

MAR 06 2023

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22-6997

No. _____

In the
Supreme Court of the United States

John B. Freitas

Petitioner

v.

Judge Noel Wise, et al.

Respondents

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Case #22-16314

PETITION FOR WRIT OF CERTIORARI

On Appeal from the United States District Court

For Northern California (Oakland)

James Donato, District Judge, Presiding

Case # D.C. No. 3:21-cv-08176-JD

John B. Freitas
36937 Cherry Street
Newark, CA 94560
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ORIGINAL

10

Case No.

In the

SUPREME COURT OF THE UNITED STATES

JOHN B. FREITAS,
PETITIONER

v.

JUDGE Noel Wise et al.

RESPONDENTS

On Petition for Writ of Certiorari to the

UNITED STATES COURT OF APPEALS

for the NINTH CIRCUIT

Case #22-16314

PETITION FOR WRIT OF CERTIORARI

Certificate of Compliance

March 6, 2023

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CERTIFICATE OF COMPLIANCE
IN THE SUPREME COURT OF THE UNITED STATES

JOHN B. FREITAS,
Petitioner

v.
JUDGE NOEL WISE, et al.

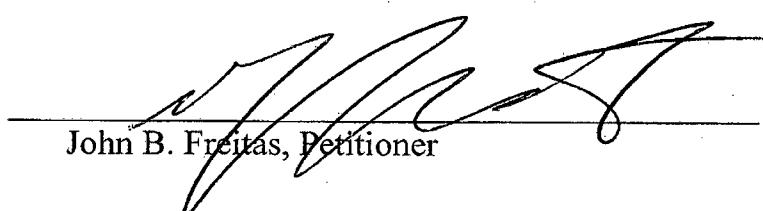
RESPONDENTS

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 33.1 of the Rules of the Supreme Court of the United States, I certify that this "Petition for Writ of Certiorari" ... is proportionately spaced (double spaced between the lines) with Times New Roman 14 point typeface and contains no more than 9,000 words.

I certify that Petitioner, John B. Freitas' "Petition for Writ of Certiorari" contains 8,983 words, as shown by the word count function of the computer program used to prepare this "Petition for Writ of Certiorari"

Dated: March 6, 2023


John B. Freitas, Petitioner

ISSUES PRESENTED

1. No one is above the law. Local, State and Federal judges are not above the law.

Federal judges who assume that they are above the law should realize the following:

- a. that they can be impeached and removed from the bench;
- b. that their law license is at risk;
- c. severe sanctions including disbarment may be imposed;
- d. their financial assets and real property assets may be seized;
- e. ownership, possession and control of their assets may be forfeited; and
- f. that they may be prohibited from ever again holding any public office.

“The True Administration of Justice Is the Firmest Pillar of Good Government.”

That quote appears over the main entrance to the New York state Courthouse, in Manhattan, New York.

The one characteristic that distinguishes our U.S. Government from other governments is the penchant for justice, uniformly and impartially administered.

“The United States Attorneys and the U.S. Attorney General, vested with such dignity and power, are especially entrusted with the duty to protect the

interests of all people..." United States v. Butler, 567 F.2d 885, 894 (9th Cir. March 15, 1978).

The idealism of our democracy is undermined and subverted when federal judges and officers of the court knowingly and intentionally acquiesce to and in many cases participate in the criminal conspiracies being committed in real estate foreclosure proceedings. *Id* at 894.

2. The U.S. Constitution's First Amendment Freedom of Speech includes:

- a. The Right to Access the Courts;
- b. The Right to Expose Corruption in the Court(s);
- c. The Right to Petition the Court for redress of grievances;
- d. The Right to be heard in a meaningful manner and at a meaningful time; and
- e. The right to a fair and impartial judge and a jury.

3. Federal District Court Judge James Donato, Federal District Court Judge Jon Tigar, Superior Court Judge Noel Wise, of Alameda County, California and their co-conspirators, accomplices, surrogates and proxies have weaponized the judicial branches of the State and Federal government(s) in order to achieve the goal(s) of their conspiracy and successfully complete their "end game" which includes,

among others, the commission of the substantive crimes including but not limited the following:

- a. to commit Domestic Terrorism;
- b. to finance Domestic Terrorism;
- c. to destroy the democracy of the United States;
- d. to disrupt the economy of the United States;
- e. to overthrow and undermine the government of the United States;
- f. to commit the crime of sedition;
- g. to commit the crime of subversion;
- h. to commit the crime of Misprison of treason;
- i. to commit the crime of a Misprison of felony;
- j. to commit the crime of Honest Services Fraud;
- k. to gain ownership and control of all real estate in the United States; and
- l. to gain control of the U.S. [Dollar] currency.

Real estate in the United States is the foundation for the U.S. [Dollar] currency; obtaining effective ownership and control of the majority if not all U.S. real estate vests in the Conspirators control over everything.

4. The “End Game” of the judges and their co-conspirators represents a clear and present danger and a very real existential threat to our U.S. Democracy.

5. Alameda County Superior Court Judge Noel Wise, Federal District Court Judge James Donato, Federal District Court Judge Jon Tigar and their co-conspirators, accomplices, surrogates and proxies, by their acts of commission and acts of omission, have committed “misconduct” defined as “conduct prejudicial to the

effective and expeditious administration of the business of the courts, including a substantial and widespread lowering of the public confidence in the courts among reasonable people and bring the judicial branch of the U.S. Government into disrepute.

6. Federal District Court Judge James Donato, Federal District Court Judge Jon Tigar and their co-conspirators, accomplices surrogates and proxies have violated:

- a. each respective judges' code of judicial ethics to which they swore when they accepted the appointment as a federal judge or a state court judge; and
- b. each respective judge's sworn oath of allegiance to the United States of America and to uphold and defend the U. S. Constitution.

7. "Harm, Injuries and Damages" suffered by Petitioner/Freitas in this entire proceeding destroys Judge Donato's labeling Freitas' appeal as "frivolous or taken in bad faith".

Judge Wise, Judge Donato conspired to commit intentional concealment and fraudulent concealment of their acts of commission, causing harm injuries and damages to Petitioner Freitas.

The void "Deed of Trust" recorded on October 25th, 2005, the void non-judicial foreclosure action, sale and subsequent felonious acts of Judge Donato, Judge Wise, Quality Loan Services, Inc. ("Quality"), Community Fund, LLC.

(“Community) and Community’s attorney, Tim Larsen, caused substantial harm, injuries and damages to Freitas.

Freitas and millions of homeowners in the State of California were defrauded out of their homes by reason of the actions of Judge Donato, Judge Wise and their co-conspirators in this matter.

8. Judge Donato, Judge Wise and their co-conspirators committed a “fraud on the court.

The actions of Judge Donato (including participating in the conspiracy to commit Domestic Terrorism, Misprison of treason, Misprison of felony, Honest Services Fraud and his refusal to issue the summons order to serve Defendants) defiles the court itself and resembles an "unconscionable plan or scheme which is designed to improperly influence the court in its decision".

Judge Donato’s actions and participating in the conspiracy to accomplish the described “end game” of the conspiracy constitute extraordinary circumstances meriting relief under Rule 60(b)6 setting aside the Court of Appeals’ Order that .. “...the Appeal was frivolous and not in good faith”.

8. The following is a jurisdictional issue: The “Deed of Trust” Recorded Oct. 25, 2005 (Appendix G) is altered, forged defective and Void, the Power of Sale is Void, and the “Trustee’s Deed upon Sale” recorded June 11, 2019, by Quality, was, is and always will be Void.

a. Void-is-Void - This is jurisdictional

Quality, on July 1, 2016, more than two years PRIOR to the initiating, conducting and concluding the non-judicial foreclosure sale, was substituted OUT as a substituted trustee. Thereafter, Quality had no standing and no authority to initiate, conduct and/or conclude the Non-judicial Foreclosure Sale. “Dimock” “A later sale by a prior Trustee is **Void**.” *Dimock V. Emerald Properties, LLC* (“Dimock”), Court of Appeal, Fourth District, Division One. 97 Cal.Rptr.2d 255 (2000) 81 Cal.App.4th 868.

“A forged document is void ab initio and constitutes a nullity; as such it cannot provide the basis for a superior title as against the original grantor”(Freitas); *Wutzke v. Bill Reid Painting Ser. Inc.* 1984 151 Cal.App.3d 36, 43, *Halajian v. Deutsche Bank Nat. Trust Co.* (E.D. Cal Feb.14th, 2013, No. 1:12-CV-00814 AWIGSA) 2013 WL 593671, at p. *7.

9. “Due process rights come into play ‘if the other side’ uses dishonorable means to prosecute a case.” *Rainsberger v. Benner*, 7th app.cir.no. 17- 2521-Jan. 15, 2019 [Hon. Judge Amy Coney Barrett](Applies to civil and criminal cases). See also U.S. Supreme Court case *McDonough v. Smith*, U.S. sup.ct.no. 18-485. June 20, 2019.

10. The mountain of tangible, admissible evidence establishes the following:

- a.** The existence of a conspiracy to commit Domestic Terrorism;
- b.** Judge Wise and Judge Donato knowingly and intentionally became members of the conspiracy; and

c. Judge Wise, Judge Donato or a co-conspirator knowingly and intentionally committed at least one overt act in furtherance of the conspiracy during the life of the conspiracy.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.
[X] 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:

Petitioner: John B. Freitas

Defendant No. 1 –Alameda County Superior Court Judge Noel Wise

Defendant No. 2 – County of Alameda, California

Defendant No. 3 – State of California

Because no Petitioner is a corporation, a corporate disclosure statement is not required under Supreme Court Rule 29.6.

RELATED CASES

<p>In the Supreme Court of the State of California</p> <p>JOHN B. FREITAS,</p> <p>Plaintiff-Appellant,</p> <p>v.</p> <p>SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA,</p> <p>Respondent;</p> <p>COMMUNITY FUND, LLC, Real Party in Interest.</p>	<p>California Supreme Court</p> <p>Case No. S278735</p> <p>on appeal from the Court of of the State of California County of Alameda</p> <p>California Ct. of Appeal Case # 167131</p>
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PETITION FOR WRIT OF CERTIORARI

Petitioner, John B. Freitas (“Petitioner” or “Freitas”) respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[x] For cases from federal courts:

1. December 12, 2022 -The opinion of the United States Court of Appeals, Ninth Circuit, Case No. 22-16314, Freitas Plaintiff- Appellant v. Judge Noel Wise, Judge of the Superior Court of the State of California, Alameda County, et al., Defendants – Appellees, is unpublished but appears at Petitioner’s **Appendix A**.

2. (On October 20, 2021, Freitas filed his “Motion for leave to proceed in Forma Pauperis”.)

April 22, 2022 –The Order of District Court Judge Donato was filed “GRANTING [Freitas’] MOTION TO PROCEED IN FORMA PAUPERIS”, dismissing the case and authorizing Freitas to file a First Amended Complaint.

Appendix B.

3. January 3, 2023- the United States Court of Appeals, Ninth Circuit, filed its Mandate, which is unpublished but appears at Petitioner’s **Appendix C.**

JURISDICTION AND VENUE

December 12, 2022 -The opinion of the United States Court of Appeals, Ninth Circuit, Case No. 22-16314, Freitas Plaintiff- Appellant v. Judge Noel Wise,

Judge of the Superior Court of the State of California, Alameda County, et al.

Defendants – Appellees, is unpublished but appears at Petitioner’s **Appendix A**.

January 3, 2023 - The United States Court of Appeals for the Ninth Circuit issued its “MANDATE” **Appendix C**.

The jurisdiction of this Court is invoked under the following statutes, including but not limited to the following:

- 28 U.S.C. § 1254(1) - “Cases in the courts of appeals may be reviewed by the Supreme Court by . . . writ of certiorari granted upon the petition of any party to any civil . . . case”.
- 28 U.S.C § 1331 - Federal question; and
- 28 U.S.C. § 1343 - Civil rights.
- The “Amount in Controversy” is substantially more than \$75,000.
- Petitioner/Freitas claims that Petitioner suffered harm, injuries and damages as a result of the acts of commission and the acts of omission of the following:
 1. Judge Donato, Judge of the U.S. District Court, California Northern District to which this case was assigned;
 2. Defendant - Judge Noel Wise, Judge of the Superior Court of the State of California, Alameda County;
 3. Defendant – the County of Alameda, CA; and
 4. Defendant – the State of California.

Venue is proper in the Ninth Circuit/Alameda County, California, because the subject real estate formerly owned by Petitioner/Freitas is located in Alameda County, California. Freitas owned and continuously occupied the subject

residence for more than forty-(40) years and continued to reside in the subject residence until Freitas and his family were forcibly and wrongfully evicted on September 17, 2019.

- Constitutionally guaranteed **First Amendment** right for **Freedom of Speech** including, among others, the Right to **Expose Corruption** in the **Court(s)**;
- Constitutionally guaranteed **Fourteenth Amendment** § 1 right not to be deprived of life, liberty, property and the pursuit of happiness without due process of law, equal protection under the law and in accordance with the Rule of law;
- Constitutionally guaranteed **Fourteenth Amendment** § 3- Insurrection or rebellion;
- Domestic Terrorism, Title 18 U.S.C. § 2331 – including the U.S.A. **Patriot Act**. (Infra at page 18 for complete description).
- Section 806 of the U.S.A. **Patriot Act** provides for the **civil seizure** and **forfeiture of the assets** of perpetrators of Domestic Terrorism including Judge Donato, Judge Wise and their co-conspirators,
- Title 42 U.S.C. § 1962 – § 1968 – Racketeer Influenced and Corrupt Organizations Act (“R.I.C.O.”) including the conspiracy (agreement) to commit substantive crimes and the actual commission of the substantive crimes enumerated in the statute(s) including among others:
 - 18 U.S.C. § 2339C(a)- Financing of Domestic Terrorism
 - 18 U.S.C. § 1956 (a) (2)(B)(i) Laundering of Monetary Instruments
 - 18 U.S.C. § 1957 – Engaging in Monetary Transactions in property derived from specified unlawful activities;

18 U.S.C. § 1957(a) reads: "Whoever . . . knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b).

- Title 18 U.S.C. § 1341- Mail fraud and § 1343 – Wire fraud –
Penalty - fined not more than \$1,000,000 or imprisoned not more than 30 years, or both."
- Title 18 U.S.C. § 371 – Conspiracy to commit Subversion;
- Title 18 U.S.C. § 2384 – Conspiracy to commit Sedition
- Title 18 U.S.C. § 2382 - Misprison of treason;
- Title 18 U.S.C. § 4 - Misprison of felony;
- Title 18 U.S.C. § 1346 – Honest Services Fraud; and
- Title 18 U.S.C. § 1503 – Obstruction of Justice.

CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

See Appendix D for full text of constitutional and statutory provisions listed.

1. United States Constitution

1st Amendment – Freedom of Speech including but not limited to:

- a. The Right to Access the Courts;
- b. The Right to Expose Corruption in the Court(s);
- c. The Right to Petition the Court for redress of grievances;
- d. The Right to be heard in a meaningful manner and at a meaningful time; and
- e. The right to a fair and impartial judge and a jury.

14th Amendment - § 1 – the right not to be deprived of life, liberty, property and the pursuit of happiness without due process of law, equal protection under the law and in accordance with the Rule of law;

14th Amendment - § 3 - Insurrection or rebellion; in violation of the U.S. Constitution;

2. Federal Rules of Civil Procedure Rule 4 – Summons

(c) Service.

(1) *In General.* A summons must be served with a copy of the complaint.

(3) *By a Marshal or Someone Specially Appointed.* At the plaintiff's request, the court **may order** that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.

The court **must so order** if the plaintiff is **authorized to proceed in forma pauperis** under 28 U.S.C. § 1915.....

3. 42 U.S.C. § 1983 - Civil action for deprivation of rights;

4. 42 U.S.C. § 1985 - Conspiracy to interfere with civil rights;

Penalty: fined under this title or imprisoned up to 3 years.

5. 42 U.S.C. §1986 – Action for neglect to prevent conspiracy.....

6. 18 U.S.C. § 1503 Obstruction of Justice

Obstruction of Justice is a criminal complaint pursuant to the "**catch-all provision**" of 18 U.S.C. § 1503, that specifies: "Whoever-

1. corruptly or by threats or force, or
2. by any threatening letter or communication,
3. influences, obstructs, or impedes, or endeavors, to influence, obstruct, or impede, the due administration of justice,
4. shall be guilty of an offence.

Penalty: imprisoned up to 3 years."

7. Misprision of felony - Title 18 U.S.C. §8.0 A (18 U.S.C. § 4)

Conspiracy against rights of citizens;

(Elements outlined for the convenience of the reader):

“Whoever,

1. having knowledge
2. of the actual commission of a felony
3. cognizable by a court of the United States,
4. conceals and
5. does not (as soon as possible) make known the same to some judge or other person in civil or military authority under the United States
6. shall be fined under this title or imprisoned not more than three years or both.

Penalty: fined under this title or imprisoned up to 3 years.”

8. Misprision of treason - 18 U.S.C. § 2382 –

(Elements outlined for the convenience of the reader):

Whoever,

- (1) Owing allegiance to the United States and
- (2) Having knowledge of the commission of any treason against them (the United States),
- (3) Conceals and
- (4) Does not (, as soon as may be,) disclose
- (5) Make known the same to the President (of the United States) or to some judge of the United States, or to the governor or to some judge or justice of a particular State;
- (6) Is guilty of Misprision of treason
- (7) And shall be fined under this title or imprisoned not more than seven years, or both.

9. Committed a sedition conspiracy; 18 U.S.C § 2384

Penalty: fined under this title or imprisoned up to 20 years.

10. Conducted a conspiracy to commit subversion.

Penalty: fined under this title or imprisoned up to 5 years.

11. Tax evasion- Section 7203 proscribes the felony offense of willful tax evasion.

12. Fraud on the court – The conduct of Judge Donato (including refusing to issue the summons order to serve Defendants) defiles the court itself and resembles an "unconscionable plan or scheme which is designed to improperly influence the court in its decision", and constitutes extraordinary circumstances meriting relief under Rule 60(b)(6) setting aside the Court of Appeals' Order that .. "...the Appeal was frivolous and not in good faith".

13. Title 18 U.S.C. §1962 - §1968 "RICO"

Racketeering in violation of State of California and United States "RICO" statutes;

Penalty: Prison up to 20yrs; Fine: under this title or both.

14. Canons of Judicial Ethics Canon 3B (7)(d) and Canon 2(A)

15. 18 U.S.C. § 1346 – "Honest Services Fraud" is a valid Federal Claim against Corrupt Government Officials.

Penalty: imprisonment for not more than 30 years, a fine for as much as \$1,000,000, or both.

16. California Penal Code 115 PC- Procurement or offering false or forged document

17. Cal. Pen. Code 118 PC – Perjury

18. Cal. Pen. Code § 186.11 Aggravated white collar crime enhancement

19. Cal. Pen. Code § 11416 California "Domestic Terrorism and Mass Destruction"

Penalty: imprisonment for up to 12 years.

The Legislature also recognizes that terrorism involving weapons of mass destruction could result in an intentional disaster placing residents of California in great peril...

The Terrorism and mass destruction caused by Judge Wise, Judge Donato and their co-conspirators, accomplices, surrogates and proxies (collectively

referred to herein as “co-conspirators”) includes the destruction of the U.S. democracy, including but not limited the judicial branch of the U.S. Government, the disruption of the U.S. economy and cause harm, damages and injuries to Petitioner/Freitas and result ultimately in the accomplishment of the “end game” of the conspirators, namely to control America and all of its citizens.

INTRODUCTION

Winston Churchill said it best—“Don’t worry about the United States of America. America always gets it right; right after all other alternatives have been exhausted.”

Petitioner’s Petition for Writ of Certiorari is the quintessential description of America’s institutions, the legislative, executive and judicial branches of the U.S. Government finally exhausting all the other alternatives.

After more than forty (40) years America finally is on the verge of getting things “right”. The Supreme Court of the United States is the key to unlocking the bright future of our great country, its citizens and every person who came to America to realize the great American Dream---home ownership, a car in every driveway and a chicken in every pot!!!!

Petitioner John B. Freitas and his team have substantial, tangible, relevant, admissible evidence confirming the actual “end game” of the participants in the conspiracy and the manner and means by which Defendants and their co-conspirators are knowingly and intentionally accomplishing their “End Game”, namely to:

- a. Win the vast majority of the millions and millions of real estate foreclosure cases in the United States since the year 2000;
- b. Create the method and means by which the conspirators are financing the following:
 - 1. Committing Domestic Terrorism; and
 - 2. Accomplishing the conspirators' common objectives, namely to:
 - a. gain ownership and control of all real estate in the United States;
 - b. gain ownership and control of all financial instruments (U.S. Dollars and U.S. Treasury Certificates, etc.); and
 - c. use the "bail-ins" provisions under the 2010 Dodd-Frank Act, 12 U.S.C. § 5412 ("Dodd-Frank"), which allow Systemically Important Financial Institutions ("SIFI's" = the largest banks) to expropriate (aka seize and steal) the money, cash equivalents, deposits of the banks' creditors' [the homeowners and the depositors] in the event of the insolvency of the respective banks.

Congress passed the Dodd-Frank Wall Street Reform Act and Consumer Protection Act of 2010. Pub. L. No. 111-203, § 1461, 124 Stat. 1376, 2178-81 (2010) (codified at 15 U.S.C. § 1639d). Depositors such as Freitas, millions of U.S. citizens and homeowners are considered as unsecured "creditors" of the banks. Accounts of depositors and other creditors would be emptied to keep the insolvent bank(s) in business. The banks deposit the homeowners' promissory

notes and real estate mortgages and deeds of trust to “**create money**” and obtain Federal Reserve digital credits in multiples of up to one-hundred (100) times the face amount of the notes, mortgages and deeds of trust.

The “loan from the homeowner to the bank” is the homeowners’ deposit into the bank of the promissory note(s) and Deed(s) of Trust (or mortgage(s) (collectively referred to herein as “Deed of Trust”). *Yes ---- the reader correctly read the immediately preceding sentence.*

According to the “**Top Secret Banker’s Manual, for C-Level Bank Executives**” (third paragraph on page 18).

“The judge(s) and the bankers know that when you (the homeowner) deposit cash into your checking account, you (the homeowner [or the depositor] lent the bank your money. If you withdraw your money, the bank lent you nothing.”

The bank creates money by doing following:

“The bank accepts the homeowner’s promissory note and deed of trust as new money as a deposit, just like depositing cash into the homeowner’s checking account. The bank’s bookkeeping entries prove that the bank lent no money to purchase your promissory note and/or Deed of Trust.

The homeowner loaned money to the bank as a deposit, the bank accepted money, cash or cash equivalents from the homeowner as a deposit; the bank never gave up one cent of the bank’s money.

STATEMENT OF THE CASE

Judges of the United States District Court, California Northern District (Oakland), including but not limited to **Judge James Donato**, (“Judge Donato”) and his co-conspirators, among others, including:

1. United States District Court Judge Jon Tigar;
2. Defendant California Superior Court Judge Noel Wise (“Judge Wise”);
3. Defendant – the County of Alameda, CA; and
4. Defendant – the State of California

have perpetrated the felonies specified herein, causing harm, damages and injuries as against:

1. Petitioner John B. Freitas (“Freitas”) and
2. over ten-million (10,000,000) California homeowners (since 2000) in and around Alameda County, and throughout the State of California.

Judge Donato, Judge Wise and their co-conspirators defrauded Freitas and his family out of their residence otherwise known as 36549 Cedar Blvd., Newark, California (the “Subject Property”). Freitas purchased the subject property more than forty (40)-years ago. Since 1978 Freitas and his family continuously occupied the subject property until being wrongfully and forcibly evicted from their home on September 17, 2019.

Judge Donato and his co-conspirators continue to participate in the conspiracy to finance the single largest, ongoing criminal enterprise in the history of the United States of America. The “End Game” of the judges, including Judge James Donato, Judge Jon Tigar and Defendant Judge Wise, Defendant County of

Alameda, California, and Defendant the State of California, is to successfully accomplish the following single common objective, namely to take over ownership and control of all real estate in the United States, while amassing unimaginable wealth for the benefit of the participants in the conspiracy.

Since the year 2000, to date, John Freitas and other owners of more than one-hundred-ten-million (110,000,000) residential dwellings have fallen victim to the tactics employed by the perpetrators of the crimes outlined in this "Petitioner's Writ of Certiorari" and the documents and exhibits previously filed by Freitas in this proceeding.

The owners of approximately twenty-million (20,000,000) additional homes are facing impending foreclosure after the sun-setting of the federal foreclosure moratorium and the recent economic conditions, especially the owners whose mortgages/Deeds of Trust provide for adjustable interest rates.

Judge Donato and his co-conspirators swore under oath to uphold and defend the Constitution of the United States. Judge Donato and his co-conspirators have violated Petitioner/Freitas' guaranteed inalienable rights including:

1. First Amendment right to Freedom of Speech, including:
 - a. The Right to Access the Courts;
 - b. The Right to Expose Corruption in the Court(s);
 - c. The Right to Petition the Court for redress of grievances;
 - d. The Right to be heard in a meaningful manner and at a meaningful time; and

- e. The right to a fair and impartial judge and/or a jury; and
- 2. Fourteenth Amendment right to due process of law, equal protection

under the law and the right to be treated according to the “Rule of Law”.

Judge Donato and Judge Wise have a direct interest, a financial interest, a personal interest, and a substantial connection in and to the outcome of the real estate foreclosure matters over which they preside, including Freitas’ case. *See, e.g., In re Murchison*, 349 U.S. 133, 136, 75 S.Ct. 623, 99 L.Ed. 942 (1955) (concluding that “no man [person] is permitted to try cases where he has an interest in the outcome”); *Tumey v. Ohio*, 273 U.S. 510, 523, 47 S.Ct. 437, 71 L.Ed. 749 (1927) (concluding that judges should not preside over cases involving a “direct, substantial pecuniary interest” in the outcome).

Judge Donato and his co-conspirators are behaving in a manner that is “prejudicial to the effective and expeditious administration of the business of the courts...” *In re Complaint of Judicial Misconduct*. United States Court Of Appeals For The Ninth Circuit, Mar 14, 2016. 816 F.3d 1266 (9th Cir. 2016).

The Code of Conduct for United States Judges directs federal judges to avoid both actual impropriety and its appearance. Code of Conduct for United States Federal Judges, Canon 2. As Justice Frankfurter put it, “justice must satisfy the appearance of justice.” *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 99 L.Ed. 11 (1954).

Judge Donato is required to preserve the court's impartiality and the appearance of impartiality. Judge Donato cannot be impartial when he is corrupted by his vested interest in the outcome of the foreclosure cases over which he presides.

Canon 2A of the Code of Conduct for United States Judges generally directs judges to "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." An objective standard governs whether a judge's associations create the appearance of impropriety. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 886, 129 S.Ct. 2252, 173 L.Ed.2d 1208 (2009).

Judge Donato is "covering" for the acts of commission and acts of omission committed by his co-conspirators by dismissing Freitas' Complaint and declaring that Freitas' appeal is "frivolous or taken in bad faith". Judge Donato and his co-conspirators knowingly and intentionally caused harm, injuries and damages to Petitioner/Freitas, the owner of the subject property. "**Harm, injuries and damages**" destroys Judge Donato's ruling that Freitas' appeal is "frivolous or taken in bad faith."

The magnitude of the harm, injuries and damages caused by Judge Donato's rulings regarding the foreclosure of Freitas' property valued at more than One-Million-Dollars (\$1,000,000.00) destroys Judge Donato's ruling that Freitas' appeal is "frivolous or taken in bad faith". Freitas owned his home free and clear of all debt.

The magnitude of the harm, injuries and damages caused by Judge Donato and his co-conspirator's rulings in more than ten-million (10-Million) foreclosure actions in California since the year 2000, completely vaporizes Judge Donato's ruling dated September 1, 2022 (**Appendix E**), that Freitas' appeal is "frivolous or taken in bad faith".

Judge Donato and his co-conspirators, by their bias, and their vested interests in the outcome of each of the respective foreclosure cases:

- a. have prevented and impeded the impartiality of judgment;
- b. intentionally and fraudulently concealed and covered up the felonies committed by Judge Donato and the co-conspirators by implementing criminal activities designed to:
 1. obstruct justice;
 2. refuse to issue summons orders to the court clerk, thereby prohibiting the court clerk from issuing instructions to the Federal Marshals to serve each respective Defendant with copies of the Summons and copies of Freitas' initial complaint;
 3. participate in a conspiracy to commit Domestic Terrorism, in violation of 18 U.S.C. § 2331; and
 4. prevent Freitas' case from being decided on its merits by a fair and impartial judge and/or jury.

All federal courts are endowed with certain inherent supervisory powers over the administration of justice in the courts of the United States and must utilize

that power which comprehends the power to reverse a decision whenever the pursuit of truth and justice becomes tainted. *See La Buy v. Howes Leather Co.*, 352 U.S. 249, 259-60, 77 S.Ct. 309, 1 L.Ed.2d 290 (1956); *United States v. Heath*, 260 F.2d 623, 632 (9th Cir. 1958). "The untainted administration of justice is certainly one of the most cherished aspects of our institutions."

Factual Background

The substantial, relevant, tangible, admissible evidence establishes the following:

1. **the intent of the judges**, bankers, mortgage servicers (Recon Trust Corp., Clear Recon, Quality Loan Services Corp. and Community Fund, LLC, etc.) their respective lawyers and other judicial officers (clerks of court) to conspire (agree) to commit Domestic Terrorism, the destruction of the Democracy, the disruption of the economy, the destruction of the Judicial branch of the local, state and federal governments; and
2. **the intent of the judges to actually commit the substantive felonies** including committing Domestic Terrorism, sedition, subversion, destruction of the U.S. Democracy, disruption of the U.S. economy and to destruction of the Judicial Branch of the State California and the Judicial Branch of the U.S. government.

The "End Game" of the judges and their co-conspirators represents a clear and present danger and a very real, existential threat to the U.S. Democracy.

We the people of the U.S. are obligated to protect our democracy and maintain our rights of due process, equal protection under the law and in accordance with the Rule of Law.

As discussed in the Exhibits attached to Freitas' original complaint and in Freitas' request for Judicial Notice, "The Top Secret Banker's Manual" ("TSBM") and the June 30, 2020 investigative report of Thomson Reuters "Reuters", together with written opinions of other experts, confirm that Judge Donato, Judge Wise and the majority of local, state and federal judges in Alameda County committed "misconduct", defined as "conduct prejudicial to the effective and expeditious administration of the business of the courts, including a substantial and widespread lowering of public confidence in the courts among reasonable people"... and brings the judicial branch of government and their respective public officers into DISREPUTE.

The End Game of the judges and their co-conspirators includes, among others, the participation in multiple transactions in furtherance of the single conspiracy to control all of the real estate and money in the United States.

The participants' method of operation remains strikingly consistent throughout the execution of the conspiracy, including, but not limited to the following:

1. Judges would issue court orders, rulings and judgments the judges determined:

a. were in furtherance of the common objective(s) of the conspiracy;

b. were necessary to expedite the rapid clearing of their respective dockets, often referred to as “Rocket Dockets”; and

2. Judge Donato and Defendant Judge Wise know that their “benefits” and “bribes” were dependent upon the success of the criminal conspiracy and the commission of the substantive crimes:

a. using **secret “Communications Codes”** among the judges to enable Judge Donato, Judge Tigar, Judge McKinney, Judge Wise, Judge Whitman, Judge Evenson and other local, state and federal judges, C-Level bank executives, mortgage servicers and their respective attorneys to communicate with each other to conduct millions of fraudulent, illegal, void residential foreclosures and unlawful detainer actions.

1. The **secret codes** include, among others, the following:

- “A complaint ‘...fails to state a claim on which relief may be granted’”;
- “The Complaint is Uncertain or Unclear”;
- “The Complaint is Confusing or Unintelligible”;
- “The Complaint is frivolous or done in bad faith and to harass Defendant(s)”;

b. committing the following acts of commission:

1. 18 U.S.C. § 2331 – Domestic Terrorism – including the U.S.A. Patriot Act (“Patriot Act”) (Elements outlined for the convenience of the reader):

“DOMESTIC TERRORISM”
Defined

Under (federal law), **18 USC § 2331**: Source: [FindLaw.com](#)

“(5) the term “domestic terrorism” means activities that –
(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;
(B) appear to be intended
(i) to intimidate or coerce a civilian population;
(ii) to influence the policy of a government by intimidation or coercion; or
(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and
(C) occur primarily within the territorial jurisdiction of the United States.”

Further, the 107th Congress passed the Patriot Act after the 9-11-2001 terror attacks in the U.S. that re-defined both domestic and international terrorism (9-11 Commission Report, PDF 585 pps). 15 U.S.C. § 1639d and 12 U.S.C. § 5481 et seq.

“The Patriot Act *INCLUDES* laws to address, fight and punish domestic terrorism.

Section 802 of the **PATRIOT ACT** expanded the definition of terrorism to cover “**domestic**,” as opposed to international, terrorism. A person engages in **domestic terrorism** if they do an act “dangerous to human life” that is a violation of the criminal laws of a state or the United States.

Additionally, the acts have to occur primarily within the territorial jurisdiction of the United States.

Seizure of assets - Sec. 806: Section 806 of the PATRIOT Act provides for the **civil seizure and forfeiture of the assets** of perpetrators of Domestic Terrorism including Judge Donato, Judge Wise and their co-conspirators, without a prior hearing, and without them ever being convicted of a crime. It is by far the most significant change of which perpetrators of Domestic Terrorism need to be aware.

Section 806 amended the civil asset forfeiture statute to authorize the government to seize and forfeit: all assets, foreign or domestic:

- (i) of any individual, entity, or organization engaged in planning or perpetrating any act of domestic or international terrorism against the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization; or
- (ii) acquired or maintained by any person with the intent and for the purpose of supporting, planning, conducting, or concealing an act of domestic or international terrorism against the United States, citizens or residents of the United States **or their property**; or
- (iii) derived from, involved in, or used or intended to be used to commit any act of domestic or international terrorism against the United States, citizens or residents of the United States, **or their property**.

Freitas' claims that the assets of Defendants are subject to forfeiture because the assets constitute the proceeds of "Specified Unlawful Activity" ("SUA"), as defined in **18 U.S.C. §1956 (c)(7)**, or because the assets constitute property involved in money laundering transactions involving the proceeds of the Domestic Terrorism crimes perpetrated by Judge Donato, Judge Wise and their co-conspirators.

1. 18 U.S.C. § 2382 - Misprision of treason
2. 18 U.S.C § 2384 - **Seditious conspiracy**;
3. 18 U.S.C. § 371- Conspiracy to **commit subversion**;
4. Insurrection or rebellion; in violation of the U.S. Constitution, 14th Amendment § 3;

5. **Conspiracy (an agreement) to commit** the elements of the violation(s) of the "RICO" statute; 18 U.S.C. Section 1961- 1968 Racketeer Influenced and Corrupt Organizations Act (The "RICO" statute):

- a. "conduct of an enterprise"
- b. through an ongoing pattern of
- c. criminal racketeering activity ("predicate acts")
- d. causing harm, damages and injuries to ..." Freitas and millions of homeowners of property and businesses in California.

6. The **actual commission** of the **substantive crime(s)** mentioned above.

7. **Obstruction of Justice:**

Obstruction of Justice is a criminal complaint pursuant to the omnibus clause, or "**catch-all provision**" of 18 U.S.C. § 1503, which provides:

- Whoever....
- a. corruptly or by threats or force, or
 - b. by any threatening letter or communication,
 - c. influences, obstructs, or impedes, or endeavors, to influence, obstruct, or impede, the due administration of justice,
 - d. shall be guilty of an offence.

"**Obstruction of justice**" is the frustration of governmental purposes by violence, corruption, destruction of evidence, or deceit. Judge Wise and Judge Donato have committed an Obstruction of Justice by violating and ignoring the Rules of Civil Procedure and the Rules of Evidence.

Corrupt judges do this to favor certain parties and law firms. They may do it for money or other considerations, or they may do it simply because they favor certain attorneys and political allies.

8. **Mispriison of felony** – in violation of §8.0A (18 U.S.C. § 4):

(Elements outlined for the convenience of the reader):

Whoever,

- 1. having knowledge

2. of the actual commission of a felony
3. cognizable by a court of the United States,
4. conceals and
5. does not (as soon as possible) make known the same to some judge or other person in civil or military authority under the United States
6. shall be fined under this title or imprisoned not more than three years or both.

9. Misprison of treason - in violation of 18 U.S.C § 2382

(Elements outlined for the convenience of the reader):

Whoever,

- (1) Owing allegiance to the United States and
- (2) Having knowledge of the commission of any treason against them (the United States),
- (3) Conceals and
- (4) Does not (, as soon as may be,) disclose
- (5) Make known the same to the President (of the United States) or to some judge of the United States, or to the governor or to some judge or justice of a particular State;
- (6) Is guilty of Misprision of treason
- (7) And shall be fined under this title or imprisoned not more than seven years, or both.”

10. Honest Services Fraud; 18 U.S.C. §1346

11. Accept Bribes.

12. The co-conspirators knowingly and intentionally recorded forged, false, void, defective, unauthorized copies of document(s) (among which are “Deeds of Trust”, “Trustee’s Deeds upon Sale”, Notices of Default, and “Notices of Trustee’s Sale”) in County Recorders’ offices in California and in many other counties in the United States.

13. The co-conspirators knowingly and intentionally filed forged, false, void, defective, unauthorized copies of document(s) (among which are “Deeds of Trust”,

“Trustee’s Deeds upon Sale”, and “Notices of Trustee’s Sale”) in courtrooms in California and in many other jurisdictions in the United States.

Judge Donato, Judge Wise and other co-conspirators knowingly and intentionally caused harm, damages and injuries to Petitioner/Freitas, the owner of the subject residential property.

Judge Donato has no jurisdiction.

“Lack of jurisdiction, in its most fundamental or strict sense, means an entire absence of power to hear or determine the case, and absence of authority over the subject matter *or the parties.*” [Citations.] *Strathvale Holdings v. E.B.H.* (2005) 126 Cal.App.4th 1241, 1249.) “When the evidence is not in conflict, whether jurisdiction exists is a question of law which we review de novo.” (*Roman v. Liberty University, Inc.* (2008) 162 Cal.App.4th 670, 677.)

On November 8, 2021 - Petitioner/Freitas filed the original complaint.

On April 22, 2022 Judge Donato issued an “**ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS AND DISMISSING CASE** and authorizing Freitas to file a First Amended Complaint. See Appendix B.

On May 6, 2022 Petitioner/Freitas filed the First Amended Complaint.

On or about May 6, 2022, Freitas learned that Judge Donato, in contravention of **Fed. R. Civ. P. 4 (c)(3) had not issued and refused to issue the Summons Order to the District Court Clerk.** The District Court Clerk therefore

had no authority to instruct the U.S. Marshall to serve the Summons and two copies of the Original Complaint on each respective Defendant.

2. Judge Donato knowingly and intentionally violated Federal Rules of Civil

Procedure Rule 4 – Summons

Fed. R. Civ. P. 4 Current through P.L. 117-214 with additional updates to the Court Rules (published on www.congress.gov on **12/01/2022**).

(c) Service.

(1) In General. A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.

(2) By Whom. Any person who is at least 18 years old and not a party may serve a summons and complaint.

(3) By a/U.S.] Marshal or Someone Specially Appointed. At the plaintiff's request, **the court may** order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. **The court must so order** if the plaintiff is authorized to proceed in forma pauperis" (Emphasis added).

Judge Donato on April 22, 2022 issued the order authorizing Freitas to proceed in forma pauperis. Petitioner/Freitas has the right to rely upon the obligation of the Judge, the clerk and the Marshal to serve the Summons and a copy of the Complaint on each Defendant.

d. As a result of the fact that Judge Donato knowingly and intentionally did not issue the Summons Orders the clerk could not do its job and therefore, the U.S. Marshal could not do its job.

e. Judge Donato obstructed Justice and denied Plaintiff his constitutionally guaranteed right to life, liberty, property, and the pursuit of happiness without due process of law, equal protection under the law and in violation of the Rule of Law.

Plaintiff [Freitas] has a right to rely on the officers and marshals doing their duty.

Service of Summons and Complaint – “Summons Order”

“In cases involving plaintiffs proceeding in forma pauperis, the **Court routinely orders** the U.S. Marshals Service to serve the summonses and complaints on the defendants.” *Razavi v. Coti* 17-cv-04341-BLF (N.D. Cal. Nov. 9, 2021), *Figueredo v. Navarro*, No. 1:20-cv-01254-AWI-SKO (PC), 2021 WL 4991735, at *1 (E.D. Cal. Oct. 27, 2021). “A **pro se** plaintiff proceeding in forma pauperis is entitled **to rely** on the [officers of the Court and the]U.S. Marshal for service of the summons and complaint after having provided the necessary information to help effectuate service under 28 U.S.C. § 1915 and Rule 4.” *Shaw v. Lindgren*, No. CV 19-2700-DMG (AGR), 2021 WL 4614119, at *5 (C.D. Cal. Aug. 12, 2021) (internal quotation marks and citation omitted).

Plaintiff [Freitas] is proceeding *in forma pauperis*; therefore, he is “entitled to such service by the officers of the Court and the U.S. Marshal.” See Fed. Civ. P. 4(c)(3). *Chavez Alvarez v. Monzon*, Case No. 16-02796 EJD (PR) (N.D. Cal. Aug. 24, 2017).

Similarly, 28 U.S.C. § 1915(c) provides that in cases in which a court authorizes a plaintiff to proceed in forma pauperis the "**officers of the court shall issue and serve all process.**" In *Davis v. Department of Corrections*, 446 F.2d 644 (9th Cir. 1971), the Court held that the district court's dismissal of an action brought by a plaintiff proceeding in forma pauperis for failure to effect service was erroneous because under 28 U.S.C. § 1915(c) the officers of the court should have effected service. *Id.* at 645.

3. "Harm, Injuries and Damages" suffered by Freitas destroys "frivolous" or "taken in bad faith".

The harm, injuries and damages suffered by Freitas were caused by adverse parties, namely Defendant Judge Donato, Judge Wise, Defendant the County of Alameda and Defendant the State of California.

The Supreme Court of California in *Yanova v. New Century Mortgage Corporation*, 62 Cal.4th 919, 938 (2016) concluded as follows:

- a. "That a homeowner who has been foreclosed on by one with no right to do so—by those facts alone—sustains prejudice {damages} or harm sufficient to constitute a cause of action for wrongful foreclosure;
- b. When a non-debtholder forecloses, a homeowner (Freitas) is **harmed** by losing his home to an entity with no legal right to take it; and
- c. Therefore under those circumstances, the void deed of trust, the non-code compliant, required notices (no "Notice of Default", void "Notice of Trustee's Sale", void "Trustee's Deed Upon Sale" and the

non-code-compliant unlawful detainer notices are the proximate cause of Freitas' actual harm, injuries and damages and constitute all that is required to be alleged to satisfy the element of prejudice, harm and damages in a wrongful foreclosure cause of action." *Id. Yvanova*.

REASONS FOR GRANTING THE WRIT OF CERTIORARI

I. The Questions Presented Are Critically Important and Warrant Immediate Review.

Nothing is more important than re-establishing the respect and dignity once associated with the justices, judges and the entire **judicial branch** of the United States government. **Reuters News Service** considers the matters discussed in this "Petition for Writ of Certiorari" important enough to have conducted an exhaustive, 5-year-long investigation regarding state and federal judges in California and surrounding states who are among the enablers that are complicit with the co-conspirators perpetrating the single largest criminal enterprise in history.

II .The Importance of this case cannot be overestimated.

Petitioner/Freitas has substantial, tangible, relevant, admissible evidence of the following:

1. Federal District Court Judge Donato, Superior Court Judge Wise and their co-conspirators are participating in a conspiracy to finance the single largest, ongoing pattern of criminal racketeering (predicate) acts in the history of America;

2. The “**End Game**” of local, state and federal judges and the other conspirators represents a clear and present danger and a very real, existential threat to the U.S. Democracy, the U.S. economy and the Judicial branch of the U.S. Government;

3. The “**End Game**” of the “conspirators” is to successfully commit the **actual, substantive crime(s)** participants in the conspiracy agreed to accomplish by whatever means necessary in order to overthrow and to undermine the U.S. Government;

4. Federal, state and local judges, elected officials and banks have weaponized the Judicial Branch of the U.S. Government to gain ownership and control of all farmland, residential property and commercial real estate in the United States (collectively referred to herein as “U.S. real estate”);

5. The reason is clear. U.S. real estate provides the strength, backing, confidence and acceptability of the U.S. (Dollar) currency;

6. Owning and controlling all U.S. real estate:

a. guarantees control of the U.S. currency and control of the U.S. Democracy; and

b. vests in the conspirators total control of all assets of U.S. citizens by denying all citizens their Constitutionally guaranteed inalienable rights, among others, to freedom of speech, freedom of press and the right not

to be denied life, liberty, property and the pursuit of happiness without due process of law;

7. The violations of the Federal Rules of Civil Procedure rules, statutory laws and the U.S. Constitution committed by the conspirators are well beyond “egregious”;

8. Achieving success by winning almost every one of the millions and millions of real estate foreclosure cases is merely a method and means to finance a seditious conspiracy and a conspiracy to commit Domestic Terrorism, subversion, Misprison of treason, Misprison of felony, Obstruction of Justice and Honest Services Fraud; and

9. The conspirators already are enabled to successfully complete their ultimate goal of overthrowing and undermining the U.S. Democracy, disrupting the U.S. economy and controlling every facet of the life, liberty, property and the pursuit of happiness that United States citizens hold sacred.

Hence, the “standing question. . . is whether the constitutional or statutory provision on which the claim rests properly can be understood as granting persons in the Petitioner/Freitas’ position a right to judicial relief.” *In re Facebook Privacy Litig.*, No. 10-02389, 2011 WL 2039995, at *4 (N.D. Cal. May 12, 2011) (Ware, J.) (internal quotations and citations omitted) (holding that plaintiffs had standing, but dismissing claims on other grounds); *see also Jenkins v. McKeithen*, 395 U.S.

411, 423 (1969) (“*In this sense, the concept of standing focuses on the party seeking relief, rather than on the precise nature of the relief sought.* ”) (emphasis added).

As Justice Alito stated, “[i]njury-in-fact is not Mount Everest.” *Danvers Motor Co., Inc. v. Ford Motor Co.*, 432 F.3d 286, 294 (3d Cir. 2005). To the contrary, it suffices for federal standing purposes to allege some specific, “identifiable trifle” of injury. *Id.*; See *Council of Ins. Agents & Brokers v. Molasky-Arman*, 522 F.3d 925, 932 (9th Cir. 2008) (in affirming the plaintiff’s standing, the Ninth Circuit court noted that the U.S. Supreme Court:

“has allowed important interests to be vindicated by plaintiffs with no more at stake in the outcome of an action than a fraction of a vote, a \$5 fine and costs, and a \$1.50 poll tax

‘The basic idea that comes out in numerous cases is that an *identifiable trifle is enough to fight out a question of principle; the trifle is the basis for standing* and the principle provides the motivation.’”) (Emphasis added).

Petitioner/Freitas’ allegations of harm, injuries and damages rise to a level far greater than such a “trifle”. Freitas lost ownership and title to his house, now valued at well over \$1,000,000.00. There was no outstanding debt and Freitas owned the house free and clear of any debt, if there were any debt, as evidenced by the Deed of Full Reconveyance recorded on July 1, 2016. (See Appendix F.)

The determination of whether a plaintiff has standing is separate and preliminary to the issue of whether the plaintiff adequately pleaded a cause of action. *Meaunrit v. ConAgra Foods Inc.*, No. 09-2220, 2010 WL 2867393, at *4

(N.D. Cal. July 20, 2010) (Breyer, J.)

Petitioner/Freitas alleges an injury, and alleges that it was caused by Judge Donato's actions. Asking whether or not Plaintiff has a legally cognizable claim is not the same thing as asking whether he has suffered an injury in fact. *See also Davis v. Passman*, 442 U.S. 228, 239 n.18 (1979) (court of appeals improperly confused the question of standing with the question of whether plaintiff had a cause of action). Sufficiently alleging injury in fact creates a justiciable issue that allows the court to advance to the merits inquiry. (Emphasis added).

Petitioner/Freitas' allegations of injury arising from Respondent/Judge Donato's misconduct raise a justiciable issue that the court has subject matter jurisdiction to decide.

There is no constitutional or factual basis for depriving Petitioner/Freitas access to this Court, the only venue for resolution available to him.

The exhaustive Reuters investigation found that in the past dozen years “**...judges have repeatedly escaped public accountability for misdeeds that have victimized thousands of homeowners.**” (Emphasis added).

Local, state and federal judges are among the numerous enablers that are complicit with the co-conspirators involved in and who have perpetrated the single largest criminal enterprise in the history of the State of California, the United States of America and, most likely, in the history of the world.

“The Top Secret Bankers’ Manual” and
the Federal Reserve Publication “Modern Money Mechanics”

More importantly, Judge Donato’s Court Orders demonstrate that the “Top Secret Bankers’ Manual”, the federal reserve publication titled “Modern Money Mechanics” and the exhaustive, investigative Reuters report issued in June, 2020 confirm that local, state and federal judges in California, in general and in Alameda County, California, in particular, are participants in a large conspiracy to weaponize the Judicial branch of the U.S. Government, destroy our democracy, disrupt our economy and destroy the United States judicial system.

Judge Donato and Judge Wise by their acts of commission and acts of omission, confirm that they are participating in a conspiracy causing harm, damages and injury to Plaintiff (Freitas) and millions of other (home) owners of property and businesses in California and the remainder of the United States.

Judge Donato and Judge Wise have violated and continue to violate their Code of Judicial Ethics and Legal Ethics which both judges swore to uphold.) **Canon 3B(7)(d) and Canon 2(A)**, and committed felonies in violation of state and federal law and criminal statutes.

Judges who commit crimes and accept bribes from litigants appearing before them will be disqualified from cases, removed from office for “... conduct prejudicial to the administration of justice that brings the judicial office into disrepute...”) and imprisoned for “bribery” and violation of the “intangible right to Honest Services”

The penalty for the violation of 18 U.S.C. Section 1346 (Honest Services Fraud) includes imprisonment for not more than 30 years, a fine for as much as \$1,000,000, or both.

Judge Wise and Judge Donato, in “furtherance of the conspiracy”, conspired with other co-conspirators to:

- a. defraud Freitas of his property;
- b. deny Freitas of his inalienable right to freedom of speech;
- c. deny, without due process of law, equal protection under the law and in violation of the Rule of Law, Freitas’ constitutionally guaranteed right to life, liberty, property and the pursuit of happiness.

Specific intent to defraud can be established using circumstantial evidence. *U.S. v. Rosen*, 130 F3d 5, 9 (1st Cir., 1997); *U.S. v. Woodward*, 149 F.3d 49, 57 (1st Cir. 1997). (Emphasis added)

“Concealment of gifts by failing to report them on financial disclosure forms (local, state, or federal) can be used to establish intent to defraud.” *U.S. v. Espy*, 23 F.Supp.2d 1, 7 (D.C. Dist. Ct. 1998).

Honest Services Fraud (18 U.S.C. 1346) is concerned with the manner in which officials make their decisions, and not the wisdom of the official action. (*U.S. v. Lopez-Lukis*, 102 F.3d 1164, 1169 n. 13 (11th Cir. 1997).)

“....If the official instead secretly makes his decision based on his own personal interests - as when an official accepts a bribe or personally benefits from an undisclosed conflict of interest - the official has defrauded the public of his honest services.” *Id.*

A violation occurs when there is undisclosed, biased decision-making, whether or not tangible loss to the public is shown. (*U.S. v. Antico*, 275 F.3d at 263.)

2. Obstruction of Justice

Obstruction of Justice is a criminal complaint pursuant to the omnibus clause, or "catch-all provision" of 18 U.S.C. § 1503, which provides:

"Whoever . . . corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be guilty of an offence.

3. Denial of Constitutional Rights

The Constitution is meaningless to corrupt judges. They simply violate Constitutional rights with no regard for the people they damage.

4. Violate and Ignore the Rules of Civil Procedure

By violating and ignoring the Rules of Civil Procedure and the Rules of Evidence, judges commit obstruction of justice. They allow the favored party to break rules and get away with it.

"Obstruction of justice" is the frustration of governmental purposes by violence, corruption, destruction of evidence, or deceit.

General Obstruction Prohibitions:

- a. Intentionally and fraudulently **covered up and concealed the criminal activities** of the participants in the furtherance of the subject conspiracy;
- b. Violated 18 U.S.C. § 1956- Laundering of Monetary Instruments; and

c. Violated 18 U.S.C. § 1957- Engaging in Monetary Transactions in property derived from specified unlawful activity.

5. Aiding, Abetting and Conspiring Against the Rights of Citizens.

Additional prohibited activities of Judge Wise and Judge Donato also include, among others, the following:

- a. accepting bribes in exchange for dismissing foreclosure cases;
- b. accepting bribes and other “favors” by using expediency in clearing Judge Wise’s and Judge Donato’s court dockets, having regard for what is advantageous, governed by self-interest and the interests of the criminal conspiracy, rather than for what is right or just;
- c. using coded messages in court orders and court rulings in order to convey information to accomplices and participants in the criminal conspiracy;

6. Committed the actual, substantive crimes

The statutes at issue here also reveal an intended distinction between conspiracy and the substantive offenses. The general rule of separate offenses remains the doctrine of this circuit. See, e. g., *United States v. Ohlson*, 552 F.2d 1347, 1348 (9th Cir. 1977).

“Conspiracy counts” charge the existence of an agreement to commit the crime..... while the “substantive counts” charge actual commission of the crime....”

9. Subversion

Subversion and the act of subverting are defined as a systematic attempt to overthrow the judicial branch, undermine and destroy our democracy and disrupt our economy by persons working secretly from within. (Black’s Law Dictionary, 8th Edition).

Judge Donato by his participation in acts of commission is subverting the judicial system in Alameda County, California. and the U.S. District Court, California Northern District. Judge Donato is ignoring the substantial, relevant, tangible, admissible evidence Plaintiff Freitas has filed as attachments to Freitas' Complaint as against Defendant Judge Wise.

10. Seditious Conspiracy

"Seditious Conspiracy, to knowingly and intentionally conspire, confederate and agree with other persons known and unknown to Plaintiff to obstruct justice, destroy our democracy, disrupt our economy, commit domestic terrorism and commit the financing of terrorism."

There is no constitutional or factual basis for depriving Petitioner/Freitas access to this Court, the only venue for resolution available to him.

Investigative Report of Reuters

Thomson Reuters Inc. ("Reuters") has recently completed an in depth, extensive investigation into the judicial misconduct in Alameda County, California and a number of other counties in California and surrounding states....the initial target area of Reuters' investigation. The findings of the Reuters' investigation have indicated that the activities of judges in the target area already has risen to the level of obstruction of justice and in many cases a flagrant dereliction of duty.

The investigative report was published in early June, 2020, by "Reuters". The news and media division of Thomson Reuters Inc. is the world's largest

international multimedia news provider, reaching more than one-billion (1,000,000,000) people every day.

The findings of the Reuters" 5-year-long investigative reports, published June 30th, 2020, are used herein with the permission of Reuters. Reuters is responsible for the content of the investigative report.

According to the Reuters report, written by researchers Michael Berens and John Shiffman, thousands of U.S. Judges who broke laws and oaths remained on the bench.

The exhaustive Reuters investigation found that in the past dozen years **"...judges have repeatedly escaped public accountability for misdeeds that have victimized thousands of homeowners."** (Emphasis added).

Local, state and federal judges including Judge Donato are among the numerous enablers that are complicit with the co-conspirators involved in and who have perpetrated the single largest criminal enterprise in the history of the State of California, the United States of America and, most likely, in the history of the world.

Judge Donato arbitrarily and capriciously knowingly and intentionally **refused** to comply with statutory and case law and precedents, including but not limited to:

1. California Code of Civil Procedure § 2936
2. *Carpenter v. Longan*, 83 U.S. 271, 16 Wall. 271
3. *Iyanova v. New Century Mortgage Corporation*, 62 Cal.4th 919, 938 (2016)

4. "Dimock" "A later sale by a prior Trustee is Void." *Dimock V. Emerald Properties, LLC* ("Dimock"), Court of Appeal, Fourth District, Division One. 97 Cal.Rptr.2d 255 (2000) 81 Cal.App.4th 868;
5. *Wutzke v. Bill Reid Painting Service, Inc.* (1984) 151 Cal.App.3d 36, 43. **Void is Void**, "A forged document is void ab initio and constitutes a nullity; as such it cannot provide the basis for a superior title as against the original grantor" (*Freitas*); *Wutzke v. Bill Reid Painting Ser. Inc.* 1984 151 Cal.App.3d 36, 43, *Halajian v. Deutsche Bank Nat. Trust Co.* (E.D. Cal Feb.14th, 2013, No. 1:12-CV-00814 AWIGSA) 2013 WL 593671, at p. *7;

Because the "Deed of Trust" Recorded Oct. 25, 2005 (See Appendix G) is **an altered, forged, defective, void copy of the Deed of Trust recorded October 12, 2005 (Appendix H) which was satisfied and paid in full on July 1, 2016, as evidenced by the Deed of Full Reconveyance. (See Appendix F).**

Quality was substituted OUT on July 1, 2016, (approximately 2.5 years earlier when Recon Trust became the newly substituted trustee).

Therefore, the "Power of Sale" is Void and the "Trustee's Deed Upon Sale" signed and recorded June 11, 2019, by Quality is Void. (See Appendix I).

Community did not, could not and cannot "**duly perfect**" **Community's Title to the subject Property**. The entire UD process used by Community is defective, flawed and void. **This is jurisdictional.**

The "Notice of Trustee's Sale", recorded March 7th, 2019, signed by Quality is VOID.

The “**Trustee’s Deed Upon Sale**” recorded on June 11, 2019, signed by
Quality is VOID.

Quality Loan Service Corp. was without authority or standing to
initiate, conduct or conclude a trustee’s sale/non-judicial foreclosure sale
(see *Dimock* ruling which held that …“a later sale by a prior trustee is
void.”).

Judge Donato and Judge Wise have a vested interest in the outcome of
the subject case(s).

The judges’ vested interest is to quickly clear the Court’s docket and to
collect the “judge’s bonuses”, as confirmed by **Reuters**’ investigative team.

Bribes have been paid to Judge Donato Judge Wise and other members of
the conspiracy.

According to the Hon. Amy Coney Barrett, prior to becoming a Justice of the U.S. Supreme Court, ruled that due process rights come into play “if the other side” uses dishonorable means to prosecute a case. *Rainsberger v. Benner*, 7th app.cir.no. 17 – 2521-Jan. 15, 2019 (Applies to civil and criminal cases). See also U.S. Supreme Court case *McDonough v. Smith*, U.S. sup.ct.no. 18-485. June 20, 2019.

CONCLUSION

Petitioner/Freitas’ Petition for Writ of Certiorari must be granted. The
Constitutionally guaranteed, inalienable rights specified in the Bill of Rights,
primarily, the First Amendment Freedom of Speech (including: a. “**The Right to
Access the Courts**” and b. “**The Right to Expose Corruption in the Courts**”)

and the Fourteenth Amendment **due process rights** are legal rights vested in Petitioner Freitas. The acts of conspiracy committed by Judge Donato and the other co-conspirators have violated the vested legal rights of Petitioner.

The United States Supreme Court **now** has the opportunity, in fact, the duty to “right the wrongs” committed by Judge Donato and Judge Wise and the other co-conspirators.

Now is the time to grant Freitas’ Petition for Writ of Certiorari.

PRAYER FOR RELIEF

WHEREFORE, Petitioner, John B. Freitas, respectfully requests that judgment be entered in favor of Freitas and against Defendants as follows:

1. For an order of this Court granting Freitas’ Petition for Writ of Certiorari;
2. Judgment in favor of Freitas in the amount of treble damages, in accordance with Freitas’ motion for entry of Default and motion for entry of Default Judgment filed January 4, 2022. (See Docket # 8, #9 and #10); and
3. For an order granting Freitas such other and further relief as the Court may deem appropriate.

Petitioner John B. Freitas

Date: March 6, 2023

A handwritten signature in black ink, appearing to read "John B. Freitas", is written over a horizontal line.