

No. 22-6598

IN THE
SUPREME COURT OF THE UNITED STATES

YVONNE JIANG in pro se — PETITIONER
(Your Name)

vs.

HELEN XU et al — RESPONDENT(S)

ON PETITION FOR ~~A WRIT OF CERTIORARI TO~~ REHEARING TO

THE UNITED STATES SUPREME COURT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR ~~WRIT OF CERTIORARI~~ REHEARING

YVONNE JIANG
(Your Name)

2826 NORSEWOOD DRIVE
(Address)

ROWLAND HEIGHTS, CA 91748
(City, State, Zip Code)

(626) 712-3187
(Phone Number)

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APR 25 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR REHEARING

On March 27, 2023, the Supreme Court of United States denied Yvonne Jiang's petition for a writ of certiorari from the appellate case B316520 of the Second District Court of Appeal of California without giving any reason was prejudicial. Appellant Yvonne Jiang is now petitioning for a rehearing. This Petition for Rehearing is filed based on the Rule 44.2 of the Rules of the Supreme Court of the United States which states that, "Any petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ shall be filed within 25 days after the date of the order of denial ... but its grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented ..." Yvonne Jiang's computer was under cyberattacked and was intervened and controlled by the hacker during her preparation of the petition. This situation fits the description of Rule 44.2 of "... intervening circumstances

of a substantial or controlling effect ...” Therefore, this petition for rehearing is proper.

A. Cyberattack Prevented the Preparation of the Petition for A Writ of Certiorari

Through the entire time of petitioner Yvonne Jiang pursuing justice for her grievance on the lawsuit cases against Defendant Helen Xu, her lawyer Maxwell E. Lin, the Law Offices of Maxwell E. Lin & Associates; Yvonne Jiang has always been under cyberattack. As the cases go on, more justices and judges have involved in abusing their judicial discretion and ruling in favor of the defendants who had violated California Penal Code and committed perjury, the cyberattacks to Yvonne Jiang’s computers come in stronger and stronger. Yvonne Jiang as the Plaintiff, the Appellant, and the Petitioner has experienced extremely difficulty when working on her pleading papers for the lawsuits. Cyberhackers have always intervened and destroyed files containing documents regarding these lawsuits from Yvonne’s computers. This time when Yvonne was working on her

petition for a writ of certiorari from her California appellate case B316520, the cyberhacker intervened into Yvonne's computer and destroyed the files that Yvonne had been working on and completed. The last day to resubmit the petition was on January 16, 2023. Yvonne had no choice but to send out the earlier printout version of the petition which was an incomplete petition. Yvonne printed out a copy of the petition while she still was working on it because she anticipated the cyberhacker would attack. But January 16 was Martin Luther King Jr. holiday – a federal holiday. That made the last day to resubmit the petition extended to January 17. Yvonne decided to resubmit a complete petition because she knew that some important documents were not attached to the January 16 submission due to the computer problem. She got up very early in the morning on January 17 to work on the petition. Unfortunately, because of the cyberattack, Yvonne's computer was still not working properly on January 17 of 2023 at 5:08 AM [Exhibit-207]. After many hours struggling, at 4:49 PM, Yvonne had

attempted printing out 13 sets of the petition for a writ of certiorari but with no success because the computer had problem again [Exhibit-208]. Exhibit ? illustrates that both Yvonne's computers were under cyberattacked of which one computer was a new one. At 6:46 PM, Yvonne rushed to FedEx office tried to print the documents from the files saved in the USB but with no success either because the files saved in the USB were all disappeared [Exhibit-209]. This was not a single incident. The PFRO report indicates that her computer was hacked when she was working on the petition for review to California Supreme Court [Exhibit-212, page 8-10]. Since Yvonne submitted the PFRO report to support her argument in that pleading, the hacker had removed that file. Yvonne could not find it from her computer to prove the recent cyberattacks. However, Exhibit-213 indicates that Yvonne's computer was intervened on November 8 of 2022 and also on many other days prior that. During these times Yvonne had worked on her petition for a writ of certiorari.

Because of the constant cyberattack, and through inadvertence, Yvonne was not able to prepare the petition properly and left out many important documents from presenting in the petition for a writ of certiorari. Bellow are some of the documents should have been included in the petition

B. The Lower Courts Failed to Address Defendant Xu's Violation of Penal Codes and Counsel Maxwell E. Lin's Commission of Perjury

The most important documents left out from the petition are the Exhibit-101 and Exhibit-102. Exhibit-101 pages 7 to 13 illustrates that Defendant Helen Xu submitted a forged copy of the Residential Listing Agreement (RLA) for her demurrer to the Complaint in the case 17K05412 and her attorney Maxwell E. Lin declared that it was a true and correct copy of the RLA. After her dismissal, Xu used a different version of the same listing contract for her motion for attorney's fees [Exhibit-102, pages 8 – 14]. It indicates that Defendant Xu's lawyer Maxwell E. Lin declared the second version of

the RLA was also the true and correct copy of the same RLA which was inconsistent with his declaration in Xu's demurrer because only one version could be the true and correct copy.

C. Judge Salvatore Sirna Ordered to File the Complaint and Discharged the Order to Show Cause

On June 28, 2021, the trial court issued an order to show cause why the case 21PSCV00100 should not be dismissed [Appendix M] while the prefiling order on August 10, 2020 by Judge Serena R. Murillo was still pending appeal at the Appellate Division with case number BV 034215. The appellate case was not final until October 12, 2021 [Appendix G], and until then the prefiling order should not be enforceable. Righteously, on July 19, 2021, after hearing, Judge Salvatore Sirna ordered to file the Complaint case 21PSCV00100 and the Order to Show Cause was discharged [Appendix N]. Nevertheless, the June 28 order to show cause was abuse of judicial discretion and it served for the sole purpose of

harassing and distracting the Plaintiff – a pro se litigant because she was appealing several trial court judgments to the Appellate Division Los Angeles County at the time.

D. The Clerks Were Told Not to File Any New Action for Plaintiff Yvonne Jiang

On February 24, 2022, the clerks at Pomona Courthouse told Plaintiff that they were told not to file anything for Plaintiff because the case 21PSCV00100 was stayed. Plaintiff insisted the documents were Peremptory Challenge to Judicial Officer and a Verified Statement of Plaintiff only that did not constitute any new action. The clerk then went to ask someone and Yvonne reasoned with that gentleman why the documents should be filed. The clerk filed the documents presented but with concerns and hid her name from showing on the documents [Exhibit-214, Exhibit-215].

E. The Unpublished 10/12/2021 Opinion Was A Predetermined Decision to Affirm 8/10/2020 Prefiling Order Against the Appellant Yvonne Jiang

On April 6, 2021, PJ McKay denied Yvonne Jiang request for a prefiling order to file an appeal from October 19, 2018 summary judgment while the appellate case appealing the August 10, 2020 Prefiling Order was pending at the Appellate Division in PJ McKay's hand ~~[Exhibit 216]~~ ^{APPENDIX O}. In fact, October 19, 2018 summary judgment had never served to the Plaintiff Yvonne Jiang. Plaintiff then served it to herself and file a Notice of Appeal from it. At the hearing for the appeal of the prefiling order, Plaintiff asked PJ McKay to recuse herself because of her preoccupied mindset. Judge McKay denied the request and further denied the objection to the personated attorney appearing for the defendant. The Appellate Division did not consider any of Appellant Yvonne Jiang's contention [Exhibit-210, Exhibit-211]. All the contentions were ignored in the October 12, 2021 Opinion [Appendix G].

CONCLUSION

The petition for rehearing should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James J. Jones", written over a horizontal line.

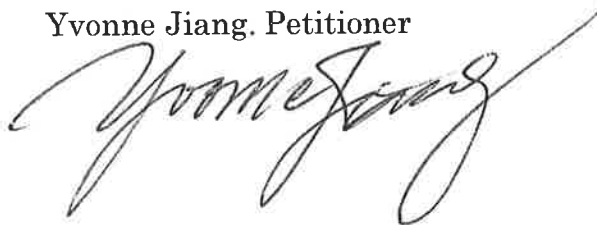
Date: April 21, 2023

CERTIFICATION

I, Yvonne Jiang, certify that this petition for rehearing is restricted to the grounds specified in Rule 44.2 of the Rules of the Supreme Court of United States and that it is presented in good faith and not for delay. I further certify that the grounds and evidence I stated and provided in the petition for rehearing are truths and facts to the best of my knowledge.

Date: April 21, 2023

Yvonne Jiang, Petitioner

A handwritten signature in black ink, appearing to read 'Yvonne Jiang', written in a cursive style.

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VS.

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PROOF OF SERVICE

I, Yvonne Jiang, do swear or declare that on this date, April 21, 2023, as required by Supreme Court Rule 29 I have served the enclosed ~~MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS~~ and ~~PETITION FOR REHEARING~~ YJ on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.


The names and addresses of those served are as follows:

Maxwell E. Lin, c/o Helen Xu, Maxwell E. Lin, and Maxwell E. Lin & Associates

2707 East Valley Blvd., Suite 308, West Covina, CA 91792-3198

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

Executed on April 21, 2023


(Signature)

**Additional material
from this filing is
available in the
Clerk's Office.**