

Docket No: _____

United States Supreme Court

Sony Pictures, et al.
Plaintiffs

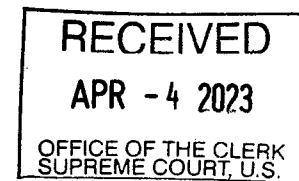
v.

Glenn Henderson
Defendant

On Petition for a Writ of Certiorari to the
North Carolina Supreme Court

Petition for Writ of Certiorari

Glenn Henderson, Defendant pro se
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Questions

1. Is it legal to say you will attempt to defend yourself if attacked?
2. Does it make a difference if the persons warned committed several or many felonies including violating constitutional rights?
3. Does the right to defend oneself include killing or using deadly force if the other person attacks and tries to seriously harm or does and/or tries to kill?
4. Is that not a true threat as in Va v Black?
5. Is it legal to state what a law states?
6. Is compelled speech illegal and unconstitutional and especially if the speech would be untrue?
7. Is there a right to a full and fair attempt at litigation?
8. Is challenging a settlement legal when there was fraud by the other person?
9. Is retaliation by a former employer illegal and even in court papers?
10. Does CA law say it is defamation to have to state one was fired when one was wrongly fired?
11. Are only bad faith and/or frivolous cases not allowed by the US Constitution?

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List of All Plaintiff Parties

Sony Pictures Entertainment Inc., Kim Russo,
Schmid & Voiles, Kathleen McColgan,, Esq., Rosen &
Saba LLP, James Rosen, Esq., Adela Carassco, Esq.

List of Proceedings

NC Superior Court 13 CVS 9617
Temporary No-Contact and Restraining Order
12/19/13
Permanent No-Content and Restraining Order
Gatekeeper Order 1/5/15
First Renewed Permanent No-Contact and
Restraining Order 1/5/15
Second Renewed Permanent No-Contact and
Restraining Order 1/4/16
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6/12/18
Permanent No-Contact and Restraining Order
6/12/19
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Letter saying motion and counterclaim cannot be
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NC Appeals Denial 2015 3/3/16
NC Appeals Denial 2022 6/24/22
NC Supreme Court Denial 2022 11/2/22

Citations

A true threat is a threat where the speaker means to
communicate a serious expression of an intent to

commit an act of unlawful violence to a particular individual or group of individuals, I never got a full and fair attempt at litigation.

Basis for Jurisdiction

Date NC Supreme Court dismissed notice of appeal and denied petition for discretionary review:

November 2, 2022

This Court has jurisdiction because the case was reviewed by the NC Supreme Court.

Statutory Provisions: Petition for Writ of Certiorari may be filed after review by the last resort state court. This Court has supervisory power.

Constitutional Provisions and Statutes

1st Amendment, right to petition

4th Amendment

8th Amendment

2nd Amendment

9th Amendment

The Constitution grants equal protection under the Fourteenth Amendment.

The Constitution grants due process under the Fifth and Fourteenth Amendments.

Americans with Disabilities Act (ADA)

California Civil Code Section 391

Civil Rights Act of 1964

Collateral Estoppel

False Claims Act, 31 US Code Section 3729, 3730

Federal Section 1983, 1985, 241-2, 1513-4, 4

NC General Statute 168A-5

Res Judicata

RICO

Supremacy Clause of the US Constitution

Title VII

Statement of the Case and Points

I was put on a restraining order and NC 50-C no contact order for saying I would legally defend myself. If criminals tried to seriously harm or kill me. I said if they tried that, I had the right to defend myself up to and including killing them and would attempt to exercise that right to the best of my ability. I was put on a gatekeeper order because I attempted to litigate for not getting a full and fair attempt at litigation, for retaliation by a former employer, and for defamation because I had to state I was fired when I should not have been that is in CA law. I was ordered, compelled to say I was put on the gatekeeper because I violated NC Rule 11. I refused. I said that would be a lie. I tried to make a counterclaim as required by NC law a few times. I was not given a chance. I was told to surrender a rifle in December 2013. A SWAT team came to my house twice heavily armed and with a battering ram. I was not home. That means they were ready and willing to kill me. The next day a deputy got my rifle. That was evidently done by Judge Ammons. I have not gotten the rifle back or gotten compensated. They told me turn in any guns I had. The 50-C expired that I said was gotten illegally and unconstitutionally. I was still not allowed to purchase a gun after over 5 years when the law says I can if the 50-C was legal and also says the orders were illegal and unconstitutional. I will never as long as I live say I will not defend myself, not even if they try to kill me, but maybe if they threaten a loved one or anybody else. I said I don't have to obey the orders because they are illegal and unconstitutional. I have the right to protect/defend myself, stand my ground, and exercise my right to bear arms against anyone

who tries to punish or harm me for not following them or anything related. Any arrest or search warrant would be unlawful and invalid, so I could attempt to defend myself, like a person assaulted, kidnapped, abducted, or falsely and unlawfully imprisoned; they'd be doing that. It's abuse, oppression, and tyranny. It's taking US Constitution Rights by the government and others. I'm sure they would just gun me down if I attempted lawful self-defense. I was taken to the hospital psychiatric ER by deputies for saying I will defend myself and a second time by police and US Marshals for complaining about a federal judge! I was never told why or shown any paperwork. I had to guess. I could about the first time. The ER doctors let me go. A nurse said I was defending myself. A doctor said yes I had the right to do what I said. I was let go but charged for the stays, less than 24 hours. I said that was kidnapping. I was terrified. The sheriff's deputy who led the group that took me the first time apologized to me while serving a paper the next day for what they did. No one tried to have me arrested, or that I know of. That is a misdemeanor usually with community service for first conviction. Put me in front of a jury as a defendant in criminal or civil court. They wanted me locked up in a mental institution indefinitely, maybe for the rest of my life, for wanting to legally defend myself and for wanting my Constitutional rights. I emailed the police at their website and the chief if they did that again they would have to kill me and I would try to defend myself and was sure they would easily kill me. I did not get a response.

The 2nd Amendment/right to bear arms is about stopping tyranny, abuse, and oppression. This court

stated that in *D.C. v. Heller*, and talked a lot about tyranny. CA allows defense of oneself; the plaintiffs are from CA. I ask the court to keep these people from killing me and to restore my Constitutional and other rights. I want an actual chance to litigate. I never got a full and fair attempt. In 205, I appealed this. The plaintiffs objected. The appeals court denied their objection. Then, a year later I received a letter saying they changed their minds and dismissed. The letter was dated 1 year earlier than the postmark! I can show that. In this current appeal, I was never served any paper by the plaintiffs.

The plaintiffs claimed I was mentally ill because I had depression and anxiety and I should be locked away; they caused it! McKenzie said I was incoherent in court and in papers. The record shows I was not.

I never filed a case without merit. It doesn't even have to have merit if I make a good faith, non-frivolous argument for a new law, repeal, or a change. Lawyers McKenzie and Rosen stated most of my issues were dismissed without prejudice. That is after they lied and tricked judges.

Privilege isn't absolute (*Kimes*), may be "lost if abused." (*Halperin*). Plaintiffs' statements and implied ones were untrue, they could realize the statements were untrue with due diligence, the statements don't achieve the object of litigation, like truth, and were retaliation. A state claim cannot defeat a federal cause of action. In *Pardi*. The federal court applied the same idea to ADA claims. I have a mental disability. In *Kimes*, privilege doesn't immunize attorneys from liability under 42U.S.C.§1983); see *Martinez v. CA*, U.S. (holding §1983 preempts a state statute; *Scheib* U.S.

Recognition of litigation privilege could interfere with the policies underlying the anti-retaliation provisions of Title VII and ADA. *Smart v. Ball State U.*, actions taken in litigation could constitute retaliation. *Berry v. Stevinson Chevrolet, Power Systems. v. NLRB* (a malicious prosecution action against an employee who filed unfair labor charges could violate federal labor laws). The 3rd Circuit has suggested that investigation of an employee who files a discrimination complaint, to discover evidence of resume fraud or some other misconduct to justify terminating the employee, could constitute unlawful retaliation. See *Mardell v. Harleysville Life*, U.S. Since some actions taken in litigation could conceivably constitute retaliation, an absolute litigation privilege as in IL law would be too broad because it would insulate behavior that could otherwise be actionable under Title VII or the ADA. We do not wish to foreclose the possibility that some actions taken in...litigation could constitute retaliation.

Privilege and interference with prospective economic advantage are in *Pardi*. Court held CA (47)b privilege does not bar Pardi's ADA claim for retaliation based on post-settlement conduct. Pursuing one's rights under ADA constitutes a protected activity. *McAlindin v. County of San Diego* (asserting [one's] rights" under ADA and other state and federal discrimination laws constitutes protected activity); Pardi lodged numerous union grievances and EEOC charges of failure to accommodate his disability. An adverse employment action is any action "reasonably likely to deter employees from engaging in protected activity." *Ray v. Henderson*. It is well established that the Supremacy Clause of

the United States Constitution grants Congress the power "to preempt state and local laws." See *Oxygenated Fuels Ass'n v. Davis* (quoting *English v. GE*, U.S.). Conduct by persons...which is wrongful under 42U.S.C.§1983...cannot be immunized by state law. A construction of the federal statute which permitted a state immunity defense to have controlling effect would transmute a basic guarantee into an illusory promise. See *Sosa v. Hiraoka*.

To succeed on his intentional interference with prospective economic advantage claim, Pardi must demonstrate "(1)an economic relationship between the plaintiff and some third party, with the probability of future economic benefit to the plaintiff; (2)the defendant's knowledge of the relationship; (3)intentional acts on the part of the defendant designed to disrupt the relationship; (4)actual disruption of the relationship; and (5)economic harm to the plaintiff proximately caused by the acts of the defendant." *Korea Supply v. Lockheed Martin*.

Halperin addressed malicious intent and inflammatory language. Court: Privilege is lost if abused. *Moore v Manufacturers Natl. Bank*. *Youmans v Smith*, the court held that the existence of a privilege at common law for the alleged defamation should be decided upon at trial.

I filed a case in state court that the plaintiffs are using against me, v Boren. NC has a disability discrimination employment law, NCGS§168A-5. The judge referred to *Adams v. Bain* and said I had to show evidence. I showed I didn't get cases I referenced addressed. Court is supposed to accept plaintiff's statements as true.

I never got a full and fair attempt at litigation. The "full and fair opportunity test" requires examination

of factors first set forth by the Court of Appeals in *Schwartz v. Public Administrator*. The factors, for invoking issue preclusion, include "...size of the claim, the forum of the prior litigation,...extent of the litigation, the competence and experience of counsel, the availability of new evidence, indications of a compromise verdict, differences in the applicable law and foreseeability of future litigation.

An exception to issue preclusion is the party against whom preclusion is sought couldn't, as a matter of law, have obtained review of the judgment in the initial action.

Courts repeatedly recognized collateral estoppel cannot apply when the party against whom the earlier decision is asserted didn't have a "full and fair opportunity" to litigate that issue in the earlier case. *Montana v. US; Blonder-Tongue Laboratories. v. U. of I. Foundation*, U.S. I never got that. There hasn't been proper administration of justice in my cases.

In U.S. *Kremer v. Chemical Construction*, the court previously recognized that the judicially created doctrine of collateral estoppel doesn't apply when the party against whom the earlier decision is asserted didn't have a "full and fair opportunity" to litigate the claim or issue, *Allen v. McCurry*, U.S.; *Montana v. US*, U.S.; *Blonder-Tongue Laboratories, v. U. of Il Foundation*, U.S. "Redetermination of issues is warranted if there is reason to doubt the quality, extensiveness, or fairness of procedures followed in prior litigation." *Montana, Gibson v. Berryhill*.

There will be (probably is) irreparable harm to me if I'm not allowed to actually litigate issues with Sony. Sony and some judges were implicitly saying I was incompetent counsel, a reason not to apply res judicata. My disability, medication, and therapy

show the harm; that isn't likely to change soon or maybe for the rest of my life. Stress (I have) can kill. Sony knew they were causing me harm. They had a consultant ask me questions. Sony knew what they did could lead to psychological damage or maybe lead to someone using a gun. They were smart about the consultant, who asked if I had a gun, but not getting to that point. They didn't say he was a psychiatrist.

Sony agreed about a full and fair opportunity to litigate. They brought that up when CA 391 was first used. They implied consent to it. Changing their minds violates res judicata or collateral estoppel. I never got to actually litigate with them. The idea of a full and fair opportunity before applying res judicata is in *Haring v. Prosise*.

Every time I submitted a job application and had to put I was fired was defamation. I had to do that often. I often needed to explain in job applications and cover letters what I had been doing since my last job. I often had to explain why I left Sony. Every time someone sees my resume, they can see I didn't advance at Sony. That is defaming. I was at Sony for 3 years, 4 months.

RICO can include my issues with Sony because there was a Sony pattern of RICO activity.

There was intentional interference with prospective economic advantage. (*Pardi*) I couldn't get a job in NC for 5 years and then in 2012 was declared disabled since 2007. Sony maliciously prosecuted me. A lawyer once stated about me a full and fair would mean getting to appeal. I have been denied that several times. I did not get full and fair appeals.

No mandate was issued by the appeals court in this case that I received or saw online. I was not sent

their order of dismissal by mail or email, or I can't find it. I found it online.

NC law requires to file a 50-C in district court not superior unless a case is already pending. That was not followed. It violated Rule 11 and the US Constitution. There were 7 judges involved in this. They each were required to review the whole case. I think some maybe all looked at the case the day of a supposed hearing. That is hardly time to review the facts. They copy each other some. I think they mindlessly agree with each other. They may have just gone along with the other judges and/or a fellow lawyer. They put 6 no-contact orders on me. They are saying they can tell me I can't do what CA law says I can. That is a moot point because NC law also says I can do what I did and the US Constitution, and this Court has affirmed. CA law requires a citizen's arrest for a misdemeanor not witnessed by a law enforcement officer. McKenzie called me and left a voice message and said he was trying the temporary no-contact order. I think he was at the courthouse. He also said he needed me no there, contradicting himself. Ammons said until this Court may hold a fuller hearing. That means or is supposed to mean him, but it never was him after the temp 50-C and RO. He lies (one of many times) and claims they defended frivolous lawsuits in his Motion for TRO. He says 24 total. 11 were with Sony. 3 were because I filed in federal and state court because I thought had to. They filed many frivolous, vexatious, and illegal papers full of lies. He says they were dismissed on the merits. None were dismissed on the merits. They were not dismissed about merit. He and Rosen even stated most issues were dismissed without prejudice. Sony and all other litigants never won a case on

merit. They and all opposing litigants and litigators got those all rulings by lying to and tricking judges, some of whom were corrupt, all incompetent in some way. It is not true I am required to post \$10,000 bond before filing any complaint about Sony. Posting bond can only be done and illegally if allowed to file and has **MERIT!**, except first time put on illegal 391. I just cannot imagine no lawyer, judge, or legislator has not been killed over this. McKenzie states I said I promised to "defend myself up to and including killing" anybody who gets in the way of making a citizen's arrest. That makes it sound like he is talking about people trying to stop me, not the ones i am attempting arrest on. I said I had the right to defend myself up to and including that. I said I would attempt to exercise that right to the best of my ability. Notice he stops quoting me. He then lies. I said if anyone tried to stop me, I would try citizen's arrest on them; that's all. I stated what the law and US Constitution say in my own equivalent words. The Courts allow this guy to lie over and over and violate my constitutional rights. Why won't anyone stop him and all Sony lawyers??? That is why I think it is up to me. I am not willing to give up my Constitutional rights. Judge Flanagan in v Boren did not respond to his words about my threats. Only McKenzie complained. There were 45 defendants. My words were only to the 35 who tried to use CA 391 on me. Only 1, maybe 2, both lawyers, of McKenzie's plaintiffs tried action. The 35 included federal and state judges. Hey claimed they were worried but waited 29 days after the case was closed in federal court and longer than that since my words until they filed the TRO. He said there is no other remedy, meaning to stop my legal attempt at self-defense. Of

course there is, don't attack me!!! He said I would not answer my phone. That is not true. He claimed it as fact, so it is a lie or implicit or implied lie. I was not at home! If this had been a legal attempt, he was required to attempt this in federal court where my words were. It was not a legal attempt. Judge Tally stated a shotgun taken from me was not linked to me. I told her it was a rifle. She ignored me and did not change it. Tally in the PRO in 6 put quotes around one of several words like saying only that one was a quote. She struck out 7. She seemed to mindlessly copy McKenzie. She did not claim in 13 McKenzie's claim The Court finds that this conduct violates North Carolina law and offends the proper administration of justice. Ammons spoke of offending the proper administration of justice. That's not saying it is illegal. It is not proper administration of justice to take the right to legally defend oneself. They are offended I want to legally defend myself. They are not offended my Constitutional rights were trampled over and my life was threatened with murder and I was threatened with bodily harm; they did this over and over. One deputy asked what I had done. I told him. He looked puzzled and said that's between you and the judge. Another asked, and I told him what happened. He said we keep electing them. A US Marshal said he hoped I won this case. An ER person said the marshal said he like me. Tally said Defendant has failed to contest or rebut Plaintiffs' allegations of the same (about repetitive lawsuits and I would keep trying). I will keep trying. None were totally repetitive. All had new claims. I only repeated what I was allowed to, like dismissal without prejudice. I totally proved all my cases had merit. Sony never got a case dismissed on the merits.

They lied and got CA 391 used on me, an unconstitutional law I had not violated. I spent 10's of pages contesting, rebutting, and proving they were wrong and I was right. I never got a full and fair attempt at litigation. I never got due process. Tally says I violated Rule 11. That is an absolute lie. I just proved it here and everywhere I wrote or spoke. Federal judge Flanagan said she did not think I tried to harass. Tally said I need leave of court to file in any court in NC. She has no jurisdiction over federal court and her orders are illegal. It looks like she just copied Flanagan and McKenzie. Schmid & Voiles and Kathleen McColgan are not Plaintiffs in the Second Renewed Motion. They were later. In that motion, McKenzie claimed I sought redress for what happened in the 1990's. That is not true. It started in the 2000's as the record clearly shows. He said I sued attorneys that simply advocated for their clients. That is not true. They lied and violated my Constitutional rights and were criminals in what they did. All had to do with illegal 391 and other illegal pre-file orders. McKenzie claims that is ok. The RO seems to mean it, if legal, can be in effect until a trial. I never got a trial; it was illegal. In his Second Motion for a No-Contact, he said he was trying to stop citizen's arrest. Everyone has that right. He again claims trying stop me from killing anyone who gets in my way. I only said I would attempt legal self-defense. They are saying I can't state what the law says. Talking about the 2nd Amendment, I said I have the right to kill under it because of abuse, oppression, and tyranny. He puts in an ellipsis and omits I said the US Supreme Court ruled that in DC v. Heller. I have chosen not to do that unless they try to kill or seriously harm me.

Evidently about that, he said that is my most serious threat. It's the same one! They talk of innuendo. There was none; I was to the point and blunt. He did not attempt to renew a year later. He says he wants to court to put me in a database designed to prohibit people who are a danger to themselves or others from owning a firearm. Firearms are Constitutional and legal so people can be a danger to others who illegally attack and try to harm or kill them. They have threatened be that illegal way. I legally said I would legally attempt to defend myself. I never got a chance to be heard in my case v. Hilberman because Wright did not allow phone in. I was in NC; they were in CA. He even said he considered argument of counsel but did not say of me. He said he granted an order determining me a vexatious litigant. He did no such thing. I did not violate the law or Constitution. He ignored and disrespected, like defendants, Federal Judge Pregerson's declaration I was not. Wright evidently and I think mindlessly signed what defendants wrote. Wright, I think following Sony, speaks of CA 391 ruling by Hilberman but not that Judge Pregerson denied the exact same request, same cases. Hilberman would not allow me to speak when he illegally used unconstitutional and illegal CA 391 on me when I had not even violated it. He allowed the plaintiffs' counsel to speak. None of the judges after first two cases had jurisdiction because their behavior was not good. Judges' Handbook says should be able to modify maybe within 6 months or year and pro se's have a hard time appealing an order because procedures are so difficult. That is not due process or a full and fair attempt. This court has ruled access to the courts for redress of grievances is the right conservative of all other rights, and lies at

the foundation of orderly government. LA Superior Court in Ca told me I could not get off the 391 order even if was ruled wrongly; that is not due process. Judge Brazile threatened to sanction me because I responded to his response and wrong facts; the rules clearly allow me to respond. That's more abuse. All of these the plaintiffs and defendants I have fought have committed fraud upon the court. Wright wrote or copied this Court has the "inherent power to file restrictive pre-filing orders against vexatious litigants with abusive and lengthy histories of litigation." "Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct {like the filing of time-consuming and frivolous actions} which impairs their ability to carry out Article III functions." That is exactly what he should have been doing to defendants and lawyers, not me. They were abusive, lied, filed frivolous and bad faith papers, as I have clearly proven. The only reason I have ANY cases is because they did this and while I was at Sony. This Court, all the judges, except maybe the first judge, in my cases have a constitutional duty to stop them!!! I read acting in an unconstitutional way takes away jurisdiction, it is warring against the US Constitution and warring against the Constitution is treason. No judge had jurisdiction except the first. The clerk's office illegally and unconstitutionally refused to give me subpoenas I requested, I am fighting evil. These people are evil. Ammons was reprimanded or punished 3 times by the judicial commission. Also, a city councilman complained he behaved unethically. I complained to the judicial board; they decided taking a person's Constitutional rights, having my life threatened, and kidnapping

were perfectly fine. Rosen lies and says I provided no evidence or facts. I did. I proved it. My word is evidence. He said I had "misfortunes," that means I did no wrong, it wasn't my fault, so it had to be the defendants'. I don't have to present evidence until trial. He said I filed the same or similar cases. Then later says I added new claims to old; They were old claims I could bring back. Similar cases are not same cases. I only brought back issues I could like dismissal without prejudice, only because they lied. No case was the same because they did new wrongs plus what I could bring back. They won zero cases. They wasted time and resources. They are saying my Constitutional rights are meaningless and a waste of time to consider and make sure there is justice and fairness. He said the Court has typically dismissed those undefended claims without prejudice. It is a lie they are baseless. He admits typically my issues are dismissed without prejudice!!! McKenzie did, too, I think McKenzie copied a lot from Rosen. Rosen said when instructed to appear or respond in writing, more often than not, I failed to appear or respond. That is a huge lie; the record clearly shows it is. I always responded. I did not appear once about a security case because the judge had behaved badly and angrily, refused to answer my questions and I think couldn't, when I had appeared. She was later shown to have mental trouble because she went about 30 miles away trying to get to the courthouse. She needed help. She should not have been on the bench. She said defamation by a 3rd party was the same as and was bringing back a defamation claim against Sony. All the judges but the first should not have been on the bench because of bad behavior. A lot of behavior was criminal. In case 04-8748-DDP,

Rosen omits that Sony tried to get my on a pre-file using exactly the same cases they used in CA state court and got unconstitutional 391 used on my when I had not even violated it!!! That is highly unethical and dishonest is lying by omission and disrespecting a federal judge and ruling. Tally said she could not comment on the merit of my cases, then used McKenzie's Gatekeeper order with one cross out anyway. Rosen said I got a fair opportunity to be heard. That is a huge implied lie because I was never listened to fairly; my points were not addressed fairly. Unconstitutional 391 was used on me when I had not even violated it. That led to the other pre-files. Rosen and McKenzie (I think McKenzie copied Rosen) said I had a personal belief that justice for me has been denied. That absolutely proves they believe I did not intend to harass and did not have an improper motive. Wright, and I believe Rosen probably wrote it or some, in the order said a number of federal cases began in state court. He or they do not say how many or which ones. I do in my papers. I never asked for a case to be transferred from state to federal court. "A number" means more than 1 or 2. He or they say on page 2 say I am to furnish \$50,000 to pursue further proceedings without pre-filing review and approval, then mark it out on page 20;. More evidence Wright just agreed with what Rosen wrote. I received one copy of an order dated 11/2/22 of the NC Supreme Court denying my requests and another dated 11/7/22. They had last clear chance to stop as in NC Rule 7: don't commit crimes.

Basis of Jurisdiction of First Court

NC Superior Court would have jurisdiction if the case against me had merit.

Argument for Review on a Writ of Certiorari

My Constitutional rights were taken away including those under the 1st, 2nd, 4th, 5th, 8th, and 14th Amendments. The United States Constitution should be upheld. All should feel they can get a fair chance in court. The courts departed so far from procedures that this court should exercise its supervisory duties. I did not get my points addressed. I did not get all chances to appeal. The courts have made so many wrong rulings, mostly corruptly and maybe some unintentionally, that this has become a pattern and not just mistakes. STOP THESE PEOPLE!!!

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