

No. 22-7668

IN THE
Supreme Court of the United States

NIKI HAMIDI,

Petitioner,

vs.

IKE M. IQBAL,

Respondent.

**On Petition for Writ of Certiorari
to the Supreme Court of California**

SUPPLEMENTAL BRIEF FOR PETITIONER

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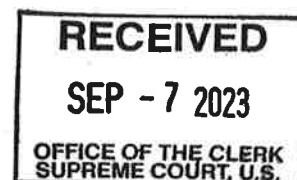


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Introduction

The Petitioner, Niki Hamidi, submits this supplemental brief to inform the Federal Court of new developments that have a direct bearing on the issues raised in her Petition for Writ of Certiorari. The Petitioner's case is the culmination of over 30 years fighting, mainly as a *pro se* litigant, for her and her daughter's rights in multiple counties' Superior Courts and the Court of Appeal in the State of California. This supplemental brief will provide additional information and evidence to show how the Petitioner Niki Hamidi's 1st and 14th Amendment Rights, Civil Rights, and Human Rights have been violated by Tana L. Coates in the San Luis Obispo County Superior Court and by her colleague Judge Hernaldo J. Baltodano in the Court of Appeal in Ventura County, who was appointed from the same Superior Court a year ago. The Petitioner continues to face bias, prejudice, and discrimination in Tana L. Coates' courtroom as well as the unjust and unfair rulings of her colleague Judge Hernaldo J. Baltodano. The Petitioner's case is the perfect test case for the U.S. Supreme Court to provide guidance and direction to all courts across the land regarding the treatment and rights of *pro se* litigants in order to ensure that the promise of the Constitution is being fulfilled.

At the heart of this case is a call for the renewal of the pledge made in the 1st and 14th Amendments of the U.S. Constitution for Equal Protection and Rights under the law. The Rule of the Law is that No One is Above the Law and Equality and Justice for All. In order for the legal system to function correctly, it requires that all litigants, whether represented by an attorney or acting in *pro per*, are treated fairly and equally.

Since self-representation is a right afforded by the Constitution, therefore the United States believes that all people have the right to present their case in a court of law, to fight for their rights, and to have their case heard by an impartial, neutral, and unbiased judge in order for their case to be fairly adjudicated. The right to self-representation and to be able to file as a *pro se* litigant is supposed to be a benefit to citizens and not a detriment or an impediment to justice. However, the reality of the justice system as it stands today, is an uneven application of the law in the State of California, especially in the San Luis Obispo County and Ventura County Superior Courts, in their mistreatment, handling, and adjudication of matters presented to the courts by *pro se* litigants in violation of the 1st and 14th Amendments. This inequity and discrimination is prevalent within the system and mandates action from the highest court to address and fix these issues.

Today, there are two systems of justice, one for the litigant represented by counsel and another for the *pro se* litigant. It is unacceptable, unfair, and unjust for such a reality to exist in the United States of America when the country's Constitution, the supreme law of the land, commands that the principles of fairness and equality be prescribed to all people and be protected. How can it be then, that in courtrooms in these California counties, where these principles and laws should be practiced and upheld, are the very places where these principles and rights are being squashed, tarnished, and destroyed just because a litigant enters the courtroom without the cover of attorney representation. Tana L. Coates has denied every petition and declaration filed by Petitioner Niki Hamidi in the past six years

and she has approved and signed all the papers put in front of her and filed by the other party's attorney because of her rapport with this attorney, James C. Butterly for Respondent/Defendant Ike M. Iqbal. These unfair and unjust actions taken by Tana L. Coates in the past six years against the innocent, law-abiding Petitioner Niki Hamidi violate her 1st and 14th Amendment Rights and illegally sign away the Petitioner's rights to the other party. The following are the reasons that the Federal Court should hear Petitioner Niki Hamidi's case in addition to the Petition for Writ of Certiorari previously filed.

I. The Recent Decision of the Court of Appeal is Further Evidence of Violations of the Petitioner's 1st and 14th Amendment Rights and Bolsters the Argument for Immediate Supreme Court Intervention

The Petitioner filed a Motion to Remove and Recuse Tana L. Coates from her creditor's claim case in the San Luis Obispo County Superior Court because of Coates' obvious bias, prejudice, and discrimination against the Petitioner. However, when Coates failed to recuse herself and Judge Hernaldo J. Baltodano denied the Petitioner's Writ of Mandate to remove Coates from the case, the Petitioner then decided herself to file and remove her creditor's claim case from the Probate Court in San Luis Obispo County Superior Court and transfer it to a Criminal/Civil court elsewhere, informing both Tana L. Coates and the other parties by filing an official declaration in a timely manner. Both Tana L. Coates and Butterly were aware that Coates no longer has jurisdiction over the Petitioner's creditor's claim case. However, on December 7th, 2022, without providing timely and sufficient notification to the Petitioner, Coates held a sham, one-sided "trial" with just

Buttery and Coates, allowing Butterly to illegally attack the Petitioner's creditor's claim case and provide false testimony in spite of the six years of substantial evidences provided by the Petitioner that there was NO division of property in her divorce from Sukhjinder Singh. (Appendix A) Also, the Petitioner repeatedly provided evidences to the court proving that Sukhjinder Singh intentionally and illegally created this sham Will and Trust dated December 1st, 2008 in order to fraudulently convey and hide income, assets, and properties from the Petitioner and the Santa Barbara County Superior Court, in the midst of Child Support Modification hearings while Sukhjinder was under Restrict Court Order Rule 1419 to provide all personal and business IRS tax returns and documentations and a forensic accountant had been ordered to inspect all his personal and business books prepared by his CPA Respondent Ike M. Iqbal. (Appendix B)

The Petitioner provided Tana L. Coates with all the substantiated evidences showing that Sukhjinder Singh had a decades long history of making false statements to the courts in order to avoid paying the rightful amount of spousal support and child support and a division of property never happened in the Petitioner's divorce because of the instrumental help of his CPA of 30 years, Respondent Ike M. Iqbal aiding and abetting Sukhjinder with hiding income, assets, and properties from the Petitioner and the courts. However, Tana L. Coates disregarded all the Petitioner's filings, objections, and evidences and issued a no merit, frivolous order on January 10th, 2023 admitting this invalid, sham will dated December 1st, 2008, and deliberately and illegally denied the facts and evidences

that there was a Child Support Modification hearing on December 8th, 2008 and ongoing hearings that invalidate this sham instrument of fraud. (Appendix C)

Tana L. Coates' illegal, no merit, frivolous order also unlawfully appointed Sukhjinder's accomplice and co-conspirator, disqualified Respondent Ike M. Iqbal as executor of the estate in light of the fact that the Petitioner provided substantial evidences showing that not only is Ike M. Iqbal disqualified to act in a fiduciary role because of his decades of illegal acts of aiding and abetting Sukhjinder in perpetrating financial abuse and fraud against the Petitioner, but also because of the fraud and theft committed by Ike M. Iqbal in withholding the original will and trust where the Petitioner, Niki Hamidi, and her daughter, Elizabeth Simran Singh, are the sole beneficiaries of the Estate of Sukhjinder "Willie" Singh, and because of well documented collusion and conspiracy of Ike M. Iqbal and his friend, fraudster Marisol Cueva, who he illegally brought into these proceedings to help her steal money from Sukhjinder's estate with a bogus fraudulent paternity claim.

The Petitioner filed an appeal case with the Second District Court of Appeal Division Six in regards to Tana L. Coates' illegal January 10th, 2023 order, and while the case was pending on appeal, again Coates' issued another no merit frivolous order on February 22nd, 2023 unlawfully approving the collusion and bogus "*settlement*" between Ike M. Iqbal, his friend, fraudster Marisol Cueva, and her attorney Matthew Judge Egan, for \$150,000 from Sukhjinder's Estate for her sham paternity claim without any evidence or a trial, based on an illegal mediation. The

Petitioner also filed an appeal of this order and it is scheduled to be submitted to the Court of Appeal for hearing on September 13th, 2023. (Appendix D)

Recently, on August 17th, 2023, for the Petitioner's appeal of the January 10th, 2023 order, Case Number B325245, Judge Hernaldo J. Baltodano issued an Opinion not only again denying the Petitioner's appeal, but also consciously electing to intentionally and purposefully disregard and not consider any of the Petitioner's cited evidence in the Record on Appeal. (Appendix E) This is the same judge who in November 2022 denied Petitioner's Writ of Mandate to remove Tana L. Coates from her creditor's claim case, as well as within 48 hours of denying the writ, also issued a denial of the Petitioner's appeal case which is now before the Supreme Court.

The Opinion written by Judge Hernaldo J. Baltodano is sufficient, clear and convincing evidence of his pattern of behavior and rulings against the Petitioner, Niki Hamidi, and in favor of his former colleague Tana L. Coates and in favor of Respondent Ike M. Iqbal and his attorney Butterly. It is important that these new details and the trail of events leading up to this recent decision are provided to the Court in addition to the Petition for Writ of Certiorari because it provides obvious, detailed evidences of the Petitioner, a *pro se* litigant, having her 1st and 14th Amendment rights violated time and time again by Tana L. Coates in the San Luis Obispo County Superior Court and by Judge Hernaldo J. Baltodano, in the Court of Appeal, along with the same panel of judges from the previous decisions, Judge Kenneth Yegan and Presiding Judge Arthur Gilbert signing off on these clearly

intentional prejudicial actions against the Petitioner's appeals and her Civil Rights and Human Rights.

This is not a matter of judges not deciding in favor of Petitioner or a *pro se* litigant. This is a matter of having fair and equal justice under law which requires not only having fair, neutral, and unbiased judges hearing cases, but also **judges actually reviewing, considering, and hearing the *pro se* litigants' case and their evidences.** In regards to the Opinion issued by Judge Hernaldo J. Baltodano, he intentionally chose not to consider Petitioner's crucial cited evidences from the Record on Appeal that would have affected the results of the ruling in Petitioner's favor. Instead, he chose to eliminate and omit those crucial evidences that Petitioner provided in order to be able to rule against her using the "technicalities" excuse, repeatedly writing "cover pages are not sufficient evidence," and in contradiction to this Court's ruling in *Haines v. Kerner* to "**liberally construe pro se litigant petitions.**" (emphasis added) (*Haines v. Kerner*, (1972) 404 U.S. 519) Just because the Petitioner is filing in pro per and self-representing to the best of her knowledge and abilities, Judge Baltodano has used this against the Petitioner to reject and deny all of her filings and evidences. Baltodano's actions are also in contradiction to the Supreme Court's ruling that, "pro se pleadings are to be considered without regard to technicality [and] ... are not to be held to the same high standards of perfection as lawyers." (*Jenkins v. McKeithen*, (1959) 395 U.S. 411, 421) Instead of performing the functions of the reviewing court, Judge Baltodano intentionally abused the Petitioner's *pro se* status to unlawfully and

willfully dismiss the Petitioner's appeal and simultaneously favor Ike M. Iqbal and Butterly and support their proven false and fraudulent statements. As the Supreme Court stated in *Maty v. Grasselli Chemical Co.*:

"Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end. Proper pleadings [are] important, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment." (*Maty v. Grasselli Chemical Co.*, (1938) 303 U.S. 197)

Judge Baltodano's failure to state the Standard of Review used to supposedly "evaluate" the case, while it was a matter of contention between Petitioner and Respondent's briefs, is indicative that Baltodano did not want to review Petitioner's appeal and supporting evidences, and in the end, he did not review the cited Record and was intentionally and prejudicially dismissive of the Petitioner's case.

The Petitioner filed in *pro per* in good faith that her briefs, arguments, and evidences will be considered by the Court of Appeal because she has cited to the record, provided case law to the best of her ability, and provided strong, meritorious cogent arguments addressing the illegality of Tana L. Coates' orders and the fraud and theft being perpetrated by Ike M. Iqbal with the help of his attorney Butterly. The Petitioner is going through the same discrimination, bias, and prejudice she experienced in Tana L. Coates' courtroom, now in the Court of Appeal with her former colleague, Judge Hernaldo J. Baltodano. The similarity of mistreatment of the Petitioner is indicative of the modus operandi of discrimination, bias, and prejudice because they all have the same common denominator. They have tried to demean and attack the Petitioner, Niki Hamidi, for being in *pro se*, for her nationality, religion, ethnicity, and violating her 1st and 14th Amendment rights.

Before this Court is the undeniable evidence of a pattern of judges arbitrarily and illegally depriving the Petitioner of her legal rights because she is filing as a *pro se* litigant. From Tana L. Coates' obviously illegal ruling that Petitioner's 16 filings, answers, and objections to Butterly's frivolous RFAs equated to "no responses at all," dismissing all filings because of "*formatting*," and cruelly and vindictively imposing hefty illegal sanctions against the Petitioner, to Judge Hernaldo J. Baltodano's cruel and unconscionable decision to rule against the Petitioner, writing that "*the only evidence [Petitioner] cites in support of [her] claim is cover pages.*" again using "*technicalities*" to blatantly disregard all of the pleadings and evidentiary documents provided to the Court of Appeal and unjustly and unfairly awarding costs against the Petitioner, are all sufficient and substantiated evidences of the unlawful, illegal actions of these judges who do not fear accountability for intentionally and purposefully violating the *pro se* Petitioner's Constitutional Rights, Civil Rights, and Human Rights.

These are not errors in judgment, but rather evidences of abuse of power and discretion to intentionally omit crucial facts and evidences against the Respondent Ike M. Iqbal and his attorney Butterly, and in turn, to harm, damage, and attack the Petitioner for filing the truth and fighting for her and her daughter's rights.

The purpose of the law, courts, judges, and the overall justice system in the United States is to ensure that all of the laws are followed, prevent fraud and violations of the law, and for justice to prevail. This Opinion dated August 17, 2023 is the embodiment of everything contrary to the purpose of the law and the justice

system and to all the values and principles of the rule of law. Time and time again, Judge Baltodano will deny the Petitioner's meritorious appeals, refuse to address the legal and valid issues presented, and then cite Buttery or Coates' orders and filings, repeating their false statements. By intentionally omitting salient facts and distorting the history of events in this case, not only does Baltodano make false statements against the Petitioner in order to disparage Petitioner, her briefs, her evidences, and legally sound arguments, but he also redirects attention away from Coates' blatant biased, prejudiced, and discriminative actions against Petitioner.

The Petitioner had demanded Judge Hernaldo J. Baltodano's recusal and removal from her appeal cases number B325245 and B326970 in order to prevent further miscarriage of justice pursuant to California Code of Civil Procedure § 170.1, which requires disqualification where "a person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial." However, Presiding Judge Arthur Gilbert refused and denied Petitioner's motion, and not only allowed Baltodano to be on the panel for Petitioner's case, but to also write the Opinion. It is disconcerting to see that the Petitioner's citations were interpreted as citing "*cover pages*" rather than recognizing the Petitioner cited the objections with attached exhibits filed with the Superior Court for the Court of Appeal to see all of the evidences that were available to Tana L. Coates and how she intentionally, purposefully, willfully, and discriminatively chose to ignore all of them to favor Buttery and to harm and damage the Petitioner. It is unconscionable and unfathomable to think that the judges of the Court of Appeal chose not to read

beyond the *cover pages* of those filings to see the content. This is the exact same action taken by Tana L. Coates in disregarding the Petitioner's evidences, filings, and petitions for the past six years, as though they don't exist while there are over 2,000 pages of filings and documents. By choosing not to consider the Petitioner's evidences, this intentionally prejudiced the Petitioner's case, and had the judges actually reviewed the evidences, it would NOT have prejudiced Respondent's case since it would have ensured a fair adjudication.

Judge Baltodano cites *Mueller v. County of Los Angeles*, as a means of refusing to consider Petitioner's evidences and arguments. However, the Petitioner's case is clearly distinguished from *Mueller*, since in the case the Plaintiff was represented by counsel, a law firm, and the briefs submitted by counsel did not actually include accurate page number citations or proper citations. (*Mueller v. County of Los Angeles*, (2009) 176 Cal.App.4th 809, 816, fn. 5) While Petitioner, filing in *pro per*, has provided citations to her evidences and has not file briefs asking the court to search through the record in order to find supporting evidence. The Petitioner followed California Rule 8.204(a)(1)(c) and provided the Court with "the place in the record where the matter appears," therefore, it is illogical to think that by citing the beginning of the document in the Record on Appeal that the Petition was only citing the "*cover page*." Also, the Petitioner clearly stated repeatedly in her briefs that this case is before the Court of Appeal since Tana L. Coates refused to consider Petitioner's six years of filings, objections and evidences, and is asking the court to review Petitioner's objections and evidences in order to

see Tana L. Coates' biased, prejudiced, discriminative, and immoral actions and overturn her frivolous, no merit orders. It seems counter intuitive and intentionally negligent to state that "*a cover page is not evidence*" and fail to read pass the cover page to the contents of the objections and evidences provided to the trial court. Otherwise, why even file in the Court of Appeal if not to be heard? Why waste time and life when it is as though the Petitioner is going through the same process and treatment she experienced in the San Luis Obispo County Superior Court in Tana L. Coates' unjust, biased, prejudiced, and discriminative courtroom.

The Petitioner is a law-abiding citizen and asks herself why is it that these judges, who are supposed to uphold the law are helping this criminal, Ike M. Iqbal? What is the reason when Ike M. Iqbal is a proven fraudster and yet, for some reason, neither Tana L. Coates in the Superior Court nor Judge Hernaldo J. Baltodano in the Court of Appeal want to review the evidences on file that clearly and thoroughly prove Ike M. Iqbal's decades of fraud and theft and acting as an accomplice and co-conspirator to Sukhjinder Singh's decades of financial abuse against Petitioner and her child. Judge Hernaldo J. Baltodano's unbalanced, unfair, and false statements in the Opinion unjustly and unconscionably attempt to absolve Respondent Ike M. Iqbal and Decedent Sukhjinder Singh for their decades of hiding income, assets, and properties from the eyes of the Superior Courts, fraudulently conveying income, assets, and properties through an invalid, sham will and trust, and supporting the false narrative purported by attorneys James C. Buttery and John Christopher Toews, who have knowledge and are in possession of the original

will and trust where the Petitioner, Niki Hamidi and her daughter, Elizabeth Simran Singh, are the sole beneficiaries of the Estate of Sukhjinder “Willie” Singh.

Also, it is important to note that the order on appeal stated and alleged that the Petitioner’s objections filed on 01/04/2021, 09/21/2021, and 11/08/2021 were “*considered*” in issuing the order. Therefore, imposed on the Court of Appeal was a duty to at least consider the Petitioner’s objections listed in Coates’ unlawful order. However, by not doing so was an obvious dereliction of duty and a conscious, intentional, and purposeful choice that is unlawful and in violation of the Petitioner’s 1st and 14th Amendment rights. It is as though the judges in the Court of Appeal and Tana L. Coates think that they can do whatever they want and completely disregard the Petitioner’s legal, valid, meritorious filings and claims and not be held accountable because the Petitioner is a *pro se* litigant. This is against the law and the fact that this is a reoccurring intentional violation of Petitioner’s rights calls for immediate attention and action regarding this unfair and unjust situation. If the Supreme Court were to overlook the Petitioner’s case and the important issues brought to the Court’s attention, it would not only be an acceptance of these unjust actions, but it would also allow the continued abuse of power and arbitrary deprivation of the rights of citizens at the hands of the judiciary because of their *pro se* status. This is a matter of urgent importance and the Petitioner’s case proves that safeguarding justice demands the Supreme Court’s intervention to stop the perpetuation of systemic injustices.

Conclusion

The recent decision of the Court of Appeal and events leading up to it are significant to the Petitioner's Writ of Certiorari because it provides additional evidence to bolster the Petitioner's argument that as a *pro se* litigant she has suffered tremendously with serve mental anguish that these judges have imposed harm and damages upon her by being biased, prejudiced, and discriminative. These judges have violated the Petitioner's 1st and 14th Amendment rights, as if she is not a person. They have smashed her Human Rights and Civil Rights, disregarding the Rule of Law, and Constitutional Law that exists in the United States of America.

These judges have done these illegal and unlawful rulings and acts by abusing their power with no fear of miscarriage of justice. They are protecting the criminal, Respondent/Defendant Ike M. Iqbal's rights, just because he has James C. Buttery as his attorney and destroying the Petitioner Niki Hamidi and her daughter's rights and lives just because the Petitioner is in pro per and because of her nationality, religion, gender, marital status, and ethnicity. They have intentionally, knowingly, willfully, and purposefully harmed and continue to harm and damage the Petitioner and her child and take away their wealth and rightful inheritance by handing it over to a criminal named Ike M. Iqbal and his liar, unscrupulous, unlawful attorney James C. Buttery.

The Petitioner's rights are being violated by judges who are not only intentionally choosing to disregard and dismiss her valid, meritorious legal claims through "*technicalities*," but who are also abusing their power, discretion, and the

code of civil procedure to monetarily damage the Petitioner for exercising her civil rights to file in the court to recover her inheritance and wealth. "Acts in excess of judicial authority constitutes misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process." (*Gonzalez v. Commission on Judicial Performance*, (1983) 33 Cal.3d 359, 371, 374) The repeated dismissals and biased, prejudiced, and discriminative orders issued by Tana L. Coates and Judge Hernaldo J. Baltodano follow the same pattern of rulings and behaviors that are sufficient evidence of the continued violations of Petitioner's Constitutional rights, the arbitrary deprivation of her rights, and for the urgent need for the Supreme Court's intervention to stop these atrocities and prevent further abuse of the judicial system and of *pro se* litigants and their claims. Therefore, the Petitioner Niki Hamidi is seeking justice for her and her daughter's rights, and prays that the Federal Court would hear her case and grant her Petition for Writ of Certiorari.

Respectfully submitted,



Niki Hamidi

Niki Hamidi, Petitioner

August 28th, 2023