

No. 22-**22-6005**

**ORIGINAL**

Supreme Court, U.S.  
FILED

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**IN THE  
SUPREME COURT OF THE UNITED  
STATES**

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*JEFF BAOLIANG ZHANG, PH.D.*

*Petitioner,*

*v.*

*STUART SHERMAN*

*Respondent.*

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**On Petitioner for A Writ of Certiorari  
To the United States Court of Appeals  
For the Ninth Circuit**

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**PETITION FOR A WRIT OF CERTIORARI**

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*Pro se Petitioner*

## **QUESTIONS PRESENTED**

Petitioner is a US citizen but in the past decades, due to my pro-democracy views about China, Petitioner was after by the Chinese communist agents for my life in this country. When things were getting worse, on 12-15-2011, Petitioner went to the Chinese consulate in LA and held my second-time peaceful protest against their murder plots but their staff illegally removed all my protest signs to their trashcan when I stepped away for some minutes. Petitioner had no way to have a life in this country but the Chinese communists let their staff sabotage my protest. Under such extreme circumstances, Petitioner thus used my legal weapon and fired some shots at the closed-side door of the blackout consulate building. Afterwards, Petitioner soon turned self into the local police and submitted a 7-page open statement denouncing the murder plots. The Los Angeles Police Department (LAPD) took over this case on the day, but they soon began to help the Chinese communists persecute against Petitioner. Some other public officials and individuals also participated in the persecution at different stages for this criminal case. The persecution lasted for ten years. There have been no laws and justice at all because the Chinese communists paid big bucks to their American accomplices in the case. They harmed Petitioner as much as they could manage in the past decade. They even attempted to kill me. This criminal case has been in fact under the control of the Chinese communists and

their American accomplices. Besides, till this day, all the related courts both at the state and federal levels all refused to apply laws and justice on this case. Now, Petitioner is filing this case to the United States Supreme Court with the following questions:

1. Whether the public officials and the private professionals can help the Chinese communists persecute against a US citizen who is a China democracy advocate in exchange for their financial gains.
2. Whether a law-enforcement agency can make false charges and produce many counterfeit documents to impose violent crime on an innocent man.
3. Whether a law-enforcement agency can take away a citizen's property for their own benefit without due process of laws.
4. Whether the lower courts can all refuse to hold a hearing for a writ of *habeas corpus* case despite the repeated request by a detainee.
5. Whether the Federal District court can cheat a citizen for denying the case and then to deprive Petitioner of the constitutional right for appeal
6. Whether the Federal Appeal Court can ignore all the serious violations of the US constitution in the case.
7. Whether the Chinese communists can willfully violate a US citizen's civil rights with terrorism and use money to take control a criminal case in the United States.

## **PARTIES TO THE PROCEEDING**

Jeff Baoliang Zhang, Ph.D., ex-prisoner for a wrongful conviction case, Petitioner on review, was the plaintiff-appellant below.

Stuart Sherman, Warden for California Institute for Men (CIM), respondent on review, was the defendant-appellee below

## **RELATED PROCEEDINGS**

The following proceedings are directly related to this petition:

- Jeff Baoliang Zhang, Ph.D. v. Stuart Sherman  
D.C. No. 2:18-cv-09361-GW-PVC
  
- Jeff Baoliang Zhang, Ph.D. v. Stuart Sherman  
No. 21-55493 (9<sup>th</sup> Cir.)

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**On Petitioner For A Writ Of Certiorari  
To The United States Court Of Appeals  
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**PETITION FOR A WRIT OF CERTIORARI**

Jeff Baoliang Zhang, Ph.D. respectfully petitions for a writ of certiorari to review the order of the Ninth Circuit in this case.

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**INTRODUCTION**

This criminal case is about how the Chinese communists have hired public officials and some private professionals in this country to persecute against a senior US citizen, who is a China democracy advocate. The Chinese communists offered big bucks to their

American agents to work for them, therefore, this criminal case has been under the control of the Chinese communists. The public officials and private professionals involved in the case have willfully persecuted against Petitioner with felony charges and mental illness and locked Petitioner up for nine years in the county jails, in the mental hospitals and in state prison in exchange for their financial gains. They attempted to kill Petitioner before I could get out prison. By luck, Petitioner got out alive. Then, they imposed parole on Petitioner to keep control till August 2021 after Petitioner filed civil lawsuits.

In the past decade, the courts involved in this case all stood on the side of the group of powerful public officials as they all refused to apply laws and justice on the case. They did not want to know the horrible persecution committed by these outlaws although Petitioner exposed them in many different documents. To shut their eyes at such a serious federal laws violation case, they all refused to hold a hearing for this habeas corpus case. With some different alibis made by defendant represented by California Department of Justice, these courts all ruled in favor of the vicious government officials and other individuals. Although there is no evidence, no victim, and no witness for the two counts of violent felony imposed on Petitioner by Los Angeles Police Department (LAPD), no court wants to assist the innocent Petitioner. After the Federal District Court Judge dismissed the case with willful alibis,

the magistrate would not send me the verdict to make me lose the time for appeal. Finally, the Ninth Circuit made cheating to deny my certificate for appealability.

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## **OPINOPMS BELOW**

The Ninth Circuit's Order (No. 21-55493) is unpublished but provided in the Appendix A

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## **JURISDICTION**

The Ninth Circuit entered order on Aug. 25, 2022, denying the certificate of appealability. Petitioner invokes this Court's jurisdiction under 28 U.S.C. § 1254(1).

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## **STATUTORY PROVISION INVOLVED**

### **United States Constitution**

**Amendment I: Congress shall make no law ... or abridging the freedom of speech, or of the press, or the right of people peacefully to assemble, and to petition the Government for a redress of grievances.**

**Amendment V: No person shall be held to answer for a capital, or otherwise infamous crime, ... nor shall be compelled in any criminal case to be a witness against**

himself, nor be deprived of life, liberty, or property without due process of the laws; ...

**Amendment VI:** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

**Amendment VIII:** Excessive bail shall not be required, now excessive fines imposed, nor cruel and unusual punishment inflicted.

**Amendment XIV:** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



## **Federal Statutes**

**42 U.S.C. § 1983 – Civil action for deprivation of rights stated:**

**Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this action, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia. (R.S. §1979; Pub. L. 96-170, §1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104-317, title III, §309 (c), Oct. 19, 1996, 110 Stat. 3853.)**

**18 U.S.C. Ch 79: PERJURY**

**§ 1621. Perjury generally**

**Whoever –**

**(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the**

**United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or**

**(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;**

**is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.**

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## **FACTUAL STATEMENT**

### **Part One: The Government Agencies Involved All Helped the Chinese Communists in Persecution against a China Democracy Advocate**

**In spring 1989, there was the Tiananmen Square Demonstration in Beijing of China. A million students and other people from all walks of life held peaceful demonstrations requesting for some social reforms but**

were brutally massacred by the communist troops. Around the time, Petitioner was at Michigan State University for my graduate studies. Having received immense persecution under communist rule, Petitioner thus wrote a few articles and published on the local newspapers supporting the students' demonstrations and condemning the massacre. This was the leading cause that the Chinese communists sent agents to go after me for my life in the 1990s. The bandits went after me around the nation where I went to. Petitioner thus held my first protest in September 1996 at the Chinese consulate in LA but their agents attempted to kill me. Afterwards, they continued to go after me. Before 2010, the Chinese communists had new leader, I went to China to see my relatives but I got bitter experiences. Petitioner exposed the widespread corruption in the communist system. After I came back to USA, in 2010, the Chinese communist agents resumed their murder plots against Petitioner. The bandits chased me continuously around the nation.

On 12-15-2011, Petitioner staged my second-time peaceful protest at the Chinese consulate in LA but their staff removed all my eight protest signboards to the trashcan when Petitioner stepped away for some minutes. When my life was in danger but I was even not allowed to protest, Plaintiff thus used my legal weapon and fired some shots at the closed side-door of the blackout consulate building. Petitioner did not hurt anyone as I wished. Afterwards, Petitioner soon turned

myself into the local police with a 7-page open statement explaining how and why I had been after by the Chinese communist agent bandits. However, the public employees in the government agencies and other individuals involved in the case all helped the Chinese communists in persecution against Petitioner in exchange for their financial gains.

**(1) Outlaws at Los Angeles Police Department (LAPD) Played the Key Role in the Persecution against Petitioner**

Among these agencies, Los Angeles Police Department (LAPD) repeatedly made perjuries about the criminal case. These lawless cops accused Petitioner at will and made counterfeit documents to accuse Petitioner of aggravated assault at three different times.

When the case started, two LAPD detectives held long-time interrogations with me and I told them everything about the Chinese communist persecution against me. However, LAPD charged Petitioner with attempted murder. Because there was no evidence for the crime, it was dropped by the court in Jan. 2012.

In August 2014, there was a deal between D.A. and my defense attorney for "time served, immediate release" because there was no evidence, no victim, no witness for the crime. But in anonymous, LAPD accused Petitioner of "randomly shooting the consulate windows and there were broken glasses everywhere." Petitioner

sent a letter to the Judge explaining it was false accusation. Again, in anonymous, LAPD accused me of medical problem and let the judge discard my letter. Petitioner thus continued to be kept for detention.

In spring 2017 when Petitioner was kept in state prison (CIM), LAPD created a new Arrest Report about Petitioner with four counterfeit documents accusing Petitioner of the aggravated assault. The major report, the new LAPD Arrest Report used fake witness (Albert Dalarocha) to accuse Petitioner being an Asian with white hair shooting into the Chinese consulate on 12/15/2011. However, on the front page of the same Arrest Report with original information, it stated that Petitioner had black hair at the time. Petitioner quickly sent letters to LAPD Chief (Charlie Beck) with the request/demand to remove such perjuries in my case, but the Chief always ignored me. When a new police Chief (Michael Moore) started to work for LAPD in 2019, Petitioner wrote him a few times but he also refused to give a reply. Till this date, the criminal case cannot be corrected or reversed because LAPD refused to remove the perjuries.

Besides, LAPD stole/robbed all my valuables. On 12/15/2011 when I turned myself in to local police, Petitioner turned in my car with a full load of personal property. There were important personal valuables including five ready-to-publish books stored on two new computers and there were some valuable physical items. LAPD searched my car with a warrant but they refused

to give me the inventory. Later, they made lies saying that there was only a bundle of clothes in my car on that day. They kept all my valuables for their own. During my prison time, LAPD blocked my communication with the outside world. Hence, Petitioner could not get any effective assistance from the outside.

**(2) Outlaws at Los Angeles County Public  
Defender Office (LACPDO) Forced  
Petitioner to Act as a Mental Patient**

Shortly after the case was set for a jury trial, in Feb. 2012, the Los Angeles County Public Defender Office (LACPDO) sent attorney Jonathan Petrak to falsely accuse Petitioner of mental illness. Assisted by a crook psychiatrist (Kory Knapke), they deceived LA Mental Court to force Petitioner to go to Patton State Hospital (PSH) for involuntary antipsychotic medication in 2012 and in 2013 even though the doctors at the hospital could not find mental problems from me. Petitioner suffered terribly due to the strong side-effects of the crazy medication. It was absolute torture.

Under Petitioner's repeated request, Dr. Allen Kilian spent numerous hours in Nov. and Dec. of 2012 making comprehensive mental evaluation about me. He wrote a 19-page report stating that Petitioner did not have a mental problem. It was cosigned by seven specialists. After Petitioner was sent back to county jail in Feb. 2013, Petitioner was informed that I should be released soon. However, LACPDO sent attorney to the jail to

prevent me from release with a false excuse. In April 2013, they deceived the LA Mental Court again to send Petitioner back to PSH. Petitioner suffered more from the involuntary antipsychotic medication. Under my repeated request, a new evaluation was made and Petitioner got back to jail in Jan. 2014. In March, there was preliminary hearing. There was no evidence, no victim and no witness for the aggravated assault.

In August 2014, LAPD made new false accusation in anonymous with aggravated assault. Petitioner demanded a jury trial but LACPDO attorneys did not allow. They attempted to force Petitioner to go to the mental hospital for the third time. Petitioner hired a private defense attorney (Steve Escovar) in Nov. 2014 but he soon stood on the side of LACPDO to harm Petitioner. LACPDO attorneys continued to sabotage the case. On 7/19/2015 their attorneys went to the court to prevent Petitioner from self-representation. Later, they prevented a new attorney to see me. In that way, Escovar could bring more harms to Petitioner. Thus, there was no fair and positive legal assistance to me at all during the legal proceedings. LACPDO helped the Chinese communists prevent Petitioner from telling the truth via a trial about their persecution and terrorism in the United States.

**(3) Two Private Professional Outlaws Worked  
for the Chinese Communists  
(a) Outlaw Psychiatrist Kory Knapke**

One important outlaw was a psychiatrist, Kory Knapke. On 2/2/2012, Knapke made a mental evaluation about my mental state. On 2/5/2012, my defense attorney (Kimberly Greene) informed me, "The doctor believes that you are a man of intelligentsia." However, Knapke soon changed to assist LACPDO to persecute against me with serious mental illness of delusion. He was listed as the sole doctor in the court order. On 4/2/2012, Petitioner was forced to go to PSH for treatment with the crazy medication. Petitioner suffered terribly.

After Petitioner returned to county jail, on March 20, 2013, Knapke went to the jail to see me with a false medical report of delusion signed by Dr. Kilian when he learned that Petitioner would plead "not guilty" for the case. Petitioner told him it was a false report, the man slipped away quickly. With such a false report, he and LACPDO sent Petitioner back to PSH for involuntary medication. At PSH, Petitioner learned from Dr. Kilian that he never wrote such a report.

In summer 2017, Knapke completed the first fake evaluation report but it was dated 2/5/2012. With such a report, the California Department of Correction and Rehabilitation (CDCR) always treated Petitioner as a mental patient. In June 2019 at the time of my release, Knapke made a second fake report but it was dated 3/21/2013. CDCR used such a report and other false documents to force Petitioner to go to the mental hospital for the third time. Throughout my case, outlaw Knapke worked faithfully for the Chinese communists in



persecution against a China democracy advocate for his monetary gains.

**(b) Outlaw State Bar Attorney Steve Escovar**

Another important outlaw is Steve Escovar. After Petitioner paid him the money (\$5000) that he demanded for his legal service in Nov. 2014, the man was reasonable to me only for one to two months. On 1/15/2015, Escovar came to see me at the LA court cell and said, "There is a conspiracy going on against you. All you need to do is to have a trial, issue a statement, and then you'll be free." But in Feb. 2015, Escovar changed his stand and began to bring all kinds of harms to Petitioner. He forced Petitioner to have a new mental evaluation when Petitioner was fine mentally. He submitted two fake evaluation reports to the court. After he failed to send me back to mental hospital, he prevented me from self-representation and from hiring a different attorney. Afterwards, he did not allow Petitioner to have a jury trial for the fake crime of aggravated assault. Escovar threatened and oppressed Petitioner to take the plea bargain for ten years which was for a man who committed the violent felony. On the sentencing day, the court judge (Michael Abzug) found that Petitioner did not commit the two counts of violent felony and thus he offered parole for me, this rascal outlaw hysterically rejected it and sent Petitioner to the state prison for more years. Together with other evils mentioned above, this outlaw kidnapped and raped

my criminal case. Petitioner was locked up till July 2020 and was on parole till August 2021. Throughout his tenure, Escovar worked whole-heartedly for the Chinese communists for his monetary gains. He was in fact a Chinese communist agent in this country.

**(4) Outlaws at California Department of Correction and Rehabilitation (CDCR) Imposed "Cruel and Unusual Punishment" on Petitioner**

Petitioner was kept in state prison between Oct. 2015 and June 2019. In California state prison, CDCR soon added two counts of violent felony in my criminal record, violation of CP Code §245(b) aggravated assault and § 12202.5 for enhancement. Besides, outlaw CDCR VIPs let their staff at the prisons to impose "cruel and unusual punishment" on Petitioner. These outlaws created a few perjuries in my criminal case. At Wasco State Prison (WSP), CDCR outlaws accused me of "love to use machine-gun and rifles" in Jan. 2016. CDCR outlaws did not allow me to go to the mainline prison via classification but kept me in the very harsh WSP for 16 months without a justifiable cause. In Feb. 2017, Petitioner was sent to California Institute for Men (CIM). These outlaw VIPs soon accused me of addiction to marijuana, high criminal personality, low education, etc. In March 2017, CDCR outlaws accused Petitioner of attempted murder and aggravated assault. Besides, at the meetings, their staff prohibited me from opposing such false accusation. They drove me out when I

wanted to tell some truth. Soon, CDCR VIP outlaws increased my custody level to stop my release under Prop. 57. Besides, outlaws quickly let their staff impose the mental status of CCCMS on me, and later to impose EOP for more intensified mental symptom on Petitioner under the pretext that Petitioner "want to shoot LAPD" after Petitioner sent letters to LAPD with the demand to remove the perjuries in my case. Petitioner appealed the case to CDCR headquarters at Sacramento, after waiting a long time, the appeal branch Chief, S. Gates made a cold Joke with me saying that there was no evidence that their staff "want to shoot LAPD."

Due to the sudden vicious assault on 3/11/2013 at county jail, Petitioner suffered serious head numbness all the following years. In state prisons, Petitioner repeatedly requested for medical treatment but CDCR outlaws always ignored me. In early April 2017, Petitioner started to suffer from serious eye problem, outlaw CDCR VIPs willfully delayed my eye treatment. My right eye thus got permanently disabled in Oct. 2017. Then, they forced me to take class for a high school diploma although I repeatedly told their staff that I hold a doctoral degree from New York University. Outlaw CDCR VIPs still forced me to attend the class every day as they wanted to further damage my eyes. In Feb. 2018, these CDCR outlaws made a scheme to ruin my left eye. Such criminal act was stopped by the doctors at the Riverside University Hospital. Otherwise, Petitioner would be a blind man. Afterwards, there was

continuous torture in the state prison. In Feb. 2018, CDCR outlaws sent Petitioner to California Substance Treatment Facility (SATF) for EOP treatment but Doctors there could not find a mental problem from me. CDCR outlaws continued to keep me for EOP status.

In June 2019, at the time of scheduled release, CDCR VIP outlaws tamped mental evaluation reports and made false "Informed Consented Medication Report" to send Petitioner to Atascadero State Hospital (ASH) for Mentally Disoriented Offender (MDO) treatment. CDCR outlaw chief psychiatrist (Nir Lorant) forged a lengthy medical report to depict Petitioner as a serious mental patient as well as a violent felon. With these false reports, CDCR VIP outlaws forced Petitioner to ASH on 6/25/2019. Petitioner made protest to CDCR but these outlaws made no response. Instead, they continued to persecute me at ASH. Throughout my stay at state prisons, CDCR VIP outlaws used all their might to work for the Chinese communists to bring immense harms to Petitioner in exchange for their big financial gains.

#### **(5) Outlaws at California Department of State Hospitals (CDSH) Imposed "Cruel and Unusual Punishment" on Petitioner**

Although the doctors at ASH could not find a mental symptom from Petitioner, CDSH outlaws kept Petitioner there for long term care without giving a cause. During the time, Petitioner wrote 32 Addendums telling CDSH VIPs that Petitioner had no mental problem while

exposing the false statements provided by CDCR outlaws in the medical charts. Petitioner also wrote a few memos to the hospital leading officials about these serious issues but all were rejected without a reasonable cause, or with no reply. Under the will of the Chinese communists, outlaws at CDSH and at CDCR attempted to make Petitioner stay in the mental hospital for the rest of my life to find a chance to bring deadly harm to me.

In Oct. 2019, there was the Board of Parole Hearing for my mental case under CDCR. CDCR outlaws sent Nir Lorant to the hearing to brag about my mental illness. After the man made many lies, my attorney immediately pointed out his nonsense but he slipped away quickly. In two days, Petitioner received the "Reason for Decision" which repeated Lorant's lies and denied my MDO decertification. CDCR outlaws had already prepared such a paper to deny my MDO decertification before the hearing.

On 7/1/2020, there was a court hearing for my mental case at San Luis Obispo County Superior Court. CDSH outlaws sent a man (Kevin Perry) at the hearing to prevent my discharge with a lot of nonsense. Petitioner made testimony at the court. The judge was fair and issued order to release me. After Petitioner got released, CDCR outlaws created documents to keep Petitioner on parole for three years. Petitioner wrote to CDCR VIPs about their illegal conduct but there was no reply. It was not until August 2021 after Petitioner filed a civil lawsuit when they stopped the illegal parole.

## **(6) The Two Premeditated Murder Schemes**

Petitioner suffered terribly with continuous torture and maltreatment during the whole detention time.

Besides, Petitioner was almost killed in two premeditated murder schemes sponsored by these evils under the will of the Chinese communists.

On March 11, 2013, when Petitioner was kept at the Twin Tower Correctional Facility (TTCF), Petitioner was viciously punched by a newly arrived inmate on the right temple without a cause. Such an assault caused serious pain to Petitioner, but the jail clinic refused to send me for emergency care. In a few days, the pain changed into strong numbness on the head. Petitioner repeatedly asked to see a neurologist but the jail sheriffs always ignored me. Until 50 days passed, a neurologist checked my head and realized the serious numbness. Afterwards, TTCF continued to ignore my treatment. For the incident, Petitioner pressed charges against the criminal, but he was safe all the time even without any disciplinary punishment. Such willful neglect at my head pain and numbness while refusing to charge the criminal revealed that it was a premeditated assault under the will of the Chinese communists and these outlaws. They wanted to kill Petitioner before I could get out of prison. Due to the lack of medical care, my head numbness lasted for many years. When Petitioner had a second chance to see a neurologist at ASH in May 2020, he informed Petitioner that it would still take time to heal

the nerve injury in my head. Till this day, Petitioner still can feel the problem sometimes.

The second premediated assault happened at ASH on 4/4/2020. Again, Petitioner was viciously punched by a newly arrived inmate without a cause. Plaintiff lost conscious but no staff would save my life. By luck, Petitioner woke up by self. Petitioner was sent to the outside hospital. When I reached the hospital, it was late so I realized that I had been in coma for at least three hours without any treatment. The criminal was not punished although Petitioner pressed charge against him for a few times. ASH Sheriff Department always ignored me. Thus, the willful delay of medical treatment for a long time and the refusal to charge the criminal revealed that it was another premeditated murder scheme. For these two murder plots, Petitioner strongly believed that the Chinese communists wanted my life in prison. They paid big bucks to let their American evils work for them. There was another potential murder attempt on 2/6/2019 at SATF. By luck, Petitioner was able to avoid that vicious attack.

### **(7) These Outlaws Committed Elder Abuse**

When Petitioner entered county jail in 2011, Petitioner was 67 years old. When I was discharged from mental hospital in July 2020, Plaintiff was 76 years old. Such longtime torture meant serious elder abuse by these public officials to a senior citizen. It is against INST. CODE, §15600 and §15610 which forbid elder abuse.

## **Part Two: Cheating and Oppression at Different Levels of Courts**

### **A. Cheating by the State Courts**

#### **All the State Courts Refused to Apply Laws for This Apparent Wrongful Conviction Case**

In Jan. 2018, Petitioner filed petition for a writ of *habeas corpus* at the LA Superior Court. Although the same Judge Michael Abzug knew how Steve Escovar refused the parole and forced me to the state prison on the sentencing day, he denied my case on the ground that I pled guilty. Under the extreme pressure, Petitioner was forced to plea "nolo contendere" when there was no other choice for Petitioner. As mentioned above, on the sentencing day, the same Judge realized that Petitioner did not commit aggravated assault on 12/15/2011 and thus offered parole to me. But it was viciously rejected by Escovar. The judge did not want to recall such truth.

Then, Petitioner appealed at the state appeal court. After it was rejected, in May 2018, Petitioner appealed the case to the California State Supreme Court. In Sept. 2018, it was denied by the Chief Justice without giving a cause. Thus, even though this is an apparent wrongful conviction case without any evidence for the two counts of violent felony, all the state courts concerned refused to apply laws. Petitioner later mentioned such serious problems in my Petition to the Federal District Court with two issues. The first one is



**“The state courts willfully neglected the wrongful conviction causes which I mentioned in Grounds above.”** Petitioner wrote on the additional pages:

Some details: I mentioned above that the LA County Superior Court did not want to look at such a fact, that is, I was forced to give up trial, and I had to take the plea bargain to avoid more persecution. Besides, it was Judge Michael Abzug who offered me parole on 10-08-2015 but it was viciously rejected by Steve Escovar so the Judge sentenced me nine years in state prison. When I filed direct appeal to LA Superior Court, the same Judge Abzug took care of the case. He should still remember the vice of Escovar who prevented my freedom although he was my defense attorney at the court at that time. Instead, regardless a forcible plea bargain, he only wanted to emphasize that I admitted guilty on 09-03-2015 and then he denied my claim of wrongful conviction in my petition. He completely ignored the most important fact for this claim, i.e., throughout the case, there has been no evidence that I violated PC 245 (b) aggravate assault with a firearm. The charge was a fraud.

For the Second Appellate District Court, the three Judges, Willhite, Manella, Collins at Div. 4 denied my petition for wrongful conviction by ignoring all my supporting documents in the thick package. They then declared the denial cause was lack of

facts and information. After I filed my petition to California State Supreme Court on 05-23-2018, I waited for over four months. On 10-02-2018, I finally received the one sentence notice dated 09-26-2018. The court denied me without giving a cause. The Chief Justice even did not want to give her signature for the court decision. From all these, one may see that all these state courts do not want to follow the U.S. constitution Amendment XIV to protect a senior U.S. citizen as they allow the perjuries, deception, slanders, and fraud which are all violations of the Federal laws to continue in my case by denying my claim for the wrongful conviction without a decent cause one court after another. They in fact neglected their judicial duty in my case.

These paragraphs gave the causes how this criminal case was rejected by the state courts. Simply, they did not want the laws for this case.

### **All the State Courts Refused to Hold a Hearing for This *Habeas Corpus* Case**

For another grave issue, Petitioner mentioned, “**The state courts did not observe the principle for *Habeas Corpus* as they all refused to give me a hearing for the case.**” Petitioner wrote in the Petition:

Some Details: I wrote about this issue in my petition to California State Supreme Court as follows: According to Latin – English Dictionary,

the Latin phrase *habeas corpus* means “a writ employed to bring a person before a court most frequently to ensure that the party’s imprisonment or detention is not illegal.” As mentioned, I was willfully accused of having mental problems and thus was deprived of the right for *pro se*. I could not have a chance to talk about my case at the LA Superior Court in these years while I could not get a fair representation for my case. When I was finally allowed to be on *pro se* for my case at LA Superior Court this year, I was not given a chance to appear and to talk for my petition for writ of *habeas corpus*. After I made appeal to the Second Appellate District Court in April this year, I was again not given a chance to talk at the court. Why did these courts only want to deny my appeals while they would not even let me appear and talk at the court for at least one time? But *habeas corpus* requires “to bring a person before a court most frequently to ensure the party’s imprisonment or detention is not illegal.” Especially as mentioned above, these judges at 4<sup>th</sup> Div. of Second Appellate District Court want more facts and information although I have already given enough to them for my claim. Why not bring me to the court? (On pp. 5-6 of the Additional Pages for Petition to California State Supreme Court.) After I filed my petition there was no decision. I was scared that the Court

would follow the suit of the lower courts to deny me, so in early September 2018, I wrote to M. Alfaro, Deputy Clerk of CA Supreme Court. In the letter, I wrote:

If your Court still has a question about my claim, the Judges should bring me to your court now. *Habeas Corpus* is "a writ employed to bring a person before a court most frequently to ensure that the party's imprisonment or detention is not illegal." Therefore, according to such a definition, before the judges make the decision, they should bring me to the court to satisfy the writ requirement. In the past months, the lower courts did not call me to their courts at all. They thus failed the spirit of *Habeas Corpus*. As a result, they failed in solving my claim with obvious errors in it, i.e., wrongful conviction of PC 245 (b).

Despite my such repeated emphasis, the California State Supreme Court still would not hold a hearing for me in over four months' time. The Chief Justice just denied me without giving any cause. Thus, it is clear to me that democracy in these courts is quite limited. It was quite clear to me that the state courts concerned all refused to hold a hearing for me because they knew well that a hearing would give me the chance to expose all the lawless activities by these government agencies and public officials. They thus covered up all the crimes committed by the Chinese communist agents and their American accomplices in this criminal case.

## **B. Cheating by US District Court**

### **The Two Magistrates Willfully Denied All My Important and Reasonable Motions; Magistrate Suzzanne Segal Used a Void and Nonsensical Document as the Basis for R&R; Magistrate Petro Castillo Willfully Made Petitioner Lose Time for Appeal**

In Oct. 2018, Petitioner filed the *habeas corpus* case at the US District Court for the Central District of California with five causes. **Ground One:** Throughout the case, there has been no evidence that I violated P.C. 245 (b) aggravate assault with a firearm. **Ground Two:** The defense attorney was a crook and an evil to me. I was thus forced to take the plea bargain to avoid more persecution. **Ground Three:** The state courts willfully neglected the wrongful conviction cause which I mentioned in Grounds above. **Ground Four:** The state courts did not observe the principle for *habeas corpus* as they all refused to give me a hearing for the case. **Ground Five:** While LAPD willfully put my 7-page open document into oblivion, the state courts did not want to get it for my case.

Petitioner submitted additional pages to explain these grounds. In mid-December 2018, Petitioner also filed three Motions to the court. The first was my request for a hearing for the case. The second was my request to order LAPD to reveal the 7-page open

statement that I submitted on 12-15-2011. The third was my request for assistance from an attorney. In April 2019, I filed a Motion "The Need to Obtain the Counterfeit Document, Be Aware of the Prison Maltreatment and the Case Nature." (Such a motion was not stated in the docket sheet.) They were all rejected in April 2019 by Segal, for "no merits" for the three Motions. For Motion Four, Segal gave the cause for "not satisfy the standard this time" but she did not tell why so. For each Motion, Petitioner clearly gave the merits especially for Motion One requesting for a hearing, it was the required condition for *habeas corpus* but Segal refused me. This magistrate was deceitful to refuse these motions. Besides, Petitioner filed the petition to the District Court in Oct. 2018 but Defendant did not respond it until 8/19/2019. His response was void because it was out of time limit for a long time. Further, it was filled with many fake or unreasonable statements. However, on 10/31/2019, Segal wrote Report and Recommendation (R&R) totally based on the void document. To make her scheme work, after Segal gave long time extension for Defendant, she allowed little time for me to make the reply when Petitioner had serious eye problem at that time. I tried all my efforts to complete and send my **"Strong Objection to Report and Recommendation"** on the last day (11/19/2019) that Segal allowed for the submission. In this Objection to R&R, Petitioner pointed out Defendant's document was void for this case in part **(A) Respondent's Answer dated**

**08-19-2019 to my Petition is untimely by law. It is thus a void document for this case. But R&R has ignored such an important fact. Petitioner pointed out:**

As I pointed out above, "Since July 14,2019, the Respondent has in fact been in default for failure to make his Answer to my Petition within the time limit as required by the Court Order." However, oddly enough, on 08-23-'19, I still got Respondent's document "Answer for Petition for writ of Habeas Corpus, Memorandum of Points and Authorities" dated 08-19-2019. They imposed this invalid Answer on me in defiance of the established Federal law (See **Appendix C, Objection to R&R.**)

The magistrate completely ignored such an important fact with my strong opposition as nothing was mentioned in this regard in the R&R. Respondent's Answer dated 08-19-2019 to my Petition was treated as a legal document. What shocked Petitioner more was that in R&R, the magistrate used all the unlawful or false statements from the Defendant. She even tried to find some more unlawful excuses to assist the Defendant. Hence, the magistrate was in fact an agent for the Defendant. In addition, in R&R, the magistrate totally disregarded the nature of the case, i.e., a victim of the Chinese communist terrorism was viciously taken as a violent felon by the government agencies although Petitioner gave many facts already. The magistrate ignored all these facts about the serious persecution by

these government outlaws against an innocent man, the Petitioner, which were all stated in my Petition.

After Petro Castillo replaced Segal in Jan. 2020, Petitioner quickly resubmitted the first three Motions. But soon they were all rejected by Castillo for "no merits" and for "no letter to the judge." These were motions but Petro refused them as letters to the Judge. Like Segal, he did not allow me to file these important motions for this criminal case. They did not allow a hearing for the case, they did not allow any legal assistance to me, they did not want to see the 7-page document in LAPD custody which was the key document for this criminal case. They assisted Defendant to cheat and to oppress Petitioner with such false alibis. Like these vicious outlaws in the case, they did not allow laws and justice applied on this wrongful criminal case.

After Petitioner got discharged from the state hospital in July 2020, Petitioner called the Clerk's Office of the District Court a few times for case information. Petitioner got through for the first call, the clerk responded that the case was not decided yet. Petitioner made a few calls later but no one picked up the call. In early April 2021, after Petitioner bought a computer, Petitioner learned the skill and checked the case online. To my great surprise, the case was already denied on 1/11/2021. Petitioner saw the denial cause for being "frivolous" and "without good faith." But recently when Petitioner got a copy from the District Court, it was changed to accepting R&R as follows,



Pursuit to the Court's Order Accepting Findings, Conclusions and Recommendations of United States Magistrate Judge, IT IS HEREBY ADJUDGED that the above-captioned action is dismissed with prejudice." (See **Appendix B.**)

After the Judge issued order on 1/11/2021, the magistrate did not send the court verdict to me. Before the time, on 01/04/2021, the court had got my address change and it was thus stated on the docket sheet so the court should know it. According to Castillo, he sent it to my former address. I went to check it at the former address at 8384 W. 3<sup>rd</sup> Street in Los Angeles but it was not there. The staff there told me that they had kept all my past mails to wait for pickup but the court verdict was not found. Due to such cheating, Castillo made me lose the required time for appeal at the Ninth Circuit.

Besides, on 1/11/21, Judge Wu also issued Order Denying Certificate of Appealability. On 5/18/21, Wu even issued an order to deny my Motion for Leave to Appeal in *Forma Pauperis* when Petitioner lived on the very limited income from SSI. Hence, both Judge Wu and magistrate Castillo wanted to deprive Petitioner of the right to appeal. Both abused judicial powers to cheat and oppress Petitioner in this serious criminal case. Under the court rule, in May 2021, Petitioner filed a petition for a certificate for appealability at 9<sup>th</sup> Circuit.

### **C. Cheating at 9<sup>th</sup> Circuit**

#### **All of Petitioner's Five Important Documents Were Totally Ignored by the Two Justices**

After Petitioner got released, Petitioner tried to find legal assistance for the case. But it was hard due to my financial restraint. Besides, Petitioner found that some powerful outlaws have isolated me as my phone was tapped and computer was hacked. It has been difficult for Petitioner to find pro bono assistance to proceed with this criminal case and now with the civil cases. As *pro se*, Petitioner tried to get some legal knowledge online. To get a certificate of appealability, Petitioner found the federal law 28 U.S.C. § 2253 (c)(2). It stated:

**A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.**

Petitioner thus wrote a few documents explaining the need for the certificate of appealability as follows:

(1) Oct. 4, 2021 Document

**"Motion: The Widespread Corruption and the Horrible Wrongdoings of the Public Officials in California Must Be Curbed and Corrected with the Federal Laws ----- My Demand for the Certificate of Appealability at Your Circuit Court" (See Appendix D.)**

(2) December 28, 2021 Document

**Petitioner's Strong Request/Demand That Federal Appeal Court Should Now Apply Laws and Justice on This Case Filled with Federal Laws Violations by the Public Agencies in California (See Appendix E)**

**Exhibit A:** Copy of the Book Theme (See **Appendix F**)

**Exhibit B:** Document, "Be Aware of the Further Persecution from the Chinese Communist Agents and Their American Accomplices against an Innocent Citizen." (See **Appendix G**)

(3) March 15, 2022 Document

**Petitioner's Strong Request/Demand for Certificate of Appealability with Undisputable Evidence (9 pages) with 4 Attachments (8 pages) (See Appendix H)**

**List of Exhibits (total 8 pages)**

**(a) New LAPD Arrest Report (See App. I)**

**(b) Albert Delarocha's Witness Report (See App. J)**

**(c) Victim's Statement (See App. K)**

**(d) Officer Kenneth Bryant's False Testimony (App. L)**

(4) May 19, 2022 Document

**Your Court Has the Duty to Make Laws and Justice on a Bogus Criminal Case Made Up by the Bad Cops in LAPD and Unlawfully Denied by the Lower Courts (See Appendix M)**

(5) August 15, 2022 Document

**Appellant's Request/Demand to Speed Up the Issuance for a Certificate of Appealability for Appeal for This Bogus Criminal Case, Points of Authorities in Support, and the Declaration with Exhibit: Petitioner's Open Statement: Laws and Justice Must Be Applied to Stop the Lawless Conducts of Some LAPD Cops" (See Appendix N)**

With so many indisputable facts and the serious violations of US constitution by the public officials in the case, Petitioner firmly believed that the 9<sup>th</sup> Circuit should issue the certificate of appealability to Petitioner. But there was not a response. Petitioner called the court but no one picked up my call. Petitioner continued to write till August 15, 2022. Then, on 08/25/2022, the 9<sup>th</sup> Circuit issued an order to deny my request for the certificate. On the order, there is a statement:

Before: SILVERMAN and M. SMITH,  
Circuit Judges.

The request for a certificate of appealability (Docket Entry Nos 8, 9, 10 and 11) is denied because appellant has not shown that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473. 484 (2000); see also 28 U.S.C. §2253(c)(2); *Gonzalez v. Thaler*, 565 U.S.

134, 140-41 (2012); Miller-El v. Cockrell, 537 U.S. 322, 327 (2003).

Any pending motions are denied as moot.

**DENIED.** (See **Appendix A.**)

On reading the denial, Petitioner was shocked at such an absurd statement. Since the case started at the 9<sup>th</sup> Circuit Court in May 2021, Petitioners wrote these documents one by one stating the terrible problems in the case, and the serious violations in U.S. constitution and other federal laws by these outlaw public officials and others in the case but the verdict denied all my writings on the ground that “appellant has not shown that ‘jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.’” In early October, Petitioner reached a clerk at 9<sup>th</sup> Circuit. Petitioner asked a copy of all the documents filed for the case and the docket sheet. On Oct. 14, Petition got the package, there were copies of my documents filed but there was no docket sheet. Besides, my last document dated August 15, 2022 was not mentioned on the dismissal order, which was listed for Docket No. 12.

Since Petitioner filed the case at 9<sup>th</sup> Circuit for a certificate, Petitioner have listed the many serious lawless activities by these lawless government officials and others in the past decade. They helped the Chineese

communists make up such a bogus criminal case against an innocent citizen, the Petitioner in this case. However, Petitioner got the denial with the “undebatable” statement. It revealed that these two Judges at 9<sup>th</sup> Circuit ignored these documents to cheat and to oppress Petitioner with such a nonsensical verdict. Plaintiff has now filed this Petition and attached these five documents as Appendixes to let this Court know what this vicious and bogus criminal case is about.

### **Reasons for Granting the Petition**

This criminal case is a 100% wrongful conviction case created by the outlaws at LAPD. There has been no evidence, no victim, and no witness for the violent felony charge. LAPD outlaws made such false charges to serve the interest of the Chinese communists.

Petitioner, a victim of the Chinese communist terrorism in this country has thus been treated as one of the “America’s Most Wanted” by the law-enforcement agencies in California. The public officials and others involved in the case all used their might to persecute Petitioner at the will of the Chinese communists in exchange for big money. Their conducts listed in this Petition violated Amendments I, V, VI, VIII, XIV, and federal laws 42 U.S.C. § 1983 – Civil action for deprivation of rights and 18 U.S.C. Ch 79: PERJURY. (More explanations are given in the attached documents.) These outlaws ignored all these United States constitution and federal laws to torture Petitioner

from Dec. 2011 to August 2021 for a total of ten years. Today, this criminal case is still not reversed due to the widespread corruption of the lower courts as they loved to follow the wings of power. Hence, it is imperative that this Court should stop these lawless public officials and corrupt judges. So far for this criminal case, the big winner is the Chinese communists who orchestrated the persecution against Petitioner and have controlled the criminal case at their will till this date. The second big winner is a group of corrupt public officials and some pseudo private professionals who received big bucks from the Chinese communists. To make laws and justice on this case filled with civil rights claims, to make "liberty and justice for all," your Court is expected to solve the questions listed for this Petition.

**This Court Must Stop the Law Enforcement Agencies, and Private Professionals to Make Counterfeit Documents to Harm a Citizen with Cruel and Unusual Punishment**

LAPD's mission is "to protect and to serve," they must do everything according to the laws of this country. But the bad cops helped a foreign dictatorial regime persecute a US citizen. They made so many slanders in their counterfeit documents to work for their schemes. They stole/robbed all my valuables including my ID's but refused to return me. Due to lack of ID's, USCIS stopped my wife's immigration till this date. LAPD also would not return me the newly robbed property in July 2020. In a

phone call, a cop in LAPD even said it is their human nature to take others' property. What's more, they wanted to kill Petitioner in prison, and they still attempt to do so. This Court must stop the vicious criminal conduct by a law-enforcement agency.

**This Court Must Prohibit the Public Officials and Others to Help the Chinese Communists Persecute a US Citizen for Their Financial Gains**

These public employees have the mission to work for laws and for the American people. Petitioner is a US citizen but these public officials have worked wholeheartedly for the Chinese communists. They must be condemned because they became agents for the Chinese communists in this country. This Court must stop such outlaws helping the Chinese communists persecute a US citizen for big bucks.

**This Court Must Tell the Lower Courts to Rely on Facts and Evidence to Decide a Case and Respect a Citizen's Civil Rights Guaranteed by the US Constitution.**

LAPD used counterfeit documents to create this criminal case against Petitioner. But all the courts shut their eyes to such a serious issue. They totally disregard a citizen's civil rights so they made different nonsense in their verdicts. This Court must tell them that they should work for the US constitution and federal laws. It is a horrible shame that the judges played tricks one by one.



**This Court Must Tell the Lower Courts that It Is Illegal to Refuse a Hearing for a *Habeas Corpus* Petitioner**

*Habeas corpus* means “a writ employed to bring a person before a court most frequently to ensure that the party’s imprisonment or detention is not illegal.” But all the lower courts refused a hearing in this criminal case. This Court must tell them it is illegal to deprive a petitioner of the right for a hearing.

**This Court Must Tell the Federal Courts That It Is Illegal to Cheat and to Deprive Petitioner of the Constitutional Right for Appeal.**

At the US District Court for the Central District Court of California, the two magistrates cheated Petitioner in some different ways. They all willfully refused my three lawful motions, and they used all ways to assist the defendant in this case. Segal used a void document from Defendant as the basis for the R&R. Besides, she adopted all the Defendant’s nonsense to cheat and to oppress the Petitioner. She worked as an agent for the Defendant. Castillo cheated Petitioner by not sending the verdict to me. Petitioner thus lost the time for appeal. District Court Judge George Wu ignored all the facts in Petitioner's Complaint, and in the Objection to R&R. He even wanted to deprive Petitioner the right to appeal at the higher court.

When the case was going on at the 9<sup>th</sup> Circuit, Petitioner wrote a few documents with indisputable facts and applicable laws to expose the vice of these American accomplices for the Chinese communists. However, after waiting for 15 months, the two Judges at the Court issued an order with an absurd statement as if they know nothing about the federal laws. This Court must tell them it is illegal that they abused judicial powers to assist a group of outlaws in California.

**This Court Must Prohibit the Chinese Communists to Use Money to Take Control a Criminal Case in the United States**

It is now common to hear news about the Chinese communist bribery to the American public officials and others to work for their interests. This case is another example. Without money incentive, these government employees would not bring so many harms to Petitioner. With a deep pocket, the Chinese communists have thus controlled this criminal case. It is not reversed till this date. While the lower courts cheated Petitioner at different stages, it is imperative that this Court should stop the widespread corruption in these government agencies and to curb the cheating at the different levels of court including the 9<sup>th</sup> Circuit. It has strong national significance because the constitutional rights of a US citizen cannot be willfully violated by the Chinese communists and their American accomplices. The Chinese communists are like Al-Qaida who attacked

United States in a large scale on 9/11/01. If their persecution and the evil conduct of their American accomplices is ignored by this Court, it is dangerous to the safety of this nation and to the American people.

Since the case started on 12/15/2011 till this date, due to tight control of Chinese communists for this case, Petitioner was viciously tortured and assaulted including two premeditated murder plots. These outlaws would not remove the perjuries in my criminal case and would not return the valuables of my property. Besides, they seriously committed elder abuse and they also prevented my wife's immigration and sabotaged my family life. Further, today, Petitioner must worry about my personal safety all the time. Therefore, this court must take legal action to stop the lawless act by the Chinese communist agent bandits and their American accomplices. As an imperative step, this bogus criminal case must be reversed at your US Supreme Court.

**Conclusion:** For the foregoing reasons, the petition for a writ of certiorari should be granted by your Court.

*Respectfully submitted,*

Dated: Nov. 2, 2022

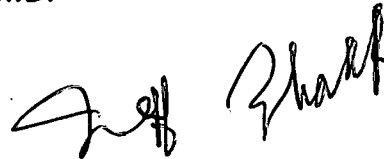
Petitioner: Jeff Baliang Zhang, Ph.D.

340 N. Madison Ave.

Los Angeles, CA 9000

Telephone: 213-436-9390

[zjeff8811@gmail.com](mailto:zjeff8811@gmail.com)



## **Certificate of Compliance**

*Jeff B. Zhang, Ph.D. v. Stuart Sherman*

Appeal from 9<sup>th</sup> Circuit, Case # 21-55493

At the time of Service, I was at least 18 years of age and not a party to this legal action. My address is at **340 N. Madison Ave. Los Angeles, CA 90004.**

I certify that per Rule 33.2(b), I counted for the document with the Window 10, word count program, there are 8,906 words on 39 pages for the document indicated below:

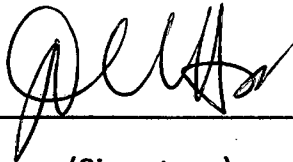
### **Petition to United States Supreme Court**

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

**Dated this 2nd day of November 2022**

MANUEL ARELLANO

(Name of Person Completing This Form)



(Signature)