22-28

No. 22-

IN THE SUPREME COURT OF THE UNITED STATES

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YI TAI SHAO, AKA LINDA SHAO
Petitioner-Appellant

vs.

California Chief Justice Tani Cantil-Sakauye, Clerk Jorge Navarre, James Mcmanis, Michael Reedy, Mcmanis Faulkner Law Firm, Tsan-Kuen Wang, David Sussman, in the capacity as attorney of Tsan-Kuen Wang, Presiding Justice Mary J. Greenwood, Presiding Judge Theodore Zayner, Judge Patricia Lucas, Judge Maureen Folan, Judge Rise Pichon

On Petition for a Writ of Certiorari to California Supreme Court regarding its order of May 17, 2022, which delayed adjudication by three months then summarily denied SHAO's vexatious litigant application for a petition for writ of habeas corpus that was filed on February 16, 2022 (S273215) by Chief Justice and/or Acting Chief Justice who have conflicts of interest

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Does May 17, 2022 Order of California Supreme Court violate the First Amendment, Fifth Amendment and Fourteenth Amendment of Constitution pursuant to Ringgold Lockhert v. County of L.A., 781 F.3d 1057 (9th Cir. 2014) in that it willfully delayed adjudication by 3 months and used a voidable prefiling order that has not met any requirements of Ringgold to block Petitioner's fundamental right to access the court on her habeas corpus petition that concerns imminent child safety and unlawful child custody confinement with a summary denial?

The requirements are the court must (1) give litigant notice and "an opportunity to oppose the order before it is entered, (2) compile an adequate record for appellate review, including "a list of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed"; (3) make substantive findings of frivolousness or harassment; and (4) tailor the order narrowly so as "to closely fit the specific vice encountered."

2. Should Habeas Corpus be granted under the circumstances that Petitioner has been deprived of child custody in violation of due process since August 4, 2010, delayed child custody return by fraudulent dismissal of her child custody appeal (H040395) by 4.5 years, and unlawfully blocked access to the family case since 2016 with a Prefiling Order in a way violated due process and the child safety

and health is still at jeopardy due to Respondent Tsan-Kuen Wang's dangerous mental illness?

3. Is November 4, 2013's child custody order void as it is based on the void order of August 4, 2010 that had been vacated and McManis Faulkner law firm had tacitly admitted that the order was drafted by the law firm?
4. Should the November 4, 2013's child custody order be reversed in view of clear and convincing evidence of the court's conspiracy in destroying the court record of the Certificate of Court Reporter's Waiving Deposit filed on May 8, 2014 and creating false notices alleging Petitioner's failure to procure the transcripts from the court reporter and used that as the sole ground to dismiss the appeal?
5. Should the Prefiling Order signed by Judge Maureen Folan be void as it is unsupported by a Statement of Decision and the Statement of Decision did not cite California Code of Civil Procedure §391.7 when the order failed to satisfy any of the procedural safeguards required by Ringgold Lockhert v. County of L.A., 781 F.3d 1057 (9th Cir. 2014)?
6. Is California Code of Civil Procedure §391.7 void for being overbroad with flat prefiling screening without restriction to an area of practice, which is in conflict with the law of Ringgold Lockhert v. County of L.A., 781 F.3d 1057 (9th Cir. 2014)?
7. Does October 31, 2011 Order violate due process for maintaining the supervised visitation order that had been set aside, without an evidentiary hearing?

8. Does May 27, 2016's sua sponte Order of Presiding Judge of Santa Clara County (Rise Pichon) willfully violate Petitioner's fundamental right to access the court where, without any notice nor hearing, Petitioner was required to seek preapproval of the Presiding Judge of Santa Clara County Court and has been summarily denied each application to file any motion in her divorce case to change child custody or change venue, vacate/modify child support order but Petitioner has been able to file any motion in the very same civil case where the prefiling order was issues without the need of seeking vexatious litigant application, after the order ruled that Judge Joshua Weinstein should not have directed the clerk's office to cancel all four motions of Petitioner filed in the family case on April 29, 2016 where the April 29, 2016 Order was clearly made outside of the court, without notice, nor proof of service?

PARTIES TO THE PROCEEDING

Petitioner: Yi Tai Shao aka Linda Shao, in pro per; mailing address: P.O. box 280; big pool, MD 21711.

Child in confinement to illegal child custody: Lydia Deborah Wang, now 17. She was judicially abducted when she was 5 by the August 4, 2010 Order of Judge Edward Davila at a Case Management Conference with judicial conspiracy, who placed Lydia at the sole and exclusive custody to her father Tsan-Kuen Wang, her complained abuser, against her expressed wishes. Her present address is is unknown except being in San Jose, California, as Tsan-Kuen Wang willfully concealed the address in contempt of the order sought by himself in 2016.

12 Respondents who have proactively confined the minor to the exclusive custody of Tsan-Kuen Wang, including the conspiracy in blocking child release through habeas corpus, are:

California Chief Justice Tani Cantil-Sakauye and Clerk Jorge Navarrete, who are located at California Supreme Court at 350 McAllister Street, San Francisco.

Mcmanis Faulkner law firm, James Mcmanis, Michael Reedy, who are represented by counsel Janet Everson, Esq. and Suzie Tagliere, Esq. at Murphy, Pearson, Bradley & Feeney 580 California Street, Suite 1100; San Francisco, CA 94104

Tsan-Kuen Wang, David Sussman, are represented by David Sussman at 99 S. Market St.,#410; San Jose, CA 95113

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PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a Writ of Certiorari issue to review California Supreme Court's Order of May 17, 2022, and its underlying orders that had been systematically used to confine the minor to illegal child custody of her father Tsa-Kuen Wang for nearly 12 years when she is still subject to risk of imminent harm due to Wang's undisputed dangerous mental illness (App.224:frequent thought of death and suicide) regarding which all courts involved including this Court had willfully suppressed in conspiracy with James McManis, a founder and leading attorney of American Inns of Court Foundation for common goal of permanent parental deprival of Petitioner.

As a matter of fact (based on the truth of Declaration of Meera Fox), such permanent parental deprival plan is led by James McManis in response to Petitioner's civil lawsuit of breach of fiduciary duty with case number of 2012-1-cv-220571 at the Santa Clara County Court as McManis wanted to use permanent parental deprival to assert a defense of causation. Meera Fox declared (App.161)

4. Since being sued by Ms. Shao for his malpractice, it has become important to Mr. Reedy and the law firm of McManis Faulkner, for whom Mr. Reedy works, to ensure that Ms. Shao not regain custody of her child, since as long as she does not get her child back, they can argue that their failure to advocate for her did not cause the damage that she suffered.

In that civil case, McManis procured a prefiling order, not supported by any Statement of Decision nor with any procedural due process safeguard, to mainly use it in the family court to block Petitioner

from changing child custody or support when the law required custody change to Petitioner based on Wang's dangerous mental illness.

On 8/25/2021, in the proceeding of Petition for Review No.S269711 at California Supreme Court, an appeal from the felonious dismissal of the case of Shao v. McManis Faulkner, James McManis, Michael Reedy (Case No.2012-1-cv-220571) where McManis defendants rushed for dismissal in front of their buddy Judge Christopher Rudy through American Inns of Court, without lifting the stay, while Petitioner was overseas, without giving notice to Petitioner as required by then-Local Rule 8(c), including altering the e-filing date of their motion to dismiss, Tani conceded to her conspiracy with James McManis (her attorney) and Justice Anthony M. Kennedy and Chief Justice John G. Roberts, in implementing permanent parental deprival (App.107-09), including summarily denying about 15 Petitions for Review filed by Petitioner since 2012, and U.S. Supreme Court's summary denial Petitioner's about 11 Petitions for Writ of Certiorari, and her conspiracy with Associate Justice Anthony M. Kennedy (Petition No.14-7244, Appl.NO.14A677) to promptly deny Petitioner's Applications for emergency relief filed in 2014 and 2015 regarding CIGNA's evidence regarding Wang's dangerous mental condition. McManis silently admitted to Tani's concession and never disputed Petitioner's severe accusations of his crimes for at least 20 papers.

With knowledge that the Prefiling Vexatious Litigant order was fraudulent, in suppressing the judicial conspiracies and Wang's mental illness,

Clerk Jorge Navarrete of California Supreme Court required Petitioner to re-file her Petition for Writ of Habeas Corpus with additional VL110 and HC100 forms on 2/16/2022 (Exh.3;App.16).

Petitioner immediately complied with all their requirements, then Clerk Navarre created the docket of S272315 but concealed all Respondents' names. (Exh.6;App.24). In the past 10 years, Tani has conspired with James McManis and Presiding Justice Mary J. Greenwood at the Sixth District Court of Appeals, to conceal McManis' name from all Petitions for Review that arose from Shao v. MCManis Faulkner, James McManis, Michael Reedy, Catherine Bechtel(2012-1-cv-220571).

Then with direct conflicts of interest, Tani and Clerk Jorge Navarre froze the vexatious litigant application by 3 months(App.24). In view of their willful delaying tactic, three weeks later, Petitioner filed a Motion for TRO in the related case of Shao v. Roberts, Jr., et al., case no. 22-1-CV-00325 with the U.S.D.C. for Eastern California (App.110-116)[1]. 3

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[1] Regarding California Supreme Court Chief Justice and Clerk's freezing this Petition for Writ of Habeas Corpus (S273215), Petitioner filed a Motion for Injunctive Relief with the U.S.D.C. for E.California (Shao v. Roberts, et al, 22-cv-00325), seeking injunctive relief requiring Clerk to enter Respondents' names on the docket of S273215, to immediately assign to a neutral justice, a justice free from influence by James McManis through the American Inns of Court (App.105-128), and to release the minor to Petitioner. The Magistrate Judge Allison Claire and Judge John A. Mendez, with direct conflicts of interest, summarily denied the motion without even reading it. They persisted on not recusing themselves --- Magistrate Judge Claire is closely related to California Chief Justice Tani Cantil-Sakauye and Judge John A. Mendez is a long term member of Anthony M. Kennedy American Inn of

months later, on 5/17/2022, California Supreme Courts summarily denied the application(App.15), thereby it suppressed the merits of the Petition for Writ of Habeas Corpus and blocked Petitioner's access to the courts in violation of due process.

This same pattern of blocking Petitioner's access has been re-played in many appeals since October 2011 when Petitioner tried to negotiate a prelawsuit settlement with McManis. October 31, 2011 Order (App.190) is the first retaliation of McManis.

Underlying Prefiling Order of "June 16, 2015"

McManis conspired with Judge Carol Overton and Judge Lucy Koh to dismiss both civil cases Shao filed against him in the State of California and federal district court. Then, after Overton's dismissal was vacated and this case reactivated, McManis filed a defective motion to declare Petitioner as a vexatious litigant, to require security and a prefiling order. It was defective as McManis defendants did not file a declaration in support of the motion and there is no evidence of repetitious or harassment. The Statement of Decision for vexatious litigant motion of McManis did **not** mention Prefiling Order, nor California Code of Civil Procedure §391.7, thereby the prefiling order is void as a matter of law.

The prefiling order at issue was forged later after June 23, 2015 with a false antedate of June 16, 2015.

Being fraudulently made, no clerk would enter this Prefiling Order into the civil case docket

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Court which is a defendant in the same proceeding. Both judges willfully violated 28 U.S.C. §455(b)(5)(i), acted as defendants' counsel and dismissed the new civil case.

(220571) for two years. The Prefiling Order was entered into the docket under the administration of the present Presiding Judge Theodore Zayner on 8/15/2017, by a non-clerk, a non-employee, a contractor, according to the court's Record Unit. This contractor is suspected to be Kevin L. Warnock, the hacker hired by McManis to stalk Petitioner for years; the docket showed a false entry date of 6/16/2015.

In late 2021, Petitioner discovered that Judge Folan was actually the defense attorney for McManis Faulkner law firm as well as James McManis for at least 2.5 years. She conspired with McManis to ensure permanent parental deprival of Petitioner by way of creating the forged Prefiling Order, which is unsupported by any evidence nor law.

Folan's vexatious litigant statement of decision was immediately used illegally at the Family Court to block Petitioner's access to the family court. Its timing was at the time when Petitioner should be given child custody after exposure of Tsan-Kuen Wang's severe dangerous mental illness (9/15/2014).

After discovery of the fact that Folan was McManis's attorney, Folan denied Petitioner's application to vacate the prefiling order on 9/24/2021, when she had direct conflicts of interest as the application was based on her undisclosed attorney-client relationship with McManis.

Petitioner then filed with Santa Clara County Court a motion to set aside dismissal and vexatious litigant orders based on undisclosed conflicts of interest—(1) the judge who dismissed the case has regular social relationship with McManis through American Inns of Court, and (2) Judge Folan, who

had acted[2] as McManis' attorney during the proceeding was in fact their legal malpractice defense attorney for about 2.5 years.

Presiding Judge Theodore Zayner has refused to set a hearing date for this motion since November 4, 2021 for already 7 months. (App.257)

S269711 is to review California Sixth Appellate Court's illegal requirement of a "second" vexatious litigant application as a false excuse to dismiss the duly filed appeal, for an apparent purpose to achieve their common goal: to prevent the merits of the civil case of Shao v. McManis Faulkner law firm, et al. (2012-1-cv-220571) from being adjudicated.

While the court could not and did not block Petitioner from filing motions in the civil case with the Prefiling order (cp. Blocked motion-filing in family case to deter child custody return), the court blocked the jury trial of the civil case (220571) by staying the entire case unceasingly for 3.5 years and then helped Mcmanis to dismiss the case quietly while Petitioner was overseas.

In helping to conceal the court's frauds, Davila's wife, Presiding Justice Greenwood firstly concealed the Notice of Appeal by 5 months, then tried to dismiss the appeal with all sorts of excuses that she employed before, then creatively requiring Petitioner to make a second vexatious litigant application after the appeal was properly filed with the trial court by

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[2] Folan raised new issue beyond McManis defendants' motion, sua sponte in declaring Petitioner as a vexatious litigant. To declare a vexatious litigant, it requires satisfying the statutory requirement of losing 5 cases in the preceding 7 years; McManis defendants raised 5; Folan disqualified 2 cases and sua sponte added 7 denials of appeals from Petitioner's trying to get back child custody to make up 10 cases on the eve of the hearing.

the Presiding Judge on 7/11/2021, then summarily denied the second application to block appeal, in conflict with the order of the Presiding Judge of Santa Clara County Court on 5/26/2022; further directed the clerk to **alter the docket** to fake the filing date of Petitioner's second vexatious litigant as if it were only filed on 5/26/2022.

This was appealed to US Supreme Court (No. 21-881); yet Chief Justice Roberts who later recused himself in the rehearing proceeding, failed to vacate the order denying Certiorari in 21-881 as he knew he should be recused but participated in voting. It reasonably appears that Chief Justice Roberts conspired with his friend James McManis to suppress the Greenwood's unlawful second vexatious litigant application requirement as an excuse to block Petitioner's access to the court, and felonious alteration of the docket of H048651 and crimes involved in the dismissal to cover up the judicial conspiracy to block Petitioner from accessing the court in both the family case as well as this civil case.

The pending motion at the Court of Appeal (H048651) as well as Santa Clara County Court (220571) includes to vacate the Prefiling Order based on Folan's undisclosed attorney-client relationship that justified reversal. (App.18, 19, 111) **Both courts' presiding judge (Greenwood and Zayner) refused to set for hearing for 7 months.**

The Family Court has willfully covered up Wang's mental illness but ordered full psychological evaluation and test on Petitioner only. The result was: Petitioner is a very good and effective and psychologically competent good mother. (App.217, 215, 78). To the contrary, no one disputed the clear

and convincing evidence that Wang has dangerous mental illness.(App.74,76,223) Thus, **there is no reason why Lydia cannot be released to Petitioner.**

As declared by Attorney Meera Fox (it was taken judicial notice twice by California Supreme Court), the Respondents have jointly conspired to block adjudication on the merits of Petitioner's parental deprival, including blocking Petitioner's child custody appeal and dismissing the appeal with false notices to dismiss the child custody appeal (Case No. H040395 with California Sixth District Court of Appeals) and vexatious litigant appeal (Case No. H042531, arising from the same civil case- 220571).

October 31, 2011 Order (Exh.17, App.190)

Please see Meera Fox's declaration of judicial conspiracy.(App.171,¶31)

On August 4, 2010, Presiding Justice Mary J. Green's husband, Edward Davila, misused the Case Management Conference to abduct the minor away from Petitioner in the evening(evidence and details in shaochronology.blogspot.com; App.89&219).

James McManis and Michael Reedy failed to disclose their regular social relationship with Davila through American Inns of Court and sold Petitioner's interest behind her back.

The minor had a traumatic shock from the corruptive social worker, Misook Oh's harassing interrogations who let Wang to confronted Lydia. (App.105; witness Mei-Ying Hu:App.195-197; Jill Sardeson: App.89; her brother Louis Wang:App.207) Against her expressed wishes, Lydia was ordered by Davila on the Case Management Conference (8/4/2010) to be placed in the sole custody of her

complained abuser, after she was locked in the court for 3 hours! (App.90, 91, 92)

Judges are not supposed to receive a recommendation of a screener before hearing (local rule of Santa Clara County Court) but Judge Davila had received and had a meeting with the screener before the CMC before the traumatic child abduction of 8/4/2010! (App.90)

After this cruel judicial abduction, Lydia was found severely battered with purple eyes shown and trembling the next day of 8/5/2010 (App.208)

With undisputed ex parte communications with Wang's attorney David Sussman, another 8/5/2010 orders were issued, without presence of any attorney nor a hearing. The 8/5/2010 orders include a sibling separation order to separate Louis from Lydia!

On 7/22/2011, Davila's order was found to be violation of Constitutional due process and vacated. But Judge Mary Ann Grilli would not issue the order after hearing until 100 days later on 10/31/2011, and signed the order drafted by Sussman in an ex parte manner (App.190). The first paragraph granted Petitioner's motion to set aside the orders of August 4 and 5 of 2010. The second paragraph states:

> "The August 4 and 5, 2011 Order for supervised visitation shall continue until further Order of the Court."

With several attorneys' approving to the form, the "2011" on the second paragraph appeared to be a willfully-made typo.

Petitioner's appeal from this unconstitutional October 31, 2011 order was "dismissed" by Presiding Justice Conrad Rushing (H037820) on May 21, 2014. Just like Tani, Conrad appeared to be McManis's

client. (App.191)

October 31, 2011 Order is a clear and convincing evidence that the custody placed with Wang had been illegal.

November 4, 2013 order of Judge Patricia Lucas and the appeal (H040395) was blocked/suppressed and dismissed, causing no adjudication on the merits.

Judge Theodore Zayner (present Presiding Judge) conspired with McManis to block child custody return to Petitioner for another 2 years without an evidentiary hearing. Then Zayner eventually set child custody issue for a court trial in front of Judge Patricia Lucas (Presiding Judge in 2017 and 18) in July 2013.

After hearing expert's testimony, Lucas stated on the record her apology to Petitioner 3 times that she could not back the clock for 3 years but she would ensure the order would no longer be the same, suggesting that the minor would be returned to Petitioner. Yet, next day she changed her attitude drastically--- and her child custody order was written by McManis Faulkner law firm with 5 pages of recital of facts not presented at the trial at all.

Then Lucas became the Presiding Judge of Santa Clara Court in early 2017. Lucas took the family case off from the court's website to disallow access by Petitioner and purged the court record of the court reporter's filing of Certificate of Waiving Deposit for the child custody trial and further blocked Julie Serna from filing the trial transcript (Serna conceded that she was coerced to alter the transcript to remove Lucas's apologies) that Petitioner had fully paid, then the Appellate Unit

created false notices of non-compliances. See, e.g., the fraudulent notice of non-compliance was on Saturday March 12, 2016 (App.185), which was opined by Meera Fox as evidence of reasonable appearance of judicial conspiracy to dismiss child custody appeal. (App.171-72)

The child custody appeal was dismissed by Davila's wife, Presiding Justice Mary J. Greenwood, on 5/10/2018, using the same reason that the court repeatedly used—lack of payment of child custody trial transcript, despite Petitioner kept stating that she had already paid the trial transcript.(App.27-33).

Now the hard copy of Julie Serna's certificate surfaced in July 2021 (App.25). It is direct evidence that the court's dismissing child custody appeal (H040395) with repeated notices of lack of payment of child custody trial transcript to Serna were all fraudulent and Lydia should be returned to Petitioner after being feloniously disrupted her child custody for 12 years, in violation of California Penal Code §278.5 and §278.6(App.9&10).

With this conspiracy, the then-Presiding Justice Conrad Rushing further illegally denied Petitioner's motion to require the court reporter to file the trial transcript on 12/18/2015; in violation of California Rules of Court 8.54, without waiting for 14 days for Wang to oppose.

This child custody appeal lasted about 4.5 years, containing numerous notices and orders of dismissal for lack of payment of child custody trial transcript. At the time of dismissal, Santa Clara County Court's Appellate Unit had not prepared a page of court records on appeal.

In ignoring about 30 Amicus Curiae letters (see

selected 2 letters in App.209-213), California Chief Justice Tani chose to conspire with McManis to sacrifice the life and interest of a child for 12 years and to harm a good mother for 12 years!

The US Supreme Court, as having been admitted by their co-conspirator McManis Faulkner, conspired with McManis to feloniously remove the court record of the filed Amicus Curiae Motion of Mothers of Lost Children (App.255) sometime in latter half of 2019 when all Justices of the US Supreme Court willfully ignored the child's welfare and safety and continued confined Lydia in her psychotic father's exclusive custody.

Vexatious litigant orders including the fraudulent prefiling order both dated 6/16/2015

This Petition also asked the underlying vexatious litigant orders to be declared void and vacated as there was no evidence presented to support McManus's motion (no declaration at all), Judge Folan failed to disclose her conflicts of interest, Judge Folan disallowed evidentiary hearing and unreasonably limited the hearing to be 10 minutes (App.129, 252), failed to compile adequate records for appellee's review—the tardy records for appeal even missed 5 material documents.

The Court provided fraudulent Notice of Completion of Record on 12/12/2017 (App.41) and then the deputy clerk tried to change it with an antedated declaration (App.42), which was further altered by the court to be a wierd paper.

Petitioner was assassinated several times by Respondents; then Judge Joshua Weinstein attempted to put Petitioner into jail without bail being set in April 2016.(App.248). 7 days following

his attempt to incarcerate Petitioner failed, Weinstein quietly issued an order on 4/29/2016 without serving any one and the order appeared to be from extrajudicial source (likely from McManis Faulkner law firm) to cancel all hearings for the motions filed by Petitioner. (App.244)

Despite acknowledging Weinstein went beyond his jurisdiction on his 4/29/2016 order, the then-Presiding Judge Rise Pichon sua sponte issued an order on 5/27/2016 (App.246) to require Petitioner to be prescreened of her motions for the family case, which directly conflicts with the Shalant v. Girardi (App.6).

Ironically, in the case where the Prefiling Order came from, Petitioner was able to continue filing motions without being confined by the Prefiling Order. Yet, the Presiding Judge, apparently due to conspiracy with McManis, misused her judicial power to use the Prefiling Order to block Petitioner's access to the family case in order to achieve the common goal of permanent parental deprival.

Therefore, the vexatious litigant orders that contain zero procedural safeguards should both be declared void pursuant to Ringgold Lockhert v. County of L.A., 781 F.3d 1057 (9th Cir. 2014) (See the procedural safeguard requirements in App.1-3)

Therefore, in this Petition, Petitioner asks certiorari to be issued to invalidate the California Supreme Court order of May 17, 2022 (denying summarily the vexatious litigant application for habeas corpus petition), October 31, 2011 child custody order of Grilli, November 4, 2013 child custody order of Lucas, and vexatious litigant orders of Folan and have Lydia returned to her without any

further delay, when Lydia has suffered being confined in her psychotic father, without Mother, for 12 years.

JURISDICTION

California Supreme Court's order was entered May 17, 2022. Petitioner invokes this Court's jurisdiction under 28 USC §1257 as the decisions of the California courts rejected Petitioner's claims under the First, Fifth and Fourteenth Amendments to the Constitution of the United States. The Petition is timely under 28 U.S.C. §2101(c) and US Sup. Ct. Rule 13.1 and 13.3. This petition is properly made based on Rule 10(b).

OPINION BELOW

There was no opinion but summary denial on May 17, 2022 by Justice Jenkins who is acting on behalf of California Chief Justice Tani Cantil-Sakauye after freezing the case for 3 months and Justice Jenkins is also a member of American Inns of Court that has conflicts of interest that should not have signed off the order.

Tani is a defendant in related lawsuits of Shao v. Roberts, et al. (22-1-cv-00325 at USDC for EC)

May 17, 2022 Order is a clear violation of due process and fundamental right to access the courts guaranteed by the First, Fifth and Fourteenth Amendments to the Constitution of the United States.

The applicable law directly at issue is extracted in App.1: *Ringgold Lockhert v. County of L.A.*, 781 F.3d 1057 (9th Cir. 2014) where the district court's order vacated both vexatious litigant and prefiling orders and held that the Prefiling order infringed the fundamental right to access the court.

The relevant underlying orders that are included in this Petition for Writ of Certiorari are child custody orders of 10/31/2011, 11/4/2013, child custody dismissal order of 5/10/2018, and vexatious litigant orders of 6/16/2015. Please see the above.

STATUTES INVOLVED: See App.1-15

A. *Ringgold Lockhert v. County Of L.A.*, 781 F.3d 1057 (9th Cir. 2014)
B. U.S. Constitution, The First Amendment
C. Constitution, 5th Amendment
D. Constitution, 14th Amendment
E. California Rules Of Court Rule8.380
F. California Rules Of Court Rule 8.384.
G. *Shalant v. Girardi*, 51 Cal.4th 1164 (2011)
H. California Code Of Civil Procedure§391
I. California Code Of Civil Procedure §391.7
J. California Penal Code §278.5
K. California Penal Code §278.6
L. California Government Code §6200 .....
M. California Code Of Civil Procedure §170
N. California Code Of Civil Procedure §170.1
O. California Code Of Civil Procedure §170.3
P. California Code Of Civil Procedure §170.9
Q. 28 U.S.C.§455

STATEMENT OF THE CASE

See above summary under the heading of "Petition for Writ of Certiorari." 37 items of evidence are presented in the Appendix.

On Feb. 14, 2022, Petitioner filed with California Supreme Court her Petition for Writ of Habeas Corpus. Petitioner was a licensed California lawyer.[3]

[3] On 1/25/2022, without any notice, California Chief Justice Tani Cantil-Sakauye, head of State Bar of California, without any notice, knew that she had direct conflicts of interest, signed

On February 16, 2022, Clerk Jorge Navarrete issued a letter to require re-filing the Habeas Corpus Petition with Vexatious Litigant Application and judicial council form for habeas corpus. Petitioner promptly complied. A docket of S273215 was then created; yet no names of all respondents were shown in the docket. In disregard of numerous emails, California Supreme Court froze the case and refused to disclose whether a neutral justice was assigned. Therefore on 3/4/2022, with U.S.D.C. for Eastern California's new civil right case of 22-cv-00325, Petitioner filed a motion for Injunctive Relief to follow up on this Petition for Writ of Habeas Corpus. It was promptly denied by Magistrate Judge Allison Claire, who is a close friend to California Chief Justice Tani Cantil-Sakauye. Claire did not dispute that she did not take time to read the motion at all, before making summary denial.

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an order to suspend Petitioner's bar license to be effective 2/24/2022, with the excuse of enforcement of the child support order of 5/3/2013 which is based on the vacated August 4, 2010 and Santa Clara County Court refused to decide the issue to vacate 5/3/2013 Child Support Order. It was fraudulently made to impute income without any expert opinion nor any notice, in violation of due process, in falsely making 0 time share when under the supervised visitation, Petitioner should be entitled to be more than 0%. The court conspired with McManis to create a debt and used that to suspend Petitioner's driver license and bar license, now is the 5th time.

In conspiracy, California Chief Justice directed the local child support agency and its attorneys not to accept any compromise and not to take off the suspension, while they used about 33% high interest rate to create large sum of debt and failed to account the money collected. Another Petition for Writ of Habeas Corpus will be filed shortly to challenge this deprivation of property and liberty in violation of due process.

Judge John A. Mendez has statutory mandatory disqualification situation in that he is a member of a defendants Anthony M. Kennedy Inn of Court and American Inns of Court and closely related to defendant Anthony M. Kennedy, but refused to recuse himself in direct violation of 28 U.S.C.§455(b)(5)(i).

After many defendants were served with deposition subpoena duces tecum, Judge Mendez abruptly dismissed the entire case to avoid depositions from being moved forward, with apparent purpose of oppressing evidence of judicial conspiracies, to **block discovery of the judicial corruptions** that had caused Petitioner 12 years of parental deprival.

The VL110 required to be filed is in Appendix Exhibit 11, App.43, et seq.

After freezing the case for 3 months, California Chief Justice let her agent deny summarily the application on May 17, 2022, a pattern of their misusing the vexatious litigant orders to block Petitioner's reasonable access to the court.

The Memorandum for Petition for Writ of Habeas Corpus is in Appendix, Exhibit 12, App.45, et seq. Section I of the Memorandum laid out **8 bases** for Petition for Writ of Habeas Corpus:

(1) "Certificate of Court Reporter's Waiving Deposit) (App.115) filed on May 8, 2014 by the court reporter for the child custody trial of July 2013, Julie Serna (App.1103, 1147, 1193-94) exposes the clear and convincing evidence of the courts' conspiracy with James McManis to effectuate permanent parental deprival—concealed the family case docket from

reasonable access, purged the court record of the Certificate of court reporter waiving deposit which proved the court reporter was fully paid by May 8, 2014, and falsified notices to fake ground of dismissal of child custody appeal (faking that Petitioner had not paid for the court reporter's transcript). (App.50-54)

(2) On August 25, 2021 in Petition for Review No.S269711, Chief Justice Tani Cantil-Sakauye was effectively deemed to have "conceded" to Shao's "Request for Recusal/Verified Statement of Disqualification of Chief Justice Tani Cantil-Sakauye" based on her choosing not to file a written response but not participating in voting, pursuant to C.C.P. §170.3(c)(4), which includes 8 matters of factual concession (App.0071 of Petition for Writ of Habeas Corpus) Such concession was tacitly admitted by both Tani and McManis for at least additional 5 times in Appeal No. 21-5210 proceedings. (App.54-60)

(3) ECF#1921981 in 21-5210 proceeding: James McManis, Michael Reedy, McManis Faulkner and their attorney Janet Everson as well as California Chief Justice tacitly admitted to many crimes where Shao is the victim in the past 11 years. (App.60-64)

(4) In Petition 21-881: the most recent "tacit admission" by James McManis, Michael Reedy, McManis Faulkner law firm, as well as their attorney of record Janet Everson in Shao v. McManis Faulkner, et.al., including their drafting the 11/4/2013 child custody order of Lucas (App.64-70)

(5) A series of admissions or adoptive admissions by all defendants in the proceedings of Shao v. Roberts, et al (1:18-cv-01233RC at the U.S.D.C. for D.C. Appeal No. 21-5210 and No. 19-5014 at the D.C. Circuit Court of Appeal, and Petition NO. 20-524 at the U.S. Supreme Court) on participating in the conspiracies led by James McManis to cause permanent parental deprival of Shao, to dismiss complaints involving McManis and his co-conspirators, dismiss appeals and harass Shao.(App.70-73)

(6) Dr. Jeffrey Kline's declaration that decoded the weekly mental health insurance claims submitted to CIGNA by Wang's mental health professionals, including a dangerous mental illness, alone with other 5 mental illnesses with more than 250 pages of claim records. (App.74-76)

(7) Declaration of Meera Fox (App.1048-1094 of Petition for Writ of Habeas Corpus), Judge Peter Kirwan's Order of 12/15/2017 (App.0915) Judge Socrates Manoukian's recusal order of 12/2/2017(App.0910) and Judge Lucas's letter of March 8, 2017 (App.0117), false records shown in App.0917-20 as well as McManis Faulkner's tacit admission that they wrote her child custody order (App.0929-0950) mandates reversal of Judge Lucas's child custody order of 11/4/2013. (App.76-78)

(8) Amicus Curiae, professional supervisor Esther Alex Taylor's declarations, Dr. Michael Kerner and Attorney Richard Roggia's report gave reasons that the child should be set free from

the present unlawful child custody order and released to Shao. (App.78-80)

The Statement of Facts section includes the initial conspiracy of parental deprival, what happened after Shao retained McManis Faulkner, and new conspiracies played by James McManis, Michael Reedy and McManis Faulkner law firm which caused prolonged parental deprival after successfully set aside the orders of August 4 and 5 of 2010, in order to establish their defense asserting lack of causation to Shao's lawsuit against them. (App.87-98)

In Discussion for Petition for Writ of Certiorari, Petitioner set forth:

A. Jurisdiction of California Supreme Court to handle habeas corpus because of child custody deprival

B. Petitioner has established clear and convincing evidence that there is no reason she should be deprived of child custody and no reason why the child should be confined to unlawful custody without mother for 12 years

C. Chief Justice Tani Cantil-Sakauye should have been legally deemed conceded to the facts contained in Petitioner's Request for Recusal or Verified Statement of Disqualification of Chief Justice Tani Cantil-Sakauye filed on July 7, 2021 in S269711 and otherwise tacitly/adoptively admitted to the statement

Affidavit of Petitioner about what happened that caused the TRO motion in Shao v. Roberts is presented in Affidavit of Yi Tai Shao in support of Temporary Restraining Order and Order to Show Cause for Hearing on Preliminary Injunction (App.110-125)

The proposed TRO regarding this Petition for Writ of Habeas Corpus is presented in Exhibit 14, i.e., App.126-130.

Declaration of Meera Fox which has been acknowledged as truth, after it was taken judicial notice twice by California Supreme Court, including her testimony of judicial conspiracy, is set forth in App.147-187.

. October 31, 2011Order proves that Lydia had been illegally confined to unlawful child custody of Wang, which is in Exhibit 17 (App.190). The court's unreasonable dismissal of appeal from October 31, 2011 Order is shown in Docket H37820 which is in Exhibit 18 of App.191-195.

Professional supervisor Esther Alex-Taylor's selective portions of her affidavits to support child return to Petitioner are in Exhibit 20, App.198-205, including Lydia's desire of returning to Petitioner.

Exhibit 21 is Lydia's brother, Louis Wang's letter to his attorney Richard Roggia reporting what prejudice and distress Lydia had suffered. (App.206-08)

Exhibits 22 and 23 are selective amicus curiae letters among about 30 amicus curiae letters that were submitted to California Chief Justice in an effort to to release Lydia to Petitioner in Petitioner's appeal from H037820's dismissing appeal from 10/31/2011 order, to no avail.

Exhibit 24 is trial evidence regarding conclusion of Dr. Michael Kerner's full psychological evaluation of Petitioner.

Exhibit 25 is presentation of Richard Roggia to the Court in front of Dr. Kerner who was present at the court ready for trial, which showed Kerner's

evaluation is indeed positive. Yet, Judge Patricia Lucas twisted Dr. Kerner's report in her 11/4/2013's child custody order. The drafter of Lucas's order came from extrajudicial source-- James McManis, McManis Faulkner law firm who had tacitly admitted that they drafted Lucas's order of 11/4/2013 in Petition for Writ of Certiorari proceeding of Petition 21-881.

Evidence about how Lydia was judicially abducted and abused was posted in shaochronology.blogspot.com.

Exhibit 27 is Dr. Jeffrey Kline's declaration about CIGNA's subpoenaed insurance claim records, which has become truth, after his report was taken judicial notice twice by California Supreme Court. It is undisputed that Wang has dangerous mental illness; therefor, Lydia should be immediately released to Petitioner.

Exhibit 28 is the Statement of Decision, order declaring Petitioner as a vexatious litigant, signed by Judge Folan on June 16, 2015. Folan acted as McManis's attorney by sua sponte raising new argument for McManis defendants beyond the scope of their motion. In their motion, McManis defendants raised 5 losing litigations which Folan decided that at least 2 of the 5 were disqualified. Yet, Folan argued sua sponte, beyond the scope of McManis's motion, to count all appeals to get child custody return as new litigations and added the losing appeal up to be 10 losing cases, and further disallowed Petitioner to make arguments during the hearing, and refused to set evidentiary hearings. All procedural safeguard required by Ringgold Lockhert

v. County of L.A., 781 F.3d 1057 (9th Cir.2014) were not provided for in Folan's orders.

In addition, as discussed above, this Statement of Decision did not mention Prefiling Order, and did not mention the statute of California Code of Civil Procedure §391.7 and thus, not qualified as an order declaring vexatious litigant according to Holcomb v. U.S. Bank National Association, et al., 129 Cal.App.4th 1494 (2005)(the Court "the order did not cite §391.7 and does not purport to restrict Holcomb's ability to file future lawsuits.")

The fraudulent Prefiling Order with false signature date is in Exhibit 29. (App.243)

Exhibit 30 is Judge Joshua Weinstein's irregular order of 4/29/2016 that appeared apparently from extrajudicial source and had no proof of service. It is likely that Mcmanis Faulkner law firm who drafted Lucas's child custody order also drafted this order. It is a fax to Judge Weinstein to apply vexatious litigant prefiling order to the pre-existing family case to block Petitioner's access to the family case. Petitioner was later denied all applications to file a motion to change child custody, to change court, to vacate 11/4/2013 order, to vacate 5/3/2013 child support order and/or to change child support since 2016.

Exhibit 31 is then-Presiding Judge Rise Pichon's sua sponte order of May 27, 2016 to require Petitioner to submit to her and other Presiding Judge of Santa Clara County before filing a motion in her family case. Such order is in direct contravention with the California Supreme Court's case laws, such as Shalant v. Girardi, 51 Cal.4th 1164 (2011) in App.6.

Thereby, Santa Clara County Court and James McManis conspired to use their prefiling order procured from their prior attorney Judge Maureen Folan, for the purpose of their common goal of permanent parental deprival of Petitioner. All applications regarding child custody and child support had been consistently denied without being considered on its merits since 2016--- six years ago.

Exhibit 33 is then Presiding Judge Patricia Lucas's response to Petitioner who brought to the attention of the Presiding Judge that her family case disappeared from the court's website and the Appellate Unit of Santa Clara County Court kept issuing false notices that Petitioner failed to pay the court reporter's transcripts for the child custody trial.

Exhibit 34 is abstract from the court reporter's transcript for June 16, 2015 hearing, which showed that ***zero*** due process safeguard was given to Petitioner such that the order declaring Petitioner as vexatious litigant should be declared void and vacated. (App.252-254)

Exhibit 35 is the current docket of Petition for Writ of Certiorari No. 18-569 about Petitioner's child custody appeal. James McManis and MCManis Faulkner law firm recently admitted tacitly that they conspired with California Supreme Court Chief Justice John G. Roberts, Jr. in purging the court record of Amicus Curiae Motion of Mothers of Lost Children, yet its attorney appearance is still on the docket.

Exhibit 37 proves the fraudulent dismissal by James McManis and his attorney of the civil case of Shao v. McManis Faulkner, James McManis, Michael Reedy (2012-1-cv-220571) in that in taking

advantage of Petitioner's overseas mission, they rushed dismissal without lifting the stay (stay of proceeding since 3/11/2016) and rush dismissal to be ordered by their friend, Judge Christopher Rudy, who regularly socialized with them through the William A. Ingram American Inn of Court (Michael Reedy is the registered founder).

They failed to follow the local rule and attempted to secretly filed the motion without knowledge of Petitioner. Without the court's assistance, it was impossible for them to file their motion as the then Local Rule 8(c) disallowed a motion to be filed without a reservation, and the reservation in turn requires a discussion of availability of the Petitioner. They did not actually file until September 18, 2019. Then the court conspired with them to take the motion off, re-filed at a time *after* September 19 2019.

Then Santa Clara County Court refused to set aside dismissal, but suppressed it. The re-filed envelop number is #3408311 as noted by the court's docketing clerk.(App.262) The crossing line to alter efiling date from 9/18 to 9/12 is shown on the Certificate of Service.(App.264) They knowingly pretended service by sending to attorneylindashao@gmail.com which had been blocked access since 2018. The Court of Appeals dismissed the Vexatious Litigant Order Appeal (H042531; Petition 18-800) by using the same trick—using this very same email to defraud Petitioner and fake notice. This fraud was extensively discussed in the Petition for Writ of Certiorari filed in Petition NO. 18-800.

Exhibit 32 showed that Judge Joshua even tried to incarcerate Petitioner, after several attempted assassinations failed.

Exhibit 33 is Presiding Judge Lucas's letter of March 8, 2013 refusing to let Petitioner to have access to her family case docket (2005-1-FL-126882).

Exhibit 34 is selected extract for the hearing on June 16, 2015 which proved that the prefiling order and vexatious litigant declaration order have no procedural safeguards provided and should be void.

Exhibit 35 is the present altered docket of Petition for Writ of Certiorari No. 18-569.

Exhibit 36 is relevant docket of Shao v. McManis Faulkner, et al where the Prefiling order was issued. It is clear that Presiding Judge Zayner is blocking Petitioner's motion to set aside dismissal and all orders of Judge Maureen Folan and refused to set for hearing.

Exhibit 37 are evidence of the court's conspiracy in altering the efiling stamp of McManis's frivolous motion to dismiss in September 2019. The chronology of the docket entries made it clear that the re-filed Motion to Dismiss took place after the entry of the 9/19/2019's Remittitur (App.263).

REASONS TO ISSUE WRITS

Rule 10(b) authorizes writ of Certiorari be issued when the State Supreme Court's practice extraordinarily in conflict with the federal law.

A. Extraordinary conflicts with Constitution existed in California Supreme Court's handling of S273215 which apparently was willful blocking Petitioner's access to the court by way of the excuse of voidable vexatious litigant orders, when severe life and liberty and child safety issues are at jeopardy.

When a minor is deprived of significant contacts with her mother or physical custody of a minor was unlawfully withheld, the matter should be resolved as expeditious as possible. Zenide . Super. Ct., 22 Cal.App.4th 1287, 1293 (1994); Polin v. Corsio, 16 Cal.App.4th 1451, 1457 (1993).

Here, Petitioner was deterred child custody appeal by 4.5 years; at the time of dismissal of child custody appeal, no record on appeal was prepared by the court. Then, the courts misused the voidable prefiling order to block Petitioner from accessing the family court since 2016. After obtaining the solid evidence of court fraud, no courts would decide on the merits; California Supreme Court Chief Justice delayed 3 months on habeas corpus!

Here, California Supreme Court Chief Justice has apparently misused a voidable vexatious litigant prefiling order to block Petitioner's reasonable access to the court in a way that is exactly ruled out in Ringgold Lockhert v. County Of L.A., 781 F.3d 1057 (9th Cir. 2014). Moreover, the subject matter that Petitioner was blocked is extremely important—concerning habeas corpus—a child was illegally confined to exclusive sole custody of her psychotic father who has very dangerous mental illness for already 12 years without disclosing where she is.

Ringgold held that "Restricting access to the court is a serious matter", violating the fundamental right protected by the First Amendment and Fifth Amendment, that "Profiligate use of pre-filing orders could infringe this important right, as **the pre-clearance requirement imposes a substantial burden on the free-access guarantee,**" that "Out of regard for the constitutional underpinnings of the right to court access, "**pre-filing orders should rarely be filed and only if courts comply with certain procedural and substantive requirements.**" Ringold cited De Long v. Hennessey, 912 F.2d 1144 at 1147 (9th Cir. 1990).

In Ringgold, the Court stated that:

"**The requirements are:** the courts must (1) give litigant notice and "an opportunity to oppose the order before it is entered, (2) compile an adequate record for appellate review, including "a list of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed"; (3) make substantive findings of frivolousness or harassment; and (4) tailor the order narrowly so as "to closely fit the specific vice encountered." *Id, at 1147-48.*

The first and second of these requirements are procedural, wile the "latter two factors...are substantive considerations...[that] help the district court define who is, in fact a 'vexatious litigant' and construct a remedy that will stop the litigant's right to access the courts." Molski, 500 F.3d at 1058. In "applying the two substantive factors," we have held that a separate set of considerations employed by the Second Circuit Court of Appeals "provides a helpful framework." *Id.* The Second Circuit considers the

following five substantive factors to determine "whether a party is a vexatious litigant and whether a pre-filing order will stop the vexatious litigation or if other sanctions are adequate":

(1) The litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits;
(2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prefiling?
(3) whether the litigant is represented by counsel'
(4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and
(5) whether other sanctions would be adequate to protect the courts and other parties.

Id. (quoting *Safir v. U.S. Lines, Inc., 792 F.2d 19, 24 (2d Cir. 1986).* The final consideration – whether other remedies "would be adequate to protect the courts and other parties" is particularly important. See *Cromer v. Kraft Goods N. Am. Inc., 390 F.3d 812, 818 (4th Cir. 2004)"*

In Ringgold, the Ninth Circuit continued stating the rule that "**In light of the seriousness of restricting litigants' access to the courts, pre-filing orders should be a remedy of last resort."** The Ninth Circuit further set forth below:

"LAWS TO MADE SUBSTANTIVE FINDINGS OF FRIVOLOUSNESS OR HARASSMENT

"Before a district court issues a pre-filing injunction.. it is incumbent on the court to make 'substantive findings as to the frivolous or harassing nature of the litigant's actions." *De Long, 912 F.2d at 1148* (quoting *In re Powell, 851 F.2d 427, 43`, 271 U.S.*

App. D.C. 172 (D.C. Cir. 1988). To determine whether the litigation is frivolous, district courts must "look at 'both the number and content of the filings as indicia' of the frivolousness of the litigant's claims." Id. (quoting same) 'Even if [a litigant's] petition is frivolous, the court [must] make a finding that the number of complaints was inordinate." *Id.* Litigiousness alone is not enough, either: "The plaintiff's claims must not only be numerous, but also be patently without merit." *Molski, 500 F.3d at 1059* (quoting *Moy, 906 F.2d at 470)*

As an alternative to frivolousness, the district court may make an alternative finding that the litigant's filings "show a pattern of harassment." *De Long, 912 F.2d at 1148.* However, courts must "be careful not to conclude that particular types of actions filed repetitiously are harassing," and must instead...'discern whether the filing of several similar types of actions constitutes an intent to harass the defendant or the court.'" *Id. At 1148 n.3 (quoting Powell, 851 F.2d at 431).*

Courts should consider whether other, less restrictive options, are adequate to protect the court and parties. See Molski, 500 F.3d at 1058; Cromer, 390 F.3d at 818; Safir, 792 F.2d at 24.

Pre-filing orders "must be narrowly tailored to the vexatious litigant's wrongful behavior." *Molski, 500 F.3d at 1061.*

In Molski, we approved the scope of an order because it presented the plaintiff from filing "only the type of claims Molski had been filing vexatiously," and because it will not deny Molski access to the court on any... claim that is not frivolous." *I.d. (Ringgold, 761 F.3d 1057, 1066)"*

Here, none of the safeguard was in existence in June 16, 2015's Statement of Decision. Habeas Corpus cannot be reasonably withheld by 3 months. In Robinson v. Robinson, 2017 Ohio 450 (Court of Appeal, Ohio , Fourth Appellate District, Meige County, released on 1/31/2017), the court held that the right to access the court for divorce proceedings was a substantial right that the United States Constitution entitled a person to enforce or protect. California Chief Justice, after having recused herself on August 25, 2021 in related S268711 cannot now issued decision. Moreover, the May 17, 2022 Order is based on vexatious litigant prefiling order. As discussed below, the prefiling order should be declared void. Therefore, the May 17, 2022 order should be void. MCManis's motion was made without any supporting declaration, and regarding that Judge Folan even made a finding that the defendants failed to satisfy the burden of persuasion.

1. **The Prefiling order should be vacated as it is not supported by a statement of decision**

Morton v. Wagner (2007) 156 Cal.App.4th 963 held that a prefiling order not supported by a statement of decision is void for violation of due process.
In Holcomb v. U.S. Bank National Association, et al., 129 Cal.App.4th 1494 (2005), the Court held that "the order did not cite section 391.7 and does not purport to restrict Holcomb's ability to file future lawsuits."

No where in Folan's 6/16/2015 14-page Order mentioned a decision on "Prefiling Order" and the order did not mean to issue a Prefiling Order as a matter of law under Holcomb because Folan's 14

page order of 6/16/2015 did not mention the required language of "section 391.7" to qualify her 14 pages order to be an order for Prefiling Order.

B. California Code of Civil Procedure §391.7 which restrict access to court for all types of litigation conflicts with Ringgold's decision that should be declared void

As having presented above, *Ringgold, 761 F.3d 1057, 1066)" held that the vexatious litigant order should restrict to certain area, but the present California Law of* §391.7 has banned all litigation without specifically tailoring to the specific vice.

There are hundreds of people being curtailed of their fundamental right to access the court in California because of this overbroad statute. Therefore, it is imperative to grant certiorari.

C. CHILD CUSTODY ORDER OF 11/4/2013 SHOULD BE REVERSED AS THE COURTS HAVE FRAUDULENTLY BLOCKED CHILD CUSTODY APPEAL AND MCMANIS FAULKNER ADMITTED TACITLY THAT THEY DRAFTED JUDGE LUCAS's 11/4/2013 Order.

Attorney Meera Fox's declaration has been accepted as truth as no one ever objected to it and it was taken judicial notice of twice by California Supreme Court. Her declaration should be re-read as truth—out of judicial conspiracy, the child has been without mother for 12 years.

Child custody is substantive due process right. Clear and convincing evidence of the hard copy of Julie Serna's Certificate proves that the only ground used by California Court of Appeals Sixth District to

dismiss child custody appeal (H040395) was indeed fraudulent with miscarriage of justice.

In addition, James McManis and McManis Faulkner law firm had tacitly admitted that they are the drafter for Judge Lucas's child custody order. The order thus is fraudulent and should be declared void.

Moreover, Lucas's order is based on no significant change of circumstances from August 4, 2010's Order. She refused to decide whether August 4, 2010 is void. As according to October 31, 2011's Order, 8/4/2010 Order was vacated, and an order based on this vacated order is void.

An order based on a void order is void. See, e.g., People v. Gonzalez (1996) 12 Cal.4th 804, 817. November 4, 2013 order is based on August 4, 2010 order, but August 4, 2010 order deprived of child custody without an evidentiary hearing, which is void. See, e.g., Stanley v. Illinois (1972) 405 US 645.

Judge Grilli had vacated August 4, 2010 order due to violation of due process. Judge Lucas's basing her order on lack of significant change of circumstances since August 4, 2010 twisted the laws. After all, as the basis for 11/4/2013's child custody order is based on the August 4, 2010 order which had been vacated, and was actually made illegally without an evidentiary hearing, the 11/4/2013 order must be void.

This is critical as the court clearly has misused the prefiling order to block Petitioner's access to the preexisting family case and to make Lucas's order permanent, which caused miscarriage of justice and severely affect a person's civil right as life, liberty

had been curtailed and oppressed by such custody order plus prefiling order.

D. 10/31/2011 order to maintain a vacated order to be valid caused gross miscarriage of justice that should be declared void

10/31/2011 Order is based on lack of evidentiary hearing on August 4, 2010, yet itself committed the same error by depriving child custody without evidentiary hearing. Again, a void order on parental deprival cannot be reactivated without an evidentiary hearing. Therefore, the 10/31/2011 Order should be declared void.

E. Child wishes have been suppressed by 12 years due to judicial conspiracy and the child must be immediately released to Mother and not being forced to continue living with a psychotic abuser

1. **The court should have ordered child custody switch in October 2014 when the evidence of Wang's dangerous mental illness surfaced.**

A showing of a parent being unfit or mental illness that may endanger a child's welfare justified change of custody, including important new facts unknown at the time of the initial custody decree. Mere allegation under oath suggesting a parent's mental illness is sufficient to show prima facie case for modification of child custody. Mock v. Mock (2004) 673 N. W. 2d 635, 638. A parent's affidavit is sufficient to justify child custody change. Bender v. Bender (1959) 170 Cal App.2d 325. Allegations of a parent showing potential endangerment to a child's physical or mental health constitutes a "significant change of circumstances which will raise a prima

facie case for a modification of custody and entitlement to an evidentiary hearing." Volz v. Peterson, 667 N.W.2d 637.

Here, Dr. Kline's declaration is undisputed, undisputable and has been accepted as truth by California Supreme Court twice, together with Meera Fox's declaration. There is no reason why California courts to have deprived Petitioner child custody for 12 years, and since September 15, 2014 when Father's dangerous mental illness evidence came out.

Wang's sickness is like an untimely bombed. Lydia, having be prejudiced by being forced to live with Wang for 12 years, must be set free.

2. Child wishes laws have equal protection issues that violates the first and 14th Amendment of Constitution

Child wishes should be honored. Freedom of personal choice in matters of family life is one of the liberties protected by the Due Process Clause of the 14th Amendment. Moore v. East Eleveland, 431 U.S. 494, 498.

California Welfare and Institutions Code Section 317(e)(2) requires the minor's counsel to determine child wishes for a child at 4 years old. Family Code Section 3042 set a high bar of 14 years old, which caused a child being suppressed by another 10 years to be able to assert their own free will. At that time, after long suppression, they would not have any route to represent their interest. This difference should be ironed out to avoid gross injustice like what Lydia suffered to replayed to other kids in California.

CONCLUSION

Certiorari should be granted to cure this extreme injustice. With truth of Wang's dangerous mental illness, Lydia should be immediately released to Petitioner.

Dated: June 28, 2022

Respectfully submitted,
/s/Yi Tai Shao
Yi Tai Shao