

Docket No. 21-55473

In
The Supreme Court of the United States

**On MOTION TO DIRECT AN OUT OF TIME PETITION
TO THE
SUPREME COURT OF THE UNITED STATES**

Previously dated March 19, 2022
April 09, 2022

Case Brought from Court Of Appeals For The Ninth Circuit
Case No: **21-55473** District Court Case No::5:2020cv02641

Ada Maria Benson
(Petitioner- Persona Propia)

v.

Defendants:

Riverside County Sheriff Department

Riverside County Superior Court of California

Riverside County Grand Jury for the Superior Court Of California

911 Operators

Benson, Ada Maria
(Personna Propria)
324 South State St #3054
Hemet, California 92546
92546
Bensonadamarie@gmail.com

MOTION TO DIRECT AN OUT OF TIME PETITION

Pursuant to Supreme Court **Rule 44.1**, The petitioner, Benson, Ada Maria (Persona Propria) respectfully petitions for rehearing of the Court's per curiam decision issued by the United States Supreme Court Clerk Mr. Scott S. Harris and Ms. Susan Frimpong, on March 15, 2022 on case Benson, Ada Maria V. Riverside County Sheriff Department , Riverside County Superior Court of California et Seq..

The petitioner moves this Court to grant this petition for rehearing and to accept the petition for writ of certiorari, considering that this case was denied in error of the Supreme Court stating that the petition was out of time. The final decision made in this case is the Court of Appeals Ninth Circuit dated December 29, 2021 , the 90 days required by the court to file a petition is March 29, 2022. **See Appendix VI** in the Petition For A Writ Of Certiorari -**Letter of Appendices**. Furthermore, this case merits the United States Supreme Court hearing, briefing and oral arguments on the basis that treason and Important Constitutional Rights have been violated and are part of this case. **The mitigating circumstances in this case are a daily concern and have a sequel of everyday violence against the petitioner. The petitioner has been hit in an accident on January 08, 2022 and has been contaminated through medications prescribed on March 30, 2022 while law enforcement were at the door of the pharmacy.**

Pursuant to Supreme Court **Rule 44.1**, this petition for rehearing is filed within 25 days of this Court last decision in this case.(see letter attached dated March 15, 2022). Rule 44.1 states: 1. " Any petition for the rehearing of any judgment or decision of the Court on the merits **shall be filed within 25 days after entry of the judgment or decision**, unless the Court or a Justice shortens or extends the time. **The petitioner shall file 40 copies** of the rehearing petition and shall pay the filing fee prescribed by Rule 38(b), **except that a petitioner proceeding in forma pauperis under Rule 39**, including an inmate of an institution, **shall file the number of copies required for a petition by such a person under Rule 12.2.**

Rule 12. Review on Certiorari: How Sought; Parties 2. States:
"A petitioner proceeding in **forma pauperis** under Rule 39 shall file an original and 10 copies of a petition for a writ of certiorari prepared as required by Rule 33.2, together with an original and 10 copies of the motion for leave to proceed in **forma pauperis**.

REASONS FOR GRANTING THE PETITION

Since the passage of the Antiterrorism and Effective Death Penalty Act ("AEDPA") and up until the issuance of its opinion in this case, this Court has never issued a per curiam opinion, without briefing or argument.

The denial should be reversed based on the error of this court.
The last mandate issued from the Court of Appeals Ninth Circuit is December 29, 2021. The 90 days to file in the Supreme Court expire March 29, 2022.

Petitioner IS entitled for relief under the **18 U.S. Code § 3771 - Crime Victims' Rights Act.** **(a) Rights of Crime Victims to file the petition. This gives ample jurisdiction to this court for this case to be heard.** A crime victim has the following rights:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.
- (5) The reasonable right to confer with the attorney for the Government in the case.
- (6) The right to full and timely restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.
- (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.
- (9) The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement.

(10) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) [1] and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.

Under Rule 13. Review on Certiorari: Time for Petitioning 1. Unless otherwise provided by law, a petition for a writ of certiorari to review a judgment in any case, civil or criminal, **entered by a state court of last resort or a United States a court of Appeals (including the United States Court of Appeals for the Armed Forces) is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment.** Petitioner received denial and **petitions were returned containing the last mandate of the Court of Appeals Ninth Circuit of December 29, 2022** (See page 3 and 4 of Petition for Rehearing). Page 3 is the letter from the Supreme Court of the United States dated March 15, 2022. Page 4 is the Final Mandate of the Appeals Court Ninth Circuit dated December 29, 2021.

The Supreme Court of the United States' **denials without hearings are providing immunity to law enforcement officers that are not immune under the 11th Amendment.**

Under the Reforming Qualified Immunity Act, 116th CONGRESS 2d Session S. 4036 " A government employee would have to prove that there was a statute or court case in the relevant jurisdiction showing his or her conduct was authorized. **An official's behavior that violates written law sees a clear judicial precedent that establishes the behavior as unlawful.** "In constitutional theory, separation of powers is a means to certain ends. The classical rationale for the separations of powers is that it aims to prevent tyranny in facilitating a system of checks and balances. Framers of the Constitution embraced separation of powers more to facilitate greater administrative efficiency than out of anxiety over executive tyranny."

The Separation of Powers Restoration Act (SOPRA) was recently introduced to Congress, modifying the scope of judicial review of agency actions to " authorize courts reviewing agency actions to decide De Novo (without giving deference to the agency's interpretation) all relevant questions of law, including the interpretation of: (1) constitutional and statutory provisions, and

(2) rules made by agencies. No law may exempt such a civil action from the application of the amendments made by this bill except by specific reference to these provisions. **H.R 4768-114th Congress**
Congress (2015-2017)

MITIGATING CIRCUMSTANCES EVIDENCED (Rule 44)

The mitigating circumstances are still present up to this date. The petitioner is under law enforcement surveillance everywhere. The communication among law enforcement in the cities around is obviously passed among themselves, as the petitioner moves through other cities running personal errands. **A denial can be fatal for the petitioner.**
Petitioner request processing of this case under the 18 U.S. Code § 3771 - Crime Victims' Rights Act. (a) Rights of Crime Victims, The Separation of Powers Restoration Act (SOPRA), and under the Reforming Qualified Immunity Act, 116th CONGRESS 2d Session S. 4036

On Sunday April 03, 2022, around 09:00 P.M the petitioner was driving towards the city of Menifee, California, when noticed that the petitioner was followed at a distance by Hemet Police Patrols. One of the patrols disappeared at the intersection off Winchester Rd (Hwy 79-CA), while the second patrol remained behind the petitioner until the petitioner crossed at Bradley Rd North in Menifee, California. (Hemet Patrols in Menifee, Ca) The patrols remained behind the petitioner for nearly 45 minutes.

On March 30, 2022, at 04:30 P.M after visiting the primary doctor in Hemet, Ca, the petitioner went to pick up prescriptions in a near city of Menifee, Ca. Police patrols were at the door and police officers at the entrance surveilling directly on the petitioner. At driving away and taking the medication, the prescriptions were contaminated, swelling all the brain and sinus passages of the petitioner. To this date, the petitioner is undergoing overly congested brain vessels, especially around the circle of Willis, with terrible pain. The medication is available for laboratory analysis. The medication was issued at the local Rite Aid Pharmacy. **See video link: <https://youtu.be/sM0K7M-f2JE>**

The surveillance by police and other law enforcement are obvious exchange of information about a victim that is kept under the eyes of law enforcement. At any time, at any second the petitioner can be pulled, beaten or murdered, and no justice has been applied to these years of law enforcement persecution. See video link obvious and clear surveymances of March 15, 2022. <https://youtu.be/07yD60PLgt4>

March 08, 2022 <https://youtube.com/shorts/YSaMw2v-yy8?feature=share>

Riverside County Sheriff, keeping the petitioner under surveyances. This is at the public park in San Jacinto, Ca. The sheriffs patrols were all around the park and very close to the petitioner's vehicle watching towards the petitioner's location)

February 26, 2022 https://youtu.be/i0wCM_luY2I a group of law enforcement Riverside County sheriffs, surveilling while petitioner prepared documents for the United States Supreme Court at Starbucks, San Jacinto, California.

On Friday, April 1, 2022, Hemet, San Jacinto Police, Riverside County Sheriff Department patrols and officers populated the streets as petitioner returned from Menifee, ca to Hemet, California with civilian look armed vehicles and uniformed agents inside, as well as marked patrols everywhere the petitioner moved, including sheriffs and police in horses. Petitioner perceived that false arrest could have been on wheels. The surveilling is daily everywhere.

April 02, 2022 Riverside County Sheriff, all day surveying sample
<https://youtube.com/shorts/eyy7YV3k01Q>

On January 08, 2022, petitioner was hit in a hit and run accident while parked. The running driver caused serious damages to the petitioner vehicle and to this date. Has refused to recognize the damages. Law enforcement created a report lacking the insurance information of the destructive driver. Petitioner has no doubts that is an intentional damage. See video link: <https://youtu.be/o2We8C-6pZs>

Petitioner requests relief under the 18 U.S. Code § 3771 - Crime Victims' Rights Act. (a) Rights of Crime Victims to file the petition

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 29 2021

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

ADA MARIA BENSON, M.D.,

No. 21-55473

Plaintiff - Appellant,

D.C. No. 5:20-cv-02641-DMG-SHK
U.S. District Court for Central
California, Riverside

v.

RIVERSIDE COUNTY SHERIFF
DEPARTMENT; et al.,

MANDATE

Defendants - Appellees.

The judgment of this Court, entered May 13, 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: Quy Le
Deputy Clerk
Ninth Circuit Rule 27-7

at Appendix VI

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AUG 27 2021

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

ADA MARIA BENSON, M.D.,

No. 21-55473

Plaintiff-Appellant,

D.C. No.

v.

5:20-cv-02641-DMG-SHK
Central District of California,
Riverside

RIVERSIDE COUNTY SHERIFF
DEPARTMENT; et al.,

ORDER

Defendants-Appellees.

Before: PAEZ, BERZON, and FORREST, Circuit Judges.

Appellant's motion for reconsideration (Docket Entry No. 7) is denied. *See* 9th Cir. R. 27-10.

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MAY 13 2021

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

ADA MARIA BENSON, M.D.,

Plaintiff-Appellant,

v.

RIVERSIDE COUNTY SHERIFF
DEPARTMENT; et al.,

Defendants-Appellees.

No. 21-55473

D.C. No.
5:20-cv-02641-DMG-SHK
Central District of California,
Riverside

ORDER

Before: PAEZ, BERZON, and HUNSAKER, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the district court has not issued any orders that are final or appealable. *See* 28 U.S.C. § 1291; *WMX Techs., Inc. v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997) (en banc) (dismissal of complaint with leave to amend is not appealable); *In re San Vicente Med. Partners Ltd.*, 865 F.2d 1128, 1131 (9th Cir. 1989) (order) (magistrate judge order not final or appealable). Consequently, this appeal is dismissed for lack of jurisdiction.

All pending motions are denied as moot.

DISMISSED.