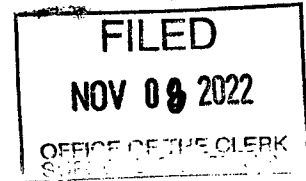


No. 22-6598 ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

YVONNE JIANG — PETITIONER
(Your Name)

vs.

HELEN XU et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

CALIFORNIA SECOND DISTRICT COURT OF APPEAL
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

YVONNE JIANG

(Your Name)

2826 NORSEWOOD DRIVE

(Address)

ROWLAND HEIGHTS, CA 91748

(City, State, Zip Code)

(626)712-3187

(Phone Number)

QUESTION(S) PRESENTED

Shall the judgment stand in the court of law when the judge could not face the the person to whom his or her judgment is against to, knowing that the judgment is for the person who used false document, made false declaration to maintain their position in the lawsuit?

LIST OF PARTIES

☐ All parties appear in the caption of the case on the cover page.

☒ All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Helen Xu
2. Maxwell E. Lin AKA Eng-Lang Lin
3. Maxwell E. Lin & Associates

RELATED CASES

- *Yvonne Jiang v. Helen Xu et al*, 21PSCV00100, Superior Court Pomona California. Judgment entered August 18, 2021.
- *Yvonne Jiang v. Helen Xu et al*, B316520, California Second District Court of Appeal. Judgment entered April 12, 2022.
- *Yvonne Jiang v. Helen Xu et al*, S274734, California Supreme Court. Judgment entered August 10, 2022.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the _____ court appears at Appendix B to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was August 10, 2022.
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

STATEMENT OF THE CASE

On February 8, 2021, Plaintiff /Appellant Yvonne Jiang filed a complaint in propria persona against Defendants Helen Xu; Xu's attorney Maxwell E. Lin AKA Eng-Lang Lin, SBN 140673; and Law Offices of Maxwell E. Lin & (Associates) for fraud. The suit alleged defendants committing perjury and violating the Penal Code ... by submitted false documents and making false declarations [Exhibit-101, Exhibit-102] to maintain Defendant Xu's position in the prior case – Case No.17K05412. Before Plaintiff could initiate a discovery process for the subject case (21PSCV00100), defendants filed a special motion to strike the Complaint under CCP 425.16 on May 10, 2021. On June 7, 2021, Jiang filed her opposition to defendants' special motion to strike and served the Judicial Council a copy of her opposition on July 24, 2021 [Exhibit-103].

On August 18, 2021, the Trial Court granted defendants' motion to strike because Plaintiff's amended opposition was filed without leave of court and was stricken. The case was dismissed. However, dismissing the case was not the judge's true believe and the judge was pressured to do that and her decision was under duress because the judge could not face the Plaintiff when she delivered the order and she said sorry to Plaintiff. In addition, "It has always been the policy of the courts in California to resolve a dispute on the merits of the case rather than allowing a dismissal on technicality [*Harding v. Collazo* (1986) 177 Cal.App.3d 1044, 1061]. August 18, 2021 order dismissed the case was based on technicality rather than on merits of the case. Therefore, it was against the policy of the courts in California. Moreover, "The trial judge has a 'duty' to see that a cause is not defeated by 'mere inadvertence.'" [*Lombardi v. Citizens Nat. Trust & Sav. Bank* (1955) 137 Cal.App.2d 206, 209]. The judge failed to fulfill that duty even though she was under duress. A judgment or order by a judge under duress shall not stand and must be revoked.

On October 18, 2021, Plaintiff filed an appeal from August 18, 2021 order and the Notice of Filing of Notice of Appeal was issued on November 4, 2021. On November 23, 2021, a clerk of the Court of Appeal issued a notice staying the appeal because Appellant was declared vexatious litigant pursuant to CCP 391.7. On April 12, 2022, the Court of Appeal dismissed the appeal for the reason that "The October 18, 2021 notice of appeal forms the only record in this case ... the court is unable to glean merit in the appeal ... [DO, 4/12/2022, page 2]" The order also reasoned that Appellant did not comply with the clerk's November 23, 2021 notice and that Appellant failed to obtain leave of the Court before filing the appeal as required by CCP 391.7(a).

REASONS FOR GRANTING THE PETITION

The dismissal order by the Administrative Presiding Justice of the California Second District Court of Appeal on April 12, 2022 was a coverup for the coercion of the Chief Justice Tani G. Cantil-Sakauye put on Judge Gloria White-Brown to issue the August 18, 2021 dismissal order. The April 12 order dismissed October 18, 2021 appeal from trial court's August 18, 2021 order granting defendants' special motion to strike the Complaint under Code of Civil Procedure (CCP) section 425.16 and dismissing the Complaint. However, August 18 dismissal order was made under duress and the Court failed "... to resolve a dispute on the merits of the case..."- [*Harding v. Collazo* (1986) 177 Cal.App:3d 1044, 1061 (dis. Opn. Of Lui, Acting P.J.)] An order made under duress and failed to resolve the dispute on the merits of the case are the merits of the appeal on October 18, 2021. Moreover, April 12 dismissal order was based on the Prefiling Order issued by trial court Judge Serena R. Murillo who fabricated events and manipulated facts to issue the prefiling order before the scheduled hearing. It was solely for the purpose of impeding the legal proceedings and appeal proceedings on Plaintiff and the Appellant's claims, and for furthering the interest of Chief Justice Tani G. Cantil-Sakauye. Furthermore, April 12 dismissal order was also based on the November 23, 2021 notice by a clerk of the Court of Appeal illegally stay the appeal. Appellant's Notice Designating the Records on Appeal was rejected from filing because of the stay. A clerk had no judicial power to stay the appeal. Besides, the Prefiling Order was still pending appeal. Therefore, April 12 dismissal order was an error because it was

inconsistent with the facts. It was the Administrative Presiding Judge Elwood Lui conspired with the Chief Justice Tani G. Cantil-Sakauye taking appellant's grievance as a favor payback to the Judicial Council member David Fu who's family holding a big stake in the case – Defendant Helen Xu threaten to sue Coldwell Banker George Realty where Helen Fu (David Fu's family) held a majority share of the company. P. J. Elwood Lui was elected to the position by David Fu and Chief Justice Cantil-Sakauye.

The Prefiling Order causing April 12, 2022 Court of Appeal Dismissal Order to be issued and impeding the appeal proceeding was evidence of abusing judicial discretion and judicial power by Judge Serena R. Murillo and a group of justices and judges moving by Chief Justice Tani G. Cantil-Sakauye. It shall be subject to review by the Supreme Court as well. The reason Appellant's claims in this appeal, the original case No. 21PSCV00100, the prior related case 17K05412, and the multiple appeals Appellate Division cases No. BV033148, BV033207, BV033363, BV034214, BV034215, and Court of Appeal Case No. B312175, B317422, B319524 were under attacked by a group of justices, judges, and clerks from Superior Court, Appellate Division and Second District Court of Appeal because Chief Justice Tani G. Cantil had an interest in the Appellant's claims [see this Petition, FACTUAL AND PROCEDURAL HISTORY subdivision "A. "]. Appellant's case as well as the prior related case and all the appeals from the two original cases were raked from the original assigned judge to the judges and justice who had benefited from the Chief Justice's advanced favor appointments and assignments. These people from across the California Supreme Court, California courts of appeal, Appellant Division, and the Superior Court form an inner circle of

influence of Chief Justice Tani G. Gantil. They help the Chief Justice carry out her agenda which is not necessary for delivering justice. In this case and the related cases, they help cancel Appellant's claims to cause miscarriage of justice. That is how Defendants Helen Xu, Maxwell E. Lin (aka Eng-Lang Lin, SBN 140673), Law Offices of Maxwell E. Lin (note: 3 defendants in this case, Court of Appeal changed to 1 defendant to Helen Xu) who falsified document, made false declarations, had a white woman personating Attorney Marjorie Minnetian (SBN 150381), could maintain in the cases and be awarded attorney fees and costs one time after another without any effort.

Elwood Lui, the Administrative Presiding Justice, who dismissed the appeal without any qualified concurrence, was also a member in Chief Justice Tani G. Gantil's inner circle. Justice Lui failed to recuse himself for potential interest conflict. Among them are Judge Thomas C. Falls from Pomona South Courthouse who granted defendants motion for attorney fees despite the dismissal order was still pending appeal; Presiding Judge P. McKay from Appellant Division and other 3 judges undermining the facts, disregarding the law, manipulating the procedures, refusing to recuse herself from the appeal case, fabricated the opinions on Appellant's the Appellate Division cases BV033148, BV033207, BV033363, BV034124, BV034125; Judge Serena R. Murillo from Spring Street Courthouse undermining the facts, disregarding the law, fabricating the events, manipulating the procedures and the facts to issue the Prefiling Order without a hearing; Judge Jon R. Takasugi from Stanley Most Courthouse interfering the case, undermining the facts, disregarding the rules, altering the date on the submitted document, fabricating a clerk's signature on his

order issued the summary judgment against Appellant and had the summary judgment held from serving on Plaintiff, a layperson; and the Administrative Director Martin Hoshino directed Deputy Clerk Apalencia-Huerta rejecting Appellant's Notice Designating the Records on Appeal from filing. It created the situation for Justice Lui to dismiss the appeal for the reason of "The October 18 2021 notice of appeal forms the only record in this case ... the court is unable to glean merit in the appeal ..." [Dismissal Order, 4/12/2022, page 2] These people moved by the Chief Justice, collaborated with one another, abused their judicial power, and breach their official duty, interfered Appellant's claims to serve Chief Justice Tani G. Gantil's personal agenda then further each of their own agenda constituted abstraction of justice.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Gyenne Jiang

Date: August 8, 2022