

1 No. 21-7888

2
3 **IN THE**
4 **SUPREME COURT OF THE UNITED STATES**

5 Evelyn Howell Massey, PETITIONER
6 Pro Se Litigant

7 vs.
8 Biola University, Inc., RESPONDENT(S)
9 Does 1 to 10 Inclusive

10 PETITION FOR A WRIT OF CERTIORARI DENIED

11
12 October 3, 2022

13 In the Supreme Court of California
14 Case No. S272351
15 From
16 Court of Appeal – State of California
17 Second Appellate District, Dir. #2
18 Case No. B314898
19 From
20 Superior Court of California
21 County of Los Angeles, Civil Division
22 Central District, Stanley Mosk Courthouse
23 Department 72, Case No. 20STCV45853

24 **PETITION FOR REHEARING**

25 *Petitioner Request To Present Oral Arguments before the U.S. Supreme Court*

26 **Petitioner**

27 Evelyn Howell Massey
28 P.O. Box 431387
Los Angeles, California
90043
1 (424) 249-0076
diamondstars08@gmail.com
*Pro Se Litigant

29 Date: October 26, 2022

30 **Respondent**

31 Biola University, Inc.
Former: FitzGerald, Yap,
Kreditor, LLP
Current: FitzGerald, Kreditor,
Bolduc, Risbrough, LLP
32 David R. Hunt, Attorney
2 Park Plaza #850
Irvine, California 92614
1 (949) 788-8900
dhunt@fkbrlegal.com
33 Counsel for Respondent

Certificate of Counsel

Certificate of Pro Se Litigant

Evelyn Howell Massey

I certify that this Petition For Rehearing is presented in **good-faith** and not for delay and is restricted to the grounds specified in paragraph 2, Rule 44, Rules of the U.S. Supreme Court (U.S. Sup. Ct. R. 44).

Respectfully Submitted,

Evelyn Howell Massey

Signature: Wesley

Pro Se Litigant

Date: October 26, 2022

Certificate of Compliance

In the Supreme Court of the United States

As required by the Supreme Court, I certify that the Petition for Rehearing is no more than (15) fifteen pages.

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

Respectfully Submitted,

Evelyn Howell Massey

Signature: 

110-36 Ertugant

Date: October 26, 2022

Petition For Rehearing
Grounds

Judicial Corruption

Intervening circumstances of a substantial and controlling effect.

Current Reasons **First Person Circumstances**

I, Evelyn Howell Massey, the petitioner in this proceeding respectfully petition for rehearing of the order by the U.S. Supreme Court Justices:

Justice Ketanji Brown Jackson

Justice Elena Kagan

Justice Sonja Sotomayor

Justice Clarence Thomas

Justice John Roberts

Justice Amy Coney Barrett

Justice Brett Kavanaugh

LAW AND GOVERNMENT

Justice Ruth Gersbach

Justice Samuel Alito

Entered on October 3, 2022, denying the Petition For Writ of Certiorari.

Grounds For Rehearing

I, Evelyn Howell Massey Petitioner, a Native Black American - a descendant of my Enslaved Black Ancestors (who were emancipated from the egregious inhumane conditions of slavery perpetuated by psychopath/sociopathy White American citizens) stand on the promised Constitutional protections, Constitutional freedoms, and the Constitutional benefits of full citizenship provided by the Fourteenth Amendment. I declare (to the United States Supreme Court - the Honorable Justices) that my Fourteenth Amendment legal protections, legal freedoms, and legal benefits under the Constitution have been ignored and violated by Biola University, Inc. and thereafter supported and violated by the California State Federal District and Ninth Circuit Court System.

The Constitution is the ultimate Law of the United States of America place under the care of honest and Honorable Justices to oversee the execution of the Law and Justice. Thereby, the Fourteenth Amendment is an inclusive part of the Constitution given to me, Evelyn Howell Massey full citizenship rights, full citizenship benefits, and full citizenship protections.

Therefore, this legal doctrine is my expectation of the Judicial Branch of the United States of America.

Petition For Rehearing
Grounds
Judicial Corruption

Reason #1:

This Writ of Certiorari presents great controversial issues, contradictions, and judicial conflicts identified in the lower California Superior Court system.

Reason #2:

The California Superior Court (under the Jurisdiction and authority of Judge Ruth Ann Kwan's Judicial errors and rulings) are in direct disagreement, legal conflict, and contradictions to the United States Federal Magistrate Judge's and the Federal District Judge's report. Thereby, these Judicial errors preceded the "Final Judgment Doctrine" that caused the Fraud dismissal controversy.

Reason #3:

The Breach of Contract Complaint filed in Federal Court was dismissed without prejudice - and was directed by the Federal Judges to be filed in California Superior Court - thereby being the correct Jurisdiction to process the Complaint. Therefore, there was no need to place a “STAY” on the Breach of Contract claim.

Reason #4:

The main controversial contradiction is demonstrated by the Superior Court's Rulings by Judge Ruth Ann Kwan who initially placed an unjustified "STAY" on the Breach of Contract Complaint pending the United States Federal Appeal.

Reason #5:

Petitioner filed a Constructive Fraud Complaint with the Breach of Contract Complaint in California Superior Court. After Judge Ruth Ann Kwan placed the unjustified "STAY" on the Breach of Contract Complaint, she gave Petitioner leave to amend the Fraud Complaint. However, she did not identify a "STAY" on the Fraud Complaint.

1 **Reason #6:**

2 Moreover, the Breach of Contract or Fraud Complaint did not connect to the
3 Federal Appeal.

4 **Reason #7:**

5 Judge Kwan failed to adjudicate the Breach of Contract Complaint.

6 **Reason #8:**

7 Moreover, numerous erroneous errors were identified in her rulings.

8 **Reason #9:**

9 This conflict presents controversial Judicial Bias, Racial Bias, and Judicial
10 Corruption within the California Superior Court System, the California Court of
11 Appeal System, and the California Supreme Court System.

12 **Reason #10:**

13 Due to the egregious and extreme contradictions, Petitioner filed an Appeal
14 for the Fraud Claim, thereby the “Final Judgment Doctrine” was unjustified but
15 used to dismiss the Fraud Claim.

16 **Reason #11:**

17 This “Final Judgement Doctrine” in this case presents a great controversial
18 conflict and contradictions of Judge Ruth Ann Kwan’s erroneous rulings.

19 **Reason #12:**

20 Judge Ruth Ann Kwan’s rulings are in direct controversial contradictions to
21 the decisions and rulings of the Magistrate Judge and the District Judge at the
22 Federal Court Level after dismissal without prejudice.

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Fourteenth Amendment

The Fourteenth Amendment was designed to protect the rights and freedoms for the freedmen - former enslaved Black Americans.

What Are the Elements U.S. Constitution Due Process

Fourteenth Amendment

1. Citizenship Clause

Citizenship to all people born or naturalized in the United States.

2. Due Process Clause

State may not deny any person life, liberty, or property without due process of law.

3. Equal Protection Clause

State may not deny to any person within its jurisdiction the equal protection of the laws.

All citizens are entitled to Constitutional Rights and Laws.

The people are the State.

The State(s) (collectively) are the people.

Argument

Therefore, no entity (Public or Private) shall have the right to abuse the Constitutional Rights of any citizen.

1 Due Process is a requirement that legal matters be resolved according to established
2 rules and principles, and that individuals be treated fairly. Due process applies to
3 both civil and criminal matters.

4

5 **What are the Elements of Due Process?**

6

- 7 1. The right to a Hearing –
- 8 2. The right to a Counsel –
- 9 3. The right to cross examine witnesses –
- 10 4. The right to a Written
- 11 a. Decision
- 12 b. Based on evidence
- 13 c. Opportunity to appeal
- 14 5. The right of the accused to confront the accusers.

15

Citizens Are the Government

16

What are Procedural Rights?

17 Procedural due process refers to the Constitutional requirement that when the
18 federal government acts in such a way that denies a citizen of life, liberty, or
19 property interest. e.g. 1. Must be given notice 2. Must be given opportunity to be
20 heard 3. Must be decided by neutral decision maker.

21

What are Substantial Rights?

22 Substantial due process is the notion that due process not only protects certain legal
23 procedures, but also protects certain rights unrelated to procedure. (e.g. right to
24 raise one's children as a parent). Parents should have the expectation that their
25 children will be granted Due Process even if they attend a private university.

REQUEST FOR RELIEF AND DAMAGES

WHEREFORE, the Plaintiff requests:

A. Biola University will immediately rescind the Administrative Withdrawal against Plaintiff.

B. Biola University will immediately reinstate Plaintiff to good standing as a graduate student.

C. Biola University will immediately reactivate Plaintiff's Biola student email account.

D. Biola University will provide administrative assistance and counseling for the purpose of reenrollment, and to coordinate courses to finish all requirements for graduation. Moreover, Plaintiff will be the keynote speaker at her graduation.

E. Biola University will provide full and complete tuition cost for the remainder of Plaintiff's Master of Arts Degree in Theology program.

F. Biola University will provide full and complete compensation for Plaintiff's books, school supplies, typist cost, transportation cost, housing cost, meals cost, and all student conferences related to Biola's schedule.

G. Biola University will exempt Plaintiff from all required Spiritual Formation courses, and Biola will approve for Plaintiff to replace Spiritual Formation courses with Theology courses.

H. Biola University will remove the Fall 2015 Spiritual Formation course and the “B-” grade from Plaintiff’s Transcript.

1
2 I. Biola University will remove the Spring 2016 Pastoral Care and Counselling
3 Course and the “B-” grade from Plaintiff’s Transcript.

4
5 J. Biola University will destroy all hard copies and electronic copies of the
6 discipline proceedings against Plaintiff. Also, Biola will destroy all documents and
7 charges of the Title IX Claim against Plaintiff.

8
9 K. Biola University will cover total cost (full compensation) for an educational trip
10 to Israel including travel cost, hotel cost, meals cost, and basic expenses. This
11 opportunity was denied as a loss trip that was planned for Plaintiff’s Spring 2019
12 semester. The Administrative Withdrawal prevented this opportunity.

13
14 L. Biola University will pay Plaintiff \$500,000.00 dollars for the following
15 damages:

16 1. Compensatory Damages
17 2. Academic and Future College Admissions Disclosure Damages.
18 3. Career Advancement Damages
19 4. Future Loss Earnings Damages.
20 5. Delayed Graduation Damages.
21 6. Family Sacrifice and Family Material Loss Damages
22 7. Plaintiff’s Reputation Damages.
23 8. Cost of Living and Hardship Survival Damages
24 • Case Law: Wolk v. Green, 516 F. Supp. 2d 1121, 1135 (N.D. Cal. 2007).

25
26 M. All costs of suit necessarily incurred herein as allowed by 42 U.S.C. §1988.

27
28 N. Such further relief as the Court deems just or proper.

Evelyn H. Massey
10/26/2028

Conclusion:

Major Issues Presented

Judicial Corruption

The Court of Appeal's November 10, 2021 order by Elwood Lui Administrative Presiding Justice is based on the Superior Court Trial Court's **Prejudicial Errors** substantially affecting Appellant's legal rights and obligation when if not corrected, would result in a miscarriage of justice. These prejudicial errors are identified in Appellant's Informal Opening Brief.

“Same Subject Matter”: Failed

Judge Ruth Ann Kwan placed an unjustified erroneous “STAYED” on the State Case #20STCV45853 “Breach of Contract” pending a Federal Civil Rights Appeal – causing an unlawful contradiction and much confusion for the Fraud proceedings. This confusion was followed by the “Final Judgement Rule”. The contradictions are noted because the “Final Judgement Rule” requires the “Same Subject Matter” to establish authority. Therefore, Plaintiff and Appellant challenge and argue – that the “Same Subject Matter” does not apply with the Federal Appeal Case #2:19-CV-09626-CJC-JDE.

1. The Federal Civil Rights Appeal is in a different Jurisdiction.
2. The “Breach of Contract” is under the California State Jurisdiction.
3. The Federal Civil Rights Appeal is not the “Same Subject Matter” as the State “Stayed” “Breach of Contract” claim.
4. Moreover, Judge Ruth Ann Kwan gave Leave to Amend the Fraud Claim after she placed the “Stayed” on the “Breach of Contract” claim.

5. The Fraud – “Constructive Fraud” claim is not the “Same Subject Matter” as the Breach of Contract” claim or the Federal Civil Rights Appeal.
6. This violates the requirement for the “Final Judgment Rule”.

1 I, Evelyn Howell Massey, stand on the Constitutional Grounds that this Petition for
2 Rehearing is based on:

3
4 **Judicial Corruption**

5 Legitimate intervening serious circumstances of substantial constitutional rights,
6 constitutional freedoms, and constitutional protections including controlling effects.

7
8 For the reasons set forth above, Evelyn Howell Massey, Petitioner requests that the
9 U.S. Supreme Court Justices as stated in this Petition For Rehearing document set
10 aside the order to deny the Writ of Certiorari #21-7888.

11
12 Respectfully Submitted:

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15 Evelyn Howell Massey, Petitioner

16 Signature: Evelyn H. Massey

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18 Pro Se Litigant

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21 Date: October 26, 2022

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No. 21-7888

IN THE

SUPREME COURT OF THE UNITED STATES

Evelyn Howell Massey — PETITIONER
(Your Name)

Biola University, Inc. VS. RESPONDENT(S)
Docs. 1 to 10 Inclusive
PROOF OF SERVICE

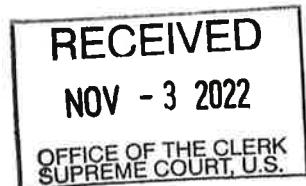
I, Alice L. Jones, do swear or declare that on this date,
October 26, 2022 as required by Supreme Court Rule 29 I have
served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding
or that party's counsel, and on every other person required to be served, by depositing
an envelope containing the above documents in the United States mail properly addressed
to each of them and with first-class postage prepaid, or by delivery to a third-party
commercial carrier for delivery within 3 calendar days. *Petition For Rehearing

The names and addresses of those served are as follows: FitzGerald, Kreditor,
Bolduc, Risbrough, LLP - David R. Hunt, Attorney
2 Park Plaza #850 - Irvine, California 92614
1 (949) 788-8900
dhunt@fkbrlegal.com

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

Executed on October 26, 2022

Alice L. Jones
(Signature)



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