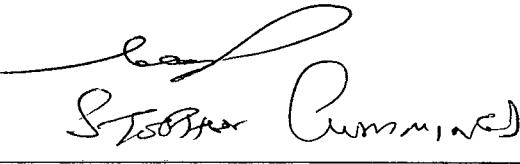
playing" respondents.

37. THIS DOCUMENT/action, is the LAST OPPORTUNITY, that any of us (who were involved in the original film LEGITIMATELY), will have, - to settle these legal matters in a CIVIL way, - as we should have had and would have had the opportunity to do, -without (people running around attacking the film with violence – to promote themselves politically) – something NONE OF US LEGITIMATELY INVOLVED INN THE CREATION OF THE ORIGINAL FILM have anything whatsoever to do with.

## CONCLUSION

The petition for Extraordinary Writ, and-or Writ of Certiorari should be granted.

Respectfully submitted,



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Stephen R Cummings

Date: 12-29 2021