

22-7835

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

FRANCISCO ANTONIO CORDOVA — PETITIONER

VS.

MARIA LUISA CAMACHO — RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION EIGHT

PETITION FOR WRIT OF CERTIORARI

FRANCISCO ANTONIO CORDOVA
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FILED

JUN 06 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED

1. Can the Los Angeles Superior Court deny an American Citizen their Due Process rights to adequate notice and the right to be heard when depriving them of their property?
2. Can the California Superior Court ignore my Homestead Exemption filed on August 14, 2020, regarding my primary home residence?
3. Can the California Supreme Court ignore the Federal Bankruptcy Order discharged March 11, 2022? Accordingly, can the California Supreme Court allow two creditors, properly listed in the Bankruptcy Order, to collect on a legally discharged debt (Attorney's fees)?
4. What are the penalties against creditors who harass former debtors who were properly discharged by Bankruptcy Order?
5. Can the Los Angeles County Child Support Services violate and ignore two separate orders modifying child support and custody orders?
6. Can a California judge order the retroactive payment of rents spanning 13 years without a prior court order?
7. Can a judge order property, separately purchased before any legal marriage, to be sold in dissolution proceedings?
8. Can Los Angeles County Child Support (DCSS) collect debts without first filing a proof of claim breakdown sheet?
9. Can DCSS demand payment in the amount of \$268,704.94 when the judgment Order required payment in the sum of \$55,899.40?

10. Can a California Superior Court judge instruct Respondent Camacho to not pay the U.S. backed mortgage security and keep the money from rents in the sum of \$39,550.00?
11. Can a DCSS attorney fail to disclose the sum owed and in doing so mislead the court?

LIST OF PARTIES

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

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows: Beatriz Pelayo Garcia 125 East Pomona Blvd. Monterey Pk. Ca.91755

Michael Kang 125 East Pomona Blvd. Monterey Pk. Ca. 91755

County Of Los Angeles (DCSS) 5500 S. Eastern Ave. Commerce, Ca. 90040

Omar Gastelum 13215 Penn St. Suite 100 Whittier Ca. 90602

RELATED CASES

1. Los Angeles Superior Court Case BC343640, Victorino Rios, et al., v. Maria Luisa Camacho
2. Los Angeles Superior Court Case BC332824, Cabeza, et al., v. Maria Luisa Camacho

3. Los Angeles Superior Court Case 18STLC14071, Antonio Navarro, v. Maria Luisa Camacho
4. Central Civil West Case BY905967

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APPENDIX 4 U.S. Bankruptcy Court Discharge Order. Dated 03/09/11.

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APPENDIX 6 Schedule F for unsecured Claims discharging Creditor Omar Gastelum.

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APPENDIX 8 Minute Order re: Beatriz Pelayo Garcia's attorney's fees denied. Dated 09/18/2015.

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APPENDIX 11 Los Angeles County Homestead Declaration exemption in the amount of \$300,000. Dated 08/18/20.

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APPENDIX 13 Petitioner Cordova lien number 20220287905 recorded against real estate at 3624 Walnut St. Cudahy, CA 90201. Dated 03/11/22.

APPENDIX 14 Petitioner Cordova lien number 2022287904 recorded against real estate at 6221 Walker Ave, Bell CA, 90201 (primary residence). Dated 03/11/2022.

APPENDIX 15 L.A. County DCSS demanding \$88,014.98. Dated 10/04/22.

and second letter demanding an additional \$180,689.96. Dated 02/21/23.

APPENDIX 16 Court Minute Order. Dated 10/07/22.

APPENDIX 17 Minute Order. Dated 10/10/22.

APPENDIX 18 Closing Statement for 3624 Walnut St. Cudahy CA. Respondent Camacho receiving Total of \$187,686.70 and requesting fee waiver In Forma pauperis with the assistance of attorney Beatriz Pelayo Garcia and Michael Kang.

APPENDIX 19 Court Minute Order. Dated March 3, 2023.

Appendix 20 Court Minute Order. Dated May 3, 2023

APPENDIX 21 7 Amicus Curiae letters filed in the California Supreme Court. Including a letter from Samantha Cordova testifying that Petitioner Cordova has always taken care of his three kids since separation in February 2007.

APPENDIX 22 Reporter's transcript 03/10/2021 requesting \$3213.08 by 153 months without a prior order.

APPENDIX 23 Attorney Timothy Nilan CSSD audit findings total child support due \$ 31,299.03 dated May 2, 2022.

APPENDIX 24 CSSD Case manager requesting \$128,151.79 dated 12/30/2021. Stuff attorney Roye Randell demands \$268,704.94 letters dated 02/21/23 and 10/04/22.

APPENDIX 25 Bankruptcy rules requires CSSD proof of claim breakdown sheet, CSSD did not file one.

APPENDIX 26 Dated 09/30/2016 states total due \$33,921.73. How is it possible that in less than 3 years CSSD demands \$268,704.94?

TABLE OF AUTHORITIES

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| 1. Government Code Section 6801..... | 1 |
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

For case from state court:

The opinion of the highest state court to review the merits appears at Appendix 3 to the petition and is

unpublished

JURISDICTION

For case from state court:

The date on which the highest state court decided my case was 04/26/23. A copy of that decision appears at Appendix 1.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1. U.S. Constitution 14th Amendment, Due Process Clause**
- 2. Government Code Section 6801**
- 3. 3 Witkin Cal Evidence (4th ed. 2000) Presentation at Trial pp. 28-29**

STATEMENT OF CASE

Frist, Petitioner Cordova affirms that the trial judge, in violation of my due process rights, improperly denied me adequate notice in the Ex parte Notice hearing on Friday October 7, 2022 and a fair opportunity to present my evidence at trial on September 18 and November 7, 2019. The judge and Respondent Camacho's attorney, Beatriz Pelayo Garcia, refused to allow me to reasonably participate in the trial hearing.

Second, regarding the family court's judgment in the dissolution of his marriage which was filed February 2007. I filed a request for a nullity of marriage because I found Respondent Camacho had used fraudulently filed for marriage—she had used her sister's social security and identification who was already married at the time. My appeal was dismissed for lack of jurisdiction to review the interlocutory order. (*In re Marriage of Camacho* (Sep. 6, 2011, B217563) [nonpub. opn.] pp. *2-3.) The court told me the interlocutory order was temporary and subject to change as only final judgments are appealable. The Appellate court, in open court, told me to return once the judgment was final. I returned as instructed after judgment was entered on March 10, 2022, however, my appeal was ultimately denied due to the insufficiency of my brief.

Third, Respondent Camacho's Attorney, Beatriz Pelayo Garcia has been improperly harassing me for Attorney's fees. Garcia sued me for fees in the amount of \$57,840.00 and was denied as to all fees on 06/09/2008. Garcia was properly listed as discharged under Schedule "F" of my bankruptcy petition for which discharge

was granted by the U.S. Bankruptcy Court on 03/09/2011. The Minute Order dated 09/18/2015 also denied Garcia any attorney's fees. The attorney's fees were one more included and discharged in the U.S. Bankruptcy Court's Order dated 06/24/2022. Garcia failed to file a proof of claim and the case was closed.

Further, Respondent Camacho was found guilty for her fraudulent actions in *Zabala v. Camacho*, *Cabeza v. Camacho*, and *Navarro v. Camacho*. I was not involved in either case whatsoever, as such for her attorneys to go after me for their fees is improper.

Fourth, the court forced the sale of my triplex at 3624 Walnut St., on 10/18/22. Garcia, investors and international buyers Jose and Aracely Mendoza agreed also with Staff CSSD attorney Roye Randall that all-cash purchase was subject to an express contingency (as well my Lis Pendens encumbrance) and subject to Appellate approval. Garcia kept \$ 81,123.41 from the proceeds for attorney's fees that were discharged twice. This is a direct violation of both United States Bankruptcy Court discharge orders dated March 9, 2011, and the discharge order on June 24, 2022. Appellant respectfully requests this Honorable Supreme Court order Pelayo-Garcia a full and complete refund to Appellant Cordova.

CSSD demanded \$48,671.59 (CT 80) and staff attorney Roye Randall's second demand letter dated 10/04/22 requested and CSSD received \$88,014.98, which far exceeds the court ordered amount. This is especially egregious as CSSD had the order with .39% time share since March 2011, issued first by the court commissioner (CT 313) and later by Honorable Judge Ralph C.Hofer. Staff Attorney

Roye Randall sent a demand letter to the pending escrow, dated October 4, 2022, and CSSD received \$88,014.98. Appellant respectfully requests this Honorable Supreme Court order CSSD release this funds to Cordova.

The court commissioner first and later Judge Ralph C. Hofer Found .39%, custody time-share on June 4, 2012 and CSSD issued zero % time share to appellant Cordova. Appellant respectfully requests this Honorable Supreme Court order CSSD to release this \$88,014.98 in funds.

Francisco A Cordova homestead declaration allows the homeowner to keep equity of \$313,200 in the amount protected by homestead exemption.

Staff Attorney Roye Randall sent a demand letter to the pending escrow, dated October 4, 2022, and CSSD received \$88,014.98. Appellant respectfully requests this Honorable Supreme Court order CSSD release this funds to Cordova.

REASONS FOR GRANTING THE PETITION

Petitioner Cordova respectfully requests this U. S. Supreme Court grant writ of Certiorari for the following reasons:

Every American's right to due process of law, as "due process of law" includes as a fundamental element, the right to adequate notice and the right to be heard in a meaningful manner. *Grannis v. Ordean* (1914) 234 U. S. 385, 394 [34 S. Ct. 779, 783, 58 L. Ed. 1363] "The fundamental requisite of due process of law is to be heard." *Elkins v. Superior court* (2007) 41 Cal 4th 1337, 1357-1358, "One of the elements of a fair trial is the right to offer relevant and competent evidence on a

material issue. Subject to such obvious qualifications as the court's power to restrict cumulative and rebuttal evidence, and to exclude unduly prejudicial matter denial of this fundamental right is almost always considered reversible error" *ibid* , quoting 3 Witkin, Cal. Evidence (4th ed. 2000). In *re the Marriage of Carlsson* (2008) 163 Cal. App. 4th 281 "[A] party should not be bound or concluded by a judgment unless he has had his day in court. This means that a party must be duly cited to appear and afford an opportunity to be heard and to offer evidence at such hearing in support of his contentions,[q] his right to a hearing does not depend upon the will, Caprice or discretion of the trial judge who is to make a decision upon the issues , [q] An order or judgment without such opportunity is lacking in all attributes of a judicial determination. (id., at p. 283.) "The term due process of law asserts a fundamental principle of justice which is not subject to any precise definition but deals essentially with the denial of fundamental fairness , shocking to the universal sense of justice issues."

A trial judge should not prejudge the issues but should keep an open mind until all the evidence is presented to him. *Hansen v. Hansen* (1965) 233 Cal. App. 2d 575, 584, [43cal Rptr. 729. [Id at pp. 290-291] The failure to accord a party litigant his constitutional right to due process is reversible *per se*, and is NOT subject to the harmless error doctrine. (Id., at p. 293) *Kelly v. New West Federal Savings* (1996) 49 Cal. App. 4th 659, 677. "Denying a party the right to testify or to offer evidence is reversible *per se*." (*Kelly v. New West Federal Savings* (1996) 49 Cal. App 4 th 659, 677 [56 Cal.Rptr. 2d 803] (*Kelly*); accord, *Fewel v. Fewel* (1943)

23 Cal.2d 431,433 [144 P. 2d 592]; Guardianship of Waite (1939) 14 Cal. 2d 727, 729,[97 P 2d 238]; Caldwell v. Caldwell (1962) 204 Cal App. 2d 819, 821 [22 Cal. Rptr. 854].

Further, Petitioner Cordova respectfully requests this U. S. Supreme Court to note the Ex parte Notice hearing on Friday October 7, 2022 wherein I was not afforded proper notice. The hearing was for the forced sale of my triplex at 3624 Walnut St. Cudahy denied by honorable Mark A. Juhas who found that “that there are no exigent circumstances to rule on the Ex Parte today in Department 64.” The deputy clerk did not email minute order as noted on the bottom minute order of page 2. However, the next business day on Monday, October 10, 2022, it was granted by retired Judge Rolf M. Treu in Department 43. Further, the same deputy clerk only emailed the Minute Order to attorney Beatrice Pelayo Garcia. Petitioner Cordova begs and prays the U.S. Supreme Court to look closely at this issue and reverse the forced sale made on October 18, 2022 Re: 3624 Walnut St. Cudahy, CA 90201.

Because of my circumstances following the family court’s judgment I was unable to get proper representation to aid me in filing my appellate brief. Moreover, due to my lack of English proficiency and education I was unable to get help provide adequate legal analysis in my brief.

I respectfully ask the Court to review this case which can impact many fathers in similar situations.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



FRANCISCO ANTONIO CORDOVA

Date: 06-06-2023