

Supreme Court, U.S.

FILED

MAR - 7 2023

OFFICE OF THE CLERK

22-879

In the  
Supreme Court of the United States

CONSTANTINO BASILE,  
*Petitioner*

v.

THE LOS ANGELES FILM SCHOOL,  
LLC. *ET. AL.*,  
*Respondent*

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

PETITION FOR  
WRIT OF CERTIORARI

CONSTANTINO BASILE  
324 S. Beverly Dr. #1207  
Beverly Hills, Ca. 90212  
(424)645-4175  
constantino.basile@gmail.com

## QUESTION

Whether the Petitioner's brother Alexander Basile being murdered 6-3-22, the horrific beating and skewering of his body by unknown Secret Service, MI5 (Boris Johnson immediately retiring and Her Majesty the Queen apparently committing suicide) and Santa Monica Police Department covering up with false police reports contradicting 911 calls, all parties in violation of previously applied Federal Statutes with RICO in "the RICO Complaint" already reported to all agencies - Pentagon desk at The White House, FBI Anti-Terror, Sara Licherman - CIA c/o National Counter Terrorism Center due to the murder occurring in identical "*threat then attack*" pattern that these studio Defendant-Respondents used before Metrolink terror as threat mechanism already before this court with great detail - entitles Petitioner to an immediate award for summary judgment as to the Defendant-Respondents "Defendants to the Copyright Claims" and related Southwest Airlines Defendants, outlined to have conspired to attack Petitioner and his family to evade copyright conviction several times now committing murder in lieu of paying Petitioner's damages increasing due to wrongful death, *IF* the lower courts are refusing to provide immediate remedy in violation of F.R.C.P. 60(b) and 60(d), or to recuse or disqualify in violation of 18 U.S.C. § 455(a), one particular judge of the Central District Court refusing to allow for a different impartial judge to review the damage caused by his *initial failure to provide determination* of only a magistrate's order *affirmed* with a crude assessment of circumstances in error *repeatedly by The Ninth Circuit.*

RESPONDENTS:

- (1) The Los Angeles Film School, LLC  
dba The Los Angeles Film School (listed on cover)
- (2) Twentieth Century Fox Film Corporation
- (3) Scott Free, LLC.
- (4) Sony Pictures Entertainment, Inc.
- (5) Sony Pictures Television, Inc.
- (6) Kripke Enterprises
- (7) Amblin Entertainment, Inc.
- (8) NBCUniversal Media, LLC (NBCUniversal)
- (9) Warner Bros. Entertainment, Inc.
- (10) Legend Pictures, LLC. (Legendary Pictures),
- (11) Lilly Wachowski (Andrew Wachowski),
- (12) Lana Wachowski
- (13) Ehm Productions , Inc. (TMZ)
- (14) Jonathon Nolan
- (15) Christopher Nolan
- (16) Onza Partners SL, Onza Entertainment
- (17) RIO Properties, LLC (“RIO - All Suites Hotel  
Casino - Caesars Entertainment Corporation)
- (18) Thorndal, Armstrong, Delk, Balkenbush &  
Eisinger (19) Southwest Airlines, Co.
- (20) Robert A. Lark, P.H.D.
- (21) Las Vegas Metropolitan Police Department
- (22) Superior Court of California, County of Los  
Angeles
- (23) U.S. District Court – Central District of  
California of Western Division
- (24) The Ninth Court of Appeals
- (25) The Federal Bureau of Investigation
- (26) JAMS, Inc.
- (27) Mitchell, Silberberg & Knupp LLP

- (28) Ford Harrison, LLP
- (29) City of Oxnard (Oxnard Police Department)
- (30) City of Beverly Hills (Beverly Hills Police Department)
- (31) Michelle Obama
- (32) Blake Lively
- (33) Nancy Pelosi (California's 12<sup>th</sup> Congressional District)
- (34) Gold Coast Cab Company
- (35) Alston & Bird, LLP.

## TABLE OF CONTENTS

QUESTION PRESENTED.....	i
TABLE OF AUTHORITIES.....	iv-vi
PETITION FOR WRIT CERTIORARI.....	1
OPINIONS BELOW.....	1
JURISDICTION.....	3
RELEVANT CONSTITUTIONAL PROVISIONS.....	5
STATEMENT OF THE CASE.....	5
SUMMARY OF ARGUMENT.....	10
Chain of events outlining Defendant-Respondents' violations of numerous federal statutes including racketeering activities as defined in 18 U.S.C. § 1961, occurring before, during and after the terror related murder of Alexander Basile.....	12
Timeline of New Events Leading to Alex's Murder.....	14
REASONS FOR GRANTING THE WRIT.....	23
Oversight is Required of Judge Stanton's Order in Furtherance of Judge Carney's Obstruction.....	26
Related Issue Requiring Injunctive Remedy from California State Gov. Gavin Newsom.....	28
CONCLUSION .....	33

APPENDIX TO PETITION FOR WRIT OF CERTIORARI.....	34
TABLE OF CONTENTS TO APPENDIX .....	35
APPENDIX A - Order from the Central District Court on Petitioner's Motion to Recuse Judge Carney and Judge Stanton Pursuant to 28 U.S.C. §455(a) and for Appropriate Relief Pursuant to F.R.C.P. 60(d).....	36
APPENDIX B - The Ninth Circuit's Affirmation of the Order from the Central District Court on Petitioner's Motion to Recuse Judge Carney and Judge Stanton Pursuant to 28 U.S.C. §455(a) and for Appropriate Relief Pursuant to F.R.C.P. 60(d).....	38

## TABLE OF AUTHORITIES

Cases

<i>Adkisson v. Jacobs Eng'g Grp., Inc.</i> , 790 F.3d 641, 649 (6th Cir. 2015).....	32
<i>Basile v. Sony Pictures</i> .....	2
<i>Basile v. The Los Angeles Film School, LLC et al.</i> .....	7
<i>Basile v. Warner Bros. Entertainment</i> .....	7
<i>Basile v. Southwest Airlines, Co.</i> .....	13
<i>Caperton v. A.T. Massey Coal Co.</i> , .....	24
<i>Dainese v. Cooke</i> , 91 U.S. 580, 584 (1875).....	5
<i>Giraldes v. Roche</i> , 357 F. App'x 885, 886 (9th Cir. 2009) (mem.).....	32
<i>Grosso v. United States</i> , 3 90 U.S. 62, 71 .....	27
<i>Haynes v. United States</i> , 390 U.S. 85, 101 (1968) .....	27
<i>Jerri v. Harran</i> , 625 F. App'x 574, 578–79 (3d Cir. 2015).....	32
<i>Levin v. Miss. River Fuel Corp.</i> , 386 U.S. 162, 170 (1967).....	9
<i>Liteky v. United States</i> , 510 U.S. 540, 554 (1994).....	31
<i>Payne v. Britten</i> , 749 F.3d 697, 700 (8th Cir. 2014).....	9
<i>Ward v. Village of Monroeville</i> , 409 U.S. 57 (1972).....	23
<i>Sibbach v. Wilson &amp; Co.</i> , 312 U.S. 1, 9–10 (1941).....	31

<i>United States v. Robin,</i>	
553 F.2d 8, 9 (2d Cir. 1977) (per curiam).....	31
<i>Wayman v. Southard,</i>	
23 U.S. (10 Wheat.) 1, 21-22, 43 (1825).....	31
<i>Watts &amp; Co. v. Unione Austriaca</i>	
<i>Di Navigazione,</i>	
248 U.S. 9, 21 (1918) 196 Watts.....	9
<i>Yates v. United States</i> , 354 U.S. 298, 327-31 (1957);.....	27
 <u>Federal Statutes</u>	
18 U.S.C. §1503(a).....	1,6
18 U.S.C. §1510.....	1,6
18 U.S.C. §1511.....	1
18 U.S.C. §1512.....	1,6
18 U.S.C. §1513.....	1,6
The Racketeer Influenced and Corrupt Organizations Act .....	1,2,3,6,8,10,26,32
18 U.S.C. §1958 .....	6
18 U.S.C. §1961.....	1,5,6,12
18 U.S.C. §1962(c).....	5
42 U.S.C. §1983.....	1,5,6
18 U.S.C. §1985(2).....	1,5,6
18 U.S.C. §1986.....	1,6
18 U.S.C. §1992 .....	6
18 U.S.C. §2073.....	13
18 U.S.C. §2319.....	1
18 U.S.C. §2332b.....	1,6
18 U.S.C. §2339A.....	1,6
28 U.S.C. § 47 .....	26
28 U.S.C. §455(a).....	1,4,10
28 U.S.C. §2106.....	4,27,28,31,32

The United States of America Constitution

<i>The Fifth Amendment</i> .....	3,5
<i>The Fourteenth Amendment</i> .....	3,5
<i>The First Amendment</i> .....	4,5
U.S. CONST. art. I, § 8, cls. 9,18.....	27
U.S. CONST art. III, § 1, cl. 1.....	27
U.S. CONST art. III, § 2, cl. 2.....	27
U.S. CONST. art. I, § 8, cls. 9, 18.....,.....	31
<i>id.</i> art. III, § 1, cl. 1; .....,.....	31
<i>id.</i> art. III, § 2, cl. 2.....	31

Federal Rules of Civil Procedure

F.R.C.P. 60(d) .....	1,10
F.R.C.P. 60(b).....	i
Supreme Court Rule 10.....	1

Other Authorities

Arthur D. Hellman, The Shrunken Docket of the Rehnquist Court, 1996 SUP. CT. REV. 403, 433.....	28
---	----

Carolyn Shapiro, The Limits of the Olympian Court: Common Law Judging Versus Error Correction in the Supreme Court, 63 WASH. & LEE L. REV. 271, 273 (2006).....	28
--	----

The USA Patriot Act section 411.....	2
--------------------------------------	---

Section 25 of the Judicial Act 1789.....	32,33
--	-------

Judiciary Act of 1789, ch. 20, § 24, 1 Stat. 73, 85: pp/ 23 24.....	32
--	----

Judiciary Act of 1789, ch. 20 § 25, 1 Stat. at 86 (emphasis added).....	33
--	----

Cases:

*Basile v. Los Angeles Film School, LLC.*

Case No. 2:14-cv-00412

United States District Court - Central District of California - Western Division - Dismissed

*Basile v. Los Angeles Film School, LLC.*

Appeal No. 15-56309

The Ninth Circuit Court of Appeals - Affirmed

*Basile v. Twentieth Century Fox Corporation*

Case No. 2:14-cv-04263

United States District Court - Central District of California - Western Division - Dismissed

*Basile v. Twentieth Century Fox Corporation*

Appeal No. 14-56423 - Affirmed

The Ninth Circuit Court of Appeals - Affirmed

*Basile v. Sony Pictures Entertainment*

Case No. 2:14-cv-04264

United States District Court - Central District of California - Western Division - Dismissed

*Basile v. Sony Pictures Entertainment*

Appeal No. 14-56418 - Affirmed

The Ninth Circuit Court of Appeals - Affirmed

*Basile v. Warner Bros. Entertainment*

Case No. 2:15-cv-05243

United States District Court - Central District of California - Western Division - Dismissed

*Basile v. Warner Bros. Entertainment*  
Appeal No. 16-55067 - Affirmed  
The Ninth Circuit Court of Appeals - Affirmed

*Basile v. Southwest Airlines Co.*  
Case No. 2:15-cv-01883  
United States District Court - Central District of California - Western Division - Dismissed

*Basile v. Southwest Airlines Co.*  
Appeal No. 18-16332 - Affirmed  
The Ninth Circuit Court of Appeals - Affirmed

*Basile v The Los Angeles Film School, LLC. et al.*  
Case No. 2:18-cv-08604  
United States District Court - Central District of California - Western Division - Dismissed

*Basile v The Los Angeles Film School, LLC. et al.*  
Appeal No. 19-56293  
Appeal No. 20-56276  
The Ninth Circuit Court of Appeals - Affirmed  
(decision pending while Supreme Court RULE 11 was filed) - Affirmed

*Basile v The Los Angeles Film School, LLC. et al.*  
Case No. 21-125  
United States Supreme Court - Cert. Denied

*Basile v The Los Angeles Film School, LLC. et al.*  
Appeal No. 21-56266  
The Ninth Circuit Court of Appeals - Affirmed  
appeal of 455(a) and 60(d) motion - Central District Court - Case No. 2:18-cv-08604

**PETITION FOR A WRIT OF CERTIORARI**

Petitioner Constantino Basile respectfully petitions for a writ of certiorari under Supreme Court Rule 10, from the judgment entered by The Ninth Circuit Court of Appeals.

**OPINIONS BELOW**

The order of the Central District Court dismissing a 28 U.S.C. 455(a) and F.R.C.P. 60(d) motion filed to remove an only obstructive vexatious litigant order to "provide material support" to Defendant - Respondents, preventing proper and continued litigation of Petitioner's claims filed then referenced by a magistrate as if tried already, for Criminal Infringement of a Copyright - 18 U.S.C. §2319 under 18 U.S.C. §1961 of the RICO Act; 18 U.S.C. §1503(a), §1510, §1511, §1512, §1513; §2332b; 2339A; and Civil Rights Violations under 42 U.S.C. §1983, §1985(2), and §1986, these dismissals and affirmations so far from the standard of application of due process are all conflicting with U.S. Code and the interest of justice. The original "RICO Complaint" illegally dismissed then dismissal affirmed in The Ninth Circuit Court of Appeals, Petitioner then immediately filing a motion to set aside judgement and recusal request for an amended complaint to be filed, followed by two 28 U.S.C. 455(a) and F.R.C.P. 60(d) motions , the first round requiring a Rule 11 petition, then again the second relief and recusal motion filed for oversight into Judge Carney's dismissive behavior : the motion noting Supreme Court briefing and obstructive circumstances - denied by Judge Carney again now refusing to allow any judge in the Central District -

Western Division to even view the documents he refused to conduct determination of comprising “the RICO complaint”. The response in Ninth Circuit was stalled long enough this time for Petitioner’s brother **Alexander Basile to have been violently murdered** before this new panel with 4<sup>th</sup> Chief Judge in the Ninth Circuit could release their order affirming without analysis, the Ninth Circuit’s Docket eerily frozen on Respondents’ counsel’s name - Emily, a possible reference to family member.

Supporting this contention, a threatening admission pattern by the Defendant-Respondent’s was discovered again related to the murder of Alex, similar to their public demand to be acquitted and protected after the Opening Brief filed for *Basile v. Sony Pictures, disgracing and intimidating* Petitioner by attacking his father on the Metrolink.as part of their theft and life ruin of the Basile Family.

When these facts and occurrences are considered including Nevada with kidnapping while in motion and the other violence of attempted murder of Petitioner in California 10-17-19 (the day of release of the Judge Carney affirmation of the magistrates order) - 3 years after the Metrolink by beating near death the Petitioner, a murder controlled by Respondent-Defendant Oxnard Police Department, the latest gruesome addition to the long list of charges that ought to be filed against Respondent-Defendants for terrorism and violation of the Patriot Act particularly section 411, with attempted murder to cover theft and stolen profits now making way through to the murder of Petitioner’s brother. This makes the violations of RICO in furtherance of

obstructing all properly claimed issues; conspiracy to commit murder as part of terrorism to escape liability for copyright damages and previous injuries inflicted for which the prayer must be amended to a more proportionate 5 Billion Dollars to include wrongful death. (*See U.S. Supreme Court - Case No 21-125 - Petition for Writ of Certiorari*)

### **JURISDICTION**

As once before reported in the emergency Rule 11 petition, The Ninth Circuit Court has affirmed Judge Carney's affirmation of Magistrate Judge Spaeth's faulty "res judicata" finding, this time in continued violation of RICO by following up his cover up of his refusal to review the documents of Judge Stanton relying on docket only and saying so in her affirmation of Judge Carneys faulty agreeance, both without review of content, Judge Carney not even allowing for another judge to review the analysis of his wrongs and Judge Stanton's participation; shielding his failure to act as oversight to the mishandling of the issues by the magistrate and the obstruction continuing, we must remember, this obstruction all began with a comment of "the RICO Complaint" to be only a "fantastical" assembly of facts by the magistrate showing immediate bias to properly pronounced application of legal science.

This series of horrifying and abusive decisions over a 9 year period of time warranted an appeal to lead to management of Defendant-Respondents to ADR with partial summary judgment.

Unfortunately, The Ninth Circuit did not process the documents and abused the Petitioner and its discretion affirming contrary the to the 5<sup>th</sup> and 14<sup>th</sup>

Amendments of The United States Constitution, supportive of Judge Cormac J. Carney's refusal to allow Petitioner further use of the court system at all in violation of the 1st Amendment, as the above court has been enrolled to comply, disgracefully failing to apply U.S. Code.

The 1<sup>st</sup> Amendment guarantees citizens of the United States adequate cure to district and appellate courts' refusal to participate in the process and provide management of properly plead claims to ADR for discussion though completion with agreeance as to award for damages and injustices suffered, not steal documents and exhibits and block "redress of grievances" with inapplicable law.

This petition is a report and petition for a review of all facts and circumstances but specifically requesting proper oversight of the dismissal of the Petitioner's Motion to Recuse Judge Carney and Magistrate Judge Spaeth pursuant to 28 U.S.C. §455(a) and F.R.C.P. 60(d), and overview to explore new summary adjudication possibilities in The United States Supreme Court. Alternatively, to begin with removal of the vexatious litigant label to continue to ADR with The Supreme Court's instructions for partial summary judgment activating the operative "RICO complaint" for an amended filing of additional RICO violations and new Defendants, as described and explained in the previously filed Petition for Writ of Certiorari and here.

The United States Supreme Court has jurisdiction pursuant to 28 U.S.C. §2106.

## **RELEVANT CONSTITUTIONAL PROVISION**

The Fifth and Fourteenth Amendment to the United States Constitution provides in part, "No state shall ...deprive any person of life, liberty, or property, without due process of law." The First Amendment protects Petitioner's right to redress grievances in the courts of the United States of America.

## **STATEMENT OF THE CASE**

The Racketeer Influenced and Corrupt Organizations Act protects all U.S. citizens pursuing remedy for civil claims with available resources applicable to punishing criminal activities outlined in 18 U.S.C. §1961, in addition to acts indictable under 18 U.S.C. §1962(c), to safely pursue life, liberty, and property and reclaim one's property if stolen as part of conspiracy in violation of 42 U.S.C. §1983 and §1985; a civil claim in this particular complex situation now more seriously requiring attention of this Court to discover the new details of Petitioner's brother's murder, carried out very openly to the public by new conspirators for Respondent-Defendants, the murder solicited on the televised Academy Awards.

Petitioner is entitled to aid with legal process for civil and criminal as additional criminal activities by Defendant-Respondents all having conspired to remove Petitioner of his property and prevent him from resolving these theft issues, with their *9 years of obstruction, violence, trickery, and murder.*

Defendants engaged in many acts violating 18 U.S.C. §1961 §1503a, §1510, §1512, §1513, §2339A, §2332b, §1992, §1958 and 42 U.S.C. §1983 and §1985(2), §1986, with end result exceeding 1 Billion dollars in proven actual box office profits, in the two most infringing works, 2.2 Billion earned from Defendant-Respondents Warner Bros., portion of which should be discussed as well as their participation in racketeering threats followed by Robin Williams' death - the character Kurzweil from Petitioner's submitted and stolen material used in The Dark Knight Rises played by Robin Williams; the trailer of cut footage released and exhibited, Robin Williams eerily saying that everyone knows how easy it is to kill someone. (See District Court - Case No. 2:18-cv-08604 - Dkt # 5 - Complaint, Exhibits VOL. IV.)

This all-encompassing case at issue here involves intellectual property theft and conspiracy, the theft furthered with violent attacks and murder. (See Central District Court - Case No. 2:18-cv-08604 - Dkt. No. 1 and Dkt No. 210, Exh.3) of the Petitioner and his immediate family during preparation and litigation of the 4 individual copyright Complaints dismissed in clear error in the District Court.

These issues are outlined as *continuous conspiracy* filed properly as a Complaint (hereinafter referred to as "the RICO complaint") and heard only in opposition hearings then abruptly recommended for dismissal on grounds of res judicata when there is nothing repetitive or imperfect or relabeled, while obstructively deeming Petitioner a vexatious litigant while forcing additional filings with RICO violations by their staff.

**6-10-15 - *Basile v. The Los Angeles Film School, LLC***  
(See "the RICO complaint" - Central District Court - Case No. 2:18-cv-08604 - Dkt. No. 1) - Kane Tien removed after its filing an extremely critical 2049 page document (Decl. in Support of Plaintiff's Motion to Vacate Arbitration Award) with reports of the parties threatening before attacks and legal failures by the JAMS Arbitrator to facilitate resolution of the many properly presented claims.

The 2049 page document wasn't found until Petitioner called then showed up to the District Court clerk and Kane Tien looked for it and found it, then scanning it into the docket on 6-30-15, after response by Defendant-Respondents.

A few days before its refile 7-20-15, Petitioner left for downtown and a few hours later Defendant-Respondent Oxnard Police staged a break in at Petitioner's parent's home making reference to Kane Tien in a way only Petitioner would understand. After searching Petitioner's room questionably on a break in, the one Officer telling Petitioner's mother that "he has teenagers" and to "tell your son to keep his room cleaner" (inferring mouth shut), with enough oddity for it to have been mentioned to Petitioner when he returned; the beginning of the racketeering by Oxnard Police Department. The content of the missing 2049 page document that was being refiled, clearly the Oxnard Police Department's concern and target.

**7-13-15 - *Basile v Warner Bros.*** - Andres Pedro stole a package of 28 non-paper e.s.i. exhibits to a copyright claim after its manual filing, essential to briefing, changing the course of the entire litigation

process of several copyright claims a matter of law, causing wasted court and Petitioner's time prolonging the dangerous pursuit of resolution to the claims resulting in many of the Defendant-Respondents threatening and carrying out violent attacks on every member of Petitioner's family; violations by trickery and spoliation,

"MIB3" After its filing, *The Ninth Circuit Court removed* the critical MIB3 dvd when transmitted, seemingly to rely on Defendant-Respondent's edited version as reason for declaring the Petitioner's work not to be infringing. (See Central District Court - Case No. 2:18-cv-08604 - Dkt.No.1 ¶94)

"Prometheus" Twentieth Century Fox and Scott Free Films, during processing of the copyright claim, were caught in clear conspiracy the U.S. copyright office: (See Central District Court - Case No. 2:18-cv-08604- Dkt. No.1 ¶151)

*Dainese v. Cooke*, 91 U.S. 580, 584 (1875) (remanding where "the summary and irregular manner in which the case was tried below leaves this court in great doubt as to what was tried, and on what evidence the cases were heard")

After briefing this U.S. Supreme Court with no definitive response officially on three of the four copyright appeals "dismissed in pattern" by the Central District Court and affirmed 2-27-17 by The Ninth Circuit, all claims were adjusted into one claim after realization of all elements of true conspiracy being present, seasoned heavily with violations of RICO and Civil Rights, "the RICO complaint" was filed 10-5-18. Hearings took place

1-9-19 and 1-16-19 on Defendant's Motion to Dismiss before Magistrate Judge Autumn D. Spaeth. (See Ninth Circuit Court - Appeal No.19-56293 - Dkt. No. 11, Exh. 4 and Dkt. Nos. 9 and 13 - *Transcripts of hearings*) The Report and Recommendation issued by the Magistrate strangely in the same pace and mood as the *suggestion* by counsel for Defendant- Respondent Mitchell Silberberg and Knupp (Counsel for Defendant Sony Pictures and Steven Speilberg) to deem Petitioner a vexatious litigant. (See U.S. Supreme Court - Case No. 21-125 - pp. 6-10)

See *Payne v. Britten*, 749 F.3d 697, 700 (8th Cir. 2014) (treating the district court's failure to rule on the defendants' qualified-immunity defense as equivalent to a denial of the defense, asserting interlocutory appellate jurisdiction over the denial, and remanding for a ruling)

Here, we could treat The Central District Court's and The Ninth Circuit Court of Appeal's failure to order remedy the exact same way.

Petitioner asserts that proper jurisdiction is that of The Supreme Court to order an award for damages as well as remand. As the Court explained in one case involving an intervening development, "[t]his court, in the exercise of its appellate jurisdiction, has power not only to correct error in the judgment entered below, but to make such disposition of the case as justice may at this time require." *196 Watts, Watts & Co. v. Unione Austriaca Di Navigazione*, 248 U.S. 9, 21 (1918).

To more urgently note: See *Levin v. Miss. River Fuel Corp.*, 386 U.S. 162, 170 (1967) (observing that "this point is so clear that we see no occasion for remanding the issue to the Court of Appeals for its

consideration of the point" and that "[e]ffective judicial administration requires that we dispose of the matter here"). (*See* U.S. Supreme Court Case No. 21-125, Petition for writ of certiorari pp. 11-16)

#### SUMMARY OF ARGUMENT

Since "the RICO Complaint's" dismissal with affirmation by the Ninth Circuit, the 2 Motions for Disqualification and for Appropriate Relief Pursuant to F.R.C.P. 60(d) having been *mishandled also* preventing ADR since 10-5-2018, all Respondent Defendants have engaged in terrorism activities and RICO related crimes in violation of conspiracy and terrorism statutes, including Judge Carney individually they're having been violent events immediately after (1) his refusal to conduct proper determination of the magistrates corrupt order, 10-17-18 Petitioner's beating and robbery occurring, and (2) after refusal to provide 60(d) remedy pursuant to F.R.C.P. and section 455 recusal - disqualification motion the first time ignoring the assault of Petitioner's mother and the necessity to amend; Complaint with additional RICO violations by new Defendants and existing Oxnard Police was filed 7-27-20. It was rejected, beginning Judge Carney's stubbornness by refusal to recuse himself and provide relief in the interest of justice. RICO is ongoing and the Ninth Circuit was failing. Now Judge Carney pushing appeal to the known Ninth Circuit obstructive "*one Lump or two conditioning*" their having stalled now long enough for what cannot be allowed to be an abrupt end to the judicial system's potency in administering justice

and awarding damages with “*pattern public threat and murder*” with the 6-3-22 murder of Petitioner’s brother.

Dismissing this latest motion for remedy from his obstructive order now that the Ninth Circuit so passively ignored requiring second petition to this Court ( *See* U.S. Supreme Court-Case No. 21-125, Petition for writ of certiorari, pp.15-21), Judge Carney is being protected with violence; his order carried out by associates apparently having now attacked and derailed a Southern Amtrak train for his court’s reference by his unknown ISIS affiliated friends - groups Nancy Pelosi was referencing in the leaked Sony emails and who she was bent on going to see after their leader died; President Trump not allowing it as it was a probable message passing opportunity(documents available) ( *See* Central District Court - Case No. 2-18-cv-08604 - Dkt. #s 237-239, filed 11-8-21 - Plaintiff’s Motion for Reconsideration)

These unknowns who managed to kill 5 people in the Southern Train attack previously forwarding request for money to Nancy Pelosi and Mitch McConnell in Johnny Depp’s home state of Kentucky between Petitioner’s prep and filing of the appeal for an obstruction, the appeal filed a few days after the 1-1-21 home destruction messaging,(*See* U.S. Supreme Court - Case No 21-125 – Petition for writ of certiorari p.12 ) after Judge Carney had repeated issue managing proper orders on papers filed for this litigation’s completion via ADR, his refusal to participate at all now requires final action by this Court.(*See* Central District Court - Case No. 2:18-cv-

08604 - Dkt #s 232-236) and( Ninth Circuit Court - Appeal No. 21-56266 Dkt #2)

**Chain of events outlining Defendant-Respondent's violations of numerous federal statutes including racketeering activities as defined in 18 U.S.C. § 1961, occurring before, during and after the terror related murder of Alexander Basile.**

Plaintiffs brother Alexander Basile was murdered while Petitioner was awaiting decision from the Ninth Circuit Court of Appeals on Plaintiff-Appellant's Opening Brief and Motion to Transmit Physical Exhibits filed 11-30-21, responded to by Respondent-Defendants 2-14-22 through 3-31-22, notice of attorney changes to Defendant-Respondents ("Defendants to the Warner Bros. copyright claims") 5-10-22; The Ninth Circuits 3<sup>rd</sup> – 4<sup>th</sup> Chief Judge change happening during this wait for response through the June 3 2022 murder, their decision on motion to transmit and request for summary judgment to Respondent-Defendants *Basile v. Southwest Airlines, Co.* and additional Nevada Defendants and remand denied by affirmation.

*This Motion for Summary Judgment* requested to be addressed in the Ninth Circuit, related to the Motion for Appropriate Relief and Recusal of Judge Carney, was initially sought in the Ninth Circuit after the District Court's failure to provide the remedy however, the separately filed appeal for Southwest Airlines, Co., was erroneously affirmed in pattern (*See Ninth Circuit Court - Appeal No. 18-16332*). When filed with related Nevada Defendant-Respondents with necessary accompanying

documents prepared while the claims were in Nevada District Court, trial obstructed after two years of preparation there, and again here a 2<sup>nd</sup> time opportunity for review not provided to remand the Complaint in its entirety or grant summary adjudication for Southwest Airlines Defendant-Respondents, failure in two states ; the district courts and Ninth Circuit also obstructing the management to ADR and the summary judgement remedy form all Respondent-Defendants and trial of "the RICO Complaint".

To review, in *Basile v. Southwest Airlines, Co.*, Judge Boulware's decision to dismiss was said to be based on information relayed in error intentionally by Magistrate Judge Cam Ferenbach, 18 U.S.C. § 2073, which was an obstructive RICO violation as was the truth of what happened after a Petitioner filed reporting what had happened in neuropsych exam. Petitioner was followed after filing the Motion to Compel Cooperation with Discovery with recorded threat by Dr. Lark, and obstruction by Southwest's counsel who withheld the PTSD REPORT Dr. Lark was to examine for 30 days before, followed an hour later by a kidnapping and attempted murder of Petitioner near the courthouse. (See *Basile v Southwest Airlines, Co.* - Central District Court - Case No. 2:18-cv-08604 - Complaint, Exhibits, VOL. V.)

---

Urgently, summary judgement requested here on its Motion for Appropriate Relief and Recusal appeal from Judge Carney's latest refusal to allow for no oversight or review of his order by another impartial judge, after his saying in his order on the previous

Motion for Appropriate Relief and for Disqualification-Recusal there was no error in Judge Stanton's review of his having not conducted his own determination in his few day review of the Complaint in its entirety, **now not allowing anyone to be forwarded the documents for their review.**

#### Timeline of New Events Leading to Alex's Murder

**3-27-22** - Several weeks before Alex's murder, Will Smith at the 94<sup>th</sup> Academy Awards - similar to the buffet of train derailment - announced publicly by *hitting Chris Rock in the face* and telling him not to talk about his wife (his wife Jada Pinkett Smith his intentionally making a Metrolink reference). With analysis Petitioner shows **Will Smith was giving a hit to Alex's close friend Chris 205**, known in same circles with Mike Soccio and Petitioner's brother Alex through Mike Soccio, it's extremely possibly that a detail about MSK represented Defendant- Respondents – Steven Spielberg, Sony Pictures, Mike Soccio, Etan Cohen, had leaked from someone and they worried it would surface.

**5-29-22** - Nancy and Paul Pelosi messaged again about the Jeep Grand Cherokee Petitioner was driving in 1999 when he received the bullet covered up by Hollywood Division Police, Fire, District Attorney. *and other higher levels of government*, by now staging a car crash involving Paul Pelosi driving a 2021 Porsche colliding into a JEEP (ref. to Cherokee) in the Napa area receiving a DUI(eye); a bullet they and Johnny had put in Petitioner's head while driving on Sunset...during her campaigning in

1999; Nancy Pelosi's party then suspected to have been facilitating in exchange for support by Johnny Depp, studio and associates who had access to parties who could manipulate and force others financially to also conspire. The Porsche used as reference in Paul Pelosi's staged DUI either reference to :

- (1) A witness named Michael Kennedy's statement of having pulled his car over and called 911 before the 1999 car accident was contrived, *after the shooting at Petitioner by people crowding the Cherokee*, Mr. Kennedy reporting seeing the conspirator in the attacking vehicle truck then drive through the intersection as if not seeing Petitioner's Cherokee...ramming him;
- (2) Chris 205's red Porsche 911, again he and the party shouting they would be killing Alexander Basile for Respondent- Defendants Steven Spielberg, Mike Soccio, and Will Smith; or
- (3) That 911 calls would be used in planning and covering the murder, as the 911 calls are being concealed now by SMPD's Virginia Connelly in Records, the calls exposing absolute conspiracy by **calls to report and call for service conflicting with police statements and statements to Petitioner and his parents related of Alex's murder by Christina Alex's girlfriend also at Alex's residence calling the Basile family home the morning of the murder when police arrived... "he died in his sleep", she said.**

*(Call to Service identifying the actors as the SKULLS - Explaining Johnny Depp's visit to a Virginia court 4-15-22, is Skull affiliation and presence in the murder as in court when Amber Heard discovered photos of his skull case on his desk of chaos, similar to the skull given Paige after the 2008 incident, and the 20th rede fence when Petitioner was nearly killed in 2008, (COMPLAINT VOL VI) on order of Johnny and his Skulls, a very loud SKULL reference in the 911 call log during Alex's murder and cover up , a 911 call to YALE.)*

The murder was labeled by the LA County Medical Examiner in cover up and part of continuing conspiracy as a heart attack while sleeping; "dying in his sleep" was the false statement by Alex's girlfriend – Christina who was at the residence that morning 6-3-22 and also admittedly the night before. This statement "dying in his sleep" was given to Petitioners parents when she called the house when police arrived that morning immediately after his murder - and - to Police when they arrived at the scene contrived with Alex being placed or thrown in his room on his bed after assassins severely beat and **skewered him four times** (inner delts and lower abdomen) in the street that morning, The 911 call with conflicting false statements as cover, and the injuries being concealed by the examiner. The **diagram of the body show four skewer holes** without any written notation on the altered Medical Examiner's Report by Adrian Kreishner.

The two calls to 911 one conflicting the other. A report of a **fight first** which was certainly a one sided beating murder - Alex being a guitarist, invention

maker and passive person - then a few minutes later a report of an overdose - the quick false statement to begin the cover up the of the murder and gruesome skewering message by Defendant Respondents.

Even more disturbingly: the skewering another MI5 reference to Daniel Craig's James Bond telling Eva Green 'skewered"...a reference to Daniel Kohler of MSK - Sony Pictures' counsel, Respondent-Defendants Steven Spielberg, Mike Soccio, having emailed the threat 2-23-15 to Petitioner in the series of emails 2-19 through 2-23 threatening by reference to details of the Metrolink attack occurring the next days. The skewering possibly part of an illuminati ritual while killing Alexander Basile, raised a Catholic and confirmed as Joseph, disgracefully in front of God.

6-2-22 - Someone unknown and on behalf of Alex's friend Chris 205, made a messaging call to 911 at 2:06p.m.(205) suspectedly to be to who would later cover the murder therefore monitoring 911 calls for service, this having been a 911 call suspiciously reporting of a *spiel* "Burglar" Alarm triggered and so reported at the same address as Alex's house, 400 block of Broadway, same address as where the two conflicting reports were made to 9111 on the morning of the murder. (Sony Security reference perhaps) to announce notice for preparations of the murder by Chris 205 the next day.  
(Similar showboating was used by Michele Obama at the quickly prepared Student Symposium 2013 with Defendant-Respondent Blake Lively the day after Petitioner's sister was attacked in car by BH Police, 11-5-13, their having referenced LAFILM

SCHOOLS employees' threats as forced out of school. known to be threats as the 10-28-13 dated word document with completed complaint, saved on petitioner's "Fox studio monitored since April 2013" computer only a few days before.

Also very disturbing, Nancy Pelosi, on 7-29-22 wearing white - the same as Michele Obama at the Symposium - announced with intentionally slurred speech "sacrificing Basile" from a podium on CSPAN after Alex's murder while investigation began; erased footage and remaining was manipulated and elongated to fit the time stamp of the video. CSPAN refused to respond when requested by Petitioner.

6-2-22 - An online article released online as a message by the death of the Marlboro man - Brad Johnson - an understood reference to Boris Johnson, and to both the MAR (motion for appropriate relief); and the Petitioner's brother same as in Petitioner's stolen material used by Defendant-Respondents Steven Spielberg, Mike Socio, Etan Cohen and Will Smith, the main character's brother, Earth - whose brother Mars was the only person who could help - being first descendants of the first ever created. The article headline read:

**"Brad Johnson, Actor in Steven Spielberg's Always, Dies at 62..."**

**written by Mike Barnes**

6-2-22 - Ex Carolco security employee and ex FBI agent Carlos Von Mecklenberg's Facebook messages to Petitioner's mother saying he was worried about Alex.

A threat to not talk after it happened...Alexander and Carlos went to USC together and were Chi Phi fraternity brothers.

#### 6-3-22 - ALEX WAS MURDERED

6-4-22 - Petitioner emailed immediately SMPD Sergeant Detective Ryan Grable Homicide, with noted references made by Mike Soccio and Steven Spielberg in press by use of their names on the article released the day before the Marlboro man death reported, the 911 calls, and the similar pattern to the METROLINK attack carried out by the same Respondent-Defendants. Det Grable had received sufficient information to arrest Respondent-Defendants and visit new participants the next day for questioning. However, Det Grable ignored Petitioner's emails allowing time for Chris 205 and Christina to manage a cremation of Alex very quickly taking control after a brief wake attended by Petitioner's parents. Petitioner and its entire family have been irreparably traumatized.

During investigation between the murder and several months ago, the 911 calls were concealed by Virginia Connelly of SMPD records, and The Medical Examiner's office gave Petitioner a threatening package of photos taken of a death scene of a homeless person on drugs, then after a call provided the real photos not giving any explanation.

6-3-22 - Connor Macgregor on video for press, staged video as he threw himself onto the bed of his yacht, laughing as if a comedic reference to something, followed just a few minutes later by a disturbing

reference to the Democratic Party in his Twitter, in a Proper No. T add – Irish Whiskey and Ginger.

**“Unleash your inner party animal” and try a rich and smooth proper Irish Whiskey & Ginger.**

**The night Petitioner’s brother Alex met Chris 205 happened at a Hollywood Key Club on Sunset party where Chris was given the call sign (205).**  
Unprovoked and disturbing antagonizing behavior as the Petitioner’s Twitter Account was used throughout the entire litigation as a safety measure, thwarting attack many times during Covid as teams surrounded and aggressively pursued. Twitter executive Parag was notified for several months of the Petitioner’s use of the account and that the active account never violated rules, the accounts remained closed with no answer cutting Petitioner’s Twitter, endangering his life,

Elon Musk a few months after the announcement of his purchasing Twitter was also emailed and texted as the purchase of Twitter was pending, however, Johnny Depp’s influence of Elon Musk their being friends with Amber Heard, prevailed in the closing of Petitioner’s Twitter and backup Twitter account.

6-5-22 – On Julia Roberts’ Twitter,

juliaroberts \* Gaslit Tonight \*

[view all three comments](#)

**ritawilson** This looks incredible. Can't wait to watch. Xoxo

**emmaroberts** Iconic

Emma Roberts reference to Emma Watts of 20<sup>th</sup> Century Fox, released by Rita Wilson for Steven through enrolled by Tom Hanks her husband, quickly released post implying they thought the kill looks good for them.

**7-7-22 - Boris Johnson retires**, “Boris the animal” - as it began when created as Cifer in the character stolen from Petitioner’s works used in MIB3 - a reference to MI5, and the MI5 team spoken about in Hollywood heard bits to work for Will Smith and Sony and Fox Security - possibly involved in encouraging Boris Johnson to participate in Alex’s murder leading to his retiring and causing the queen to commit apparent suicide. A disgraceful murder of an innocent man.

**7-29-22 - Nancy Pelosi releases statement** wearing white sayng with inferred intentionally slurred speech “sacrificing Basile”. When noticed, CSPAN immediately erased the footage changing the video to slow and audio to cut to blur, CSPAN refusing to respond when called after.

Understanding the “party” always in the sidelines conducting operations and projects racketeering agenda towards Petitioner and his family throughout the bullet fiasco for Johnny Depp in 1999 , the attempted sacrifice in 2008 also admittedly for 20<sup>th</sup> Century Fox and Johnny – before work was given to

Petitioner by Harrison Ford, and now the Metrolink attack during litigation 2-24-15 that somehow the public and court authorities and agencies were forced by brain trauma to embrace that the *covert group* in the group in the White House at the time, with Sony Pictures, Ridley Scott for Fox and Prometheus' "Go Get Johnny ... (and the SKULLS), and ex-CIA replaced by Officer and Commander Sara D.

Lichterman - George Tenet, who released article 1-16-15 before 1-21-15 - the buffet of train derailment attacking Petitioner's father reference [See Corrected Reply Brief - Compl. Exhs - VOL.III - Exh. 16] and his mercenary ex-CIA with groups affiliated with Petitioner's brother's executioners with publicly announced SKULL affiliation by "YALE" reference in 911 calls for service with the conflicting 911 calls reporting Alexander being beaten, these men of dishonor at the street level involved during Petitioner's 1999 bullet for Johnny, and now with local SMPD and Los Angeles County Medical Examiner's Office, for Respondent's - ("Defendants to the copyright claims" ) - .now to include Steven Spielberg, Will Smith and Mike Soccio.

A *third* event followed by undeniable pattern violence during briefing, much too similar to the 1-1-22 attacks at Paul and Nancy Pelosi and Mitch McConnell's as the appeal on the first motion was traveling up to the Ninth Circuit, on 10-28-22, *a man that was announced in press by San Francisco Officer William Scott to be named David Depape, entered Paul Pelosi's home with a hammer beating him requiring "skull surgery" after the skull references from Alex's murder, we have synchrony and related events conclusively exposing conspiracy.*

The Cherokee reference and Porsche reference the week before Alex's murder, we have a pattern of visitation to the Pelosi's by violent criminals they too comfortably affiliate with and a very disturbing public proclamation of murder. (conclusively, it was also 10-28-13 when the first draft to Petitioner's Complaint for *Basile v. LA FILM et al* was prepared for filing and 1-1-5-13 Petitioner's sister was attacked by Beverly Hills Police referencing employees of the school who had threatened the accident. (See Central District Court - Case No. 2:18-cv-08604 - Dkt #140)

(*See also* U.S. Supreme Court - Case No. 21-125, Petition for Writ of Certiorari)

#### REASONS FOR GRANTING THE WRIT

The Due Process Clause of the Fourteenth Amendment to the United States Constitution has been construed to guarantee litigants the right to a "neutral and detached," or impartial judge. See *Ward v. Village of Monroeville*, 409 U.S. 57 (1972). Upon ascending the bench, every federal judge takes an oath to "faithfully and impartially discharge and perform all the duties" of judicial office..."

A finding of abuse of discretion is not review or analysis of the decision whether or not to read and properly manage adequately pled claims from discussion to closure with remedy, it's the Petitioner's right to have a district court judge read content, not Pacer Docket postings, and provide a forum for discussion *IF* an issue of fact exists, or

simply provide the applicable remedy as discussed and suggested in summary judgement.

In *Caperton v. A.T. Massey Coal Co.*, a case concerning disqualification of a state supreme court justice, the U.S. Supreme Court reaffirmed that litigants have a due process right to an impartial judge, and that under circumstances in which judicial bias was probable, due process required disqualification. 129 S. Ct. 2252 (2009)

Covid beginning Feb 2019, distracted and caused delays in the district court and ninth circuit certainly; delays leading to attempted murders, assaults on elderly, The Metrolink terror attack targeting Petitioner's family investigated and countered in Spain by the United States Army, with Defendant-Respondent co conspirators still here in U.S. committed to the conspiracy to evade liability for all of it, now with outright public murder. *The laws of the United States are to provide consequence* serving as deterrent for unfair business dealings engaging in theft of property in business and finance. Where are we to go for injustices that spiral out of control to murder related to unfair business practices, if the resource of the United States Courts is removed?

Not one court or agency has been able to provide remedy or response to violence creating circumstance for a bold decision to be made as to immediate compensation for Petitioner and his family as award for their damages.

The multiple standards of review each time forced to the appellate level and the danger surrounding the cases are very unusually overlooked by these courts; someone in Petitioner's position with recent murder

of a family member by Defendant-Respondents and agencies foreign and domestic **committing public sacrifice for sake of Defendant-Respondent's domination**, it's clear remedy needs to be powerful and immediate.

Understandably, Covid also exists as a problem of distorted reality but we must remember this claim was entered 10-5-18, hearings 1-9-16 and 1-16-19, then obstructed in such a deliberate nonsense way over four years that the conspiracy including now not only the 4 Ninth Circuit Chief Judges but also a *district alien court* with hovering spaceship threat after corrupted decision indicating agenda invasion of Petitioner. This ship appearing at Petitioner's family's home spelling in the clouds CARNEY, seems to have been part of the plan to phase out use of law all together with intimidation, *it's really an interdimensional RICO violation.*

Because this literal earthly invasion during litigation includes all agencies who are to provide assistance while Petitioner and his family are in court, leaving everyone to manage themselves, nobody in the still here in the United States is getting helped however not everyone was in court on issues of this importance while being forced to work as anti-terror analyst of data reporting to the Pentagon - initially to prevent being framed - then analyze data related to attacks, situationally responsible for forwarding while lawyering and reporting for safety, and then being the great explainer to the agencies outside of the court, the Petitioner only being left to be attacked without one concerned watchful eye.

Petitioner asks for the inherent powers of the Supreme Court to be exercised for resolution to all claims *if possible* , if not this appealed decision by District Court to continue obstructing requiring a Petition for Writ of Certiorari under extraordinary conditions, to be reversed as should have taken place in the Ninth Circuit and the claims comprising the all-encompassing RICO complaint in its entirety remanded for trial in a district court or ADR , the operating Complaint activated, or as noted explore the options of summary adjudication in the United States Supreme Court .

Petitioner and its family have not received one call or email from ANY agency in years and are literally running for their lives after Petitioner discovered all evidence of the LA Superior Court conspiracy (see VOL. VI.) presenting details and evidence of Defendant-Respondents using enrolled parties to attack Petitioner through trickery and false statement, these attacks leading to life ruin and the murder of the conspiring facilitating family attorney when revisiting the first staged paper conviction after bullet, now also related to Defendant-Respondents acts of terrorism. The two conspiracies became one in this RICO Complaint and was so noted. (*See “the RICO Complaint”*)

**Oversight is Required of Judge Stanton’s Order in  
Furtherance of Judge Carney’s Obstruction**

In the same way that 28 U.S.C. § 47 (discussed in Part IV, *infra*), provides that “[n]o judge shall hear or determine an appeal from the decision of a case or issue tried by him.”, a Motion for Relief or

Reconsideration filed in District Court is idle doomed for obstruction in a wedged system without proper appellate level oversight the same way.

28 U.S.C. § 2106 (discussed in Part V, *infra*), is not a disqualification statute as such, but has been employed to serve a comparable purpose. Confers an awesomely broad discretion to vacate and remand with no limit except the standard of justice. *See Haynes v. United States*, 390 U.S. 85, 101 (1968) (describing the statute as giving the Court “plenary authority . . . to make such disposition of the case ‘as may be just under the circumstances’” (citing *Yates v. United States*, 354 U.S. 298, 327–31 (1957))); *Grosso v. United States*, 390 U.S. 62, 71

The statute authorizes the Supreme Court of the United States and circuit courts to “remand the cause and . . . require such further proceedings to be had as may be just under the circumstances.” This provision effectively enables an appellate court to disqualify a district judge by remanding a matter to a different judge for further proceedings if the appellate court doubts the original judge’s impartiality.

Article III and the Limits of “Appellate Jurisdiction” - Section 2106 is authorized by the Exceptions and Regulations Clause Congress’s power to create the lower federal courts, and Congress’s power to do everything necessary and proper to carry the courts’ powers into effect. U.S. CONST. art. I, § 8, cl. 9, 18; *id.* art. III, § 1, cl. 1; *id.* art. III, § 2, cl. 2.

Declaring Judge Carneys’s *impartiality* wouldn’t require speculation beyond what a reasonable person would indulge. It is a *discovery of bias* of which suspicion is based on a repetitive behavior that a

reasonable person would deem suspicious, not just a comment made in trial or hearing where the judge's comments "would lead a reasonable, informed observer to question the District Judge's impartiality." Ignoring every extraordinary circumstance and the appearance to the public of bias, is sufficient for recusal.

Or in the alternative The Supreme Court's power to remand cases is confirmed by another federal statute that authorizes federal appellate courts to affirm, reverse, vacate, or modify a judgment or to remand for further proceedings with no apparent limitation except that the chosen remedy "be just under the circumstances." 28 U.S.C. § 2106 (2018). "The modern Supreme Court uses remands in ways that facilitate its role as an "Olympian Court" that is, a law-declaring court far removed from the ordinary judicial tasks of dispute resolution."

Arthur D. Hellman, The Shrunken Docket of the Rehnquist Court, 1996 SUP. CT. REV. 403, 433; Carolyn Shapiro, The Limits of the Olympian Court: Common Law Judging Versus Error Correction in the Supreme Court, 63 WASH. & LEE L. REV. 271, 273 (2006)

The Supreme Court is a court with discretionary jurisdiction that emphasizes law-clarifying, law-making, and system administration rather than the "mere" adjudication of particular disputes.

#### **Related Issue Requiring Injunctive Remedy from California State Gov. Gavin Newsom**

A panel of the State of California who would later bar Petitioner approved the removal and pardon of

the first paper initiated attack sending to Governor Newsom for signature the recommendation based on review of the coram nobis, his office refuses to speak to Petitioner now behaving as if they never knew of it... contrary to the several conversations with his reps at his office and email notifying of his forwarding to the panel processing the pardon.

Petitioner asks for this Court's order with this issue by the Inherent powers of the Supreme Court be exercised to provide injunctive remedy by ordering Governor Newsom's signature on that pardon document, it being related to all issues in this complaint. Petitioner does not have any official credential and participants in the U.S. are still using false statements and false facts to enroll parties for Respondent-Defendants to injure Petitioner and his family with corrupted police agency action. Only this pardon and or a credential would dissuade their repetitive again efforts.

It seems Petitioner and his family has had problems with three presidencies in succession furthering agenda for Johnny Depp and William Morris Agency after the bullet was arranged into Petitioner's eye, agenda facilitators who once the material at the basis of these incredible copyright claims was stolen, another local studio membership motivated District Attorney files absurd charges for nonsense that did not happen at Petitioner's family's home more than 1 year earlier in pattern by false statements inserted into the system to use as excuse, 9 years later, in pattern, this time so childlike and desperate noting a broken bottle on Petitioner's own property in the hills of Tarzana, outrageously blown up into a box of bottles being thrown at a neighbor

previously enrolled a year earlier to make false statements to cover up attempted assassination by LAPD moonlighting for 20<sup>th</sup> Century Fox, for Skulls and Johnny Depp same as now the murder of Petitioner's brother deserving of a long prosperous life, Alexander Basile, by the Steven Spielberg and Mike Soccio, publicly announced by Will Smith carried out in cover and planning by Alex's close friends now member to MI5.

(*See Complaint, VOL VI.*)

Now, at second time briefing in this Supreme Court with additional deadly conditions to the claims since the abuse is unstopped by all agencies reported to throughout, and constant, there is not any time for anything else but to ask for a **final decision with order for award** as to Southwest Airlines and related Defendant-Respondents and all "Defendants to the copyright claims" and related co-conspirator Defendant-Respondents ... with exclusion of any Defendant-Respondent requiring any triable issues to be resolved at a jury trial if existing issues cannot be resolved at ADR once so ordered.

Unlike the Supreme Court whose jurisdiction is almost entirely discretionary, the lower courts' discretion is the severity in their order of the application of U.S. Code as a science not whether or not to apply U.S. Code at all. The Complaint and its claims each time motioned toward relief and recusal disqualification after faulty order on the Complaint, appeal, and relief and disqualification motions, and appeals to these motions, should have been remanded to ADR.

Since they were not, and Judge Carney refuses to read and shielded the material and his failure to

review or conduct from any other judge, if the Supreme Court decides the claims better ordered to ADR, in part or entirely, its asked that it be to a different judge unaffected and uninvolved with this scandal, in any court it deems appropriate pursuant to § 2106 , cited as authority for appellate instructions reassigning a remanded case to a different judge. *See United States v. Robin*, 553 F.2d 8, 9 (2d Cir. 1977) (per curiam); cf. *Liteky v. United States*, 510 U.S. 540, 554 (1994) (identifying recusal statutes as well).

The Constitution gives Congress the powers to regulate the Supreme Court's appellate jurisdiction, to create the lower federal courts, and to prescribe the procedures used in the federal courts. U.S. CONST. art. I, § 8, cl. 9, 18; *id.* art. III, § 1, cl. 1; *id.* art. III, § 2, cl. 2; *Sibbach v. Wilson & Co.*, 312 U.S. 1, 9–10 (1941); *Wayman v. Southard*, 23 U.S. (10 Wheat.) 1, 21–22, 43 (1825).

When it comes to the specific topic of how appellate courts dispose of cases, Congress has legislated on the subject through 28 U.S.C. § 2106.

That statute provides:

The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as

may be just under the circumstances. 28 U.S.C. § 2106 (2018).

When review is properly done of the materials referenced to all claims to “the RICO complaint” and its litigation upwards presenting a scheme of participation illustrated with its Opening Brief (19-56293, Dkt. 1) and “Motions to Recuse and for Relief” – (2:18-cv-08604 - Dkt. Nos. 215, 217, 223) - the decision to not ever enter an award for summary judgement at any level or in either California or Nevada District Courts, conspiracy rings true.

The Ninth Circuit and other state courts of appeal are to remand cases involving such matters as to whether a complaint states a legally sufficient claim (see *Adkisson v. Jacobs Eng'g Grp., Inc.*, 790 F.3d 641, 649 (6th Cir. 2015); or whether a Petitioner’s evidence is sufficient to withstand summary judgment, not just without any application in opinion or order affirm a decision. E.g., *Jerri v. Harran*, 625 F. App’x 574, 578–79 (3d Cir. 2015); *Giraldes v. Roche*, 357 F. App’x 885, 886 (9th Cir. 2009) (mem.)

*Section 25 of the Judicial Act 1789:*

Judiciary Act of 1789, ch. 20, § 24, 1 Stat. 73, 85:

[W]hen a judgment or decree shall be reversed in a circuit court, such court shall proceed to render such judgment or pass such decree as the district court should have rendered or passed; and the Supreme Court shall do the same on reversals therein, except where the reversal is in favour of the Petitioner , or petitioner in the original suit, and the damages to be assessed, or matter to be

decreed, are uncertain, in which case they shall remand the cause for a final decision. And the Supreme Court shall not issue execution in causes that are removed before them by writs of error, but shall send a special mandate to the circuit court to award execution thereupon.

Section 25, which governed Supreme Court review of state decisions, provided:

[T]he proceeding upon the reversal shall also be the same, except that the Supreme Court, instead of remanding the cause for a final decision as before provided, may at their discretion, *if the cause shall have been once remanded before*, proceed to a final decision of the same, and award execution. *Id.* § 25, 1 Stat. at 86 (emphasis added).

#### CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

DATED: 3-6-23

  
\_\_\_\_\_  
CONSTANTINO BASILE  
*Petitioner*

In the  
Supreme Court of the United States

---

CONSTANTINO BASILE,  
*Petitioner*

v.

THE LOS ANGELES FILM SCHOOL,  
LLC. *ET. AL.*,  
*Respondent*

---

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

---

APPENDIX TO PETITION FOR  
WRIT OF CERTIORARI

---

CONSTANTINO BASILE  
324 S. Beverly Dr. #1207  
Beverly Hills, Ca. 90212  
(424)645-4175  
constantino.basile@gmail.com

---