No.22-350

IN THE SUPREME COURT OF THE UNITED STATES

—oOo—

YI TAI SHAO

Petitioner - Appellant,

vs.

JOHN G. ROBERTS, et. al.

Respondents- Appellees

(Please see 4 pages of "Parties to this proceeding." There are about 67 respondents/appellees)

—oOo—

On Petition for Writ of Mandamus [Rule 20; 28 U.S.C.§1651(a)] to the U.S. Court of Appeal, D.C. Circuit regarding its Orders of Feb. 23, and May 9, 2022 in Appeal No. 21-5210, all orders in Appeal No. 19-5014 and other related proceedings

PETITION FOR WRIT OF MANDAMUS

[RULE 20; 28 U.S.C.§1651(a)]

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QUESTIONS PRESENTED:

1. Do the issues presented below constitute exceptional circumstances that there are no other means to get adequate relief that warrants this Court to exercise its discretion to grant a Writ of Mandamus?

2. Do Congressional policies that a judge has a paramount duty to decide and that there must be a meaningful appellate review for each appeal underlying 28 U.S.C.§455, 15 U.S.C. §29 and 28 U.S.C. §2109 as held by this Court in *United States v. Will*, 449 U.S. 200 (1980) require this Petition, in lack of quorum, has not yet had an appellate review for already the second round of appeal, be certified to be transferred to an impartial senior judge at the Court of Appeal in Second Circuit with instruction that this senior neutral judge follows the specific procedure designed by the Congress to empanel an impartial panel as stated in United States v. District Court of Southern New York (App.7-10) when Petitioner's motion to change place of appeal (ECF1922201 &ECF1920120) and motion to transfer all dispositive motions to Second Court of Appeal (ECF1922459) filed in No.21-5210 appeal at the DC Circuit were all uncontested by any and all 67 Appellees?

3. Is ¶2 of 28 U.S.C.§2109 inapplicable to this Petition because the appeal has had no review on the merits?

4. Do the 216 felonies of alterations of records, concealment of filing, and recent false notices to block access to Supreme Court were done by three courts in D.C. since August 2017 (App.207 through 228, App.152-17) including 111 felonies (84 felonies of the Supreme Court, 20 of Judge Rudolph Contreras, 7 felonies of DC Circuit in 19-524) which *had already been* tacitly admitted to by *all*

Respondents/Defendants in Appeal No.21-5210 proceeding for *at least 20 times*, justify reversal of all orders of the DC Circuit in Appeal No.21-5210 and Appeal No.19-5014, and USDC for D.C.'s orders of 8/30/2021 and 1/17/2019, with leave to amend the complaint (ECF16) to include all new felonies occurred after ECF16?

5. Has this Court violated the due process and First amendment in blocking filings of Motion for Judicial Notice and Application to Justice Amy Coney Barrett with false notices in Petition 22-28 and failed to enter into the docket about not accepted for filing?

6. Is 8/30/2021 Order of U.S.D.C. for the D.C. an abuse of discretion as it willfully failed to decide any and all issues raised by Petitioner's Rule 60(b) motion and motion to change venue, which include, but not limited to, the ***undisputed*** conspiracies of the Justices of this Court in not to decide 11 matters (9 requests for recusal and 2 Amicus Curiae motions), in purging the Amicus Curiae Motion of the Mothers of Lost Children from Docket 18-569, one of the 11 undecided matters, and in forging order/judgment in 20-524 proceeding (an adverse inference from the ***undisputed facts*** that the order and judgment were taken off from the docket three times), where Chief Justice appeared to participate in mail interception of Petitioner's mail of Petition for Rehearing, in rush filing of 1/15/2021 judgment with knowledge that Petition for Rehearing was to arrive, concealing filings of a Motion for Judicial Notice, Petition for Rehearing, Second Request for Recusal, Motion to file Petition for Rehearing?

7. Shall all orders of the District Court of the underlying case (i.e., Shao v. Roberts, et al., 1:18-cv-01233) be invalidated as void, as Judge Rudolph Contreras and Chief Judge of the U.S.D.C.(App.178-

179) for the D.C. willfully violated 28 U.S.C.§455(b)(5)(i)(when expressly stated this in Notice of Motion in ECF161) in refusing to recuse but denying Petitioner's Rule 60(b) motion and motion to change venue, ***without*** ruling on **any issues** for Rule 60(b) motion(ECF161-1), which included felonies of the courts in all level, including his own ***undisputed*** felonies of altering the docket entries of 6/5/2018, 6/11/2018 and 7/24/2018's two minutes orders (Shao v. Roberts, et al., 1:18-cv-01233RC), which is evidence of his ex parte communications with California judicial defendants (California Chief Justice Tani had admitted to her conspiracy with Contreras on 8/25/2021) as shown in App.126-128?

8. Shall all orders and judgments of the Court of Appeal in D.C. Circuit for Shao v. Roberts, et al., Appeal No.19-5014 and 21-5210 be reversed, invalidated as void, as the judges in the panel are officers/members of an Appellee American Inns of Court, concealed from disclosure of this direct conflicts of interest and willfully violated 28 U.S.C.§455 (b)(5)(i) and/or 28 U.S.C.§455(a) in refusing to recuse, and refusing to comply the standard of Moran v. Clarke (8 Cir. 2002) 309 F.3d 516, 517?

9. Did the Justices Appellees of this Court violate Due Process and committed felonies of 18 U.S.C.§1001 and §371,¶1 by concealing their conspiracies with James McManis and California Chief Justice Tani Cantil-Sakauye where they willfully denied certiorari since 2012 (undisputed in the proceeding of Appeal No.21-5210) and jointly failed to decide on all requests for recusal 9 times in 17-256, 17-613, 18-344, 18-569, 18-800, 19-613, 20-524 and 21-881, concealed all appendix and many appendixes for Petitions in 18-800,19-613, twice the Amicus Curiae Motion of

Mothers of Lost Children, jointly conspired or harbored the Court's purging the court record of one of the Amicus Curiae Motion from 18-569 docket, when they are all officers/members of American Inns of Court Appellees and regular friends to Appellee James McManis, leading attorney and one of the founders of American Inns of Court?

10. Are lower court orders void where they were issued before the courts had ruled on motions for recusal or to disqualify the judges hearing the motions?

11. Does the American Inns of Court, in facilitating ex parte contacts between lawyers and judges and provide gifts to the judges taking advantage of its tax exempt status, create the appearance of bias or partiality which requires recusal and disqualification of judges who are members of the American Inns of Court for cases their members/officers are parties, when there are already two orders at Santa Clara County Court had made finding to this effect in recusing themselves from handling trial of Shao v. McManis, et al., 2012-1-cv-220571, based on their relationship with McManis appellees through the American Inns of Court?

12. Does the DC Circuit's 2/23/2022 order denying changing court to New York and affirming summarily Judge Rudolph Contreras's 8/30/2021 Order constitute an abuse of discretion *and* violate structural due process in view of

(1) direct conflicts of interest of the panel in willful violation of 28 U.S.C. §455(b)(5)(i) where all panel judges are members/officers of Appellee American Inns of Court,

(2) the 8/30/2021 Order they wanted to summarily affirm should be void as Judge Rudolph Contreras willfully violated 28 U.S.C. §455(b)(5)(i) and failed to

decide **any issues** in her 60(b) motion **which was not contested in substance by all appellees**(see all issues in ECF161-1,App.90-137),
(3) abruption of a series of **admissions** in the proceeding, including admission by McManis appellees about their felonious conspiracy with the DC Circuit to summarily affirm Judge Rudolph's 1/17/2019 Order in Appeal No. 19-5014 on 7/31/2019, California Chief Justice Tani Cantil-Sakauye's admission of 8 matters, including her conspiracies with James McManis in denying all petitions for review filed by Petitioner (totally 15) and conspiracies with Justice Anthony M. Kennedy and all Justices of this Court to summarily deny all Petitions/Applications of Petitioner since 2012 in blocking appeals of petitioner,
(4) all appellees undisputed/tacitly admitted to 111 felonies of 18 U.S.C.§§1506, 1512, 2071,1001 and 371¶1 including this Court's removing of court record in Petition18-569 and forging orders in Petition 20-524, and conspired not to decide 11+ matters;
(5) 12 incidents of the DC Circuit's alterations of the docket of Appeal No.21-5210, including an obvious concealment of McManis Appellees' admission to their conspiracy with the DC Circuit in dismissing No.19-5014 appeal (App.222-224)?
13. when no appellees ever objected to Petitioner's motions to change appellate court to the Court of Appeal, Second Circuit[including, but, not limited to, ECF142&161(District Court in D.C.:1:18-cv-01233RC), ECF1920120,1922201&1922459 at D.C. Circuit in 21-5210 appeal and ECF1791001 in 19-5014 appeal; and Petition 20-524 at this Court)?
14. Did the District Court of Columbia as well as D.C. Circuit Court of Appeal violate Petitioner's fundamental right to access the court as well as due

process by repeatedly disregarding 28 U.S.C. §455(a) and §455(b)(5)(i) in dismissing cases in avoiding adjudication of the merits, which corroborated with California Chief Justice Tani Cantil-Sakauye's recent admission to conspiracies on 8/25/2021?

15. Has Chief Justice John G. Roberts violated the First Amendment and Due Process in willfully blocking and concealing filing of an Application to Justice Amy Coney Barrett in Petition 21-881 and 22-28?

16. Should the 2/23/2021 Order and 5/9/2020 Order in 21-5210 be reversed because these orders are unsupported by the records when the following three motions were unopposed, but were altered their docket entries to conceal McManis appellees' admissions about their conspiracies with DC Circuit judges in dismissing 19-5014 appeal (see App.23 for the original docket entry of 1920120), and to conceal the fact that McManis appellees did not oppose Petitioner's Circuit Rule 27(c)counter motion for affirmative reliefs nor response to Petitioner's severe criminal accusations of their conspiracy with DC Circuit in dismissing 19-5014 appeal, and to conceal Petitioner's Notice of Non-Opposition to her 1922459 motion (ECF1924935; App.52-55); the court altered docket 12 times(see 6/27/2022 docket alteration in App.17-23 and present docket in App.31-47;App.222-224) that **all three motions with titles shown below should have been granted** but the orders are to the contrary:

(A) **ECF 1920120:** "Appellant's Opposition To Motion For Summary Affirmance Filed By Appellees James Mcmanis, Michael Reedy, Janet Everson And Mcmanis Faulkner, LLP. (#1918497); Plaintiff's Counter Motion For Affirmative Relief Under Circuit Rule 27 (c) To

(1) Vacate All Orders Of This Court In The Proceeding Of 19-5014 Based On Violation Of Due Process And Extrinsic Fraud And Reactivate The Appeal Of 19-5014
(2) Change Venue To U.S. Court Of Appeal In New York;
(3) Request For Terminating Sanction For Summary Reversal Of Judge Rudolph Contreras's Order Of 8/30/2021 (Ecf168 And 169) And Monetary Sanction Against Appellees And Their Attorney Of Record James Lassart For Filing A Frivolous Motion In Violation Of 28 U.S.C. §1927 And Committed Extrinsic Fraud In Conspiring With This Court In Dismissing The Entire Appeal As Early As On July 31, 2019",
(B) **ECF 1922201**: "Appellant's Motion To Change Place Of Appeal From The D.C. Circuit To New York"
(C) **ECF 1922459** Filed On 11/15/2021: "Appellant's Motion To **Transfer All Dispositive Motions** To The Court Of Appeal In New York And Request For En Banc (Excluding Disqualified Judges) Decision On This Motion; Motion To **Disqualify** Chief Judge Sri Srivasan, Judge David S. Tatel, Judge Patricia A. Millett, Judge Cornelia T.L. Pillard, Judge Neomi Rao, Judge Ketanji Brown Jackson, Judge Harry R. Edwards, Judge Doblas H. Ginsburg, Judge David B. Sentelle, Judge A. Raymond Randolph, And The Judges Who Are Officers Or Members Of The American Inns Of Court Based On 28 U.S.C. §455(a), §455 (b)(5)(i) And/Or §455(B)(6)(iii)."
17. Does Appellees James McManis, Michael Reedy, McManis Faulkner law firm, their California attorney Janet Everson and their attorney of record James Lassart's statement of "On July 31, 2019, the Court of Appeals granted Appellees' Motion for Summary Affirmance; and dismissed the Appeal.

Appellant sought a rehearing, which was denied on February 5, 2020" constitute an admission to judiciary conspiracies of dismissal of appeal in Appeal No. 19-5014, against the speaker's interest, when Mr. Lassart refused to produce the secret motion upon three times' written requests by Petitioner(1920126), did not deny existence of such a motion(!920126), did not make any objection/response to Petitioner's Circuit Rule 27(c) Counter-Motion for Affirmance relief in 1920120 when they had ample opportunity to make objections during 39 days until filing of the 8th supplements (from 10/29/2021 to 12/7/2021), did not file a Reply to Petitioner's opposition to their motion[ECF1920120], willfully averting responses to at least 20 times' same accusations of their conspiracies with DC Circuit Court of Appeal in summarily dismissing appeal which constitute their tacit admission?

18. Did the DC Circuit abuses its discretion on granting all Respondents' motion for summary affirmance?

19. Shall all orders of this court for 11-11119, 14-7244, 17-82, 17-256, 17-613, 18-344,18-569, 18-800, 20-524 and 21-881, be reversed in view of California Chief Justice Tani Cantil-Sakauye's irrevocable admission on 8/25/2021 in Petition for Review S269711 with a legal effect that all facts (8 matters) in Petitioner's Request for Recusal/Verified Statement of Disqualification of California Chief Justice Tani Cantil-Sakauye filed with California Supreme Court on 7/7/2021 (ECF 1921294 and 1921981) became truth and all appellees tacit admitted to such admission at least 5 times in the appeal proceeding of No.21-5210?

20. Shall all orders in this proceeding at the courts in all levels be reversed based on surface of "Certificate of Court Reporter's Waiving Deposit" filed with Santa

Clara County Court on 5/8/2014 but was purged by th court illegally, which proved directly existence of judiciary conspiracy in dismissing child custody appeal and plotting permanent parental deprival that Judge Rodolph Contreras's presumed non-existence of judicial conspiracies in 1/17/2019 order must be reversed in view of justice? The Certificate proves that Petitioner did have paid the transcripts for child custody trial of July 2013 but that the courts have conspired to forge fake notices to dismiss Petitioner's child custody appeal (H040395) with a false excuse that child custody appeal must be dismissed procedurally because Petitioner had not procured the child custody trial transcript from the court reporter (Julie Serna) when Santa Clara County Superior Court purged this Certificate from being the court records in the family case, took Petitioner's family court case off from the court's website blocking Petitioner's access to the family case docket in order to conceal the purging, and actively fabricated notices of non-compliances to dismiss child custody appeal (H040395/Petition No. 18-569) based on false assertion that Petitioner had not paid for the transcripts to block child custody appeal to access any courts?

21. Did the district court and Court of Appeal (19-5014) violate due process or act in excess of its jurisdiction or act as attorneys for defendants/appellees by sua sponte grant relief that was not requested and to dismiss actions summarily against all defendants in default including having entered default, which corroborated with James Lassart's admission of McManis's conspiracies with D.C. Circuit on 7/31/2019?

22. Should all orders of the Court of Appeal DC Circuit in 19-5014 be reversed for violation of due

process and appearance of briberies Chief Judge Merrick Garland assigned the appeal to two officers of Appellee American Inns of Court in violation of 28 U.S.C.§455(b)(5)(i), Appellee American Inns of Court let Chief Judge Merrick Garland issue a luxury award to Garland's nominated friend on behalf of Appellee American Inns of Court when its motion for summary affirmance (appeal dismissal) was pending at the D.C. Circuit, and AIC further gave Temple Bar Scholarship (bearing thousands of dollars' value) to Judge Patricia Millett's clerk who is likely the one drafting 7/31/2019 order dismissing AIC from the appeal, when the panel in 19-5014 covered up and refused to decide 54 crimes committed by the DC Circuit in 19-5014 proceeding that are related to the AIC, including taking Petitioner's name off from CM/ECF list on the eve of AIC's motion for summary affirmance, then put Petitioner's name back to receive Judge Millett's 4/9/2019 Order to Show Cause why not grant AIC motion based on Petitioner's non-opposition, and two alterations of court records on Temple Bar Scholars and Reports in ECF1791001 [motion to change venue], when AIC's website simultaneously made the changes in correspond to alterations of such court records in 19-5014 proceeding?

23. Is the Temple Bar Scholarship that is funded by the American Inns of Court a payment of economic value to judges or their clerks based on their judicial post that constitutes an illegal gift and creates the appearance of bias and requires recusal and disqualification?

20. Shall all orders of 19-5014 be reversed based on admission of McManis appellees' conspiracy with at least Judge Patricia Millett at the DC Circuit to dismiss the entire appeal on 7/31/2019 which was corroborated by the undisputed fact that the appellate

panel in 19-5014 did issue an Order to Show Cause sua sponte on the very same day why not adopt the entire 1/17/2019 order of Judge Rudolph Contreras in dismissing the entire appeal, when no other appellees filed a motion for summary affirmance, with the dismissal took place 104 days later on 11/13/2019?
24. Should all orders of DC Circuit in 21-5210 be reversed for violation of due process as the DC Circuit purposely empaneled officers/members of Appellee American Inns of Court in direct conflicts of interest in violation of 28 U.S.C.§455(b)(5)(i)?
25. Does new evidence of this Court's willful blocking filing of Petitioner's Application to Justice Amy Coney Barrett on 8/24/2022 in Petition 22-28 (App.180-89) corroborate with California Chief Justice Tani Cantil-Sakauye's admission that this Court's justices conspire to block child custody issue to access the court such that the case should be remanded to an neutral panel at District Court in New York for an amendment of the First Amended Complaint(ECF16)?

PARTIES TO THIS PROCEEDING

Petitioner Yi Tai Shao, P.O. Box 280; Big Pool, MD 21711

RESPONDENTS, 1 INTERPLEADER AND THEIR COUNSEL

(4 pages):

Tsan-Kuen Wang, (Ex-husband to Petitioner) and David Sussman (Wang's attorney), 95 S. Market Street, Ste. 410; San Jose, CA 95113 via email Spkdalaw18@gmailcom

The above two appellees were entered default on 8/30/2018.

INTERPLEADER'S Attorney who appeared on 11/19/2018 in response to Affidavits for Default against Judge Rudolph Contreras and his Administrator Jackie Francis (ECF136,137 in 1:18-cv-01233) without seeking an order beforehand (ECF140 in 1:18-cv-01233)

Daniel P. Schaefer, Matthew Grave, US Attorney for the D.C. Circuit 555 4th Street, N.W. Washington, D.C.20530 (202) 252-2531 Daniel.Schaefer@usdoj.gov; Matthew.Grave@usdoj.gov, who represent all federal judges appellees, including Supreme Court.

Chief Justice John G. Roberts, Jr.,
Associate Justice Anthony M. Kennedy,
Associate Justice Clarence Thomas,
Associate Justice Ruth Bader Ginsburg (deceased), Associate Justice Stephen Beyer,
Associate Justice Samuel Alito,
Associate Justice Sonia Sotomayer,
Associate Justice Elena Kagan,
Deputy Clerk Jordan Danny Bickell
Deputy Jeff Atkins
U.S. Supreme Court ,

Judge Lucy H. Koh, Judge at U.S.D.C. for Northern California

Judge Rudolph Contreras (Judge at USDC for D.C.), **Jackie Francis** (administrator for Judge Contreras)
Diane Feinstein (Senator)
The above were at default and pending default entry since 10/16/2018
US House Judiciary Committee, US Senate Judiciary Committee (or the Judiciary Committee of the Senate), Representative Eric Swalwell, Judge J. Clifford Wallace, Kevin L. Warnock(hacker hired by James McManis)
The above had not appeared
American Inns of Court, the Honorable William A. Ingram American Inn of Court, San Francisco Bay Area American Inn of Court,
The above are represented by Michael E. Barnsback, Lead Attorney; O'hagan Meyer, LLC
2560 Huntington Avenue, Suite 204 Alexandra, VA 22303 (703)775-8601; Fax: (804) 403-7110
Email: mbarnsback@ohaganmever.com
James McManis, Michael Reedy, McManis Faulkner, LLP., Janet Everson the above are **represented by James A. Lassart,**
Murphy Pearson Bradley Feeney
580 California Avenue, Ste. 1140
San Francisco, CA 94014 (415) 788-1900; Fax: (415) 393-8087 Email: **JLassart@MPBE.com**
California Supreme Court as Doe No. 2 Defendant,
Chief Justice Tani G. Cantil-Sakauye as Doe 3,
California Sixth District Court of Appeal,
Retired Presiding Justice Conrad Rushing,
Associate Justice Eugene Premo (deceased),
Associate Justice Franklin Elia,
Associate Justice Patricia Bamattre-Manoukian,
Associate Justice Adriene M. Grover as Doe No. 1 Defendant,

Clerk's Office at California Sixth District Court of Appeal,
Judge Edward Davila at USDC for Northern California who was all purpose judge at the family case of Petitioner who conducted judiciary abduction of 5 year old minor Lydia on 8/4/2010 a Case Management Conference, apparently bribed by Tsan-Kuen Wang and David Sussman
Santa Clara County Superior Court of California,
Judge Patricia Lucas (allowed James McManis law firm to draft for her the child custody trial order of 11/4/2013),
Judge Rise Pichon (then-Presiding Judge helped James McManis to issue a sua sponte order of 5/27/2016 to block Petitioner from accessing the family court by requiring Petitioner to get Presiding Judge's preapproval before filing any motion in the family court case by way of the Prefiling Order procured by James McManis from his attorney Judge Maureen Folan),
Judge Mary Ann Grilli,the judge vacated Davila's orders of 8/4/2010 and 8/5/2010 but maintained Davila's Orders pending evidentiary hearing for another 3 months after 7/22/2011 hearing; committed ex parte communication with David Sussman to remove the requirement for Wang to have psychological evaluation and to blindly sign Sussman's 10/31/2011 order which contained a clear typo to maintain the vacated orders of 2010 (typo to 2011) to be in full force.
Presiding Judge Theodore Zayner, currently blocked Petitioner from having a hearing date for her motion to vacate dismissal and orders of Judge Folan after discovering the judges' conspiracies and special relationship with McManis. He used Grilli's order of 10/31/2011 but cancelled evidentiary hearing to block

child custody return to Petitioner for another 2 years before trial in front of Lucas.

Judge Joshua Weinstein, a judge issued warrant trying to incarcerate Petitioner into jail twice. Issued an Order of 4/29/2016, without a proof of service, which appeared to be faxed from James McManis law firm, to cancel all motions of Petitioner.

Judge Maureen Folan, a defense attorney of James McManis and McManis Faulkner for 2.5 years; she helped McManis with a frivolous Prefiling Order

Judge Peter Kirwan, blocked Petitioner from lifting the stay to change venue away from Santa Clara County, in willful disregard of his conflicts of interest when he was President and Michael Reedy, President Elect of William A. Ingram American Inn of Court.

Commissioner Gregory Saldivar, who conspired with Judge Lucas to increase child support against Petitioner

Susan Walker, a supervisor for Appellate Unit who deterred Julie Serna from filing the child custody trial transcript, and blocked child custody appeal. On conspiracy with James McManis.

Lisa Herrick, attorney at Santa Clara County Court

Rebecca Delgado, the clerk who repeatedly was used to issue fraudulent notices of non-compliance, while deterring Julie Serna from filing the child custody trial transcripts.

Jill Sardeson, subordinate to Sarah Scofield, a screener at Santa Clara County Court Family Court, who conspired with Sarah Scofield, David Sussman, Tsan-Kuen Wang and Judge Davila to consummate child abduction on 8.4.2010.

Sarah Scofield, then-director of Santa Clara County Court's Family Court who conspired with David Sussman to child abduction on 8/4/2010.

David Yamasaki, then C.E.O. of the court, knowingly disregard the corruptions and child abduction.

The Above California Judicial Defendants Are Represented By The Following 3 Lead Attorneys:

Drew T. Dorner DUANE MORRIS LLP 505 Ninth Street, NW, Suite 1000 Washington, DC 20004 (202) 776-529L email: dtdorner@duanemorris.com

Michael L. Fox & Sean Patterson DUANE MORRIS LLP One Market Plaza Spear Tower, Suite 2200 San Francisco, CA 94105-1127 (415) 957-3092; Fax: (415)276-5775

Darryl Young, Mary L. Murphy, attorneys at **Department of Child Support Service**, Santa Clara County, Department of Children and Family Services, Santa Clara County, who conspired with James McManis to cause imputation of income silently without any evidence.

Misook Oh, the social worker bribed by Wang to commit child abduction on 8/4/2010

The Above Are Represented By: Lawrence J. Serrano COUNTY OF SANTA CLARA Office of the County Counsel 70 W. Hedding Street, 9th FL, East Wing San Jose, CA 95110 (408) 299-5900; email: Javier.serrano@cco.sccgov.org

BJ Fadem, prior child attorney, PRO PER 111 West Saint John Street, Suite 700 San Jose, CA 95113 (408) 971-9940; bjfadem@fademlaw.com

John Orlando, prior child custody evaluator who had no license for psychologist, 1100 Lincoln Avenue, Ste. 365 San Jose, CA 95125 (408) 295-5050

Elise Mary Mitchell, PRO PER, present child attorney for the minor, 320 S. Third Street, Ste. 102 San Jose, CA 95113 elise@e-mitchell-law.com

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Other Authorities

Rules

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PETITION FOR WRIT OF MANDAMUS [Rule 20]

Petitioner petitions for a writ of mandamus [Rule 20] under 28 U.S.C.§1651(a),when this Court lacks quorum and 28 U.S.C.§2109¶2 is inapplicable, respectfully requests that Justice Amy Coney Barrett, being the only impartial Justice of this Court, grant relief to either decide on the merits of this Petition on behalf of this Court, or certify this Petition to be transferred to an impartial senior judge at the Second Circuit Court of Appeal, with instruction to empanel impartial judges pursuant to the Congress-designed procedure detailed in *United States v. District Court for Southern District of New York*, 334 U.S. 258 (1948) (App.9) when no other courts/forum may render adequate relief, with existence of exceptional circumstances as set forth in the section of "Jurisdiction" of this Petition.

Second Circuit Court of Appeal is a proper place to be transferred to as all respondents have never contested Petitioner's requests to transfer venue to New York or Second Circuit since 2018, including three motions on transfer venue in Appeal No.21-5210 (ECF1920120,1922201&1922459), four requests in Appeal No.19-5014 (ECF1791001 and 3 Petitions for Rehearing) and requests/motions at District Court (ECF Nos.19,25,32,35,40,42,142,161).

Petitioner missed the due date of Petition for Writ of Certiorari by 4 days due to Respondents vehement interference with Petitioner's work by hacking, and physical interference even by evicting Petitioner from the public library of Hagerstown Community College by using Christine Ohl-Gigliotti the Dean of Student Affairs (App.189-91).

On 8/12/2022, Petitioner submitted "Petition for Writ of Mandamus [Rule 20; 28 U.S.C.§1651(a)],

or, Petition for Writ of Certiorari with Motion for Extension to Justice Amy Coney Barrett pursuant to Rule 30 Under the Most Extraordinary Circumstances (Rule 22 Application to Justice Barrett and Request for Recusal all other 8 Justices will be filed")"(https://1drv.ms/b/s!ArYtZQIfQTwMgQiXRbXUC6w1__h0), with "Application To Honorable Associate Justice Amy Coney Barrett For A Short Extension Of Time To File Petition For Writ Of Certiorari [Rule 30.2]; To Decide On The Petition, And Other Relief The Justice Deems Appropriate [Rules 20, 22, 23]" (https://1drv.ms/b/s!ArYtZQIfQTwMgR3OFTnUYd0GVPsy). Despite the Petition was mainly for Writ of Mandate which is timely and the untimely caused by interferences was for Certiorari, this Court returned the above on 8/18/2022 alleging that Petition for Writ of Mandamus may not be combined with Certiorari, and that application for extension on the alternative Petition for Writ of Certiorari is disallowed after passing due date for the Petition for Writ of Certiorari; these grounds (App.232-33) were unsupported by any authorities, but violated Rule30.3 and Rule22.1 when extraordinary circumstances under Rule30.2 to justify extension of time for out-of-time was presented by Petitioner and the Application includes requests for relief beyond extension.

All justices except Barrett have conflicts of interest. Chief Justice Roberts, Justices Thomas, Alito, Kagan and Sotomeyer ["5 Justices"] are defendants at default for the underlying complaint who have been involved with 177 felonies (App.234-48); among these, 111 felonies by the courts at all

levels were already tacitly admitted in 21-5210 proceeding.

5 Justices were sued for violation of First Amendment in failing to decide Requests for Recusal; up to present, as for the matters entered into the docket, 5 Justices failed to decide 9 Requests for Recusal and 2 Amicus Curiae Motions of Mothers of Lost Children; they even purged one of the motions from 18-569 docket which is child custody appeal. Justices Gorsuch and Kavanaugh joined their conspiracies in not deciding on recusal twice in 18-569 and 21-881, and harboring the crimes led by Chief Justice Roberts to conceal 7 filings in 21-881. These 7 Justices will be adversely impacted by decision of this case regarding breaching the paramount duty to decide.

This Petition includes an issue that D.C. Circuit's judges, including Justice Jackson, failed to respond on recusal in ECF1922459 for 100 days then D.C. Circuit's 2/23/2022 Order summarily denied recusal. Therefore, Jackson as well as the 7 Justices all have direct conflicts of interest under 28 U.S.C.§455(b)(5)(i) and §455(a).

Knowing Justice Barrett is the only Justice that may satisfy the due process requirement of an impartial tribunal, Roberts has willfully blocked Petitioner's Applications to Justice Barrett ***7 times***: once on 8/18/2022 for this appeal(App.232-33), twice in 21-881(App.192&231), triple in 22-28(App,205-222), Second Request for Recusal in 20-524 was blocked from filing with the effect that Justice Barrett would be the only un-recused Justice.

JURISDICTION

The Supreme Court has jurisdiction under 28U.S.C.§1651(a) and Rule 20 (Rules of the Supreme Court) to review D.C. Circuit Court of Appeal's

5/9/2022 Order denying rehearing, and 2/3/2022 Order summarily affirming Judge Rudolph Contreras's 8/30/2021 order in Appeal No.21-5210, and review all orders in appeal No.19-5014.

To review all orders in 19-5014, not only because they are subjects of Rule 60(b) motion for 21-5210, but also, *during 21-5210 proceeding*, **new undisputed facts came up** that McManis appellees admitted to their conspiracy with the DC Circuit on dismissing 19-5014 appeal(App.37-43,53), that the majority judges on panel (Patricia Millett and Cornelius T.L.Pillard) are AIC officers but concealed this conflicts of interest in knowing violation of 28 U.S.C.§455(b)(5)(i) and §455(a), and the Chief Judge Merrick Garland and panel leader Judge Millett were bribed by AIC Appellees pending 19-5014 appeal(App.62-66).

In 21-5210 appeal, Chief Judge Srinivasan willfully empaneled three AIC officers as panel (App.73-74), refused to transfer court despite 3 motions to transfer court including to let the new court decide on the 8 dispositive motions, were uncontested and **omitted from its orders all the undisputed, admitted conspiracies, 111 felonies, and briberies committed in 19-5014**.

In ***quadruple* violations of 28 U.S.C.§455(b)(5)(i)**, when both lower courts refused to decide on issues of recusal pursuant to *Moran v. Clarke* (8th Cir. 2002) 309 F.3d516, 517.,D.C. Circuit *blocked appeal twice* in violation of First Amendment of the Constitution, refusing to obey 28 U.S.C.§455(b)(5)(i) but willfully affirming Judge Contreras's two orders knowing he violated 28 U.S.C.§455(b)(5)(i): (1)sua sponte dismissing complaint on 1/17/2019 (when two defendants were entered default, and 13 federal defendants including

himself and this Court's present 5 justices were at default, 15 not yet made appearance) and (2)denying Rule60(b) motion on 8/30/2021 order without deciding any undisputed issues including about 111 court crimes(corrected count of "111" in 21-5210) and irregularities.

A.No other courts nor forum could render adequate relief.

Major issues of this case are **lack of impartial tribunal nor law enforcement** due to very rare conflicts of interests with exceptional circumstances that *the courts at all levels* have refused to decide on recusal, willfully violated 28 U.S.C.§455(b)(5)(i) and §455(a) and systematically blocked Petitioner's fundamental right to seek grievance at the courts as well as all law enforcement as manipulated by James Mcmanis and AIC.

All Justices except Justice Barrett have conflicts of interest. See, "Petition", supra.

Despite undisputed 111 felonies admitted by all appellees in 21-5210 proceeding, **no court would decide and all law enforcement, even US Attorney, will not help.** Instead, DC Circuit willfully empaneled AIC's officers in violation of 28 U.S.C.§455(b)(5)(i) and §455(a), **altered the 21-5210 docket 12 times** (App.18-29), including altering the docket entry for ECF1920120 to conceal McManis's admissions to their conspiracy with DC Circuit in dismissing 19-5014 appeal, concealing the fact of non-opposition of three motions about transferring court, unreasonably denied recusal and block transfer, and blindly granted all respondents' fatally-flawed motions for summary affirmance.

As discussed in Jurisdiction, Other Exceptional Circumstances,#6,supra, Petition 21-881 exposed unambiguous conspiracies of 7 Justices of

this Court and McManis. The present 7 Justices jointly conspired not to decide recusal, concealed the name of James Mcmanis as Respondent, harbored 28 felonies, concealed 7 filings, in order to ensure dismissal/suppression of Petitioner's legal malpractice case against McManis including evidence of undisputed crimes involved therein. (App.192-94).

When 19-5014 was appealed to this Court with Petition No.20-524, this Court committed **29 felonies** (App.240-42) including this Court's ***undisputed*** **forging 12/14/2020 Order**, took off the order and its 1/15/2021 mandate/judgment 3 times from 20-524 docket during 1/12/2021 and 1/17/2021, and blocked filings of Petition for Rehearing, Second Request for Recusal and even conspired with D.C. Circuit in returning Motion to file Petition for Rehearing. The 20-524 crimes are raised in Petitioner's 60b motion based on Rule 60(b)(4) that relief is not discretionary but mandatory(e.g., *Hall v. Commissioner*, 30 F.3d 1304(10th Cir.1994); Chambers v. Armontrout, 16 F.3d 257(8th Cir.1994)). Judge Contreras failed to decide these issues, either.

In 20-524, this Court misapplied an inapplicable statute of "28 U.S.C.§2109" to summarily affirm the DC Circuit's sua sponte dismissal of appeal, which, in turn, summarily affirmed Contreras's sua sponte dismissal, when all courts failed to decide recusal; this resulted in complete blockage of Petitioner's accessing the court to seek grievance, which led to Petitioner's Rule 60(b) motion and motion to change venue, and second round of appeal.

In Petition 20-524 proceeding, the U.S. Attorney was made known to the undisputed court crimes of 18 U.S.C.§§1506,1512(c),2071(b),1001 and 371,¶1 in Petition Nos.20-524 and 18-569(where this

Court removed the filed Amicus Curiae Motion of Mothers of Lost Children sometime after 5/25/2019), but **took no action to correct** the undisputed crimes.

Another Rule60(b)(4) issue is that 7 Justices of this Court breached the paramount duty to decide matters in conspiracy at least 11 times including 9 Requests for Recusal and 2 Amicus Curiae Motions and later purged the Motion in 18-569. None of the issues was decided.

Regarding the felonies occurred after the First Amended Complaint(ECF16), Petitioner filed a new complaint with the District Court in Eastern California on 2/22/2022 with case number of 2:22-cv-00325, but the District Court, in violating 28 U.S.C.§455(b)(5)(i), further ordered that "**no need to follow 28 U.S.C.§455(b)(5)(i)**".

Magistrate Judge, conceding that she did not take time to read 4 TRO motions of Petitioner but blindly denied all summarily, including regarding DC Circuit's court crimes when motions to transfer were uncontested. (App.180-85).

Without need of a party to file a motion to dismiss, Judge John A Mendez, an officer of Anthony M. Kennedy Inn, sua sponte dismissed the complaint on 4/20/2022, 3 working days before depositions of this Court's Justices, clearly misusing dismissal to block depositions. Mendez illegally adopted Magistrate Judge Allison Claire's recommendations even though Petitioner had dissented to Magistrate Judge(ECF51). Such sua sponte dismissal is similar to the dismissal of 19-5014 appeal. Moreover, the appeal docket 22-15857 from such dismissal further ***disappeared*** from pacer.gov until protested by Petitioner.(App.205-7)

California Chief Justice Tani Cantil-Sakauye, had irrevocably conceded that McManis is her attorney; that she conspired with Mcmanis to block Petitioner's access to the court. See C.1(2), below. In addition, as in Petition 22-28, California courts have jointly block Petitioner's access to her preexisting family case; presently both lower courts refused to decide, nor set for hearing Petitioner' renewed motion to vacate dismissal and to vacate Prefiling orders for already 10 months since November 2021.See Footnote#3. Therefore all California courts are corrupted and unable to render relief. WHEREFOR, no courts nor other forum can provide adequate relief, and this Court is justified in issuing a writ of mandate to certify transfer this appeal to empanel an impartial panel at the Second Circuit for a meaningful review. Due process further requires Justice Barrett to decide this Petition to save this case from gross miscarriage of justice.

B. Timely

Petition for writ of mandamus is timely as there is no time limit when structural due process violation is at issue. 111 admitted felonies include many delays in filing which are violations of due process, see, e.g., Critchley v. Thaler, 586 F.3d, 318 (5t Cir. 2009) and Wickware v. Thaler, 404 Fed. Appx. 856, 862 (5th Cir. 2010) (The clerk has a ministerial duty to file and that a delay in filing constitutes a violation of Due Process).

Quadruple violations of 28 U.S.C. §455(b)(5)(i) and §455(a) are also violations of due process.

C. **Other exceptional circumstances**

This court continued concealing filing causing 216 incidents (recent 2 new filings of 9/5/2022 in 22-28 had not been posted); 106 felonies not covered in

60(b) motion justify another 60(b) motion, and amendment of the First Amended Complaint(ECF16).

There are additional 11 exceptional circumstances:

1. A series of "undisputed" or "irrevocable" admissions to judiciary conspiracies, undisputed "briberies" related to 19-5014 dismissal, and discovery of direct evidence for California courts' conspiracies of parental deprival in 21-5210 appeal proceeding.

A flush of ***admissions*** exposed **undisputed** facts of judiciary conspiracies led by James McManis in the past 12 years, which corroborated Attorney Meera Fox's declaration in 2017 on the judiciary conspiracies to block child custody return to Petitioner and James McManis's own admission during deposition of 7/20/2015 about his bribing judges/justices with free legal services (both were *undisputed* by all appellees and *became truth* after California Supreme Court took judicial notice twice in S242475 and 249444):

(1) James Lassart admitted to McManis appellees' conspiracies with DC Circuit Court of Appeal in summarily dismissing 19-5014 appeal on 7/31/2019 (ECF1918497;App.37), which was further tacitly admitted by McManis Appellees 20+ times in 21-5210 proceeding when they had plenty of time to object to such accusation but never did.

See details in #9.A.1 below. See 1920120 in App.39, et seq. where Petitioner made for the first severe criminal accusations regarding this conspiracy; McManis appellees failed to respond to the 1920120. Lassart did **not** deny existence of such motion, refused to provide the motion to Petitioner upon 3

times of email requests (1920126) from 10/25-10/27 of 2021, did **not file a Reply nor an Opposition** to 1920120 regarding such severe criminal accusations when a normal person would usually deny or object.

Corresponding to McManis Appellees' tacit admission, the fact that DC Circuit altered the docket entry of 1920120 to **conceal McManis's tacit admission** further caused an **adverse inference** that DC Circuit did conspire with McManis to dismiss 19-5014 appeal and is purging such evidence, under the spoliation of evidence doctrine. *Battocchi v, Washington Hosp. Center,* 581 A.2d 759, 766 (D.C. 1990)["a fact-finder may draw an inference adverse to a party who fails to preserve relevant evidence within his exclusive control."]

During the 6 months from the time of admission, 10/18/2021, to closure of the proceeding, McManis Appellees tacitly admitted 20+ times of this conspiracy. See, *Jenkins v. Anderson,* 447 US 231 (1980)(tacit admission).

(2) California Chief Justice Tani Cantil-Sakauye "irrevocably conceded" to her conspiracies with McManis, Justice Kennedy and other Justices of this Court in denying all relief to consummate McManis's plan of permanent parental deprival.

In trying to take advantage of Petitioner's being overseas, McManis respondents conspired with their AIC' buddy Judge Christopher Rudy to rush dismissal of Shao v. McManis (2012-1-cv-220571), but Rudy could only be a substitute judge for this case on 10/8/2019; McManis appellees conspired with Santa Clara County Court to file their motion to dismiss and to alter efiling stamps for their motion to dismiss from 9/18/2019 to 9/12/2019 in order to meet to purported minimum statutory minimum notice.

Without special approval, McManis could not have filed their motion to dismiss because a motion cannot be filed without reservation under then-Local Rule 8(c), which requires to clear the date with Petitioner.

The efiling stamps' forgery process was complicate that Janet Everson re-filed the motion after 9/19/2019 and further forged a Notice of Non-Opposition to facilitate Rudy to grant the motion to dismiss on 10/8/2019 "based on non-opposition of Plaintiff," when they were certain that Petitioner could not have gotten any notice. Dismissal was ordered without lifting the stay that McManis requested *impromptu* during jury trial, after trial judge refused to grant their 13 motions in limine to apply collateral estoppel of Lucas' child custody order of 11/4/2013 on the ground that it was pending appeal; thus they plotted to use stay to plot dismissal of Petitioner's appeal from Lucas's child custody order(H040395) procedurally, without ruling on the merits, based on a false excuse that Petitioner did not procure trial transcripts.(See #1(3) below)

This conspired dismissal as well as the Prefiling Order from that case, were appealed to California Supreme Court with Petition for Review No.S269711.

On 7/7/2021, Petitioner filed a "Request for Recusal and Verified Statement of Disqualification of California Chief Justice Tani Cantil-Sakauye". For 50 days, McManis appellees did not object to the severe criminal accusations(with evidence) contained therein.

On 8/25/2021, the court issued a summary denial order with a note that Chief Justice Tani Cantil-Sakauye "**did not participate in voting**," which triggered "irrevocable concession" under California Code of Civil Procedure §170.3(c)(4) and

caused all facts stated in the Verified Statement to become true. *Hayward v. Superior Court of Napa County*, 2 Cal.App.5th 10, 39, & 40 (2016).

Petitioner raised Tani's irrevocable admission in 21-5210 proceeding in 1920120 motion and its supplements(e.g., 1921981) and in other papers, *for at least 5 times,* McManis appellees *again* did not make any objection which constitute McManis tacitly admitted to 7 conspiracies contained in the Verified Statement. All appellees did not object.

California Supreme Court stated that they have **no** record that may show the voting records for S269711, nor for any for the 15 Petitions which Tani conceded to have conspired with Mcmanis to summarily deny them.

S269711 was appealed to this Court in Petition 21-881; this Court committed 28 felonies in 21-881 (App.242-44) to ensure their buddy's case be dismissed with all crimes covered.(See #6, below.)

The 7conspiracies-truths include their influencing Justice Kennedy and this Court to deny 11 Petitions since 2012, to consummate McManis' common plan of permanent parental deprival of Petitioner. (see,e.g.,ECF1921981) See, #11A,B&C below.

(3) Admission by all appellees on the direct evidence of California courts' frauds in dismissing child custody appeal–the child custody trial's court reporter Julie Serna's "Certificate of Court Reporter's Waiving Deposit"

As mentioned above in #1(2), McManis plotted permanent parental deprival (see Petition No.22-

28,Appendix,App.161,Declaration of Meera Fox¶4[1]) and plotted dismissal of the child custody appeal(H040395).
McManis conspired with then-Presiding Judge Lucas to block Serna from filing the transcripts, purged it from being the court record, concealed the family case docket from the court's website such that Petitioner could not access the docket and could not know Serna's Certificate was purged(i.d.,Petition 22-28, App.249-250), burglarized Petitioner's home to destroy all database and hard drives and conspired with court to repeatedly forge notices of non-compliance to dismiss the child custody appeal(i.d.,App.185 for the first false notice) procedurally without adjudication on the merits(because Lucas's child custody order was written by McManis Faulkner law firm).

Dismissal took place on 5/10/2018, soon after Mary J. Greenwood became the Presiding Judge of the Sixth District Court of Appeal, who is the wife of Judge Edward Davila, McManis's buddy, who started the parental deprival on 8/4/2010 with undisputed ex parte communication with Wang's attorney, David Sussman.

Fox attested to the first judicial conspiracy of dismissal on 3/14/2016 (See i.d.,¶31[2]).

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[1] Ms. Fox declare in ¶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**....."

[2] Ms. Fox declare in ¶31:"Any reasonable attorney or member ofthe public who knew of the sequence of events described above that occurred from March 12, 2016 through March 14, 2016 would believe that there was a conspiracy to dismiss Ms. Shao's appeals which involved at least Deputy Clerk of Court R. Delgado on behalf of Santa Clara County Superior Court, Justice Rushing of the California Sixth Appellate District Court

Such direct evidence of courts' conspiracies showed up in God's hands in July 2021 and had been tacitly admitted by all appellees in 21-5210 proceedings 20+ times.

(4) McManis appellees admitted that they wrote Judge Patricia Lucas's child custody order of 11/4/2013.

Such tacitly admission is shown by their willful failure to oppose/object to this criminal accusation in ECF1922201,p.7 filed on 11/12/2021 and in Petition No.21-881, when they had admitted numerous times in California proceedings.

(5) Admissions that McManis's hacker destroyed all files of Petitioner's data base by burglarizing Petitioner's home/office.

Senior engineer Jonathan Lo attested to the destruction of 40,000+ files by physical entries, which were *never* disputed but *tacitly admitted* by all respondents including McManis appellees (at least 6 times in 21-5210: ECF1922538,1922459,1922455,1920285, 1920461,and5 1920126.

(6) McManis appellees' additional 8 tacit admissions in the 3rd Supplement(1921981) to 1920120(uncontested):

a. **James McManis conspired with Lucas** to purge Julie Serna's Certificate, block Petitioner's access to her Family Case Docket to conceal such purging, burglarize erasing records, and generate false notices in dismissing appeal from Lucas's Child Custody order;

(2) **McManis conspired with Tani and Judge Rudolph Contreras in dismissing Shao v.**

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of Appeal, and the firm of McManis Faulkner if not their attorneys. **There is no other explanation** ...."

Roberts, et al, l:18-cv-01233RC.
(3) **McManis conspired with California judicial appellees to dismiss Shao v. McManis**, et al. (2012-1-CV-220571). See above in 1.(2).
(4) **McManis conspired with Chief Justice Roberts, in committing 84 felonies** of alterations of dockets/records (include purging Amicus Curiae motion from 18-569 docket), concealment of filing, plus **not to decide motions and requests for recusal duly filed**, and **in summarily denying all Petitions**.
(5) McManis appellees conspired with California courts to block Petitioner's seeking grievance by using their attorney Judge Maureen Folan's **Prefiling order**, that is not supported by a Statement of Decision.
(6) McManis appellees conspired with Judge Theodore Zayner, the Presiding Judge, to change the Civil Local Rule 8(c), to purge evidence of their judicial conspiracy with the court on filing McManis's motion to dismiss. Since 11/4/2021, Zayner further had used the current, new Rule 8(c) to withhold a hearing date from being set regarding Petitioner's renewed[3] motion to set aside dismissal and prefiling order.
(7) McManis conspired with Tani and California State Bar staffs to quietly docket a case S263527 at California Supreme Court to suspend Petitioner's bar license, with the docket created on 7/27/2020, the

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[3] It is based on new discoveries of concealed conflicts of interests where Judge Christopher Rudy blindly dismissed the case without lifting the stay is a member of William A. Ingram American Inn of Court, where Michael Reedy is the registered founder, and Judge Maureen Folan who issued the prefiling order, was their prior attorney of record for legal mal defense for 2.5 years that all Folan's orders should be void".

very same day Petitioner's notice of appeal was granted for filing in Shao v. McManis et al..
(8) McManis conspired with Tani to purge State Bar's enforcement case 15-O-15200 (McManis provided judges/justices on with free legal counseling) and 20-0-7258 (forging efiling stamps in motion to dismiss)..

2. **For 7 times, Chief Justice has willfully blocked Petitioner from seeking grievance from Justice Barret, the only impartial Justice at this Court.**

This Court had committed 18 felonies(App.244-47) in this pending Petition 22-28, which is about 12 years' illegal parental deprival. 22-82 proceeding has exposed Chief Justice Roberts's conspiracies with McManis and Tani to block child custody return to Petitioner as conceded by Tani, because Chief Justice persisted on concealing the names of 4 Respondents by concealing page "v" in disregard of Petitioner's 7 requests and firmly/expressly blocked Petitioner from filing her Application to Justice Amy Barrett, the only impartial justice at this Court who is likely to follow Constitution to release the child custody to Petitioner. See P.20 for the 4 Respondents.

There is no reason for a judge to conceal the names of parties unless there is a conspiracy. While those 4 Respondents contributed significantly to continuous parental deprival, Chief Justice's using Robert Meet to reject filing the Application twice no matter how Petitioner's paper satisfied all requirements of the Rule demonstrated Chief Justice's blockage from filing the Application. He falsely asserted lack of "jurisdiction" as the ground in his letters of 8/24/2022 (App.209) and 9/7/2022 (App.222;246). Meek's bizarre behavior in remaining silent when picking up Petitioner's call suggested that Meek knew what he did was illegal.

In 21-881, Application to Barrett was blocked filing on 1/26/2022 with also the same false excuse, in contravention of Rule 22(App.232).

Likewise, in 20-524, this court blocked filing of the Second Request for Recusal which had the same effect of blocking Barrett from making decision.

3. **This Court blocked and concealed filing of Motions for Judicial Notice 6 times with the same false excuse of jurisdiction.**

Motion for Judicial Notice had been consistently blocked from filing by this Court(Roberts and clerk's office) in 18-344, 18-800, 19-613, 20-524, 21-881 and 22-28. Recently in 22-28, after being held for 12 days, Clerk Scott Harris eventually gave the reason for this unacceptance of filing—beyond the jurisdiction of this Court (8/5/2022 letter of Emily Walker(App.223), which, however, conflicts with the history of this Court's filing such motion in at least 2 other cases, 14-527 and 22O129.

Further, this Court had concealed filings by refusing to enter into the docket "not accepting for filing," in disregard of numerous requests of Petitioner. In comparison, there are 100 docket entries on this Court's website regarding not accepting for filing, whether in pro per, or with counsel's representation. #10 of this Court's Guidelines for Electronic Submission requires the clerk to make such docket entry—not accepting for filing.

Petitioner re-submitted the Motion for Judicial Notice in 22-28 on 9/5/2022 but again this Court returned with the same excuse.(App.230)..

4. **All appendixes for Requests for Recusal filed with this Court in Petition Nos.17-256, 17-613 (2x), 18-344, 18-569, 18-800, 19-613, 20-524, 21-881, and 22-28 were concealed from posting; the requested Justices' failure to decide should result in their tacit admission and the facts in all of the 9 Requests for Recusal should be deemed true.**

More egregiously, the *entire* Request for Recusal filed in 22-28 was not posted on the docket until 9/19/2022. The facts stated in all 9 Requests for Recusal, or 10 if this one in 22-28 were not decided, should be taken as true, according to *Jenkins v. Anderson,* 447 US 231 (1980), also by analogous to *Hayward v. Superior Court of Napa Valley*, 2 Cal.App.5th 10 (2016).

The Justices' jointly not to decide **cannot happen without a conspiracy not to decide**, according to Wisconsin Supreme Court's research report in State v. Allen 2010 WI 10 (2010).

5. 21-881(App.192-93) proves existence of conspiracies between McManis(App.242-44) and 7 Justices of this Court where McManis Faulkner made more tacit admissions

a. The irregularities in Petition 21-881 confirmed existence of Tani's conceded conspiracy:

(1) Without a conspiracy, this Court would not have concealed James McManis's name from being shown as a Respondent.

(2) **7 filings** (App.192-93) were blocked and concealed where Chief Justice Roberts were made known 3 times(App.193).

(3) 7 Justices of this Court(Two additional Justices, Gorsuch and Kavanaugh, joined the 5 Justices' conspiracies) conspired not to rule on Request for Recusal, even though 5 Justices had

acknowledged their conflicts of interest in the immediately preceding of 20-524.

(4) The 7 Justices failed to reverse 2/22/2022 order which should have been reversed as Chief Justice Roberts who participated in voting on 2/22/2022 had conceded his conflicts of interest in violation of 28 U.S.C.§455(a) on 4/18/2022 order denying rehearing.

Instead, they **harbored** the court's 28 felonies led by Roberts including (1) to (3) mentioned above; it reasonably indicates that they willfully not recuse themselves in order to keep their voting power to ensure McManis's case be dismissed and McManis's crimes be sealed.

b. McManis appellees additional tacit admissions in 21-881:

1. McManis law firm drafted Judge Patricia Lucas's child custody order of 11/4/2013 to cause permanent parental deprival of Petitioner.
2. McManis hired a hacker to burglarize and purge all database to disable Petitioner's work.
3. McManis's co-conspirators erased Julie Serna's Notice of Waiving Deposit that was filed with the Family Court on 5/8/2014 in order to dismiss child custody appeal.
4. Present 5 Justices plus Justice Breyer who are at default of Shao v. Roberts et al, conspired with McManis law firm in blocking filing of SHAO's "**motion for judicial notice of the Amicus Curiae motion filed in 18-569**" in Petition No. 20-524 and **altering the docket of 18-569** to remove the court records of Amicus Curiae Motion of Mothers of Lost Children.
5. **McManis appellees conspired with all appellate courts to conceal McManis's name.**
6. In order to ensure permanent parental

deprival of Petitioner, Mcmanis had conspired with California Courts to **use their Prefiling order to block Petitioner's reasonable access to the family court**, and conspired with this Court's AIC Justices to summarily deny Petitioner's Petitions for Writ of Certiorari and Applications since 2012.

6. Petition 22-28 demonstrates this court did conspire with James McManis and California judicial defendants/appellees in blocking Petitioner's child custody return.

a. This Court could not have been persistent in concealment of Respondents' names that contributed significantly to the conspiracies of permanent parental deprival of Petitioner without a conspiracy.

In disregard of *at least 7 times' objections*, this court persisted on concealing Respondents' names on the second page of "Parties in the proceeding". The concealed judges/respondents all had helped McManis *significantly* by misusing their judicial power to commit the felonies and violate the due process of Petitioner and her child; such concealment demonstrated the judicial conspiracies among California courts, James McManis and this Court. They are:

(1)Judge Patricia Lucas:

Lucas allowed McManis Faulkner law firm to draft her child custody order of 11/4/2013. As the Presiding Judge, Lucas directed purging Julie Serna's 5/8/2014 "Certificate of Court Reporter's Waiving Deposit", blocking Serna from filing the transcripts, concealing Petitioner's Family Case Docket for 10 months, and keeping fabricating false notices pretending Petitioner not yet paid the reporter's fees, and enabled Sixth District Court of Appeal to use the

false notices as the ***sole*** ground to dismiss the child custody appeal(H040395)---an appeal to review her fraudulent 11/4/2013 order. Lucas and Judge Pichon, Presiding Judge preceding Lucas, denied all vexatious litigant applications to file a motion with the family court on changing child custody and support.

(2)Judge Theodore Zayner

Zayner is the present Presiding Judge. On 10/31/2011,Zayner "revived" Davila's parental deprival orders of 8/4/2010 and 8/5/2010 which had been set aside, *without* evidentiary hearing, declined Petitioner's 15+ requests for evidentiary hearing raised in *each* hearing for 2 years, willfully assigned trial in front of Lucas, McManis respondents' buddy, in July 2013; stole the original deposition transcripts of James McManis and Michael Reedy, caused both child custody appeal and vexatious litigant order appeal to be dismissed summarily without an appellate review, conspired with McManis to dismiss the civil case to disallow Petitioner a day in court, altered Local Rule 8(c) to spoliate judiciary conspiracies involved with dismissing the lawsuit of Shao v. McManis, and has blocked a hearing date for Petitioner's new motion to set aside dismissal and prefiling order since 11/4/2021(See Footnote#3).

(3)Judge Rise Pichon

Pichon was the Presiding Judge who issued the ***sua sponte*** order of 5/27/2016 to apply Prefiling Order to family case without a notice, motion, hearing, to block Petitioner's filing any motion in her pre-existing family case to ensure child custody not being released to Petitioner because of Wang's undisputable dangerous mental illnesses.

(4)Judge Maureen A. Folan

Folan concealed her being McManis's attorney for 2.5 years, forged the Prefiling Order with knowledge that it was used to block Petitioner's access to the family court to block child custody return.

b. Blocking Application to Justice Barrett to block immediate child custody release.

See,p.16 regarding the court's using Robert Meek to violate Rule 22.1 and block the habeas corpus matter to be in front of Justice Barrett. **Meek fabricated false notice to return filing, with concealing the main purpose of the Application being for immediate child safety concern.**

Clerk's office has a ministerial duty to file; delay in filing violates due process. See,*Thaler*, supra. Application was delayed since 7/28/2022 then illegally returned.

c. All California courts are blocking Petitioner's access to the court

In denying habeas corpus, Tani already knew the lower courts' blockage of Petitioner's access to the court. Tani misused her attorney McManis's fraudulent Prefiling Order to require re-filing of Petitioner's Petition for Writ of Habeas Corpus, froze it by 3 months, then summarily denied the Application thus leaving Petition automatically not decided. Therefore, Tani blocked Petitioner's First Amendment Right, the same facts as *Ringgold Lockhert v. County Of LA.*, 781 F.3d 1057 (9 Cir. 2014), which led to petition 22-28.

Likewise, Petitioner's renewed motion to set aside dismissal and all orders of Judge Maureen A. Folan had been blocked by **both California lower courts for already 10 months since November 2021**(See Footnote#3).

8. Writ by Justice Barrett is necessary as all other Justices of this Court violated 28 U.S.C.§455 and not qualified to adjudicate the issue of all courts' willful violation of 28 U.S.C. §455(b)(5)(i), and all courts committed 111 undisputed felonies but no courts decided this issue.

Seven Justices of this Court jointly conspired not to decide on Requests for Recusal, and one of the issues for 21-5210 appeal includes Justice Jackson's failure to respond to Petitioner's motion to disqualify her(1922459), and thus, it is impossible for them to fairly decide the major issues of this proceeding—all courts failed to decide recusal and violated 28 U.S.C.§455 that requires changing venue to impartial panel and all courts have direct conflicts of interest for committing 111 undisputed felonies.

9. 21-5210 orders were issued by biased panel in violation of 28 U.S.C.§455(b)(5)(i) and abuse of discretion that should be reversed.

a. The biased panel abused discretion in granting Respondents' fatally-flawed motions for summary affirmance to block Petitioner's appeal .

In addition to violation of due process—violating 28 U.S.C.§455(b)(5)(i) and failed to transfer venue when 3 motions are uncontested (1920120, 1922201, 1922495), the panel abused discretion to grant fatally-flawed motions for summary affirmance, concealed McManis's admission by altering the docket entry of 1920120 and conceal the fact that 1922459 motion was uncontested, i.e., altering 1924935 concealing it being the "Notice of Non-opposition of 1922459 motion"(1924935). Please see 1920120 in App.44-48 re why their motions for

summary affirmance are fatally flawed. To sum up, Respondents' motions

1. failed to present precise issues for determination for the motion for summary a6ffirmance. *Multimedia Inc. v. San Diego*, 453 US 490, 499 (1981); *Cascade Broadcasting Group, Ltd. V. FCC*, 822 F.2d 1172, 1174 (1987).
2. failed to oppose 60b motion before appeal. i.d.
3. The basis of the motion is simply to repeat the opinion that is challenged on appeal which is not qualified. *Mandel v. Bradley*, 432 US 173, 178 (1977).

b. James Lassart and his clients' admission

McManis appellees took the lead of all Respondents in filing a 3 pages' motion for summary affirmance (ECF1918497) on 10/18/2022. Yet, McManis's motion is fatally flawed as their first ground of "no special circumstances to justify reconsider" is unsupported by the court's records which showed the undisputed 111 felonies tacitly admitted to by all appellees, including the new evidence of Judge Contreras's own criminal acts in purging 4 docket entries that evidenced his ex parte communications with California Judicial Defendants(App.140-141).

McManis appellees' motion should have been denied as their second basis is all about the two lower courts' decisions which cannot be qualified as a basis for a motion for summary affirmance. They argued that the DC Circuit Court of Appeal had granted their motion on 7/31/2019 and Judge Contreras stated the following in his 8/30/2022 order denying 60(b) motion:

"The Court rejects Shao's latest attempt to relitigate her case. She has had her day in Court and then

some.· If Shao files more baseless motions to revisit already decided questions, she will face sanctions."

Their motion must be denied for lack of a valid ground as lower courts' decision cannot be the ground for a motion for summary affirmance according to *Mandel, i.d.,* not to consider the factor that Contreras's orders should be voidable for violation of 28 U.S.C.§455(b)(5)(i) that cannot be summarily affirmed.

While McManis Appellees' motion is *frivolous*, their motion further **disclosed their conspiracy with the D.C. Circuit Court of Appeal to summarily dismiss the entire 19-5014 appeal** by disclosing that **their under-the-table motion was granted on 7/31/2019**, which corresponds to the 7/31/2019 D.C. Circuit's "sua sponte" Order to Show Cause to adopt the entire Contreras1/17/2019 Order and 11/13/2019 "sua sponte" dismissal order. Mr. Lassart wrote:

"On July 31, 2019, the Court of Appeals granted Appellees' Motion for Summary Affirmance, and dismissed the Appeal."(App.37)

Lassart refused to provide a copy of the motion to Petitioner and **never** denied its existence, and **did not object nor respond** to Petitioner's severe criminal accusation of their conspiracies of summary dismissing the 19-5014 appeal which was stated 20+ times in 21-5210 proceeding starting from ECF1920120.(App.53-61;See also,#1(1) above.)

Corresponding to McManis appellees' 20+ times' tacit admission, **DC Circuit silently altered the docket entry for 1920120** which triggers an **adverse inference** of such conspiracy and of their trying to cover up McManis Appellees' admission, pursuant to the doctrine of spoliation of evidence.

The alteration disconnected 1920120 and its 8 supplements from McManis's motion for summary affirmance (1918497), for the apparent purpose of concealing McManis appellees' tacit admission. The original 1920120 docket entry was (App.23):

> **RESPONSE IN OPPOSITION [1920120] to motion for summary affirmance [1918497-2] combined with a MOTION** for attorneys fee, to transfer case, to remand case, to vacate filed by Yi Tai Shao [Service Date: 10/28/2021 by CM/ECF NDA, Email] Length Certification: 7788 words in 28 pages which is under the limits of 7800 words and 30 pages per Circuit Rule 27. [21-5210] (Shao, Yi Tai)

Present entry is:

> MOTION [1920120] to vacate, change venue, for summary affirmance and for sanctions filed by Yi Tai Shao[Service Date: 10/28/2021 by CM/ECF NDA, Email] Length Certification: 7788 words. [21-5210]--**[Edited 10/29/2021 by SRJ]** (Shao, Yi Tai) [Entered: 10/28/2021 06:49 PM]

c. Two other motions endorsing McManis's 1918297 motion is nothing but endorsing McManis appellees' admission to their conspiracy in dismissing 19-5014 appeal.

Appellees Carol Tait-Starnes, and California Judicial defendants' motions for summary affirmance only endorsed McManis appellees' motion, without any legal authority that failed to be qualified as motions for summary affirmance pursuant to *Multimedia, supra.*

None of them filed an opposition to 60(b) motion, and never objected to any of Petitioner's 20+ criminal accusations of conspiracy dismissal of 19-5014 appeal in 21-5210 proceeding. All these

appellees' motions endorsed was McManis' admission to their conspiracy in dismissing 19-5014 appeal.

d.AIC motion conceded its briberies in 19-5014

AIC's motion also is frivolous according to *Mandel* as its only basis was Contreras's holding. Notably, AIC's Reply **did deny its briberies over Chief Judge Garland and Judge Millett**.

Thus, the 2/23/2022 order granting all these fatally-flawed motions for summary affirmance is an abuse of discretion, a fruit of conspiracies when the panel willfully violated 28 U.S.C.§455(b)(5)(i).

e.2/23/2022 Order abuses its discretion to deny recusal and deny change court.

2/23/2022 Order conceals the records that three motions[4](1920120,1922201&1922459) to change venues, disqualify judges, en back were **not contested for at least 100 days**, while D.C. Circuit **altered the entry of ECF1924935(App.21,31,73)**, Notice of Non-Opposition for the 1922459 motion as a spoliation of evidence. 2/23/2022 Order thus abuses discretion in deny recusal of the named judges at the DC Circuit, including Justice Jackson, denying change en banc and change court.

In addition, on 6/27/2022, 90 days ago, after the appeal of 21-5210 was closed, D.C. Circuit took off the docket all records after 10/29/2021(App.17-22), while Atchue at D.C. attempted to alter the docket on 11/13/2021(App.20,71).

f.DC Circuit's 12 times alterations of the docket requires changing venue.

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[4] See complete title of 3 motions in "Questions Presented"#16.

10. Writ is required as all Courts violated the paramount duty to decide and apparently blocked Petitioner's right to access the court

All courts violated 28 U.S.C.§455 and all failed to decide recusal or issues of recusal and issues on merits, and this is the second round of appeal that really need a writ for these terrible disruptions in breach of the basic function of a court. Two orders in 21-5210 failed to decide issues of AIC's admitted briberies, McManis's admitted conspiracies, irrevocable concessions of Tani, the undisputed/admitted 111 felonies as shown in #9 above.

As a result of the conspiracies to block Petitioner's accessing the courts, they consistently delayed docketing the cases:

1. U.S.D.C. for the D.C. delayed docketing Shao v. Roberts, et al., 1:18-cv-01233RC for at least 10 days from 5/21/2018 to 5/31/2018.
2. D.C. Circuit delayed docketing 21-5210 by 8 days (App.69)
3. Regarding McManis's case, Shao v. McManis et al.(2012-1-cv-220571,S269711&Petition 21-881), Santa Clara County Court delayed 2 weeks in delivering Notice of Appeal to Sixth District Court of Appeal, which concealed the Notice of Appeal and delayed docketing appeal H048651 by 4 months from 7/27/2020 to 12/7/2020. Then Presiding Justice Mary J. Greenwood required a second vexatious litigant application to file new case, froze it 5 months then summarily denied the application on 5/25/2021, same style as Tani's blocking Petition for Writ of Habeas Corpus.
4. The 9th Circuit delayed 8 days in docketing the appeal No.22-15857 from the second case of Shao v. Roberts, et al, 8 days from docketing the appeal

(No.22-15857). On 7/28/2022, 22-15857 docket disappeared from pacer.gov. Thus far, Petitioner's registered email is still unable to receive CM/ECF notice for 22-15857, after objections.

SUMMARY STATEMENT OF FACTS & PROCEEDING

Petitioner filed Appeal No.19-5014 with the D.C. Circuit to appeal from Judge Rudolph Contreras's sua sponte dismissal order of 1/17/2019.As of dismissal, 5 present Justices and 3 retired/deceased Justices and Jeff Atkins and Jordan Bickell and this Court as well as Judge Rudolph Contreras were all at default, about 15 Defendants had not made appearance; Contreras blocked the Clerk's Office from entry default, after two(Wang&Sussman) were entered default.

Contreras never explained his complained ex parte communications, alterations of docket, false signature dates, delaying in docketing but created a false accusation of "judge shopping" as an excuse for him to decide on his own case in disregard of 28 U.S.C.§455(b)(5)(i)(App.88,90,94,123,139-141).

DC Circuit's operation manager Scott Atchue took Petitioner's name off from the CM/ECF system of DC Circuit immediately before AIC's motion for summary affirmance (3/18/2019), causing Petitioner not getting notice of the motion. Atchue put Petitioner's name back on 4/9/2019 to enable Petitioner to receive Judge Patricia Millett's Order to Show Cause why not grant AIC's motion for summary affirmance "based on non-opposition by Petitioner."

In failing to oppose/object in AIC's Reply to Petitioner's Opposition to its motion for summary affirmance,AIC had tacitly admitted to its briberies to the judges at DC Circuit pending its motion for

summary affirmance in 19-5014. On 6/20/2019, AIC let Chief Judge Merrick Garland present 2019 AIC Professionalism Award, on behalf of AIC, to Garland's nominated friend AJ Kramer, appearing to reward Garland at least for his assigning 19-5014 to two AIC officers, Judge Patricia Millett and Judge T.L. Pillard.]

AIC awarded Judge Patricia Millett's clerk with Temple Bar Scholarship with value of at least $7,000, who could be the same drafted 7/31/2019 order dismissing AIC from 19-5014 appeal. AIC's motion should have been denied as the scam of avoiding notice to Petitioner became undisputed; it was made without notice but was granted on 7/31/2019.

In May 2019, two filed records in 19-5014 on Temple Bar Scholars and Reports["TBSR"] were altered, while AIC's website reflected the same alteration. Then simultaneously when Atchue promised Petitioner that the court did not alter the records, the AIC also changed the TBSR back to its original posting. Petitioner moved to change venue based on (1) 3 Supreme Court Justices are alumni of D.C. Circuit that should disqualify DC Circuit according to Chief Justice Roberts' 10/10/2018 letter order (to change court on Justice Kavanaugh's cases); (2) D.C. Circuit altered 6 court records. 4 among the 6 involved with AIC!

The panel refused to decide the issues for recusal, despite 3 Petitions for Rehearing asking them to decide within 11 months' span.

On 10/18/2021, James Lassart filed a motion for summary affirmance exposing their undocumented motion for summary affirmance that was "granted" by the D.C. Circuit on 7/31/2019, refused to tender the motion, and failed to object to

Petitioner's severe criminal accusations of conspiracies with adjudicating court to dismiss 19-5014 appeal, which constituted their 20+ tacit admission to such conspiracies. Indeed, besides granting AIC's defective motion, Millett further issued an Order to Show Cause on 7/31/2019 to adopt the entire order of 1/17/2019, and ***sua sponte*** dismissed the appeal summarily 104 days later on 11/13/2019.

19-5014 was appealed to this Court in petition 20-524. On 12/14/2020, this Court misapplied 28 U.S.C.§2109 to summarily affirm DC Circuit's sua sponte dismissal, leaving no merits on appeal being reviewed, a gross injustice.

This court, actively blocked filing of Petition for Rehearing and Second Request for Recusal of Justices Gorsuch and Kavanaugh, after being e-served, intercepted the mail by 8 days, rushed 1/15/2021 Mandate/Judgment, withheld for 11 days,then returned de-filed both documents on the same day when they were served Petitioner's Motion to File Petition for Rehearing,1/29/2021. On 3/2/2021, this Court conspired with DC Circuit to return to Petitioner Motion to File Petition for Rehearing.

There were 29 felonies committed in 20-524.(App.240-42) Between 1/12/2021 and 1/17/2021, this Court took off from 20-524 docket 3 times the order and judgment which appeared the order and judgment were forged. See App.130-31 and ECF161-6, document link: https://1drv.ms/b/s!ApQcXu9BWrwpglPQ086A-x4RRI7N

As Supreme Court failed to rule on the Petition for Writ of Certiorari 20-524, and the merits of her complaint was blocked from access to the courts, pursuant to the holdings of LSLJ Partnership

v. FritoLay, 920 F.2d 476 (7th Cir. 1990), and Standard Oil Co. v. California v. United States, 429 U.S. 17 (1976), Petitioner filed with the USDC for the D.C. a Rule 60(b) motion to vacate 1/17/2019's Order and to change venue [ECF161, 161-1 through 161-9] after mandate.(App.87-137).

The motion is based on F.R.C.P.60(b)(3), (4) and (6) according to Liljeberg v. Health Serv. Acquisition Corp. (1988) 486 U.S. 847 and William v. Pennsylvania, 136 S. Ct. 1899, 579 US __, 195 L. Ed. 2d 132 (2016).

Chief Judge Howard was informed of the risk of repeated violation of 28 U.S.C.§455(b)(5)(i) by two letters(App.69,185), but did not take action to move the case away from Contreras or change court.

On 8/30/2021(App.79-86), Contreras denied Rule 60(b) motion, failed to decide **any** of the issues raised in the motion, including Contreras's own removal from the docket 4 entries which is evidence of his ex parte communications of California Judicial Defendants (Tani admitted later her conspiracy with Contreras to dismiss the case).(App.87-137).

On 9/21/2021, Petitioner filed the second round of appeal, docketing of 21-5210 was delayed 8 days until 9/29/2021, after inquiries to Atchue.

6 material admissions and direct evidence of judicial conspiracies (Julie Serna's Certificate of Court Reporter's Waiving Deposit filed with Santa Clara County Court on 5/8/2014) blocking Petitioner's child custody appeal were shown and well admitted in 21-5210. See Jurisdiction,Other Exceptional Circumstances,#1. All judicial conspiracies in the past 12 years were exposed and admitted.

There are totally 8 motions and 1 counter-motion for affirmative reliefs in 21-5210. 4 Motions for Summary Affirmance were filed by

Respondents(See Jurisdiction,#9), Petitioner filed 4 motions and 1 counter-motion(1920120) which was in response to McManis Appellees' motion for summary affirmance based on Circuit Rule 27(c). Out of the totally 5 motions of Petitioner, 3 motions,1920120,1922201,1922459 were uncontested. See the complete names of the 3 motions in Questions Presented,#16. On 12/24/2021, Chief Judge Srinasan and Atchue were informed non-opposition of the three motions and asked to transfer to Court of Appeal, Second Circuit (App.73-74) and the conflicts of interest of American Inns of Court.

On 2/23/2022, 100 days after 1922459 was uncontested, DC Circuit denied appeal, granted 4 fatally-flawed motions of summary affirmance. The new panel was composed of all AIC officers in willful violation of 28 U.S.C.§455(b)(5)(i).

In Feb. 2022, Petitioner filed a Petition for Writ of Habeas Corpus with California Supreme Court to release the minor from unlawful custody illegally placed with Wang, based on Serna's Certificate and new admissions in 21-5210. California Chief Justice Tani required re-filing with a vexatious litigant application, froze it for three months, then caused her AIC friend Justice to summarily deny the application on her behalf on 5/17/2022, which is pending with Petition 22-28. Please see Jurisdiction, Other Exceptional Circumstances #7 for the irregularities and crimes in 22-28 by this court.

In suppressing the admissions and crimes, DC Circuit altered the docket of 21-5210 12 times, with the last time on 6/27/2022, 1.5 months after closing this appeal, the Circuit Court took off from the docket the great majority of docket entries dated

after 10/29/2021 for unknown purposes. See App.17-20: the "full docket" for 21-5210 became only those entries from 9/29/2021 through 10/29/2021.

See Jurisdiction for 10 exceptional circumstances. No court may provide relief other than Justice Barrett, but Chief Justice Roberts blocked Petitioner 7 times to seek grievance from Barrett. See,i.d.,#2&#7b,

All courts violated 28 U.S.C.§455(b)(5)(i) and failed to decide recusal pursuant to Moran v. Clarke (8th Cir. 2002) 309 F.3d 516, 517. This proceeding has had 216 incidents of violations of 18USC§§1506, 1512(c),2071(b),1001,371, including 177 felonies of this Court as of 9/20/2022 (App.234-48) 111 among the 215 had been admitted by all appellees in 21-5210 proceeding, which include 84 felonies of this Court.

LAWS INVOLVED[See Appendix,App.1-13]
including First and 5th Amendment of Constitution,
28USC§144,
28 USC §455(a) and (b)(1), (b)(5)(i)&(iii)&(iv)
18 U.S.C.§1506, § 1512(c), §2071(b), §1001, §371,¶1
F.R.C.P.15(a)(3):
U.S.D.C. in the D.C. Civil Local Rule 7(b) &83.2(d)
For the People Act (H.R.1); H.R.4766; S.2512
"Supreme Court Ethics Act") Chapter 57 oftitle 28, United States Code,
GUIDE TO JUDICIARY POLICY VOL.2C, Ch.6 Gifts to Judicial Officers and Employees §§620.25, 620.30, 620.35(b), 620.45, 620.50
California Code of Civil Procedure §170.9
28 U.S.C. §2109
The Historical Note for ¶2 of §2109
Footnote 13 to United States v. Wills
standard in applying 28 U.S.C. §455: Moran v. Clarke

Cal. Code of Civil Procedure §170.3(c)(4)
Hayward v. Superior Court of Napa Valley, 2 Cal.App.5th 10 (2016)
Adoptive admission: Ca. Evidence Code §1221 and §1230

OPINION BELOW

This Petition requests reversal of all orders in Appeal Nos.21-5210 and 19-5014, and in the District Court 1:18-cv-01233 which are in Appendix, based on all lower courts' willful violation 28 U.S.C.§455(b)(5)(i) and set up clear standard in application of 28 U.S.C.§455, and this Court's filing issues.

REASONS FOR GRANTING MANDAMUS

Please incorporate Jurisdiction, Other Circumstances #8-10.

A. While petitioner has satisfied the requirement for a writ of mandamus under 28 U.S.C.§1651(a) and Rule 20 which authorizes this Court to exercise its discretion, Due Process Clause further "requires" Justice Barrett, to decide this Petition on behalf of this Court, and to certify this Petition to be transferred to impartial panel at Second Circuit Court of Appeal for a meaningful appellate review.

Petitioner has presented in the section of "Jurisdiction" that no courts could provide adequate relief with *undisputed* judiciary conspiracies, briberies by AIC, quadruple willful 28 U.S.C.§455(b)(5)(i) violations, 111 felonies that were tacitly admitted in 21-5210 proceeding, and other 11 exceptional circumstances proving all courts blocked Petitioner's fundamental right to access the court as guaranteed by the First Amendment.

A "neutral and detached judge in the first instance" is a fundamental right guaranteed by the

Due Process Clause. *Ward v. Village of Monroeville*, 409 US 57, 61-62, 93 S.Ct.80,84. "[T]he Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases." *Marshall v. Jerrico, Inc.*, 446 US 238, 242, 100 S.Ct. 1610, 1613 (1980),

Due Process Clause mandates Justice Barrett, the only impartial justice at this Court, to decide on this Petition and to certify transferring appeal following **the Congress-designed procedure** to an disinterested senior judge at the Second Circuit Court of Appeal to empanel an impartial panel to conduct a meaningful review on the merits, pursuant to *United States v. D.C. of Southern Dist.Of N.Y.*, *supra.*

"28 U.S.C.§2109" cited by 12/14/2020 Order in Petition No.20-524 should refer to ¶2, which is not applicable, as it is premised upon "in which appellate review has been had" which had not happened even with this second round of appeal. See App.7, Historical Note for 28 U.S.C.§2109 ¶2.

The 12/14/2020 Order cannot be a precedent, as it appears fraudulent because the Order & Judgment were taken off 3 times from the 20-524 docket, which is not disputed by any appellees in 20+ papers, nor in Rule 60(b) proceeding. Also, in the subsequent Petition 21-881, same Justices recused in 20-524 were in 21-881 proceeding but the orders did not apply 28 U.S.C.§2109,¶2. Therefore, **only common laws are applicable**. **Please see App. 7-11 for digests of the applicable case laws.**

Footnote 13 to United States v. Wills, 449 U.S.200(1950) states the Congressional policy to "**always have some form of appellate review**" (App.7) This court stated in *Wills* that "§455 is to

guarantee litigants a fair forum in which they can pursue their claims."(App.8)

According to *United States v. D.C. of Southern Dist. Of N.Y, supra,* the statute of 28 U.S.C.§2109, ¶1 should be expanded when its origin 15 USC§29 was broadened to apply to all direct appeals.

This Court further stated: "...see 28 U.S.C.§ 1,... **Even if all Justices are disqualified in a particular case under §455, 28 U.S.C.§2109 authorizes the Chief Justice to remit a direct appeal to the Court of Appeals for final decision by judges not so disqualified. i.d., at p.212."** and that "The House and Senate Reports on §455 reflect a **constant assumption that upon disqualification of a particular judge, another would be assigned to the case. ...The declared purpose of §455 is to guarantee litigants a fair forum in which they can pursue their claims.** ...[omitted]

Therefore, in view of the miscarriage of justice shown in Petition 20-524 proceeding, due process requires Justice Barrett to issue a mandamus to certify this appeal to the Second Circuit as the right to appeal is included in the First Amendment right to access the court, and such certification is consistent with the paramount duty to decide embedding 28 U.S.C.§455 as well as Congressional intent to ensure meaningful appellate review to take place by impartial tribunal when no merits were reviewed for already two rounds of appeal.

Please see the detailed procedure designed by Congress stated in *United States v. D.C. for Southern Dist.of New York, supra,* in App.9&10.

Therefore, **the case "shall be immediately certified by the Supreme Court to the circuit court of appeals"** and **it shall be the duty of the**

senior circuit judge of said circuit court of appeals, qualified to participate in the consideration of the case on the merits, to designate immediately three circuit judges of said court..."(See,App.9&10)
This Court further held that "This Act shall apply to every case pending before the Supreme Court of the United States on the date of its enactment." (App.10&11)

B. Mandamus on strict compliance of 28 USC §455.

1. <u>The orders in Shao v. Roberts, et al. proceeding must be reversed based on quadruple violation of 28 U.S.C.§455(b)(5)(i)</u>.
In Tumey v. Ohio (1927) 273 US 510, 523, this Court held that "**No matter what evidence was against him, he had the right to have an impartial judge**".

In *Aetna Life Ins. Co. v. Loviae* (1986) 475 US 813, this Court confirmed the holding of U.S. v. Jordon (1985) 49 F.3d 152, Ft. 18, and **vacated the judgment when a judge declined to recuse himself** from voting/participating in that court's consideration of the case as such would potentially influence the votes and views of his colleagues. This Court held that the Due Process Clause is violated where **a judge acts as a judge in his own case.**

28 U.S.C.§455(b)(5)(i) is to avoid a judge to acts as a judge in his own case. Yet, ***all courts*** in this proceeding violated 28 U.S.C.§455(b)(5)(i). Judge Contreras's holding that "28 U.S.C.§455(b)(5)(i)does not warrant the Court's recusal"(App.163) by creating an accusation of judge-shopping that is not supported by the records nor laws, but conflicts with *Tumey v. Ohio* which mandates judge having no

conflicts of interest disregard of existence of evidence or not.

2. <u>Mandamus is needed to require all justices and judges to decide on requests for recusal and to follow Moran v. Clarke</u>

Refusing to decide issues in recusal is a serious violation of judicial duty. *Inquiry Concerning Freedman* (Cal.Comm. Jud. Perf. 2007) 49 Cal.4th CJP Supp. 223. It is judge's duty to ensure that his or her presence does not taint the process of justice or the integrity of United States courts. Obert v Republic W. Ins. Co. (2002, DC RI) 190 F Supp 2d 279, modified (2005, CA1 RI) 398 F.3d 138.

When an affidavit of disqualification is filed and is in proper form, its allegations are accepted as true. *Berger v. United States*, 255 U.S. 22, 33, 41 S.Ct. 230, 65 L.Ed. 481 (1921). To decide is the paramount duty of a judge. See,Will,*supra.*

In many states, the courts have held that the failure to rule on disqualification issues constitutes reversible error. E.g., Clark v. Dist.No.89, 32 P.3d 851 (Okla.2001)

State v. Allen, supra, stated that the practice of this court has been left to the individual justices to decide. Yet, in this case, Supreme Court Justices have jointly failed to decide recusal 9 times.

The lowers courts did not decide on issues of recusal, which are mostly their alterations of docket, records, forging notices, as required by Moran v. Clarke (8th Cir. 2002) 309 F.3d 516, 517 which requires the judge to relay all facts in denying recusal.

C. Alterations of docket and records and concealing filing requires the court to be changed venue.

Alterations of docket, concealing complaint, withholding summons, and ex parte communication

should warrant recusal as actual bias and prejudice. An appellate court's review of this inquiry into actual bias is fact driven. Bryce v. Episcopal Church in the Diocese of Colo., 289 F.3d 648, 660 (2002).

Judge Contreras denied recusal by stating twice in his order of 8/8/2018 and 1/17/2019 that "these behaviors do not warrant recusal", while impliedly conceded existence of the accused matters, which included 20 felonies of 18 U.S.C.§ §1506, 1512(c),2071(b) (See App.152-172). In fact, the problems are very severe that warrant Mandamus as three courts in D.C. have committed 216 felonies of 18 U.S.C.§§1506,1512(c),2071(b) which constitute actual prejudice that require a writ of Mandamus to change venue according to *Bryce*!

D. Important issues on American Inns of Court's briberies with the economic value of the Temple Bar Scholarship which is an illegal gift as its qualification is based on recipients' judicial post and such judge-membership creates the appearance of bias and requires recusal and disqualification

As shown in App.5&6, Guide to Judiciary Policy §620.25(g) classified a "Scholarship" to be a gift based on judicial post. It provides luxury vacation, including accommodations and an unknown amount of "cash stipend."

Temple Bar Scholarship should be banned pursuant to §620.30 because the qualification for such Scholarship is based on judicial function of a clerk and it is a "gift" from attorneys who are seeking official action or American Inns of Court who is doing business with the court "whose interest may be substantially affected by the performance or nonperformance of the judicial officer's or employee's official duties".

This prohibited gift is required to be returned to American Inns of Court pursuant to §620.60.

Here, as discussed above, in 21-5210, AIC tacitly admitted to its bribing Garland and Millett who contributed to dismissal of 19-5014 appeal as against AIC.

Petitioner's lawsuit(ECF16) asking to declare AIC an illegal organization has merits based on AIC's undisputedly manipulation of the DC Circuit into commission of crimes in 19-5014.

In or about 1986, James McManis, his partner Michael Reedy, along with Judge J. Craig Wallas, Justice Kennedy and Justice Ginsburg, echoed Chief Justice Burger, and formed the AIC,establishing "child" Inns using the Tax Exampt ID of AIC. In 1996, McManis, Kennedy, etc. participated the creation of Temple Bar Scholarship to bribe this Court Justices. Soon after Roberts became Chief Justice, he was bribed with the highest honor of AIC and McManis received the ensuing year.

Kennedy was the first AIC member sponsored by AIC to enter the Supreme Court; Ginsburg, the second. Justices Burger, Kennedy, Ginsburg and Kagan have their own Inns that receive donations from attorney members.

Attorneys donate money to this club receive tax credit, and gave awards to judges through AIC. Judge-members returned them with one-on-one mentorship, including ex parte communications on attorneys' clients' cases. See, ECF 1922201,P.26;ECF 1922459,p.17 [Note: both motions were uncontested by 67 defendants], for AIC's "Mentoring Program Guidelines, Expectations and Acknowledgements".

AIC hires Counselor with the main job function to "keep judges involved." They advertised on YouTube claiming its unique function to let attorneys mingle with judges outside of the courtroom.

Through being AIC's leading attorney/founder, James McManis is closely related to Chief Justice Roberts, and became an attorney of Santa Clara County Court, its many judges, Justice at Court of Appeal, Sixth District and even California Supreme Court Chief Justice Tani. Tani, McManis and Kennedy conspired in denying summarily all petitions filed by Petitioner with this Court since 2012.

Roberts, McManis, Judge Millett and Judge Pillard are all officers of Edward Coke Inn. Edward Coke Inn held dinner twice a year inside Supreme Court. AIC held annual celebration at this Court.

This issue is important as echoing For the People Act (H.R.1) and H.R.4766(App.4) which called for Supreme Court Ethics Act that justify Mandamus.

E. First Amendment and Due Process require all courts involved to enter into the court docket all activities, and not to conceal filing.

216 felonies of 18U.S.C.§§1506,1512(c),2071(b) includes concealment of many filings. While there are 100 docket entries currently searchable on this Court's website about "not accepted for filing", Petitioner's filings have been concealed, when not accepted for filing, including 6 Motions for Judicial Notices, 7 Applications to Justice Barrett, 1 Petition for Rehearing, 1 Motion to file Petition for Rehearing, all appendixes of 10 Requests for Recusals, etc.

In 21-881 Petition, 7 filings were concealed; in 22-28, already 8 concealments including the entire Request for Recusal which was concealed from posting from 7/24/2022 until about 9/8/2022. Conspiracy in blocking filing Application to Justice Barrett in violation of 18 U.S.C.§1001 is demonstrated in Petition 22-28. Such 177 felonies of this Court as of 9/20/2022 amounted to 18 U.S.C.§371¶1.

Concealment of filing has been decided to be violation of both First Amendment right to access the court as well as Fifth Amendment Due Process. E.g., *Thaler*, supra. The clerk is not allowed to tamper with the court's records and refused to record filing. E.g., Kane v. Yung Won Han, 550 F.Supp 120 at 123 (New York 1982).

With 216 incidents of alterations of records as of 9/20/2022, this issue is important.

Dated: September 22, 2022

Respectfully submitted

/s/ Yi Tai Shao

Yi Tai Shao