22-6050

No. 22 –

ORIGINAL

FILED
NOV 08 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The

Unites States Supreme Court

Jane Doe,

Petitioner

v.

City of Baton Rouge, et al.,

Respondent

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the federal court of appeals should be allowed:

- to criminally "dismiss" the strikingly meritorious appeal that presents such questions as violations of the statutory law, the US Supreme Court's precedents, the Federal Rules, the Constitution, the code of conduct for federal judges, etc. as "frivolous;"
- to criminally barricade access to "courts" to Petitioner and deprive her of all legal and constitutional rights through crime, deceit, and perversions of the procedure, law, rules, and facts;
- to deceive the public, including regarding the contents of the Petitioner's filings;
- to pervert and disregard the law, procedure, and all the facts –

in order to assist with the crimes against Petitioner and the cover-ups while operating under the color of law.

This is the SECOND petition for certiorari that pertains to the same legal action and the same multiyear, multidistrict criminal abuse and denial of meaningful access to courts through record falsification, perversion of the law – including gross violations of the statutory law, perversion of the fact, entirely ignoring the Petitioner's filings, unlawfully suppressing the Petitioner's legal action and not taking any action on it for months or years, not accepting initiating documents for filing, not accepting – four times to date – the filing fee, stealing all Petitioner's funds (through racketeering activity and by criminally depriving Petitioner of costs to which Petitioner is entitled as a matter of law and by criminally throwing the Petitioner's actions out and forcing her to pay filing fee over and over again), lying about the contents of the Petitioner's filings, criminally ignoring for months the Petitioner's emergency motions and motions for restraining order and intentionally causing Petitioner to suffer irreparable harm, etc.

The FIRST petition for certiorari that pertains to this legal action has been assigned No. 22-5392 and dated August 18, 2022.

LIST OF PARTIES

The following are the respondents in the instant Petition:

Baton Rouge police department, James Weber, Charles Dotson, Stephen Murphy, Shanard Carey, John Windham, Murphy Paul, Caitlin Chugg, James Knipe, Todd Tyson, Brenden Craig, Ebony Cavalier, Lisa Freeman, Kimbra Brooks, Deelee Morris, Shona Stokes, Capital area family violence intervention center, Inc., Robert Hunt, East Baton Rouge parish, Hillar Moore, Melanie Fields, Lisa Woodruff-White, Jeffrey Landry, Patrick Magee, Roland Beaver, Kyle Poulicek, Brad Cranmer, Cristopher Nakamoto, William Morvant, Shalimar Small, Daniel Nelson, Blake Booth, Katie Craft, Our Lady of the lake physician group, Benjamin Sanders, Heather Anderson, Dawn Sharp, Ashton Holloway; Katie Craft, Wilson Fields; Renetta Anteegrifiin; Zantavia Bogan; Kendal Brookins; PPQBR, Cardinal group management; Gideon Carter; Richard Wells; Graeme Morgan; MARK BURTON; YUEN HANN KWOK; PHILIP MORRIS INTERNATIONAL, INC.; ALTRIA GROUP, INC.; ITG BRANDS, LLC; R. J. REYNOLDS TOBACCO COMPANY; LIGGETT VECTOR BRANDS, LLC; JAPAN TOBACCO INTERNATIONAL USA, INC; U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA.

- *Jane Doe v. City of Baton Rouge* et al., 21-314, D. Or.
- *Jane Doe v. City of Baton Rouge* et al., 22-35572, CA9

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JURISDICTION

The Ninth Circuit criminally "dismissed" the Petitioner's strikingly meritorious and powerful appeal which addresses such questions as clear and indisputable violations of the Federal Rules and the controlling Supreme Court's precedents by the filthy "courts" and which contained thousands of pages of briefing and numerous distinct meritorious questions (the explicit waivers of "defenses," failure of the "district court" to "rule" on the Petitioner's motions for costs for failure to waive service, failure to enter default, failure to "rule" on Rule 11 motions, failure to allow leave to amend complaint, failure to allow Petitioner to prosecute her complaint, failure to disallow the unauthorized "practice of law" by defendants, clear misapplications and perversions of the law and facts, etc.) and, as a matter of law, was qualified for summary reversal – as "frivolous" through a bogus 10-word "order," dated October 19, 2022.

US Supreme Court has jurisdiction under 28 U.S.C. §1254(1).

OPINIONS BELOW

The opinions of the appellate court and the district court are unpublished falsifications, which have nothing to do with the Petitioner's legal action and the existing law. They are simply criminally and maliciously manufactured lies to simulate the proceedings, deceive the public that "the things are on the level," and criminally and under false pretenses while purporting to act "under authority of law" throw Petitioner out of the "court."

STATEMENT

1. Background information – criminal denial of access to "courts" and criminal suppression of the previous actions, and the FIRST petition for certiorari, No. 22-5392, which pertains to those events

This case stems from a multiyear multidistrict abuse of Petitioner by the corrupt courts which, while aiding criminal "law enforcement," state "courts," and other criminals, have been maliciously and criminally barricading Petitioner's meaningful access to courts.

The criminals, disguised as the "law" have been working in tandem to assist in crime cover ups, falsify records and documents, protect themselves and those they favor from any

criminal and civil liability, and deprive Petitioner of any constitutional rights, in part due to her national origin and gender.

Petitioner has been trying to meaningfully access the courts for years but the filthy and corrupt "courts" have been maliciously and criminally blocking that access. For the first time in the Petitioner's life, she attempted to access the federal court in 2019 when started being persecuted by the dirty cops and other criminals-in-law that covered up the violent crimes, committed against Petitioner and entirely falsified the "criminal investigation." Once Petitioner protested the unlawful discrimination and deprivation of her rights by the criminals-in-law, and stated that she will try to expose their corruption and "the criminals who run Baton Rouge police department and Louisiana department of 'justice'," those foul criminals had immediately taken control over all Petitioner's online communication, deactivating her email accounts, all social media accounts, removing Petitioner's publications from her blog, and otherwise criminally silencing Petitioner and preventing her from exercising her First Amendment rights and speaking about their crimes and atrocities.

At the same time, the criminals disguised as the "law" and "law enforcement" attacked Petitioner and injected her eyelids with some corrosive substance that partially dissolved them as well as infected the Petitioner's entire face with some "untreatable infection" although Petitioner was absolutely healthy and never had any "infection" of any kind in her entire life prior to the vicious criminal attack by the sued in her legal action foul scumbags and criminals. Petitioner was immediately unlawfully and secretly "discharged" from her employment in Louisiana state university, was no longer able to work from home due to constant malicious interferences by the defendants, and no longer had a safe place to live due to the same criminal persecution by the defendants.

Petitioner has taken numerous steps to secure access to "courts" to obtain any "justice" and damages for the crimes, committed against her and her Family but for over four years has been unable to even meaningfully enter the "courtroom" due to malicious and criminal suppression of all her actions – in direct violation of all existing laws – by the filthy "courts."

Shortly after stating that she will try to expose the corruption of the criminals, Petitioner was viciously attacked by the deranged foul negro that, entirely unprovoked, approached Petitioner from the back and violently hit with the wooden block, permanently damaging and

destroying the Petitioner's right scapula. The foul dirty negro cop refused to come and when, compelled by Petitioner, finally appeared, "classified" the aggravated battery with dangerous weapon as "miscellaneous."

Petitioner contacted the foul negroes and other worthless lying criminal trash of Baton Rouge "police department" with evidence of the vicious crime and demand to correct the "records" but the foul scumabgs that attacked Petitioner entirely covered up yet another violent crime against Petitioner's person.

At the same time, Petitioner and her precious Family started being criminally subjected to the prolonged murderous attacks by the chemical weapons that induced – in ALL THREE PREVIOUSLY ENTIRELY HEALTHY individuals who have been attacked – systemic injuries and cancers *of the same etiology*, which clearly shows that the foul criminals intentionally targeted and attacked the Victims. When Petitioner was being attacked with chemical weapons and toxins, she was diligently documenting the crimes and filing numerous reports with appropriate "authorities" and tried for several months to access "courts" and have the hearing on her petition for injunctive relief. Although said hearing must have taken place in 24 hours but no later than in 10 days in accordance with the controlling statutory law, the filthy foul scumbags – the worthless foul negroes and the assortment of the criminal worthless white trash – had been criminally denying that access to "courts" for over four months and although Petitioner was appearing repeatedly together with the five subpoenaed witnesses, the hearing never took place.

To further cover up their atrocities, the filthy criminals have been preventing Petitioner and her Family from obtaining "medical" help by conspiring – not for the first time – with corrupt private actors to deny access to "medical" procedures and treatments, to falsify records, to deceive Petitioner, and then to criminally steal the organs that were surgically removed due to the damage, inflicted by the foul criminal scumbags, and were scheduled to be studied histologically. The foul criminals committed the crimes of stealing in their rabid attempts to destroy evidence that ALL THREE PREVIOUSLY HEALTHY individuals whom they had been attacking with chemical weapons were induced the same systemic and devastating diseases as a direct result of their vicious and criminal attacks with chemical weapons.

While suffering all those horrific events, Petitioner at all times have been trying to access federal "courts" but access to the courtroom had been criminally and maliciously barricaded to Petitioner.

When attempting to access federal court for the first time in her entire life in 2019 when the persecution by the criminals has just ensued, corrupt middle district of Louisiana artificially suppressed the Petitioner's legal action. Petitioner's application to proceed in forma pauperis was NEVER "ruled" on. After waiting for several months, Petitioner realized that access to courts had been denied to her, and filed a "Motion to Dismiss Without Prejudice" under Federal Rules of Civil Procedure 41(a)(1). The corrupt middle district of Louisiana' scumbag, in accordance with the malicious and criminal conspiratorial agreement with the defendants with whom it has intimate relationships, unlawfully and in direct violation of the Federal Rules and the precedents momentarily "granted" the motion, dismissing the legal action with prejudice.

Petitioner was unable to refile her action, as she planned and indicated in her Motion to Dismiss Without Prejudice, and had to wait for nearly a year until the Fifth Circuit reversed[1] the middle district of Louisiana.

Thereafter, when Petitioner refiled her action, the scumbags of the middle district of Louisiana once again – through crime, fraud, and deceit – "dismissed" the Petitioner's strikingly meritorious and brilliantly documented legal action. Petitioner provided the analysis of the criminal dealings of the middle district of louisiana in her FIRST petition for writ of certiorari, filed August 18, 2022 to which No. 22-5392 has been assigned.

Similarly, in the same petition, No. 22-5392, Petitioner demonstrated that the fifth circuit criminally and maliciously, through fraud and deceit and in conspiracy with the remainder of the criminal cartel, "dismissed" the Petitioner's appeal by falsely claiming that her brilliantly presented 55-page brief where Petitioner covered absolutely every criminal violation of the law by the worthless criminal nits, and pointed out every lie, perversion of the law and fact, misapplication of the law, and perversion of the procedural standards was "frivolous." Petitioner aptly and proficiently made countless references to the controlling law and record on appeal, and

[1] *Jane Doe v. City of Baton Rouge,* 19-30277, CA5.

linked each argument and statement to the record as she carefully preserved each argument at the "district court" level.

After criminally removing the Petitioner's brief from the docket – so that the public would be unable to spot the criminal lies by the worthless lying nits, disguised as the "law," the criminals of the fifth circuit issued a criminal 2-page "opinion" where they blabbered some incoherent nonsense such as purporting to "retell" some of the criminal acts of middle district of louisiana without expressing any opinion on the atrocities, and then falsely claimed that Petitioner "failed" to bring any "non-frivolous" argument whereas Petitioner aptly brought numerous strikingly powerful and well-presented arguments in her 55-page brief. In other words, through crime, lies, and fraud, the criminals purported to "reach" the entirely corruptly predetermined "opinion" in order to assist the remainder of the criminal cartel with the crimes against Petitioner and the cover-ups. As Petitioner provided that analysis in her FIRST petition for certiorari, No. 22-5392, the instant SECOND petition will proceed directly to the facts, relevant to this petition.

2. The facts, relevant to *this* petition – criminal denial of access to "courts" continues with the Petitioner's actions and appeals being criminally "dismissed" in violation of the statutory law, the Federal Rules, the "precedents," and the local rules

After Petitioner's action was criminally and in striking violation of the law thrown out for the second time – as described in the FIRST petition for certiorari No. 22-5392, Petitioner refiled her action as she had (and still has) the absolute legal right, in accordance with the existing law, to do so. Petitioner refiled it in the district of Oregon because by that time, she relocated to Oregon and the foul scumbags – defendants in her action – continued persecuting and attacking Petitioner in Oregon. Although at that stage it was not required and her complaint must have been believed, Petitioner filed into the record numerous documents that show that there were at least several distinct criminal acts, committed by the defendants in Oregon in furtherance of the conspiracy,[2] which makes the "venue" proper:

[2] For instance, when Petitioner mailed a filing fee for her action, it was stolen, diverted, and "refused" – which was clearly demonstrated through the tracking information, preserved and provided by Petitioner. In this action, there have been a total of FOUR "refusals" to accept the

The venue is proper when "there occurred in that district '*any* act or transaction' by *any* defendant in furtherance of a manipulative scheme in which [defendant] knowingly participated." *Hilgeman v. National Insurance Co. of America,* 547 F.2d 298 (5 Cir., 1977).

"Under the co-conspirator venue theory, where an action is brought against multiple defendants alleging a common scheme of acts or transactions in violation of [the law], so long as venue is established for any of the defendants in the forum district, venue is proper as to all defendants. This is true even in the absence of any contact by some of the defendants in the forum district. Wright, Miller Cooper, Federal Practice and Procedure: Jurisdiction § 3824 (1976)." *Sec. Inv'r Prot.Corp. v. Vigman*, 764 F.2d 1309, 1317 (9th Cir. 1985). (see Petitioner's emergency motion for summary reversal, pages 2-3, submitted to CA9 on Aug.1, 2022 in appeal 22-35572, which it criminally dismissed in its entirety on Oct. 19, 2022).

Petitioner carefully and meticulously briefed all applicable laws at the district court's level which the filthy "district court" simply criminally and maliciously – while following the criminal "agreement" with the remainder of the criminal cartel "ignored."

However, many defendants after being properly served failed to appear, failed to file any timely and sufficient objections to the venue, and/or waived their "defenses" through litigation conduct, see Rule 12(a)(1)(A)(i); section 1406(b); *Neirbo Co. v. Bethlehem Corp.*, 308 U.S. 165, 167-68 (1939); *Ins. Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee,*456 U.S. 694, 703, 102 S.Ct. 2099, 72 L.Ed.2d 492 (1982). All applicable laws and statutes have been aptly briefed by Petitioner who made appropriate assertions regarding the "defenses'" waivers.

While her action was pending, it had become apparent that Petitioner's case is the case of the multidistrict conspiracy to injure and the multidistrict racketeering enterprise. Immediately after such evidence had been received by Petitioner – notwithstanding the fraud, deception, and lies by the foul scumbags, the members of the racketeering enterprise who had been hiding and

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filing fee – as the criminal scumbags like to misuse the prisoner in forma pauperis statute and, after refusing to accept filing fee, fraudulently "apply" the prisoner statute and criminally falsely claim that the Petitioner's powerful legal action is "frivolous," unlawfully "dismissing" it under the guise of the inapplicable prisoner statute section 1915.

destroying the evidence – her action was "dismissed' by the filthy "district court" through some 2-page "order" which incoherently blabbered some inapplicable generalizations while ignoring *everything* in the Petitioner's case and each and every argument she brought in the thousands of pages of briefing.

For instance, the filthy lying "district court" intentionally and maliciously "failed" to "rule" on the Petitioner's motion for costs for failure to waive service (CM/ECF 424); motion to strike unauthorized and violative of local rule 83 submissions (CM/ECF 191); motion to strike the filed late submissions (CM/ECF 197); motions for alternative service or to deem served (CM/ECF 317, 325); motions for Rule 11 sanctions (CM/ECF 360, 400, 419, etc); motions for entry of default (CM/ECF 195, 244, 277, 282, 284).

Although the venue was proper as the defendants-nits **waived** any "defenses" (which Petitioner demonstrated hundreds of times but the scumbags in both district and appellate "court" levels entirely "ignored") *and* the distinct acts in furtherance of the conspiracy happened in district of Oregon, in addition to the venue being unquestionably proper in the first instance, because the existence of the *multidistrict Louisiana-Oregon racketeering enterprise* had been discovered, proper venue was also provided by 18 USC § 1965.

Petitioner then filed a Rule 60(b) and 59(e) motion for relief from "judgement" and leave to amend complaint as Rule 60(b) allows relief from judgement on the basis of the newly discovered evidence. Petitioner also relied on *Foman v. Davis*, 371 U.S. 178, 83 S. Ct. 227 (1962), which authorizes a post-judgement leave to amend complaint to state an alternative theory for recovery. Because the existence of the multidistrict joint Louisiana-Oregon racketeering enterprise has been discovered, Petitioner could and should sue all the foul co-conspirators under the Racketeer Influenced and Corrupt Organizations Act, whereas the "proper venue" is provided by 18 USC § 1965. See CM/ECF 429, 442.

Petitioner brilliantly briefed all applicable laws, analyzing and pointing out each relevant detail. Because Petitioner has been denied access to "medical" services by the foul nasty scumbags sued in the Petitioner's action and all their co-conspirators, Petitioner requested expedited consideration. Petitioner demonstrated that after the foul criminals attacked and poisoned Petitioner and her precious Family, and induced devastating diseases OF THE SAME ETIOLOGY IN ALL THREE ATTACKED VICTIMS, the sued criminals continued with their

crimes against humanity by blocking access to "medical" services to all three Victims, criminally stealing samples, tissues and organs which had to be removed exclusively due to the criminal attacks with chemical weapons by the foul despicable criminals and which the nasty scumbags have been stealing in order to cover up their horrific crimes. Despite clearly showing the irreparable injury and the crimes being committed against Petitioner, the foul "district court" maliciously, criminally, and demonstratively sat on the Petitioner's filings for 71 days.

Thereafter, it manufactured a fraudulent 2-page "order" in which ignored absolutely everything that Petitioner stated in her Rule 60(b) and 59(e) motions and accompanied declarations, blabbering incoherently some gibberish in order to simulate the proceedings and deceive the public.

As Petitioner's Rule 60(b) and 59(e) motions were criminally and unlawfully "denied" in clear violation of the law, and ALL Petitioner's motions and other important filings of the multi-thousand record were also "ignored," Petitioner timely appealed.

Being entitled to summary reversal as a matter of law and the "local rules," Petitioner filed the appropriate motion with CA9:

> Summary reversal is proper when "the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case." *Groendyke Transport, Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969)."Summary disposition is appropriate in an emergency, when time is of the essence." *United States v. Fortner*, 455 F.3d 752, 754 (7th Cir. 2006). "A party seeking summary disposition bears the heavy burden of establishing that the merits of her case are so clear that expedited action is justified." *Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 297 (D.C. Cir. 1987). Summarydisposition is also warranted in the situations "where rights delayed are rights denied." *Groendyke Transport, Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).
>
> The clear error requirement of the Circuit Rule 3-6 applies here as the district has court entirely disregarded and violated the Supreme Court's and federal circuits' law, the Federal Rules, and the U.S. Code.
>
> The district court "granted" motions to dismiss to the defendants that either explicitly waived their venue defenses or waived them through non-compliance with section

1406(b) and Rule 12(a)(1)(A)(i). See., e.g., CM/ECF 108, 181, 257, 197, 195, 244, 277, 282, 284, 363 – pages 6-7, 366 – pages 9-10. The Federal Rules[3] are very clear and should be obeyed by the district court. The district court has no "discretion" whatsoever to disregard the Federal Rules and corruptly pervert the law. See *Yamamoto v. Omiya*, 564 F.2d 1319, 1327 (9th Cir. 1977).

The Supreme Court explains that when the defenses have been waived, the district court has no discretion to corruptly "ignore" it and deprive the litigant of her chosen and proper forum as doing so disregards and contradicts *Neirbo Co. v. Bethlehem Corp.*, 308 U.S. 165, 167-68 (1939)[4] and *Ins. Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee,*456 U.S. 694, 703, 102 S.Ct. 2099, 72 L.Ed.2d 492 (1982) which clearly state that venue and personal jurisdiction are "personal liberties" and "may be waived," either explicitly or implicitly. The district court has no "discretion" to disregard the Supreme Court's law. "Our decisions remain binding precedent until we see fit to reconsider them." *Hohn v. United States*, 524 U. S. 236, 252–253 (1998). Appellant carefully and repeatedly briefed all applicable law. See, e.g., CM/ECF 302, pages 62-63; 152.

Similarly, the district court ignored the essence of the Appellant's motion for relief from judgment and leave to amend complaint. The manufactured falsification, CM/ECF 444, has absolutely nothing to do with the Appellant's motions, see CM/ECF 429, 430, 442, 443. It *does not even mention or acknowledge* that Appellant specifically stated that, as

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[3] 28 U.S. Code § 1406(b): Nothing in this chapter shall impair the jurisdiction of a district court of any matter involving a party who does not interpose timely and sufficient objection to the venue.
Historical and Revision Notes to section 1406 clarify: "Subsection (b) is declaratory of existing law. See *Panama R.R. Co. v. Johnson*, 1924, 44 S.Ct. 391, 264 U.S. 375, 68 L.Ed. 748. It makes clear the intent of Congress that venue provisions are not jurisdictional but may be waived."

Rule 12(a)(1)(A)(i): A defendant must serve an answer within 21 days after being served with the summons and complaint.

[4] "The privilege [to assert venue defense] may be lost by failure to assert it seasonably, by formal submission in a cause, or by submission through conduct...Such surrender of the privilege may be regarded negatively as a waiver or positively as a consent to be sued." *Neirbo Co. v. Bethlehem Corp.*, 308 U.S. 165, 167-68 (1939).

the existence of the multidistrict racketeering enterprise has been discovered, Appellant now has the absolute legal right to sue all Louisiana and Oregon co-conspirators in Oregon (many of such co-conspirators had already permanently waived their venue defenses anyway, on which the district court also improperly turned the blind eye).

"The Court of Appeals also erred in affirming the District Court's denial of petitioner's motion to vacate the judgment of dismissal in order to allow amendment of the complaint, since it appears from the record that the amendment would have done no more than state an alternative theory of recovery." *Foman v. Davis*, 371 U.S. 178, (1962)." See CM/ECF 442, page 9.

And although Appellant repeatedly stated, in bold font, that according to *Foman*, she is entitled to relief as "**The multidistrict conspiracy and the joint racketeering enterprise of the Oregon and Louisiana defendants affect the venue** because **18 U.S.C. § 1965** provides proper venue," see CM/ECF 443, page 11, the district court did not even mention the substance of the Appellant's request but continued shamefully deceiving the public through its bogus "findings" and simulation of the proceedings.

"We must reverse the district court if 'it based its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence.'" *U.S. ex Rel. Robinson Rancheria v. Borneo*, 971 F.2d 244, 254 (9th Cir. 1992) (citing *Cooter Gell v. Hartmarx Corp.*, 496 U.S. 384, 110 S. Ct. 2447 (1990)). Here, the district court unquestionably perverted and disregarded the Federal Rules, the Supreme Court's precedents, the Ninth Circuit's law, and deliberately ignored all evidence, filed into the record, and must be reversed.

The district court's opinions, orders, and judgements, CM/ECF 422, 423, 444, should be summarily reversed in their entirely as they are wrong as a matter of law.

The district court's denial of relief under Rules 60(b) and 59(e) should be summarily reversed, allowing Appellant to amend her complaint and file her **motion for injunctive relief** due to the demonstrated exigency and **emergency situation as Appellant is being criminally and maliciously denied access to medical care and the filthy defendants**

continue criminally interfere with that access. See Appellant's declaration, submitted in support of this motion.

The remaining issues such as CM/ECF 424 (motion for costs for failure to waive service); CM/ECF 191 (motion to strike unauthorized and violative of local rule 83 submissions); CM/ECF 197 (motion to strike the filed late submissions), CM/ECF 317, 325 (motions for alternative service or to deem served); CM/ECF 360, 400, 419, 445, 446 (motions for Rule 11 sanctions); CM/ECF 195, 244, 277, 282, 284 (motions for entry of default) that were ignored by the district court and never ruled on or addressed in any way, should be remanded to district court with instructions to rule on the motions. That is in accordance with 9th Cir. R. 3-6, which lists "remand for additional proceedings" as one of the appropriate reasons for granting the motion for summary disposition. The district court entirely intentionally failed to provide any meaningful, intelligent analysis of the Appellant's briefing and make requested determinations regarding waivers of various defenses. It should be instructed to do so, and the appellate court should retain jurisdiction for further review once the district court properly rules on the Appellant's filings.

Because this matter is urgent as Appellant's access to medical care is blocked by the defendants-co-conspirators, see Appellant's declaration, Appellant requests that her emergency motion under Cir. R. 27-3 for summary reversal or, in the alternative, for expedited consideration of her motion for summary reversal be granted and the district court be summarily reversed, and Appellant be allowed to proceed with the filing of her **motion for injunctive relief to restrain defendants from criminally interfering with Appellant's medical care and access to medical services.**"

The cited above is just a portion of the brilliantly and meticulously presented Petitioner's 23-page motion, replete with references to the applicable and controlling laws and references to the "district court" record.

It is clear that Petitioner is entitled as a matter of law to summary reversal as 9th Cir. R. 3-6 lists "remand for additional proceedings" as one of the appropriate reasons for granting the motion for summary disposition.

The filthy district court could not lawfully "ignore" the Petitioner's motion for costs for failure to waive service, as the Federal Rules clearly say that it MUST award the costs:

Fed R Civ Pro 4(d)(2)(A) provides:

> If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court **MUST** impose on the defendant the expenses later incurred in making service. (emphasis added).

Similarly, the filthy lying "district court" could not "ignore" the Petitioner's Rule 11 motions and its malicious failure to act on them in any way is already a solid reason for summary reversal and remand for further proceedings:

> "The district court is not at liberty to exempt [anyone] automatically from the rule's [11] requirements." *Warren v. Guelker*, 29 F.3d 1386, 1390 (9th Cir. 1994). It "cannot decline to impose any sanction, where a violation has arguably occurred" *Id.* In *Warren*, the Ninth Circuit specifically "reverse[d] and remand[ed] for a determination of whether [a party] violated Rule 11."

There are other numerous meritorious questions, presented in the appeal – failure to enter default, failure to allow leave to amend as a way of criminal denial of access to courts, perversions of the law and fact, "granting" 'motions to dismiss for improper venue' to defendants who did not seek such a dismissal, misapplications and "unseeing" of the statutory law and the US Supreme Court's precedents.

As a step towards the further criminal denial of access to courts to Petitioner and criminal suppression of the Petitioner's strikingly powerful and brilliantly documented legal action, the lying court of appeal, through the purported "clerk's orders" unlawfully "stayed" the Petitioner's appeal by fraudulently and falsely robotically claiming that appeal was "frivolous" and purporting to "stay" it under the inapplicable[5] prisoner statute. As the filthy "clerk" had no authority to "stay" an appeal or suppress and mishandle the Petitioner's emergency motion – that

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[5] The ninth circuit's "own law" says that under no circumstances a complaint of the non prisoner could be "screened" or dismissed under the prisoner in forma pauperis statute, section 1915. See *Olivas v. Nevada, ex rel. Dep't of Corr.*, 856 F.3d 1281, 1284 n.2 (9th Cir. 2017). Not only that but Petitioner filed a PAID complaint.

is, that yet another dirty shenanigan has been done in distinct and clear violation of the "rules" and the law – Petitioner mailed a letter to Murguia, the ninth circuit court of appeal's administrator, detailing the criminal dealings of the "court" and the "clerk." The letter has been also filed into the record of appeal by Petitioner.

Petitioner also timely filed a motion to discharge the unlawful and unauthorized "clerk order" and motion for sanctions against the foul lying nits – the defendants and their gormless, incompetent, but supremely filthy and corrupt "lawyers" for clear perversions and misapplications of the law, perversions of the fact, filing criminal and baseless "filings" – simply to play along in that disgusting criminal simulation of the proceedings and blabber something incoherent while "unseeing" and "not understanding" the actual facts, applicable law, and the rules.

Notwithstanding all this, the foul criminal nits continued criminally suppressing the Petitioner's appeal, including her emergency motion in which she asserted irreparable injury, demonstrating that she, at the time, had been unable to access the "medical" services *for over a year* as the foul scumbags, sued in the Petitioner's complaint, have been criminally preventing her from getting any diagnostic procedures or treatment while criminally covering up the evidence that they, the foul criminal scumbags, targeted and attacked Petitioner with chemical weapons and induced grave injuries in Petitioner and her Family.

As a matter of law, Petitioner had the absolute right to refile her action, see *Semtek International Inc. v. Lockheed Martin Corp.*, 531 U.S. 497, 502 (2001) which states that a judgement on the merits is "one in which the merits of [a party's] claim are in fact adjudicated [for or] against the [party] after trial of the substantive issues" and the criminals simply through the unlawful suppression of the Petitioner's action and perversion of the law have been throwing her actions out sua sponte or by dismissing it "without prejudice for improper venue."

While the filthy ninth circuit court of appeal was criminally sitting on Petitioner's appeal and emergency motion, Petitioner refiled her RICO action. It was assigned No. 22-1056. As there have been numerous instances of the criminal tampering with the Petitioner's mail, including the one sent to "courts" or when she was mailing the filing fee to initiate her actions, Petitioner mailed 2 sets of the complaint and other initiating documents hoping that if one gets stolen, intercepted, or diverted, maybe another one would make it through and be timely

processed and filed. The second complaint, mailed out of an abundance of caution at the same time as 22-1056 was assigned No. 22-1065 and was immediately "dismissed" by the deranged lying psychopath through a documentless "entry" in which it lied that it was a "duplicative" case of some entirely unrelated cases which were "transferred".

The case 22-1056 however was also criminally dismissed under the guise of "in forma pauperis statute" whereas Petitioner never filed any in forma pauperis application and never sought any "in forma pauperis" status but rather sought an extension of time to pay her filing fee by clearly explaining, in the filed declaration, that the foul scumbags stole all Petitioner's funds, and she already paid the filing fee in the exactly same action which was criminally dismissed and at the time was being criminally suppressed as an appeal 22-35572, subject to the instant petition. As an exhibit, Petitioner provided a letter to Murguia in which she detailed the criminal conduct of the filthy ninth circuit and the criminal stealing of the Petitioner's funds by the scumbags, also referencing direct evidence and the case filed in district of Oregon where Petitioner sought to stop the foul nasty crooks but the scumabgs of the district of Oregon and then the appellate court for ninth circuit criminally directly assisted in the crime of stealing through crime, deceit, perversion of the law, ignoring and suppressing the Petitioner's filings.

The scumbag that criminally dismissed the Petitioner's refiled case, No. 1056 through a 2-page deceitful "order," simply falsely claimed that the brilliantly documented and investigated with the rare inquisitive sharpness and dedication to justice complaint, which, while providing a dense factual narrative where all facts and events are connected and explained with particularity and which mentions, references, and cites numerous such evidence as the deposition transcripts, the "police reports," the "court" records, the "medical" records, the audio and video recordings, the emails, and other direct and indisputable evidence – was "frivolous without basis in law or fact."

Of course, that was just one of the many criminal lies by the foul scumbags of the foul criminal cartel of the professional criminals-in-law. Notably, the scumbags again "dismissed" the complaint under the prisoner in forma pauperis statute which not only cannot be applied to Petitioner as a matter of law but also cannot be misused to simply fraudulently mislabel the most powerful, the most strikingly sharply and intelligently investigated and documented, and the most meritorious complaint as "frivolous."

Petitioner filed a 17-page notice of appeal – as often that is the only statement Petitioner is "allowed" to make and oppose the foul lies of the foul lying nits by citing the record and citing the applicable law – before they criminally "dismiss" her appeal.

In that notice, Petitioner, in accordance with the U.S. Constitution and the Supreme Court's law that "protect(s) the free discussion of governmental affairs" which "serve(s) as a powerful antidote to any abuses of power by governmental officials," encouraging[6] to "criticize governmental agents and to clamor and contend for...change," *Mills v. Alabama*, 384 U.S. 214, 218-19 (1966), justly and accurately criticized the unlawful actions of the judge, his hypocrisy, lack of respect for any law or the Constitution, perversion of the law and facts, simulation of the proceedings in order to unlawfully deny all legal rights to Petitioner and assist criminals-in-law in persecution of Petitioner.

In the notice, Petitioner, as always, pointed out the criminal and unlawful nature of the corrupt "district court'" "order" through the scrupulous analysis of the applicable law. By citing the legal authorities, Petitioner demonstrated that the filthy nits could not possibly purport to "apply" the prisoner statute to the Petitioner's complaint, and "dismiss" the strikingly powerful and meritorious 163-page complaint with countless references to the direct evidence and the brilliantly asserted detailed factual narrative through a one-line false, fraudulent, and foul claim that it was "frivolous."

After demonstrating that Petitioner also never even sought any "IFP status," she summarized:

> "Even if such a "dismissal" were in any way "acceptable," Plaintiff has the absolute right to refile her complaint:
>
> > "Because a § 1915(d) dismissal is not a dismissal on the merits, but rather an exercise of the court's discretion under the *in forma pauperis* statute, the dismissal

[6] See also *Elrod v. Burns*, 427 U.S. 347, 374 n.29 (1976) (the First Amendment "enable(s) every citizen at any time to bring the government and any person in authority to the bar of public opinion by any just criticism upon their conduct in the exercise of the authority which the people have conferred upon them.").

does not prejudice the filing of a paid complaint making the same allegations." *Denton v. Hernandez*, 504 U.S. 25, 34 (1992) (emphasis added)."

Having the absolute regal right to refile and prosecute her unlawfully and criminally thrown out by the foul criminal cartel of the scumbags-in-law complaint, Petitioner did refile it. The refiled complaint was assigned No. 22-1419 (D. Or.)

In response to the honest and just criticism in the notice of appeal, and as a direct unlawful, vindictive, and angry response to that criticism, the outraged judge immediately criminally "terminated" the Petitioner's refiled action, 22-1419, even though it was not "assigned" to him. In that action, the filing fee was not accepted from Petitioner. The outraged psychopath also immediately criminally terminated another Petitioner's action which the foul criminal cartel has been preventing Petitioner for years from prosecuting, stealing money from Petitioner, including the money she repeatedly paid as a filing fee only to have her meritorious action simply be unlawfully thrown out in clear violation of the law, and tremendous damages to which Petitioner is entitled as a matter of law but which the foul scumbags have been preventing Petitioner from obtaining through crime, deceit, record falsification, suppression and destruction of evidence, and other such atrocities.

At the same time, the foul psychopath which criminally threw out the Petitioner's refiled actions (after the action which pertains to this petition, 21-314, was criminally thrown out and the appeal 22-35572 was criminally suppressed whereas the Petitioner's emergency motion and other filings were being criminally ignored, for months, Petitioner has already refiled her action twice – Nos. 22-1056 and 22-1419, both of which were criminally discarded by the same psychopath), manufactured a criminal "pre-filing order," ordering the foul clerks not accept any filing from Petitioner, falsely and fraudulently claiming that her filings were "repetitive" or "frivolous."

Petitioner immediately filed a petition for mandamus with CA9, No. 22-70230, demanding the following "relief" from the lying criminal scumbags:

1. "Issue a statement that, while Petitioner is being unlawfully prevented from prosecuting her case, filing any action, or even paying the filing fee, all "statute of limitations," prescriptive periods, etc., are tolled, interrupted, and the claims that

Petitioner wishes to prosecute but is being criminally prevented from prosecuting, are preserved in their entirety as timely.

2. Discharge the malicious and unlawful order, 22-314, CM/ECF 7 (attached as Exhibit A) that prevents Petitioner from filing and prosecuting her action and fraudulently claims that it's because her actions are either "duplicative" or "repetitive" or were previously "transferred" or "resolved" – the malicious lies in order to simulate the proceedings and lie to the public that the "work" of the "courts" is "on the level." All of the Petitioner's claims have been criminally suppressed, and Petitioner is experiencing irreparable harm NOW, but is being prevented by the scumbags from meaningfully accessing courts.
3. Address in accordance with the law the Petitioner's EMERGENCY motion for summary reversal that has been criminally suppressed since Aug. 1, 2022 in appeal No. 22-35572, unlawfully denying Petitioner her rights, including causing Petitioner to suffer irreparable harm, as asserted in her emergency motion.
4. Consolidate all unlawfully discarded cases – No. 3:22-cv-01419, No. 3:22-cv-01056 / No. 22-35752, and No 6:21-cv-00314 / No. 22-35572 – allowing Petitioner to prosecute her case."

That mandamus petition was entered by clerk on Oct. 17, 2022. In response, the foul lying CA9 nits, in just 1 day – on Oct. 19, 2022 – "issued" a criminal 10-word "order," criminally "dismissing" the Petitioner's powerful and meritorious motion for summary reversal and the entire appeal No. 22-35572 as "frivolous."

The nasty, criminal, lying nits not only block Petitioner's access to "justice," but have been stealing Petitioner's funds (directly criminally stealing the Petitioner's actual funds, criminally "preventing" Petitioner from recovering the tremendous damages to which she is entitled as a matter of law, "stealing" the money by forcing Petitioner to pay the filing fee to those foul scumbags over and over and over again for the actions the nasty criminal nits simply criminally and unlawfully "throw out," and by criminally "refusing" to award Petitioner the required by the statutory law costs, etc.

The crimes under color of law, the scumbaggery, and the deprivation of Petitioner of all her legal and constitutional rights must stop, and the bogus "law keepers" must be made to follow the law.

REASONS FOR GRANTING THE WRIT

This writ does not request that any question of law be decided. There are already the powerful and brilliantly decided US Supreme Court's precedents and the statutory laws and rules, enacted by the congress and signed by the president in place, which strongly support the Petitioner's position. This writ about compelling those shameful lying "public officials" to follow the controlling law which they have been criminally, to the shocking extent, violating and disregarding. Those shameful "officials" have been doing exactly what they fraudulently claim to the public they ensure never happens – selective, discriminatory, and non-uniform "application" of the law. The fraudulent and lying "law keepers" must be compelled to follow the law, including their own "law" and "rules," and must be forbidden from any further criminal deprivation of the Petitioner's legal and constitutional rights under the guise of "authority of the law." The court of appeal has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of the US Supreme Court's supervisory power.

CONCLUSION

The US Supreme Court should grant this writ and summarily reverse the court of appeal, remanding the matter to it with instructions to follow the law and the Supreme Court's precedents, and adjudicate the Petitioner's appeal on the merits, applying the law uniformly and coherently – in accordance with its "mission statement."

SUBMITTED BY:

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