

JUN 22 2023

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23-5106  
No.

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**In the  
Supreme Court of the United States**

John B. Freitas

Petitioner

v.

SUPERIOR COURT OF ALAMEDA COUNTY, JUDGE R Evenson, et al.

RESPONDENTS

COMMUNITY FUND, LLC

REAL PARTY IN INTEREST

**On Petition for Writ of Certiorari to the**

**SUPREME COURT OF THE STATE OF CALIFORNIA**

**Case #S S278735**

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**PETITION FOR WRIT OF CERTIORARI**

ORIGINAL

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## ISSUES PRESENTED & INDEX TO APPENDICES

1. The conduct of the Justices of the SCOTUS and the judges of the inferior courts merits impeachment and removal for knowingly and intentionally participating in and conspiring to commit the most corrupt, ongoing, continuing, criminal enterprise in the history of the United States.

“The Justices” of the Supreme Court of the United States (“SCOTUS”) and the judges of the “inferior Courts shall hold their Offices during good Behavior”. Article III, § 1 of the U.S. Constitution, the “Good Behavior Clause Doctrine”. (See Appendix C).

No one is above the law. Local, State and Federal judges including the Justices of the Supreme Court of the United States are not above the law.

2. Congress has the Constitutional authority to enact legislation regulating judicial ethics, in order to regulate the ethical obligations of the Local, State and Federal judges including the Justices of the Supreme Court of the United States. (See Appendix C in re U.S. Constitution’s Article 1, §§ 5 and 8 and Article III §1).

3. The Justices of the Supreme Court of the United States have failed to comply with ethics legislation enacted by Congress under the “necessary and proper clause” in Article 1, which specifically applies to the Justices of the SCOTUS as well.”.

**The Justices of the SCOTUS must retain decisional independence.**

### **LIST OF PARTIES**

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

[X] 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:

Petitioner: John B. Freitas;

Defendant No. 1 –Alameda County Superior Court Judge Rebekah Evenson

– The Superior Court of the State of California, Alameda County

(RESPONDENT)

Defendant No. 2 – Community Fund, LLC (REAL PARTY IN INTEREST).

Because no Petitioner is a corporation, a corporate disclosure statement is not required under Supreme Court Rule 29.6.

### **RELATED CASES**

### **IN THE SUPREME COURT OF THE UNITED STATES**

JOHN B. FREITAS,

Plaintiff-Appellant,

v.

SUPERIOR COURT OF THE STATE  
OF CALIFORNIA, COUNTY OF  
ALAMEDA,

Respondent;

COMMUNITY FUND, LLC, et.al.

Real Party in Interest

Supreme Court of U.S.

Case No. \_\_\_\_\_

on appeal from the Supreme

Court of California  
Case # S278735

In the Supreme Court of the State of California

JOHN B. FREITAS,

Plaintiff-Appellant,

v.

SUPERIOR COURT OF THE STATE  
OF CALIFORNIA, COUNTY OF  
ALAMEDA,

Respondent;

COMMUNITY FUND, LLC,  
Real Party in Interest.

California Supreme Court

Case No. S278735

on appeal from the Court of  
of the State of California  
County of Alameda

California Ct. of Appeal  
Case # A167131

In the Court of Appeal of the State of California

JOHN B. FREITAS,

Plaintiff-Appellant,

v.

SUPERIOR COURT OF THE STATE  
OF CALIFORNIA, COUNTY OF  
ALAMEDA,

Respondent;

COMMUNITY FUND, LLC,  
Real Party in Interest.

On appeal from Court of Appeal  
of the State of California

California Ct. of Appeal  
Case # 167131

on appeal from the Superior  
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b. <b>The Right to <u>Expose Corruption</u> in the Court(s)</b>	
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## **PETITION FOR WRIT OF CERTIORARI**

Petitioner, John B. Freitas (“Petitioner” or “Freitas”) respectfully prays that a writ of certiorari issue to review the judgment below.

### **OPINIONS BELOW**

1. March 29, 2023 -The unpublished order of the Supreme Court of the State of California **denying** Petitioner’s “Petition for Writ of Mandate/Review” dated 02/08/2023 is unreported and is reproduced at **Appendix “A”. Case # S278735.**
2. February 15, 2023The unpublished order of the Court of Appeal for the State of California is reproduced **Appendix (B). Case # A 167131. (Note to Reader – the trial is scheduled for later this year or early next year).**

### **JURISDICTION AND VENUE**

The jurisdiction of this Court is invoked under the following statutes, including but not limited to the following:

- **28 U.S.C. § 1254(1)** - “Cases in the courts of appeals may be reviewed by the Supreme Court by . . . writ of certiorari granted upon the petition of any party to any civil ...case”.
- **28 U.S.C §1257. State courts; certiorari**
  - (a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up

or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

- **28 U.S.C § 1331 - Federal question;**
- **15 U.S.C. The Clayton Act, § 7, as amended, including but not limited to the following: 15 U.S.C. §11(b), §18, §21(b), regarding **Monopoly, Restraint of Trade, and Harming Competition and Raising costs for lenders and homeowners:****
- **15 U.S.C. § 45 -The Federal Trade Commission (“FTC ACT”) § 5(b) of the FTC Act;**
- **28 U.S.C. § 1343 - Civil rights;**
- **The “Amount in Controversy” is substantially more than \$75,000;**
- **12 U.S.C. § 5412 The Dodd-Frank Act - regarding seizure and forfeiture of assets;**
- **Petitioner/Freitas claims that **Freitas suffered harm, injuries and damages** as a result of the acts of commission and the acts of omission of the following individuals and entities, including but not limited to:**
  - Alameda County Superior Court Judge R. Evenson;**
  - Alameda County Superior Court Judge J. Whitman;**
  - Alameda County Superior Court Judge N. Wise;**
  - Alameda County Superior Court Judge P. McKinney;**
  - Federal District Court Judge James Donato;**
  - Federal District Court Judge Jon Tigar;**



Bank of America, N.A.;

Nationstar Mortgage, Inc., rebranded as “Mr. Cooper”.

Quality Loan Services Corporation;

Community Fund, LLC;

Tim Larsen, Attorney for Community Fund LLC;

The County of Alameda, California;

The District Attorney of Alameda County, California, Pamela Price; and

The State of California.

[Regarding the above-named individuals and entities:  
Their co-conspirators, proxies, surrogates, and their  
respective counsel (sometimes hereinafter  
collectively referred to as “**CO-CONSPIRATORS**”).]

### **Venue**

**Venue** is proper in the Ninth Circuit/Alameda County, California, because the subject real estate and personal property formerly owned by Petitioner/Freitas are located in Alameda County, California.

Freitas owned and continuously occupied the subject residence for more than forty-(40) years and continued to reside in the subject residence until Freitas and his family were **forcibly and wrongfully evicted on September 17, 2019.**

### **CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED**

(See Appendix C for full text of additional constitutional and statutory provisions included herein.)

## **1. United States Constitution**

**1<sup>st</sup> Amendment – Freedom of Speech** including but not limited to:

- a. The Right to Access the Courts;
- b. The Right to Expose Corruption in the Court(s);
- c. The Right to Petition the Court for redress of grievances;
- d. The Right to be heard in a meaningful manner and at a meaningful time; and
- e. The right to a fair and impartial judge and a jury.

## **5<sup>th</sup> Amendment – The Taking's Clause**

**No person shall be....deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.**

The power of the government ..... to take private property and convert it into public use is referred to as a taking. The Fifth Amendment provides that the government may only exercise this power if they provide just compensation.

### **Types of Takings**

Many types of government action infringe on **private property rights**. Accordingly, the Fifth Amendment's compensation requirement is not limited to government seizures of real property. Instead, **it extends to all kinds of tangible and intangible property, including but not limited to easements, personal property, contract rights, and trade secrets.**

- The United States Constitution-Fifth Amendment's "**takings clause**" applies to the respective states through the Fourteenth Amendment;

**14<sup>th</sup> Amendment - § 1** – the right not to be deprived of life, liberty, property and the pursuit of happiness without due process of law, equal protection under the law and in accordance with the Rule of law;

**14<sup>th</sup> Amendment - § 3** - Insurrection or rebellion; in violation of the U.S. Constitution;

## **2. Constitution of the STATE OF CALIFORNIA**

### **California's Taking Clause and State Constitution**

(Cal. Const. art. 1, § 19, subd. (a).), in pertinent part:

**“(a) Private property may be taken or damaged for a public use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner.....;**

**(b) The State and local governments are prohibited from acquiring by eminent domain an owner-occupied residence for the purpose of conveying it to a private person;**

**“ ‘Person’ means any individual or association, or any business entity, including, but not limited to, a partnership, corporation, or limited liability company.”**

*Property Reserve, Inc. v. Superior Court (Department of Water Resources)* Supreme Court of California Jul 21, 2016 1 Cal.5th 151 (Cal. 2016), 1 Cal.5th 151•204 Cal. Rptr. 3d 770•375 P.3d 887.

## **3. Regarding Monopoly, Restraint of Trade, Harming Competition and Raising costs for lenders and homeowners:**

- **The Clayton Act, 15 U.S.C. The Clayton Act, § 7, as amended; and**
- **The Federal Trade Commission Act. 15 U.S.C. § 45 - (“FTC ACT”)**

## **4. 12 U.S.C. § 5412 The Dodd-Frank Act ("Dodd-Frank").**

The United States Constitution-Fifth Amendment's "**takings clause**"

applies to the respective states through the Fourteenth Amendment;

See the recently decided (May 25<sup>th</sup>, 2023) unanimous ruling written by Chief Justice John Roberts in *Tyler v. Hennepin County* (Minnesota) 598 U.S. \_\_\_, Docket No. 22-166;

California State's Constitutional "Takings Clause". (Cal. Const. art. 1, § 19, subd. (a) regarding the "tak[ing] or damag[ing]" of property for a public use;

When the judges, banks and their co-conspirators take an owner's property without just compensation, that is a **violation of the "Takings Clause"** of the United States Constitution and the Constitution of the State of California; It's also called "**Equity Theft**"-- specifically regarding the retention by the judges, the banks and their co-conspirators of the excess value of the real property above the alleged debt.

According to **California's Constitution** Cal. Const. art. 1, § 19, subd. (a) Freitas is entitled to any surplus in excess of the alleged debt owed.

In the case of Freitas v. Community, **there was no debt, as evidenced by the "Deed of Full Reconveyance" recorded on July 1, 2016 (See Appendix H)** and the fact that **no "Notice of Default" was ever issued to Freitas** (this is jurisdictional).

**Freitas' equity in his house amounted to 100% of the value of the house and the land on which the house sits, plus compensatory and punitive damages.**

The State of California, the County of Alameda, local, state and federal judges and their co-conspirators used their power(s) to confiscate **more property** including the subject real estate and Freitas's **equity in the property** effected a "**classic taking**" in which Judge Evenson, Judge Whitman, the County of Alameda, the State of California and their other co-conspirators directly appropriated private property in order to accomplish their "end game" as specified herein, namely to destroy the U.S. democracy, to disrupt the U.S. economy; to destroy the Judicial Branch of the U.S. Government and to take ownership and control of all real and personal property in the United States.

#### **1. United States Constitution**

**1<sup>st</sup> Amendment – Freedom of Speech** including but not limited to:

- a. The Right to Access the Courts;
- b. The Right to Expose Corruption in the Court(s);
- c. The Right to Petition the Court for redress of grievances;
- d. The Right to be heard in a meaningful manner and at a meaningful time; and
- e. The right to a fair and impartial judge and a jury.

**14<sup>th</sup> Amendment - § 1** – the right not to be deprived of life, liberty, property and the pursuit of happiness without due process of law, equal protection under the law and in accordance with the Rule of law;

**14<sup>th</sup> Amendment - § 3** - Insurrection or rebellion; in violation of the U.S. Constitution;

## 2. Federal Rules of Civil Procedure Rule 4 – Summons

### (c) Service:

(1) *In General.* A summons must be served with a copy of the complaint.

(3) *By a Marshal or Someone Specially Appointed.* At the plaintiff's request, the court **may order** that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.

The court Federal District Court Judges Tigar and Donato **must so order** if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915.....

3. 42 U.S.C. § 1983 - Civil action for deprivation of rights;
4. 42 U.S.C. § 1985 - Conspiracy to interfere with civil rights;
5. 42 U.S.C. § 1986 – Action for neglect to prevent conspiracy
6. 18 U.S.C. § 1503 Obstruction of Justice
7. Misprision of felony - Title 18 U.S.C. § 8.0 A (18 U.S.C. § 4)  
Conspiracy against rights of citizens;
8. Misprision of treason - 18 U.S.C. § 2382 –
9. Committed a sedition conspiracy; 18 U.S.C § 2384
10. Conducted a conspiracy to commit subversion.
11. Tax evasion- § 7203 proscribes the felony offense of willful tax evasion.
12. Fraud on the court
13. Title 18 U.S.C. § 1962 - § 1968 “RICO”
14. Code of Judicial Ethics Canon 3B (7)(d) and Canon 2(A).
15. 18 U.S.C. § 1346 – “**Honest Services Fraud**” is a valid Federal Claim against Corrupt Government Officials.  
Penalty: imprisonment for not more than 30 years, a fine for as much as \$1,000,000, or both.
16. California Penal Code 115 PC- **Procurement or offering false or forged document.**
17. Cal. Pen. Code 118 PC – **Perjury.**
18. Cal. Pen. Code § 186.11 **Aggravated while collar crime enhancement**

19. Cal. Pen. Code § 11416 California “Domestic Terrorism and Mass Destruction” Penalty: imprisonment for up to 12 years.

### INTRODUCTION

“The Justices” of the Supreme Court of the United States (“SCOTUS”) and the judges of the “inferior Courts shall hold their Offices during good Behavior”. Article III, § 1 of the U.S. Constitution, the “Good Behavior Clause Doctrine”. By their conduct, the Justices and the judges have knowingly and intentionally violated the “Good Behavior Clause Doctrine” and the Canons of Judicial Ethics. (See Appendix C).

The conduct of the Justices of the SCOTUS and the judges of the inferior courts merits impeachment and removal for knowingly and intentionally participating in and conspiring to commit the most corrupt, ongoing, continuing, criminal enterprise in the history of the United States.

Petitioner and his team have tangible, relevant, admissible evidence confirming the enterprise and the conspiracy including but not limited to Judges Evenson, Whitman, Wise, Donato, Tigar, the Justices of the SCOTUS and their co-conspirators (collectively herein referred to as “co-conspirators”).

The co-conspirators knowingly and intentionally succeeded at accomplishing their “End Game”, namely to:

- a. Win the vast majority of the millions and millions of real estate foreclosure cases in the United States since the year 2000;

**b. Create the method and means** by which the conspirators are conspiring (agreeing) to commit and actually have committed the substantive crimes enumerated in this document.

**c. Control all of America's real property**, personal property and all of its citizens by:

1. Destroying the U.S. democracy, including but not limited the **judicial branch** of the U.S. Government;
2. Disrupting the economy of the United States;
3. Causing harm, damages and injuries to Petitioner/Freitas;
4. Causing harm, damages and injuries to the owners of millions of homes in California and throughout the United States;
5. **Securing for the benefit of the conspirators ownership and control** of all financial instruments (U.S. Dollars and U.S. Treasury Certificates, Uniform Commercial Code filings and **recorded financing statements**, etc.) (See **Appendix D** with 2 separate UCC financing statements); and
6. **Expropriating (aka to seize and to steal) the money, cash equivalents, and deposits of the banks' creditors** [homeowners and checking and savings account depositors] pursuant to the "bail-ins" provisions under the **2010 Dodd-Frank Act**, 12 U.S.C. § 5412



("Dodd-Frank"), regarding Systemically Important Financial  
Institutions ("SIFI's"= the largest banks).

Petitioner John B. Freitas and his team have substantial, tangible, relevant, admissible evidence confirming the actual "end game" of the participants in the conspiracy and the manner and means by which Judge Evenson, Judge Whitman, Judge Donato, Judge Tigar and their co-conspirators knowingly and intentionally are accomplishing their "End Game" which is described as:

- a. taking ownership and control of all real estate in the United States;
- b. taking ownership and control of all financial instruments (U.S. Dollars and U.S. Treasury Certificates, etc.); and
- c. taking ownership and control of all real and personal property in the United States by filing "**Security Interest Filings**" [Uniform Commercial Code] ("UCC") , copies of two such documents are reproduced in (**Appendix D**).

The subject two documents in **Appendix D** were filed and recorded on July 28, 2011 and August 12, 2011 respectively, with the Maryland State Department of Assessments and Taxation. The reader's attention is directed to the bottom left corner, page 3 of the **document #1**– the UCC Financing Statement recorded July 28th, 2011, specifically paragraphs 13 through 15, with particular attention to the U.S. dollar amount specified in paragraph 14.

According to **The Dodd-Frank Act 12 U.S.C. § 5412, as amended ("Dodd-Frank")** allows the **Systemically Important** Financial Institution ("SIFI's"), effectively the largest banks in the United States. **See Appendix E for a** list of the top 126 banks. The reason those and other SIFI's are called systemically important is NOT their asset size but the fact that their failure could bring down the whole financial system.

That designation comes chiefly from their **exposure to derivatives**.

**The Dodd-Frank Act**, in the event of insolvency, **eliminated taxpayer bailouts by requiring insolvent SIFI's to recapitalize themselves** with the **funds of the creditors, including depositors**. The banks legally can seize the money in the accounts of depositors and other unsecured creditors. The accounts of depositors and other creditors would be emptied to keep the insolvent bank(s) in business.

Derivatives were at the heart of the "Global Financial Crisis of 2007-09. As of the third Quarter of 2022, the "Quarterly Report of Bank Trading and Derivatives Activities" of the Office of the Comptroller of the Currency" the following **top 5 banks held derivatives amounting to:**

1. J.P. Morgan Chase (\$54.3 trillion), 2. Goldman Sachs (\$51 trillion), 3. Citibank (\$46 trillion), 4. Bank of America (\$21.6 trillion) and 5. Wells Fargo (\$12.2 trillion). **The total speculative amounts outstanding** for contracts in the

derivatives market was an estimated \$600 trillion; and the total is often estimated at over \$1 Quadrillion. (See Appendix E for the top 128 banks).

A general deposit is a loan made by the depositor to the bank. The bank becomes the general depositor's debtor. The bank has legal title to the funds deposited. The general depositor has only an unsecured claim against the bank.

When the banks go bust, the result very well could be bank runs and systemic risk. That is included in the end game of the participants in the subject conspiracy which began over 45-years ago and now coming to fruition.

### **STATEMENT OF THE CASE**

Judge Evenson and her co-conspirators have perpetrated the felonies specified herein, causing harm, damages and injuries as against:

1. Petitioner John B. Freitas ("Freitas") and
2. California homeowners of more than fifteen-million (15,000,000) residential dwellings (since 2000) in and around Alameda County, and throughout the State of California.

The judges and their co-conspirators:

- a. defrauded Freitas and his family out of their residence otherwise known as 36549 Cedar Blvd., Newark, California (the "Subject Property");
- b. took Freitas' property; and
- c. stole Freitas' equity.

The co-conspirators continue to perpetrate the substantive crimes of the conspiracy. **The "End Game"** of the conspirators, including the Justices of the

SCOTUS and the judges of the “inferior court” and their co-conspirators is to successfully accomplish the single, common objective, namely to take over ownership and control of all real and personal property in the United States, while amassing unimaginable wealth for the benefit of the participants in the conspiracy.

In the United States, since the year 2000, John Freitas and other owners of more than one-hundred-fifty-million (150,000,000) residential dwellings have fallen victim to the tactics employed by the perpetrators of the conspiracy and its substantive crimes outlined in this “Petitioner’s Writ of Certiorari”.

The owners of approximately twenty-million (20,000,000) **additional homes** are facing impending foreclosure after the sun-setting of the federal foreclosure moratorium and the recent economic conditions, especially the owners whose mortgages/deeds of trust provide for adjustable interest rates.

The Judges and their co-conspirators swore under oath to uphold and defend the Constitution of the United States. Judge Evenson, Judge Whitman their co-conspirators have violated Petitioner’s constitutionally guaranteed inalienable rights including:

1. First Amendment right to Freedom of Speech;
2. Fifth Amendment’s “Takings Clause” and Equity Theft;
3. Fourteenth Amendment right to due process of law, equal protection under the law and the right to be treated according to the “Rule of Law”.

Judge Evenson and her co-conspirators have a direct interest, a financial interest, a personal interest, and a substantial connection **in the outcome of each of the real estate foreclosure matters over which they preside, including Freitas' case.** See, e.g., *In re Murchison*, 349 U.S. 133, 136, 75 S.Ct. 623, 99 L.Ed. 942 (1955) (concluding that “no man [person] is permitted to try cases where [s]he has an interest in the outcome”); *Tumey v. Ohio*, 273 U.S. 510, 523, 47 S.Ct. 437, 71 L.Ed. 749 (1927) (concluding that judges should not preside over cases involving a “direct, substantial, pecuniary interest” in the outcome).

Judge Evenson and her co-conspirators are behaving in a manner that is “prejudicial to the effective and expeditious administration of the business of the courts...” *In re Complaint of Judicial Misconduct*. United States Court Of Appeals For The Ninth Circuit, Mar 14, 2016. 816 F.3d 1266 (9th Cir. 2016).

The Code of Conduct for United States Judges directs federal judges to avoid both actual impropriety and its appearance. Code of Conduct for United States Federal Judges, Canon 2. As Justice Frankfurter put it, “justice must satisfy the appearance of justice.” *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 99 L.Ed. 11 (1954).

Judge Evenson and her co-conspirators **cannot be impartial** when they are corrupted by their vested interest in the outcome of each of the foreclosure cases over which the preside.

Judge Evenson and her co-conspirators, by their bias, and their vested interests in the outcome of each of the respective foreclosure cases:

- a. have prevented the fair and impartial administration of justice;
- b. intentionally and fraudulently concealed and covered up the felonies committed by Judge Evenson, and her co-conspirators by knowingly and intentionally committing criminal acts including but not limited to:
  1. Preparing and filing **void, defective, forged “re-assignments** for all purposes” attempting to appoint Judge Evenson and Judge Whitman to preside over the subject case;
  2. Having a vested in the outcome of each of the foreclosure matters over which Judge Evenson and the other judges presided;
  3. Obstructing justice;
  4. Refusing to recuse themselves for bias and the appearance of bias;
  5. Refusing to issue sanctions against Attorney Tim Larsen, Community’s attorney, who knowingly and intentionally filed forged, void documents with the Alameda County Recorder and with the Alameda County Superior Court and committed perjury in open court; and

**6. Receiving bribes for aggressively “clearing their dockets” of foreclosure cases.**

**Factual Background**

Petitioner Freitas commenced this action to challenge a foreclosure process that resulted in an illegal, defective, void foreclosure, a taking of real property and an equity theft committed by Judge Whitman, Judge Evenson, Community, Quality, Bank of America, the County of Alameda, the District Attorney of Alameda County, California, the State of California, the District Attorney of the State of California, the federal judges Tigar and Donato, the Justices of the Supreme Court of the United States and their co-conspirators as against Petitioner Freitas which resulted in the taking of Freitas’ home by reason of a non-existent debt.

**In the matter before this U.S. Supreme Court, Freitas is a victim of such “Equity theft” and “unlawful taking”.**

Freitas owned for over 40-years (“the subject property”) **debt free**, as evidenced by the following:

- a. an alleged Home Equity Line of Credit (“HELOC”), evidenced by a Deed of Trust recorded on October 12, 2005; (See **Appendix F**).
- b. **No funds were ever transferred** to, for or on behalf of Freitas because Freitas never drew down on the HELOC.
- c. a **void** Deed of Trust recorded October 25, 2005; (See **Appendix G**);

b. **“Deed of Full Reconveyance”** filed for record on July 1, 2016 (See **Appendix H**), which confirms that the subject property was owned **free and clear** by Freitas **prior to** Bank of America and Quality Loan Services initiating the illegal, defective, void foreclosure process.

The foreclosure resulted in Freitas losing his entire ownership interest in his property, even though there was no debt on the property.

At the time of “Taking” by the co-conspirators, Freitas’ equity in the house equaled approximately One-Million Dollars (\$1,000,000.00).

Bank of America, Quality, Community, the County of Alameda, the State of California and their other conspirators **took Freitas’ property and stole Freitas’ equity in the subject property**.

According to *Freed v. Thomas*, 976 F.3<sup>rd</sup> 729, 741 (6<sup>th</sup> Cir. 2020), there is no bar to federal jurisdiction over Freitas’ claims. Freitas did not find any case in the 9<sup>th</sup> Circuit that addresses this issue.

More recently, the Sixth Circuit went further and explained that when a taxing authority “[takes] property worth vastly more than the debts [the taxpayer] owed, and fails to refund any of the difference[,] [in] some legal precincts **that sort of behavior is called theft**.” See *Hall v. Meisner*, 51 F4th 185, 196 (6<sup>th</sup> Cir 2022) (internal quotations omitted). And from a **civil litigation perspective, the Sixth Circuit held that “the County [taxing authority] took**



**the plaintiffs’ property without just compensation, in violation of the Takings Clause,” *Id.* (Emphasis added).**

- On June 3<sup>rd</sup>, 2022 Alameda County Superior Court Judge Jenna Whitman (“Judge Whitman”) used a void, forged, defective **alleged re-assignment** of the subject case to Judge Whitman to whom this case was allegedly assigned for all purposes **(See Appendix I);**
- On November 4<sup>th</sup>, 2022 Judge Whitman issued an order **striking** Freitas’ “Challenge to Disqualify Judge Whitman” **(See Appendix J).**
- On January 6<sup>th</sup>, 2023 Alameda County Superior Court Judge Rebekah Evenson (“Judge Evenson”) used a void, forged, defective **alleged re-assignment** of the subject case to Judge Evenson to whom this case was allegedly assigned for all purposes; **(See Appendix K);**
- On January 17<sup>th</sup>, 2023, Freitas filed a “**Challenge to Disqualify Judge Evenson**” for bias;
- On January 23<sup>rd</sup>, 2023 Judge Evenson issued an order **striking** Freitas’ January 17<sup>th</sup>, 2023 “**Challenge to Disqualify Judge Evenson**”; **(See Appendix L).**
- On February 8<sup>th</sup>, 2023, Freitas filed in the Court of Appeal of the State of California, a Petition for Writ of Mandate/Review.

- On February 15th, 2023 the Court of Appeal of the State of California issued its ruling denying Freitas' Petition for Writ of Mandate/Review. (See Appendix B) .
- On February 22, 2023 Freitas filed with the Supreme Court of the State of California a Petition for Writ of Review.
- On March 29, 2023 The Supreme Court of California filed its ruling denying Freitas' Petition for Review. (See Appendix A).
- On (date) June 22, 2023 Freitas timely filed Freitas' "Petition for Writ of Certiorari" (this document) in the Supreme Court of the United States ("SCOTUS").

**The substantial, relevant, tangible, admissible evidence establishes the following:**

1. **The intent of the judges** is to conspire (agree) to commit Domestic Terrorism, the destruction of the Democracy, the disruption of the economy and the destruction of the Judicial branch of the local, state and federal governments; and

2. **The intent of the judges to actually commit the substantive felonies** mentioned above; and

3. The "**End Game**" of the judges and their co-conspirators represents a clear and present danger and a very real, **existential threat** to the U.S.

**Democracy.**

We the people of the U.S. are obligated to protect our democracy and maintain our rights of due process, equal protection under the law and in accordance with the Rule of Law.

As discussed in the Exhibits attached to Freitas' original complaint and in Freitas' request for Judicial Notice, "The Top Secret Banker's Manual" ("TSBM") and the June 30, 2020 investigative report of Thomson Reuters "Reuters", together with written opinions of other experts, confirm that the judges and the majority of local, state and federal judges in California committed "misconduct", defined as "conduct prejudicial to the effective and expeditious administration of the business of the courts, including a substantial and widespread lowering of public confidence in the courts among reasonable people"... and conduct which brings the judicial branch of government and their respective public officers into DISREPUTE.

The End Game of the judges and their co-conspirators includes, among others, the participation in multiple transactions in furtherance of the single conspiracy **to control all of the real estate, financial instruments and money in the United States.**

Judge Evenson and her co-conspirators ("The participants")' method of operation remains strikingly consistent throughout the execution of the conspiracy, including, but not limited to the following:

1. that the participants' receipt of the "benefits" and "bribes" was dependent upon the success of the criminal conspiracy and the commission of the substantive crimes;

2. that the participants would issue court orders, rulings and judgments the participants determined:

- a. were in furtherance of the common objective(s) of the conspiracy;
- b. were necessary to expedite the rapid clearing of their respective dockets, often referred to as "Rocket Dockets"; and
- c. included **secret "Communications Codes"** among the judges and their co-conspirators in order to communicate with each other to conduct millions of fraudulent, illegal, void residential foreclosures and unlawful detainer actions;

3. **the secret codes included, among others**, the following:

- a. "A complaint 'fails to state a claim on which relief may be granted'";
- b. "The Complaint is Uncertain or Unclear";
- c. "The Complaint is Confusing or Unintelligible";
- d. "The Complaint is frivolous or done in bad faith and to harass Defendant(s)"; and

4. **Knowingly and intentionally** committing the following violations of federal and state statutes among others:

a. 18 U.S.C. § 2331 – Domestic Terrorism – including the U.S.A. Patriot Act ("**Patriot Act**")

**"DOMESTIC TERRORISM"**  
**Defined (See Appendix C)**

The 107th Congress passed the **Patriot Act** after the 9-11-2001 terror attacks in the U.S. that re-defined both domestic and international terrorism (9-11 Commission Report, PDF 585 pps).

“The Patriot Act 15 U.S.C. § 1639d and 12 U.S.C. § 5481 et seq.

includes laws to address, fight and punish domestic terrorism.

§ 802 of the **PATRIOT ACT** expanded the definition of terrorism to cover “domestic,” as opposed to international, terrorism.

(See Appendix C.)

Freitas’ claims that the assets of co-conspirators are subject to forfeiture because the assets constitute the proceeds of “Specified Unlawful Activity” (“SUA”), as defined in **18 U.S.C. §1956 (c)(7)**, or because the assets constitute property involved in money laundering transactions involving the proceeds of the Domestic Terrorism crimes perpetrated by Judge Evenson her co-conspirators.

**b. Conspiracy (an agreement) to commit** the elements of the violation(s) of the **“RICO”** statute.

18 U.S.C. § 1961- 1968 Racketeer Influenced and Corrupt Organizations Act (The “RICO” statute): includes the following elements:

- a. “conduct of an enterprise
- b. through an ongoing pattern of
- c. criminal racketeering activity (“predicate acts”)
- d. causing harm, damages and injuries to ...” Freitas and millions of homeowners of property and businesses in California.

**c. The actual commission of the substantive crime(s) mentioned above.**

**d. Obstruction of Justice:**

Obstruction of Justice is a criminal complaint pursuant to the omnibus clause, or "**catch-all provision**" of 18 U.S.C. § 1503, which provides:

Whoever....

1. Corruptly or by threats or force, or
2. by any threatening letter or communication,
3. Influences, obstructs, or impedes, or endeavors, to influence, obstruct, or impede, the due administration of justice,
4. Shall be guilty of an offence.

**"Obstruction of justice"** is the frustration of governmental purposes by violence, **corruption, destruction of evidence, or deceit.**—Judge Evenson, Judge Whitman, and their co-conspirators committed an Obstruction of Justice by violating and ignoring the Rules of Civil Procedure and the Rules of Evidence.

**e. Prepared and filed void, false, defective, forged documents** purporting to **re-assign** Judges Whitman, Wise, and Evenson as the "Judge for all Purposes" in the instant case. The void, defective re-assignments to preside in this case were in furtherance of the conspiracy of which Judge Whitman, Judge Wise, Judge Evenson and Judge Donato are an integral part;

**f. Allowed Defendant Community's Attorney Tim Larsen to file forged documents** with the court and to commit perjury; and Judge Whitman refused to impose sanctions as against Tim Larsen, in spite of objections raised by Freitas;

**g. Misprison of felony** – in violation of §8.0A (18 U.S.C. § 4): (See Appendix C).

**h. Misprison of treason** - in violation of 18 U.S.C § 2382

**i. Honest Services Fraud**; 18 U.S.C. §1346

**j. Accept Bribes**

**k. The co-conspirators knowingly and intentionally recorded** forged, false, void, defective, unauthorized copies of document(s) (among which are “Deeds of Trust”, “Trustee’s Deeds upon Sale”, Notices of Default, and “Notices of Trustee’s Sale”) in the County Records’ offices in California and in many other counties in the United States.

**l. The co-conspirators knowingly and intentionally filed forged,** false, void, defective, unauthorized copies of document(s) as listed immediately above in courtrooms in California and in many other jurisdictions in the United States. Judge Donato, Judge Wise and their other co-conspirators knowingly and intentionally caused harm, damages and injuries to Petitioner/Freitas, the owner of the subject residential property.

Judge Donato has no jurisdiction.

“Lack of jurisdiction, in its most fundamental or strict sense, means an entire absence of power to hear or determine the case, and absence of authority over the subject matter *or the parties*.” [Citations.] *Strathvale Holdings v. E.B.H.* (2005) 126 Cal.App.4<sup>th</sup> 1241, 1249.) “When the evidence is not in conflict, whether jurisdiction exists is a question of law which we review de novo.” (*Roman v. Liberty University, Inc.* (2008) 162 Cal.App.4<sup>th</sup> 670, 677.)

**On November 8, 2021** - Petitioner/Freitas filed the original complaint.

On April 22, 2022 Judge Donato issued an “**ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS AND DISMISSING CASE** and **authorizing Freitas** to file a **First Amended Complaint**.”

On May 6, 2022 Petitioner/Freitas filed the **First Amended Complaint**.

On or about May 6, 2022, Freitas learned that Judge Donato, in contravention of Fed. R. Civ. P. 4 (c)(3) **had not issued and refused to issue the Summons Order to the District Court Clerk**. The District Court Clerk therefore had **no authority to instruct the U.S. Marshall to serve the Summons** and two copies of the Original Complaint on each respective Defendant:

a. Judge Wise, b. Alameda County and c. The State of California.

2. Judge Donato knowingly and intentionally violated Federal Rules of

Civil **Procedure Rule 4 – Summons** (Current through 12/01/2022).

**(c) Service.**

**(1) In General.** A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.

**(2) By Whom.** Any person who is at least 18 years old and not a party may serve a summons and complaint.

**(3) By a [U.S.] Marshal or Someone Specially Appointed.** At the plaintiff's request, **the court may** order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. **The court must so order** if the plaintiff is authorized to proceed in forma pauperis ....” (Emphasis added).



Judge Donato on April 22, 2022 issued the order authorizing Freitas to proceed in forma pauperis. Petitioner/Freitas has the right to rely upon the obligation of the Judge, the clerk and the Marshal to serve the Summons and a copy of the Complaint on each Defendant. *Infra Shaw v. Lindgren*.

d. As a result of the fact that Judge Donato knowingly and intentionally did not issue the Summons Orders, the Clerk could not do its job and therefore, the U.S. Marshal department could not do its job.

e. Judge Donato and his co-conspirators obstructed Justice and denied Plaintiff his constitutionally guaranteed right to life, liberty, property, and the pursuit of happiness without due process of law, equal protection under the law and in violation of the Rule of Law.

Plaintiff [Freitas] has a right to rely on the court officers and marshals doing their duty. **Service of Summons and Complaint – “Summons Order”**

“In cases involving plaintiffs proceeding in forma pauperis, the **Court routinely orders** the U.S. Marshals Service to serve the summonses and complaints on the defendants.” *Razavi v. Coti* 17-cv-04341-BLF (N.D. Cal. Nov. 9, 2021), *Figueroa v. Navarro*, No. 1:20-cv-01254-AWI-SKO (PC), 2021 WL 4991735, at \*1 (E.D. Cal. Oct. 27, 2021). “A **pro se plaintiff** proceeding in forma pauperis is entitled to rely on the [officers of the Court and the] U.S. Marshal for service of the summons and complaint after having provided the necessary information to help effectuate service under 28 U.S.C. § 1915 and Rule 4.” *Shaw v.*

*Lindgren*, No. CV 19-2700-DMG (AGR), 2021 WL 4614119, at \*5 (C.D. Cal. Aug. 12, 2021) (internal quotation marks and citation omitted).

Plaintiff [Freitas] is proceeding *in forma pauperis* and is “entitled to such service by the officers of the Court and the U.S. Marshal.” See Fed. Civ. P. 4(c)(3). *Chavez Alvarez v. Monzon*, Case No. 16-02796 EJD (PR) (N.D. Cal. Aug. 24, 2017).

Similarly, 28 U.S.C. § 1915(c) provides that in cases in which a court authorizes a plaintiff to proceed in forma pauperis the “**officers of the court shall issue and serve all process**.” In *Davis v. Department of Corrections*, 446 F.2d 644 (9th Cir. 1971), the Court held that the district court's dismissal of an action brought by a plaintiff proceeding in forma pauperis for failure to effect service was erroneous because under 28 U.S.C. § 1915(c) **the officers of the court should have effected service. *Id.* at 645.**

3. “**Harm, Injuries and Damages**” destroys “frivolous” or “taken in bad faith”. The harm, injuries and damages suffered by Freitas were caused by adverse parties, namely Judge Evenson, Judge Donato and their co-conspirators.

The Supreme Court of California in *Yvanova v. New Century Mortgage Corporation*, 62 Cal.4<sup>th</sup> 919, 938 (2016) concluded as follows:

a. “That a homeowner who has been foreclosed on by one with no right to do so—by those facts alone—sustains prejudice {damages} or harm **sufficient to constitute a cause of action for wrongful foreclosure**;

b. When a non-debtholder forecloses (e.g. Quality and Community), a homeowner (Freitas) is **harmed** by losing his home to an entity with no legal right to take it; and

c. Therefore under those circumstances, the **void deed of trust**, the non-code compliant, required notices, no “Notice of Default”, void “Notice of Trustee’s Sale”, void “Trustee’s Deed Upon Sale” and the non-code-compliant unlawful detainer notices are the proximate cause of Freitas’ actual harm, injuries and damages and **constitute all that is required to be alleged to satisfy the element of prejudice, harm and damages in a wrongful foreclosure cause of action.** *Id. Yvanova* .

## **REASONS FOR GRANTING THE WRIT OF CERTIORARI**

### **I. The Questions Presented Are Critically Important and Warrant Immediate Review.**

**“The Justices” of the SCOTUS and the judges of the “inferior Courts, shall hold their Offices during good Behavior”. Article III, § 1 of the U.S. Constitution, the “Good Behavior Clause Doctrine”. (See Appendix C)**

**By their conduct, the Justices and the judges have violated the “Good Behavior Clause Doctrine”. Their conduct merits impeachment and removal for participating in and conspiring in the most corrupt and ongoing, continuing, criminal behavior in the history of the United States.**

### **II .The Importance of this case cannot be overestimated.**

Petitioner/Freitas has substantial, tangible, relevant, admissible evidence that:

**1. Judge Evenson and her co-conspirators are participating in a conspiracy to finance the single largest, ongoing criminal racketeering enterprise in the history of America;**

**2. The “End Game” of the participants, including local, state and federal judges and other conspirators represents a clear and present danger and a very**

real, **existential threat to the U.S. Democracy**, the U.S. economy and the Judicial branch of the U.S. Government;

3. The “End Game” of the “conspirators” is to successfully commit the **actual, substantive crime(s)** participants in the conspiracy agreed to accomplish in order to overthrow and to undermine the U.S. Government;

4. U.S. real estate provides the strength, backing, confidence and acceptability of the U.S. (Dollar) currency;

5. Owning and controlling all U.S. real estate:

a. guarantees control of the U.S. currency and control of the U.S. Democracy; and

b. vests in the conspirators’ enterprise total control of all real and personal assets of U.S. citizens. **(See Appendix D).**

6. There are approximately **three-million-five-hundred-thousand (3.5 million) evictions each year** in the United States.

7. **Unlawful detainer** actions and **Eviction rates are up over fifty percent (50%)** above pre-pandemic levels because the federally mandated eviction moratoriums expired months ago; and

8. The conspirators have successfully completed their ultimate goal of overthrowing and undermining the U.S. Democracy, disrupting the U.S.

economy and controlling every facet of the life, liberty, property and the pursuit of happiness that United States citizens hold sacred.

Freitas lost ownership, possession and title to his house, now valued at well over \$1,000,000.00. There was no outstanding debt and Freitas owned the house free and clear of any debt as evidenced by the “Deed of Full Reconveyance” recorded on July 1, 2016. (See **Appendix H**).

Sufficiently **alleging** injury in fact creates a justiciable issue that allows the court to advance to the merits inquiry. (Emphasis added).

There is no constitutional or factual basis for depriving Petitioner/Freitas access to this Court, the only venue for resolution available to him.

The exhaustive Reuters investigation found that in the past dozen years “[local, state and federal] **judges have repeatedly escaped public accountability for misdeeds that have victimized thousands [millions] of homeowners.**” (Emphasis added).

Judges are among the numerous enablers that are complicit with the co-conspirators who have perpetrated the single largest criminal enterprise in the history of the world.

Judge Evenson, Judge Whitman, Judge Wise, Federal District Court Judge Donato and their co-conspirators, including the Justices of the “SCOTUS”, have violated and continue to violate **Article III, § 1 (“Good Behavior Clause”)** and their Code of Judicial Ethics and **Legal Ethics** which the judges swore to uphold. **Canon 3B (7)(d) and Canon 2(A)**, and committed felonies in violation of state and federal law and criminal statutes, for which the

local, state, federal judges **including the justices of the SCOTUS can and will be held accountable.**

“Congress has the Constitutional authority to enact legislation regulating judicial ethics, in order to regulate the ethical obligations of the justices of the SCOTUS.” Testimony before the Senate Judiciary Committee May 2, 2023, of University of Virginia Law Professor, Amanda Frost.

“The justices of the SCOTUS must retain decisional independence.” However, the Supreme Court Justices have failed to comply with **ethics legislation enacted by Congress**, which specifically applies to them as well.”

“Congress’ constitutional authority and power to protect the integrity of the federal judiciary through such legislation is derived from three sources: 1. **the text of the Constitution**; 2. **its structure**; and 3. **its long-standing historical practice**.

And all three confirm that Congress has the Constitutional authority to enact legislation regulating judicial ethics.”

**(See Appendix C in re U.S. Constitution’s Article 1, §§ 5 and 8 and Article III §1).**

“The Constitution, Article 1, §5 gives [Congress] the Legislative Branch authority over its own rules and procedures. The Constitution is silent as to how the Supreme Court shall be structured and [the Constitution] delegated that task to [Congress] the Legislative Branch of government under the necessary and proper clause in Article 1.”

See also *Moore v. United States*, 36 F.4th 930, 934 (9th Cir. 2022). *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 323–25, 4 L.Ed. 579 (1819).

“Congress required the justices to take an oath, which the presently sitting justices have taken, which is “that they must treat rich and poor alike and they must adjudicate cases faithfully and impartially. Congress established the first recusal statute which for 75 years has also

applied to the Justices. **For over 230 years**, for as long as the Supreme Court has existed, Congress has regulated vital aspects of its operation, **including its ethical obligations. That remains true today.**

By reason of the violations of their Canons of Judicial Ethics, **local, state and federal judges, the Justices of the SCOTUS** and their co-conspirators have committed the following ethical code violations, including but not limited to:

- a. **having a vested interest in the outcome of the cases** over which the judges and justices have presided;
- b. failing to report income as required on financial disclosure statements;
- c. **failing to report income** as required on their IRS Tax Returns; and
- d. the following felonies:
  1. Honest Services Fraud;
  2. Tax evasion;
  3. Conspiracy to commit: a. misprison of treason; b. sedition; c. subversion; and d. RICO violations
  4. Soliciting bribes;
  5. Accepting bribes;
  6. Participating in improper business relationships with litigants who are parties to cases over which the judges preside;
  7. **Violating the “Takings clause”** of the U.S. Constitution’s Fifth Amendment regarding real property owned by millions of homeowners in California and the United States; and
  8. **Stealing the equity (i.e. “Equity theft”)** regarding the real and personal property owned by millions of homeowners in California and the United States.

The United States Constitution-Fifth Amendment’s “takings clause”

applies to the respective states through the Fourteenth Amendment. *Herzberg v. County of Plumas*, 133 Cal.App.4th 1, 12 - 13(Cal. Ct. App. 2005)

A. Applicable Legal Principles:

Both the state and federal Constitutions guarantee real property owners "just compensation" when their land is "taken . . . for public use. . . "(Cal. Const., art. I, § 19; see U.S. Const., 5th Amend.) ( *Palazzolo v. Rhode Island* (2001) 533 U.S. 606, 617 [ 150 L.Ed.2d 592, 606, 121 S.Ct. 2448];

See the recently decided (May 25<sup>th</sup>, 2023) unanimous ruling written by Chief Justice John Roberts in *Tyler v. Hennepin County* (Minnesota) 598 U.S. \_\_\_\_, Docket No. 22-166:

"Whether remaining value from a tax sale is property protected under the Takings Clause depends on state law, "traditional property law principles," historical practice, and the Court's precedents. *Phillips v. Washington Legal Foundation*, 524 U.S. 156, 165-168. Though state law is an important source of property rights, it cannot be the only one because otherwise a State could "sidestep the Takings Clause by disavowing traditional property interests" in assets it wishes to appropriate. *Id.*, at 167. History and precedent dictate that, while the County had the power to sell Tyler's home to recover the unpaid property taxes, **it could not use the tax debt to confiscate more property than was due.**" Doing so effected a "classic taking in which the government directly appropriates private property for its own use." *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302, 324 (internal quotation marks omitted).

Judges who commit crimes and accept bribes from litigants appearing before them will be disqualified from hearing cases, removed from office for "... conduct prejudicial to the administration of justice that brings the judicial office



into disrepute...”) and imprisoned for “bribery” and violation of the “intangible right to Honest Services”.

The penalty for the violation of 18 U.S.C. § 1346 (Honest Services Fraud) includes imprisonment for not more than 30 years, a fine for as much as \$1,000,000, or both.

Judge Evenson and her co-conspirators, in “furtherance of their conspiracy”, conspired to:

- a. defraud Freitas of his property;
- b. deny Freitas of his inalienable right to **freedom of speech**;
- c. deny Freitas the right to life, liberty, property and the pursuit of happiness without due process of law, equal protection under the law and in violation of the Rule of Law.

**Specific intent to defraud can be established using circumstantial evidence.** *U.S. v. Rosen*, 130 F.3d 5, 9 (1st Cir., 1997); *U.S. v. Woodward*, 149 F.3d 49, 57 (1st Cir. 1997). (Emphasis added)

“Concealment of gifts by failing to report them on financial disclosure forms (local, state, or federal) can be used to establish intent to defraud.” *U.S. v. Espy*, 23 F.Supp.2d 1, 7 (D.C. Dist. Ct. 1998).

Honest Services Fraud (18 U.S.C. 1346) is concerned with the manner in which officials make their decisions, and not the wisdom of the official action. (*U.S. v. Lopez-Lukis*, 102 F.3d 1164, 1169 n. 13 (11th Cir. 1997).) “....If the official instead secretly makes his decision **based on his own personal interests - as when an official accepts a bribe or personally benefits** from an undisclosed conflict of interest - the official has defrauded the public of his honest services.” *Id.* **A violation occurs when there is undisclosed, biased decision-making**, whether or not tangible loss to the public is shown. (*U.S. v. Antico*, 275 F.3d at 263.)

## 2. Obstruction of Justice

Obstruction of Justice is a crime pursuant to the “omnibus clause” of 18 U.S.C. § 1503, which provides:

*“Whoever . . . corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be (guilty of an offence).”*

## 3. Denial of Constitutional Rights

The Constitution is meaningless to corrupt judges. They simply violate Constitutional rights with no regard for the people they damage.

## 4. Violate and Ignore the Rules of Civil Procedure

By violating and ignoring the Rules of Civil Procedure and the Rules of Evidence, judges commit obstruction of justice and the obstruction of the Administration of Justice. They allow the favored party to break rules and get away with it.

“**Obstruction of justice**” is the frustration of governmental purposes by violence, corruption, destruction of evidence, or deceit.

General Obstruction Prohibitions:

- a. Intentionally and fraudulently **covered up and concealed the criminal activities** of the participants in the furtherance of the subject conspiracy;
- b. Violated 18 U.S.C. § 1956- Laundering of Monetary Instruments; and
- c. Violated 18 U.S.C. § 1957- Engaging in Monetary Transactions in property derived from specified unlawful activity.

## **5. Aiding, Abetting and Conspiring Against the Rights of Citizens.**

Judge Evenson, Judge Whitman, Judge Wise and Judge Donato conspired to commit the following crimes, among others:

- a. accepting bribes in exchange for dismissing foreclosure cases;
- b. accepting bribes and other “favors” by using expediency in clearing the court dockets/calendars of Judge Evenson, Judge Whitman, Judge Wise and Judge Donato, having regard for what is advantageous, governed by self-interest and the interests of the criminal conspiracy, rather than for what is right or just;
- c. using coded messages in court orders and court rulings in order to convey information to accomplices and participants in the criminal conspiracy;

## **6. Commit the actual, substantive crimes**

The statutes intended to draw a **distinction between conspiracy and the substantive offenses**. The general rule of separate offenses remains the doctrine of this circuit. See, e. g., *United States v. Ohlson*, 552 F.2d 1347, 1348 (9th Cir. 1977).

“Conspiracy counts” charge the existence of an **agreement to commit** the crime..... while the “substantive counts” charge **actual commission of the crime....**”

## **7. Subversion**

Subversion and the act of subverting are defined as a systematic attempt to overthrow the judicial branch, undermine and destroy our democracy and disrupt our economy **by persons working secretly from within**. (Black’s Law Dictionary, 8th Edition).

Judge Evenson, Judge Whitman, Judge Wise, Judge Donato and their co-conspirators, by their participation in the conspiracy are subverting the judicial

system in Alameda County, California. and the U.S. District Court, California Northern District. Judge Evenson, Judge Whitman, Judge Wise and Judge Donato are ignoring the substantial, relevant, tangible, admissible evidence Petitioner/Freitas has filed as attachments to Freitas' Complaint regarding Judge Evenson, Judge Whitman, Judge Donato and Judge Wise.

## **8. Seditious Conspiracy**

**“Seditious Conspiracy**, to knowingly and intentionally conspire, confederate and agree with other persons known and unknown to Plaintiff to obstruct justice, obstruct the administration of justice, destroy our democracy, disrupt our economy, commit domestic terrorism and commit the financing of terrorism.”

There is no constitutional or factual basis for depriving Petitioner/Freitas access to this Court, the only venue for resolution available to him.

### **Investigative Report of Reuters**

**Thomson Reuters Inc. (“Reuters”)** recently completed an in depth, 5-year long investigation into the judicial misconduct in the **target area** of **Alameda County** and a number of other counties **in California** and surrounding states. The findings of the Reuters' investigation indicated that the activities of judges in the target area already have **raised to the level of obstruction of justice** and in many cases a **flagrant dereliction of duty**.

According to the Reuters report, thousands of U.S. Judges who broke laws and oaths remained on the bench.

The exhaustive **Reuters investigation found** that in the past dozen years “...judges have repeatedly escaped public accountability for misdeeds that have victimized thousands [actually millions] of homeowners.” (Emphasis added).

Judge Evenson and her co-conspirators knowingly and intentionally:  
prepared and filed void, forged and defective documents with the  
court and **refused** to comply with the following: statutory and case law  
and precedents, including but not limited to:

1. California Code of Civil Procedure § 2936
2. *Carpenter v. Longan*, 83 U.S. 271, 16 Wall. 271.
3. *Yvanova v. New Century Mortgage Corporation*,  
62 Cal.4<sup>th</sup> 919, 938 (2016)
4. “Dimock” “A later sale by a prior Trustee is Void.” *Dimock V. Emerald Properties, LLC* (“Dimock”), Court of Appeal, Fourth District, Division One. 97 Cal.Rptr.2d 255 (2000) 81 Cal.App.4<sup>th</sup> 868;
5. *Wutzke v. Bill Reid Painting Service, Inc.* (1984) 151 Cal.App.3d 36, 43. **Void is Void**; “A forged document is void ab initio and constitutes a nullity; as such it cannot provide the basis for a superior title as against the original grantor” (Feitas). *Halajian v. Deutsche Bank Nat. Trust Co.* (E.D. Cal Feb.14<sup>th</sup>, 2013, No. 1:12-CV-00814 AWIGSA) 2013 WL 593671, at p. \*7.

Therefore, the “Power of Sale” **is Void** and the “Trustee’s Deed Upon Sale” signed and recorded June 11, 2019, by Quality **is Void**. (See Appendix M).

Community did not, could not and cannot “**duly perfect**” Community’s **Title to the subject Property**. The entire UD process used by Community is defective, flawed and void. **This is jurisdictional.**

**No Notice of Default was ever issued to Freitas** because there could be NO DEFAULT because no funds were ever transferred to, for or on behalf of Freitas. That is jurisdictional.

The “**Notice of Trustee’s Sale**”, recorded March 7<sup>th</sup>, 2019, signed by Quality is VOID.

The “**Trustee’s Deed Upon Sale**” recorded on June 11, 2019, signed by Quality **is VOID**. (See Appendix M).

Judge Evenson, Judge Whitman, Judge Wise and Judge Donato have a **vested interest** in the outcome of the subject case(s).

**The judges' vested interest is to quickly clear the Court's docket and to collect the "judge's bonuses", as confirmed by Reuters' investigative team. Bribes have been paid to Judge Evenson, Judge Whitman, Judge Donato, Judge Wise and the other members of the conspiracy.**

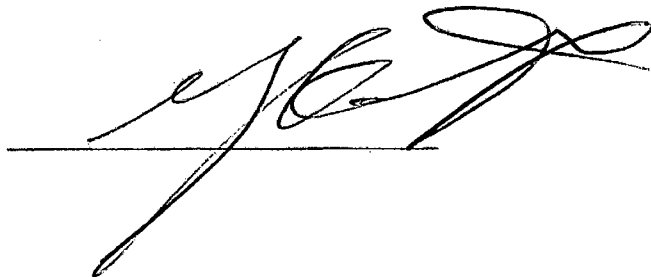
**PRAYER FOR RELIEF**

Petitioner, John B. Freitas, respectfully requests that the SCOTUS:

1. Issue an order granting Freitas' Petition for Writ of Certiorari;
2. Issue an order that Judge R. Evenson's orders be stricken;
3. Issue an order that Judge Evenson be disqualified from these proceedings;
4. For an order of this Court issuing sanctions as against Community for One-Million-Dollars and Community's attorney, Tim Larsen, for One-Million-Dollars.
4. For an order granting Freitas such other and further relief as the Court may deem appropriate.

Petitioner John B. Freitas

Date: July 7, 2023

A handwritten signature in black ink, appearing to be 'JBF', is written over a horizontal line.