No. 22-760

In the Supreme Court of the United States

SCOTT MEIDE, ET AL.,

Petitioners,

v.

NOAH CENTINEO, ET AL.,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

David Hegland
Dawn Hegland
Petitioners Pro Se
2865 312th Street
Ellsworth, IA 50075

Scott Meide
Petitioner Pro Se &
Primary Contact
4446-1 Hendricks Avenue
Suite 327
Jacksonville, FL 32207
(904) 888-6454
jsicenterzo@gmail.com

FEBRUARY 10, 2023
SUPREME COURT PRESS ♦ (888) 958-5705 ♦ BOSTON, MASSACHUSETTS

QUESTIONS PRESENTED

1. Do we have a government of laws and not of men?

2. Must a deciding panel in a court of appeals address all of the issues raised in the opening brief?

PARTIES TO THE PROCEEDINGS

Petitioners and Plaintiffs-Appellants Below

- Scott Meide
- David Hegland
- Dawn Hegland

Respondents and Defendants-Appellees Below

- Noah Centineo
- Nick Centineo
- Greg Centineo
- Robert Centineo
- Kellee Andes Centineo
- Brandon Kramer
- Greg Kramer
- Wayne Kramer
- Julie C. Natale
- Marc J. Lane
- John A. King
- Natalie J. King
- Agnes King
- Joy Kramer
- Marc J. Lane
- Robert Laimo
- Peter Velardi
- Tara K. Glaser
- Peter Velardi
- The Velardi Group, LLC
- Bonnie Radford
- Brad Jashinsky
- Charlie C. Walters

- Chris McGarahan
- James E. Roberts
- Frank Patterson
- Kevin Trudeau
- Anthony LG, PLLC
- Laura Anthony, Esq.
- Alpine Pictures, Inc.
- Aviron Capital, LLC
- Christie Hsiao
- Claire Heath
- Clarius Capital Group, LLC
- Clarius Entertainment, LLC
- Clarius Releasing, LLC
- Judi Becker
- William Sadleir
- Hyde Park Entertainment, Inc.
- John M. Gatti
- Louis N. Hamel CPA
- Michael E. Wilford CPA
- O'Melveny Law Firm
- Sheldon Rabinowitz
- Addison Textor
- Deborah Textor
- John Textor

Other Plaintiff-Appellants Who are Non-Parties

Petitioner Scott Meide acted as primary contact for the Plaintiffs-Appellants below and certifies under oath his belief that these other Plaintiffs-Appellants are not joining this petition and have no further interest in the outcome of the petition: Nathan Hill and Kyle Janes. He further certifies that he will send them notice that a petition has been filed and send them electronic copies.

LIST OF PROCEEDINGS

United States Court of Appeals for the Ninth Circuit

No. 19-56402

Scott Meide et al, Plaintiffs-Appellants, v.
Noah Centineo et al. Defendants-Appellees.

Date of Final Opinion: November 1, 2022

Date of Rehearing Denial: December 9, 2022

Date of Order Denying Motion to Recall Mandate:
December 19, 2022

United States District Court,
Central District of California

No.: 2:19-cv-07171-PA (KS)

Scott Meide et al v. Noah Centineo et al.

Date of Final Order: October 31, 2019

TABLE OF CONTENTS

TABLE OF CONTENTS – Continued

Page

APPENDIX TABLE OF CONTENTS

OPINIONS AND ORDERS

REHEARING AND RECONSIDERATION ORDERS

TABLE OF AUTHORITIES

Page

CASES

TABLE OF AUTHORITIES – Continued

Page

CONSTITUTIONAL PROVISIONS

TABLE OF AUTHORITIES – Continued

Page

STATUTES

OTHER AUTHORITIES

TABLE OF AUTHORITIES – Continued

Page

PETITION FOR A WRIT OF CERTIORARI

Scott Meide, David Hegland and Dawn Hegland, respectfully petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in Scott Meide et al. v. Noah Centineo et al., No. 19-56402.

OPINIONS BELOW

The unreported Court of Appeals Opinion affirming the judgment of the district court entered on November 1st, 2022 is reproduced at App.1a. The Order of the denial of the Motion to Recall the Mandate dated December 19th, 2022 is reproduced at App.14a. The District Court Order of November 26th, 2019 is reproduced at App.3a.

JURISDICTION

The Order of the Ninth Circuit denying a timely petition for rehearing was entered on December 9, 2022 (App.13a). This Court's jurisdiction is invoked pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL PROVISIONS

United States Constitution Amendment V

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution Amendment XIV

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATUTORY PROVISIONS

28 U.S.C. § 1658(b)

> (b) Notwithstanding subsection (a), a private right of action that involves a claim of fraud,

deceit, manipulation, or contrivance in contravention of a regulatory requirement concerning the securities laws, as defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), may be brought not later than the earlier of—

(1) 2 years after the discovery of the facts constituting the violation; or

(2) 5 years after such violation.

STATEMENT OF THE CASE

This case concerns an ongoing series of frauds that were used to launch the movie career of Noah Centineo and to bilk over 1,800 investors in excess of 124 million dollars that was apparently, to a large extent, divided among the fraudsters.

The investors lost everything and maintained the two lead Defendants apparently used their share of the loot to launch Defendant Noah Centineo's acting career.

Noah Centineo simply cannot act. 34TH STREET penned an article titled "'The Perfect Day' Reveals Noah Centineo's Bad Acting". See article titled: https://www.34st.com/article/2019/04/noah-centineo-the-perfect-date-to-all-the-boys-ive-loved-before-romantic-comedy-disappointing-acting.

Defendant Noah Centineo's father, Defendant Greg Centineo, apparently put a large hand into the investors' "cookie jar" in order to "jump-start" his son's career.

In 2019, Defendant Noah and Greg Centineo did interviews crediting Noah' success with landing a role in a movie called "Gold Retrievers", based on Defendants Greg and Noah's "strategizing" Noah's career and "lots of hard work."

Translated, "strategizing" apparently meant how to bilk investors and "lots of hard work" quite possibly meant bribing the people necessary to boost Defendant Noah Centineo's career.

The other Defendants appear to have contented themselves with merely fleecing investors and with lining their own pockets with their ill-gotten gains.

Others participating in the fraud made numerous lulling statements to the investors in order to forestall legal action. Those "lulling statements" were never addressed by the Ninth Circuit Court of Appeals. The deciding panel merely "covered" for the Defendants by ignoring this Court's decision in **United States v. Sampson**, 371 U.S. 75, 83 S.Ct. 173 (1962) and misapplying the statute of limitations and statute of repose.

American citizens deserve better than this.

REASONS FOR GRANTING THE PETITION

I. AMERICAN CITIZENS NEED TO KNOW WHETHER WE HAVE A GOVERNMENT OF LAWS AND NOT OF MEN—OR NOT.

The short answer is, we have a government of men. "A government of laws" is a myth that this Court should publicly acknowledge.

THE PROOF

The Greek philosopher Aristotle wrote:

> It is more proper that law should govern than any one of the citizens: upon the same principle, if it is advantageous to place the supreme power in some particular persons, they should be appointed to be only guardians, and the servants of the laws.

He explained that rule by absolute power is unnatural and harmful because those who hold such power are likely to abuse it by depriving others of their rights. "Passion influences those who are in power . . . Law is reason without desire." This principle is known as the rule of law, and America's Founders knew it was essential in a republic. John Adams, describing his objective in crafting the Massachusetts Constitution, phrased it this way: "to the end it may be a government of laws and not of men."

billofrightsinstitute.org/activities/establishing-a-government-of-laws-not-men-handout-a-narrative.

> The Dred Scott decision is the very foundation of our constitutional system as it exists today. Popular belief and professional opinion to the contrary notwithstanding, Taney, and not Marshall, is the Father of the Judicial Power. And its foundations were made not in Marbury v. Madison, but in Dred Scott v. Sandford.

Louis Boudin, GOVERNMENT BY JUDICIARY, Vol. II, p. 2 (1932).

> After the review of the actual course of adjudication by the United States Supreme Court, it would seem almost absurd to discuss seriously the contention advanced and supports of the Judicial Power that it provides for a Government of Laws instead of a Government of Men. But the persistence of this claim, not only in irresponsible quarters but in quarters which speak with "authority", requires that it be considered separately, even though this may involve some repetition and may resemble the labor of piling Pelion upon Ossa.

Loudis Boudin, GOVERNMENT BY JUDICIARY, Vol. II, p. 531 (1932).

> [U]ltimately, the guarantee of [our] rights is no stronger than the integrity and fairness of the judge to whom the trial is entrusted.

Bracy v. Gramley, 81 F.3d 684, 703 (7th Cir. 1996) (dissent), reversed, 520 U.S. 899, 117 S.Ct. 1793, 138 L.Ed.2nd 97 (1997).

> Not only does the majority fail to follow precedent from the Supreme Court and this Circuit, but it is particularly annoying that it quotes language from my dissenting opinion in United States v. Scott, 520 F.2d 697, 701-703 (9th Cir. 1975). In Scott, I argued that the "hot pursuit" exception to the warrant requirement did not apply to the facts of that case. Id. I stated that the hot pursuit doctrine should be construed narrowly and expressed my "fear" that the phrase "hot pursuit" had "been given a meaning well beyond what was intended." Id. at 701. I take the same position here. For the majority now to use that dissenting opinion to support their argument causes one to wonder whatever possessed them to do so.

United States v. Johnson, 207 F.3d 538 (9th Cir. 2000).

> A judge may decide almost any question anyway and still be supported by an array of cases.

John H. Wigmore, A TREATISE ON THE SYSTEM OF EVIDENCE IN TRIALS AT COMMON LAW, I:IX (1904).

> I start with the question our Court avoids Johns v. Bowersox, 203 F.3d 538, 549 (8th Cir. 2000) (dissent) (R. Arnold). In fact, the district court did not even consider Werts' most meritorious claim. Werts v. Vaughn, 228 F. 2d 178, 206 (3rd Cir. 2000) (dissent). The majority arrives at its erroneous conclusion by misapplying two recent Supreme Court decisions. U.S. v. Gatewood, 230 F.3d 186 (2000).

> No relief can be granted for violating, by acting in contrary to, the Constitution.

Lewis v. Green, 629 F. Supp. 546, 554 n. 14 (D.D.C. 1986).

Judges, not addressing issue(s) raised. United States v. Caldwell, 954 F. 2d 496, 505 (8th Cir. 1992) (dissent).

> There is a necessity of maintaining public faith in the judiciary as a source of impersonal and reasoned judgments.

Coats v. Penrod Drilling Corp., 61 F.3d 1113, 1137 (5th Cir. 1995) quoting 90 S.Ct. 1789.

> Which might become more and more difficult.
>
> After the Twombly decision was announced, it became unclear what standard should be used to decide whether a case should be

dismissed for failure to state a claim upon which relief can be granted.

In November 2008, I attended a national conference of federal appellate judges in Washington, D.C. There were panels on several topics, each with a Supreme Court justice and two law professors. The panel on civil litigation included Justice Stephen Breyer.

During the question-and-answer period, several federal court of appeals judges, with real frustration and even anger in their voices, asked what is the standard of pleading in federal court after Twombly. Finally, Breyer responded, also with frustration and anger in his voice, that Twombly is just about pleading in antitrust cases. That was certainly a possible reading of Justice Souter's majority opinion. But six months later, in Iqbal, the Court rejected this view and said that the new, more restrictive pleading standard applied to all civil litigation in federal court.

Iqbal sued fifty-three defendants, including Attorney General John Ashcroft, asserting that his detention and treatment violated the United States Constitution. In a 5–4 decision, the Supreme Court concluded that Iqbal's complaint should be dismissed because he failed to allege sufficient facts for a court to conclude that it was "plausible" he could recover. Justice Kennedy wrote for the Court, joined by Chief Justice Roberts and Justices Scalia, Thomas, and Alito. No longer could plaintiffs go forward with a claim unless there was no set of facts upon which they could

recover. No longer did courts have to accept the allegations of the complaint as true, the Court said that federal courts should ignore factual allegations that were just conclusions without evidentiary support. To see how radical this is in changing the law, one need only pick up a copy of the Federal Rules of Civil Procedure, the rules that govern the procedures in all civil cases in federal court. Every sample complaint that it presents as acceptable would have had to be dismissed under the new standard adopted by Iqbal, for failing to allege adequate facts.

The new standard is "plausibility". This requires a plaintiff to allege enough facts that a court can find it plausible for the plaintiff to recover. The Supreme Court declared: "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." It is unclear what this means. Justice Kennedy's majority opinion simply said that courts should decide what is plausible based on context. "Determining whether a complaint states a plausible claim for relief will . . . be a context-specific task that requires the reviewing court to draw on its judicial experience and common sense."

Obviously, what is plausible to one district court judge might not be plausible to another. By October 2009, just six months after the Supreme Court's decision, there already were over five thousand lower federal court cases citing Ashcroft v. Iqbal. Hundreds of cases had

> been dismissed that previously would have gone forward.

Erwin Chemerinsky, CLOSING THE COURTHOUSE DOOR pp. 175-176. i.e., as is easily demonstrable, a government of laws and not of men is a fiction. The question is, what is this Court going to do to change this impression? Anything?

> There is a general presumption that judges are unbiased and honest.

Ortiz v. Stewart, 149 F.3d 923, 938 (9th Cir. 1998).

> Our ancestors knew better.
>
> Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men without a consequent loss of liberty! I say that the loss of that dearest privilege has ever been followed, with absolute certainty, every such mad attempt.

Patrick Henry, in a speech to Virginia Ratifying Convention, June 7, 1788.

II. MUST A DECIDING PANEL IN COURT OF APPEALS ADDRESS ALL OF THE ISSUES RAISED IN THE OPENING BRIEF?

As the deciding panel ruled, the statute of limitations and statute of repose barred Plaintiff's action. No, it didn't.

The deciding panel arrived at this conclusion by completely ignoring controlling precedent. Much of that precedent addresses lulling and fraud, words not even mentioned by the deciding panel. This is not a new problem.

> There are also available, especially to a court of last resort, certain thoroughly illegitimate leeways of action which can "buttress" or cover unreckonable deciding. Thus: the flat ignoring of authority in point which is technically controlling; the presentation of prior cases as if they held what they do not, or did not hold what they did; the ignoring or outright twisting of vital facts in the record in hand; and the like. The horrible thing here is that unwillingness to face up to responsibility for needed change in law or inability to discover and phrase a broadly solving rule can in a good cause lead even an upright and careful court to blacken the judicial shield by such procedures.

Karl Llewellyn, THE COMMON LAW TRADITION: DECIDING APPEALS, page 27 footnote 18 (Little, Brown and Co. 1960).

> The aggrieved party read and reread the briefs as well as the transcripts. His mind is fed on nothing else during the three months waiting for the action of the court. He knows every point raised. He can repeat every argument advanced. All his savings through a lifetime are tied up in the case. He knows he is right. Then comes the decision. It deals with none of the points argued. It shows on its face the court refused to read the brief. He had been tossed aside like a white chip. He knows, and his friends know, he has been denied his day in court.
>
> To that man, to his family and to his friends, organized society is organized iniquity.
>
> And the present system is manufacturing citizens of such sentiments by the thousands every year.
>
> Underneath the social unrest of the world today, as its main underlying cause, is the feeling in the breasts of the masses that justice is not for them. They do not know the cause, nor can they suggest the remedy,—and so they only want to destroy. Society to them has come to mean organized injustice.

John Rustgard,[1] Dry Bones" The Remedy for the Evil, 88 CENTRAL LAW JOURNAL, p. 341, 344 (May 9, 1919).

---

[1] Associate city attorney of Duluth, 1897-1898, mayor of Nome 1903-1904, U.S. district attorney 1st Division of Alaska, 1910-1914, and Attorney General of Alaska, 1921-1933.

> . . . if the goal of expediency it is given higher priority than the pursuit of Justice, then the bench and the bar both will have failed in their duty to uphold the Constitution and the underlying principles upon which our profession is founded.

Sims v. ANR Freight Systems Inc., 77 F.3d 846, 849 (5th Cir. 1996).

Other authorities are equally instructive:

> There was sufficient evidence to support the theory that the May 17, 1993 letter was a "lulling letter" in furtherance of the scheme to defraud. A lulling letter is "designed to lull the victims into a false sense of security, postpone their ultimate complaint to the authorities, and therefore make apprehension of the defendants less likely." United States v. Manarite, 44 F.3d 1407, 1412 (9th Cir. 1995) (quoting United States v. Maze, 414 U.S. 395, 403 (1974)).
>
> The May 17, 1993 letter was designed to lull the Phairs into a false sense of security that their money would grow at a faster rate because of a "European group" of investors. ("These European investors are set to invest up to $10,000,000 per year, so our growth should be very exciting.") "In such a scheme, the mailing reassures the victim that all is well[.]" Manarite, 44 F.3d at 1412. A rational jury could reasonably have found that Shaw's May 17, 1993 letter was a "lulling letter"

> designed to lull the victims into a false sense of security. The district court did not err in denying the motion for judgment of acquittal as to the mail fraud count, holding that "the May 17, 1993, letter is a textbook case of a lulling letter." . . .

U.S. v. Shaw, 97 F.3d 1463 (9th Cir. 1996).

> In a lulling scheme, subsequent mailings are "designed to lull the victims into a false sense of security, postpone their ultimate complaint to the authorities, and therefore make the apprehension of the defendants less likely." Maze, 414 U.S. at 403, 94 S.Ct. at 650 (distinguishing United States v. Sampson, 371 U.S. 75, 83 S.Ct. 173, 9 L.Ed.2d 136 (1962)); see, e.g., Sampson, 371 U.S. 75, 83 S.Ct. 173; Brutzman, 731 F.2d 1449; United States v. Jones, 712 F.2d 1316 (9th Cir.), cert. denied, 464 U.S. 986, 104 S.Ct. 434, 78 L.Ed.2d 366 (1983); United States v. Miller, 676 F.2d 359 (9th Cir.), cert. denied, 459 U.S. 856, 103 S.Ct. 126, 74 L.Ed.2d 109 (1982). "In such a scheme, the mailing reassures the victim that all is well, discouraging him from investigating and uncovering the fraud." Jones, 712 F.2d at 1321. Lulling schemes can include mailings sent by someone other than the defrauder, even routine mailings in the ordinary course of business.

U.S. v. Manarite, 44 F.3d 1407 (9th Cir. 1995).

> The plaintiffs characterize the district court's holding that Escambia County and Gadsden County are "binding precedent" as an application of the stare decisis doctrine. However, the district court's decision was not based upon stare decisis but instead upon the basic principle that district courts must follow the holdings of their court of appeals and the Supreme Court. These two principles, binding precedent and stare decisis, are distinct. The doctrine of stare decisis accords a court discretion to depart from one of its own prior holdings if a compelling reason to do so exists. E.g., Hilton v. South Carolina Pub. Ry. Comm'n, 502 U.S. 197, 202, 112 S.Ct. 560, 563-64, 116 L.Ed.2d 560 (1991). The binding precedent rule affords a court no such discretion where a higher court has already decided the issue before it.

Johnson v. DeSoto County Bd. of Com'rs, 72 F.3d 1556 (11th Cir. 1996).

> Neither we nor any other circuit have ever held that the misquoting of precedent is a violation of due process.

Oltarzewski v. Martinez, 50 F.3d 17 (9th Cir. 1995).

So much for "binding precedent".

A California law professor had some choice comments on this subject:

> What would be the measure of a right whose transgression carried no penalty? It would look more like a hope, or a request, than a guarantee.

Bandes, Reinventing Bivens: The Self-Executing Constitution, 68 SO. CAL. L. REV. 289, 306 (Jan. 1995).

> A right implies a correlative duty, and unless a duty is enforceable, it is not a duty but merely voluntary behavior.

Bandes, Reinventing Bivens: The Self-Executing Constitution, 68 SO. CAL. L. REV. 289, 307 note 77 (Jan. 1995).

> The Supreme Court is comfortable with the idea that rights may go unremedied and relies on injustices it has perpetrated in the past as authority for additional injustices.

Bandes, Reinventing Bivens: The Self-Executing Constitution, 68 SO. CAL. L. REV. 289, 310-311 (Jan. 1995).

CONCLUSION

The questions involved here are simple ones. Do we have a government of laws and not of men? Should Circuit Court and other judges be "held to account" for side-stepping issues and ignoring precedent? If the answer is "yes" than this Petition for Writ of Certiorari should be granted.

Respectfully submitted,

Scott Meide
Petitioner Pro Se &
Primary Contact
4446-1 Hendricks Avenue
Suite 327
Jacksonville, FL 32207
(904) 888-6454
jsicenterzo@gmail.com

David Hegland
Dawn Hegland
Petitioners Pro Se
2865 312th Street
Ellsworth, IA 50075

February 10, 2023