No. 23-5727

IN THE

SUPREME COURT OF THE UNITED STATES

JEFF BAOLIANG ZHANG, PH.D.

Petitioner/Appellant,

v.

Kory Knapke

Defendants/Respondents

On Petitioner for Review to the California Second District

for the Court of Appeal (Case # B319492)

October 2, 2023

PETITIION FOR REVIEW

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QUESTIONS PRESENTED

1. Can the trial court judge fool around Petitioner in a serious civil suit as he highly praised Petitioner for my presentation at the court hearing but just in a few days, he adopted all the lies of the Defendant to dismiss the case?
2. Can the California Second District Court of Appeals willfully defy the US constitution Amendment XIV by adopting all the lies with their strong discrimination against Petitioner and by applying Defendant's inapplicable state statures of time barred to dismiss this case while even the Defendant cannot use them anymore at the Oral Argument?
3. Can the Judges at the state courts of California willfully defy 42. U.S.C. § 1983 by letting loose a medical rapist who brought tremendous harm to mentally healthy and innocent Petitioner from February 2012 to August 2021 in this case filled with federal civil rights claims?
4. Can the California State Supreme Court deny reviewing a case filled with violations of the US constitution and certain federal laws to ignore the lower courts' terrible corruption and the disgusting discrimination against Petitioner in this case?

PARTIES TO THE PROCEEDING

Jeff Baoliang Zhang, Ph.D., Petitioner on review, was the Plaintiff-Appellant below.

Kory Knapke was the Defendant-Appellee below.

RELATED PROCEEDINGS

The following proceedings are directly related to this petition:

- Jeff Baoliang Zhang, Ph.D. v. Kory Knapke

No. 21STCV27604 (Los Angeles County Superior Court)

- Jeff Baoliang Zhang, Ph.D. v. Kory Knapke

No. B318744 (California 2nd District Court for the Court of Appeals)

- Jeff Baoliang Zhang, Ph.D. v. Kory Knapke

No. S280454 (California State Supreme Court)

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> **(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;**
>
> **is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.**

42 U.S.C. § 1983 – **Civil action for deprivation of rights** ..... passim

> **Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or**

other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, (R.S. §1979; Pub. L. 96-170, §1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104-317, title III, §309 (c), Oct. 19, 1996, 110 Stat. 3853.)

Federal Law **Rule 2.3: Bias, Prejudice, and Harassment** 31

(B) A Judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, ...

President Theodore Roosevelt pointed out, ... 32

No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right, not asked as a favor.

California Statutes

(a) **For filing federal civil rights of claims, a claim is not required,**

Not required if the claim falls under 42 U.S.C. § 1983 *Williams v. Horvath*, 16 Cal. 3d 834, 129 Cal. Rptr. 453, 548 P. 2d 1125 (1976). Filing of a claim in compliance with state law does not toll the statute of limitations for a civil rights claim. *Boston v. Kitsap County* (2017) 852 F. 3d 1182. 24

(b) Equitable Tolling

The statute of limitations may be equitably tolled (extended, suspended, put on hold) when under certain circumstances,

Impossible: Filing a lawsuit was impossible or virtually impossible [*Lewis v. Superior Court* (1985) 175 Cal. App. 3d 366.] 23

California Rules of Regulations

... **misuse of the power of the court; it is an act done in the name of the court and under its authority for the purpose of perpetrating an injustice.** [Citation] (*S. A. Madison* 2014) 229 Cal. App. 4th 27, 41.) 27

The Honorable Diego Garcia-Sayan, United Nations Special Rapporteur on the Independence of Judges and Lawyers stated in his writing, "Corruption, Human Rights, and Judicial Independence" 32

Corruption in the Judicial System

Corruption undermines the core of the administration of justice, generating a substantial obstacle to the right to an impartial trial, and severely undermining the population's trust in judiciary.

Illicit interferences with justice can also be violent, particularly when perpetrated directly by members of organized crime. These forays are intended to secure specific objectives, such as the closing of a particular case, or the acquittal of a given individual.

(*United Nations,* A/72/140.35 July 2017.) (ix)

Cases

Boston v. Kitsap County (2017) 852 F. 3d 1182. 24

Lewis v. Superior Court (1985) 175 Cal. App. 3d 366 23

S. A. Madison 2014) 229 Cal. App. 4th 27, 41. 27

Williams v. Horvath, 16 Cal. 3d 834, 129 Cal. Rptr. 453,
548 P. 2d 1125 (1976) 24

him in this civil case. These judges lawlessly took all the lies from the despicable Defendant who was in fact unable to use them any more at the Oral Argument for his sham defense to dismiss this case filled with federal civil rights claims.

NECESSITY FOR REVIEW

Review is necessary to defend the authority of the United States Constitution and certain Federal Laws, to legally punish the terrible persecution against a US citizen by a medical professional who assisted the Chinese communists in the criminal case for his monetary gains, and to stop the horrible cheating and corruption in the lower courts of California. Laws and justice must prevail in this case filled with federal civil rights claims. Both the Defendant and these corrupt judges have turned California into a fascist state to work for the interest of the Chinese communists in their persecution against an innocent U.S. citizen in California.

OPINIONS BELOW

The California Second District of Court for Appeals Order (Case No. B318744) is provided for **Appendix A.**

The Los Angeles County Superior Court Order (Case No. 21STCV27604) is provided for **Appendix B.**

The California State Supreme Court Order (Case No. S280454) is provided for **Appendix C.**

JURISDICTION

The California State Supreme Court entered order on July 26, 2023, denying the Petition for Review. Petitioner invokes this Court's jurisdiction under 28 U.S.C. § 1254(1).

Petition for Review

To: THE HOROABLE CHIEF JUSTICE AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE **UNITED STATES SUPREME COURT:**

Petitioner, JEFF BAOLIANG ZHANG, PH.D. petitions this Court for a review to the decision filed on July 26, 2023, at the California State Supreme Court, denying review of Petitioner's appeal for the reversal of the illegal decision at the California Second District for the Court of Appeals action on the following ground:

The denial decision from California State Supreme Court ignored the serious federal law violations by the Respondents and disregarded the terrible judicial corruption at the lower courts.

STATEMENT OF THE CASE

The Key Issue: The Lawless Respondent Helped the Chinese Communists in Persecution against Petitioner for Ten Years but the Lower Courts All Willfully Ignored or Distorted Such Facts and Refused to Apply Laws and Justice for This Case Filled with Federal Civil Rights Claims

This is a case about how a medical professional willfully harmed a senior citizen in California. Defendant is Kory Knapke, a psychiatrist. Petitioner listed in Complaint and in FAC (see FAC for **App. D**) at the trial court with many indisputable facts and exhibits to demonstrate that Defendant committed fraud, perjury, and intentional tort to Petitioner for the past whole decade. But the judge at Los Angeles County Superior Court, after making a very positive comment to my presentation at the demurrer hearing on Feb. 2, 2022, soon illegally changed to adopt all the Defendant's lies to dismiss this case in his final verdict on Feb. 7, 2022. (See **App. B**)

On Feb. 22, 2022, Petitioner filed "Notice of Appeal" but it took a long time for the trial court to complete the clerk's transcripts. When it was done, Petitioner soon filed Opening Brief for the case on September 28, 2022, at California Second District for the Court of Appeal (see

App. E.) In it, Petitioner stated all the facts about Defendant's cheating and intentional tort in the criminal case (BA391915). Petitioner also mentioned the trial court's willful dismissal for this case filled with federal civil rights claim. Defendant spent about 100 days before he finally filed his brief on January 5, 2023, although he asked for another 60 days' extension till Dec. 27, 2022. Such a late response was in default. But the Appeal Court did not care about such a violation. Besides, Respondent's reply is filled with many lies again. Otherwise, Defendant could not talk anything for his Brief. To expose these lies, Petitioner filed my Reply Brief on January 18, 2023. (See **App. F.**)

On May 4, 2023, the Oral Argument was held by Div. Seven at the California Second District of Court for Appeals. Petitioner repeated the many indisputable facts with the support of the United States constitution and other federal laws in Petitioner's two Briefs. Petitioner pointed out that Defendant seriously violated my civil rights in the past decade from March 2012 to August 2021 with his counterfeit reports about Petitioner. Defendant's attorney could not deny any facts at the Oral Argument except making a short speech about one minor issue. Petitioner cleared for it at the Court. Hence, the Oral Argument made very clear that Petitioner should prevail in this civil case just like the time when Petitioner made the presentation at the trial court for the demurrer hearing and got a completely favorable and prompt comment from the trial judge at that time.

However, on May 18, 2023, the three judges headed by Perluss, together with Feuer and Escalante at Div. Seven of Second Appellant Court willfully adopted all the distorted facts and other lies to dismiss this case when Defendant could not use them anymore at the Oral Argument. (See **App. A.**) It is thus a court verdict without laws and justice. Therefore, this is a case not only about cheating and intentional tort by Defendant Kory Knapke but also about terrible judicial discrimination committed by the lower courts in California based on race, national origin, age, political belief, and financial status. Petitioner is an Asian, Chinese in origin, a senior citizen, a China democracy advocate, and a pro se litigant with poor financial status due to long time imprisonment from the wrongful criminal case while Defendant is a white man, middle-age, pro-communist so he helped the Chinese communists to persecute Petitioner, and a medical doctor who has a lot of money and hired a few attorneys to support

STATUTORY PROVISION INVOLVED

United States Constitution:

Amendment VI, VIII, XIV

Federal Statutes:

42 U.S.C. § 1983 – Civil action for deprivation of rights

18 U.S.C. Ch 79: PERJURY § 1621. Perjury generally

FACTUAL STATEMENT

A. The California Second Appellate Court Cheated and Oppressed Appellant while Defendant Cannot Use Their Lies Anymore

Throughout this case, the major issues for argument are as follows:

(a) Are Petitioner's claims barred by the statute of limitations?

(b) Did Defendant stop bringing harm to Petitioner after 2013?

For these issues, Petitioner wrote the Causes of Action attached to the Complaint (see **App. E**) filed at the trial court and in the Opening Brief to the Appellate Court for **"V. STATEMENT OF THE FACTS"** with the facts and applicable federal laws but Defendant made more false statements again for his sham brief. Hence, Petitioner wrote Reply Brief on January 18, 2023, to the Court with Part **II MORE FACTS, Defendant Used Counterfeit Court Transcript to Make a Lot of Lies.** Petitioner stated:

> In Respondent's Brief, Defendant used many citations from the counterfeit court transcript (CT) to back up his lies in his brief which covered a few pages to fool around and to oppress Appellant. That is the cause why Defendant should spend so many days writing his Brief. He could not use facts to talk about his case, he had to create or to repeat those false stuff

which were already well refuted by Petitioner at the trial court. Since Defendant took the case as playing a cheating game, Appellant now must expose his lies again in the following:

(a) Defendant Made a Lot of Lies in the "Statement of the Case"

(1) Defendant wrote: "Plaintiff Jeff Baoliang Zhang, Ph.D. was charged with violent felony counts after he fired 'some shots' at the Chinese consulate in Los Angeles on December 15, 2011. (CT 19, 21-22; 152-153.)" (See Respondent's Brief (RB), p. 12.)

The Truth: First, Petitioner must point out that the CT (Court Transcript) Defendants used for this case are all counterfeits made by some bad cops in Los Angeles Police Department (LAPD.) For the criminal case (BA391915), the Chinese communists spent big bucks as they are in fact the direct opponents against Appellant. They offered bribery to some public officials and some private professionals and turned them into their representatives or agents for the criminal case. Some bad cops in LAPD and some nasty attorneys in Los Angeles County Public Defender Office (LACPDO), private professionals such as Defendant Kory Knapke all got money so they were so willing to help the Chinese communists in persecution against Appellant, a China democracy advocate as well as a senior US citizen. One of the lawless acts these evils did for the criminal case is that they tampered with the court transcripts as much as they wished so that they covered up all the facts to evade their legal liabilities. Thus, the CT that Defendant used is filled with lies and it is simply a counterfeit transcript, a piece of trash for the criminal case. It can only be used as new evidence for their rampant perjury.

When the criminal case started, LAPD willfully accused Appellant of attempted murder without any evidence. At the court session in late December 2011, the Judge at Dept. 34 of LA Superior Court dropped the murder charge and reduced the bail for Appellant because there was no evidence, no victim and no witness for such a serious charge. Thus, such a charge of violent felony did not exist when Defendant Knapke came to see Petitioner on Feb. 2, 2012 for the first time. During the mental evaluation, Defendant did not touch on any political issues. Defendant only asked questions for some different subjects, such as math, history, geography, and legal knowledge. Appellant replied smoothly one by one. That was all for his evaluation.

Shortly after the evaluation, Appellant's defense attorney Kimberly Greene said to Appellant, "The doctor believes that you are a man of intelligentsia." On Feb. 8, 2012, at the

court session, Ms. Greene informed the court that she would prepare a 911 movie for the case. She did so to indicate the nature of the criminal case to the court, i.e., the Chinese communist agents persecuted a US citizen. It was like the evil acts of Al-Kaider against the United States on September 11, 2001. Everything was going well by that time with a trial schedule for the case, which would happen in April 2012.

However, Ms. Greene was soon removed by the nasty attorneys at LACPDO. On Feb. 24, 2012, a short elder man (Jonathan Petrak) from LACPDO suddenly appeared at the court cell, with a wry face accusing Appellant of "delusion" without any legal proof and he wanted Appellant to go to the mental hospital. When Appellant wanted to reason with him, he slipped away immediately. His vicious act soon got Defendant Knape's full support to impose false mental illness of "delusion" on mentally healthy Petitioner.

(2) Defendant wrote: "On March 2. 2012, a hearing was held in the Mental Health Department of Los Angeles Superior Court in connection with the Criminal Case and plaintiff was found mentally incompetent within the meaning of Penal Code section 1368 based, in part, upon the Court's receipt of Certificates of Medical Examiner, Dr. Knapke. (CT ...) ... Plaintiff was represented by counsel at the commitment proceeding, who waived oral testimony from Dr. Knapke. (*Ibid.*) (See RB, pp. 12-13.)

The Truth: To make lies in a "legal" way, Defendant relied on false CT for their sham defense all the time. As the nasty LACPDO attorney Petrak began to represent Appellant for the criminal case without my consent, Petrak and Defendant Knapke thus did all things to harm Plaintiff. Instructed by the Chinese communists, they sabotaged the trial schedule and made up the above mental accusation. Defendant Knapke began to accuse Appellant of delusion without medical proof. These two evils were cooperated to force Appellant, a mentally healthy man all life, to go to Patton State Hospital (PSH) for involuntary antipsychotic medication. At the mental court (95 Div.), Petrak only wanted Petitioner to go to PSH, he thus waived Defendant Knapke's testimony. (See **Exhibit D** attached to **App. F**.) At the mental courtroom on March 2, 2012, Appellant was not allowed to talk. Appellant voiced my strong protest as Appellant yelled repeatedly, "I don't have any mental problem! This is political persecution!" But the sheriffs quickly drove Appellant out with force.

The Chinese communists also designated their assistants at PSH. Although the staff could not find a mental problem in me, with the fake diagnosis by Defendant Knapke on the court order, they did not let me leave. The treatment team doctor (Edwin Peng) even yelled at Petitioner, "If you don't plead guilty, I don't let you leave the hospital." He soon administered antipsychotic medication to Plaintiff. Appellant suffered terribly due to the strong side-effects of the harmful medication. In late April 2012, when Appellant saw the court order, Defendant Knapke was listed as the sole doctor with the fake accusation of delusion against Petitioner. Petitioner gave such an exhibit as evidence for the Complaint at the trial court.

Under Petitioner's repeated request, in late Nov. 2012 to Jan. 2013, Dr. Allen Kilian, a leading forensic psychologist and his assistant at PSH spent numerous hours making a comprehensive evaluation about Petitioner. He made the conclusion that Petitioner did not have a mental problem and should go back to county jail. He wrote a 19-page report co-signed by seven specialists in PSH. After Petitioner returned to county jail on Feb. 10, 2013, two jail clerks informed Petitioner respectively that I should soon be released. However, the nasty attorneys at LACPDO soon prevented Petitioner from release. They made the excuse that the (19-page) report was too short so Petitioner must get another mental evaluation. But they never evaluated me. Instead, Defendant brought another big trouble to me.

(3) Defendant wrote: "Dr. Knapke examined plaintiff again on March 20, 2013. (CT ...) ... Another hearing was held on April 10, 2013, in the Mental Health Department of the Los Angeles Superior Court. (CT ...) The Mental Health Department again received Certificates of Mental Examiner, Dr. Knapke as evidence. (CT 89.) The Mental Health Department again found plaintiff mentally incompetent with the meaning of Penal Code section 1368 and re-committed him to the Department of Mental Health for placement at Patton State Hospital. (CT 89.) Plaintiff was represented by counsel at the commitment proceeding on April 10, 2013 who again waived oral testimony from Dr. Knapke at that proceeding." (See RB, p. 13.)

The Truth: As mentioned, the CT mentioned in Respondent Brief in fact stands for Counterfeit Transcript in this civil case. First, on that day, March 20, 2013, Defendant came to the county jail for the second time. When Defendant saw me, he had a long face asking Appellant what plea Appellant would make for the case. Appellant told him that I wanted to plead "not guilty." Defendant immediately took out a paper from his briefcase and showed it to me. On the paper,

there was the diagnosis for delusion, and it was signed by Dr. Allen Kilian at PSH. Appellant was stunned and told him that it was false. Defendant slipped away right away.

That was the whole process for the so-called "Dr. Knapke examined plaintiff again on March 20, 2013." It lasted no more than 10 minutes. With such a counterfeit one-page diagnosis report, Defendant Knapke sent Appellant to the mental court again on April 5, 2013. At the courtroom, Petrak was also there with a wicked smile. When Appellant went in, the judge immediately issued a new order to send Appellant back to ASH. Appellant was driven out by the sheriffs right away before attempting to yell at such a lawless order.

All these were the real facts, with Defendant's confession which stated, "The Mental Health Department again received Certificates of Mental Examiner, Dr. Knapke as evidence. (CT 89.) The Mental Health Department again found plaintiff mentally incompetent with the meaning of Penal Code section 1368 and re-committed him to the Department of Mental Health for placement at Patton State Hospital ..." Thus, it should be clear that Defendant brought serious harm to Appellant in 2012 and in 2013 with the counterfeit medical diagnosis and two court orders which were written based on his false accusation about Appellant. In these two occasions, Defendant seriously violated **42 U.S.C. § 1983 – deprivation of civil rights** but no courts in California would give any concern for such two events. Like the wicked Defendant, the trial court at Los Angeles County Superior Court (with Judge Michael Stern at Dept. 62 of Los Angeles County Superior Court) and the California Second District of Appellate Court (with Judges Perluss, together with Feuer and Escalante at Div. Seven) all used time barred as the alibi to dismiss this case let alone the more negative reports Defendant forged in later years against mentally healthy and innocent Petitioner in the criminal case.

Defendant's negative mental history about Appellant continued as Defendant wrote two evaluation reports in the later years. Appellant is correct to say that Defendant brought the major harm to Appellant from the beginning in March 2012 to the end of the criminal case in July 2020 plus one more year for parole to August 2021 as a mental patient.

After Appellant was sent to PSH for the second time on May 13, 2013, under my request, Appellant was able to see the new court order, on which, Defendant was again listed as the sole

doctor who wanted Petitioner back to the mental hospital for involuntary antipsychotic medication. Petitioner suffered more from the forcible medication. The second court order is also attached as an exhibit for the Complaint and to the First Amended Complaint (FAC). (See **Exhibit G** attached to **App. F.**) Petitioner should mention one point here. Like the first court order, the second court (with

order also stated, "Plaintiff was represented by counsel at the commitment proceeding on April 10, 2013, who again waived oral testimony from Dr. Knapke at that proceeding." Why so? Petitioner was not allowed to talk anything at the court. The evil attorney Johathan Petrak worked for the Chinese communists so he certainly wanted Petitioner to go back to the mental hospital again. The so-called waiver was only a deception game played by Defendant and Petrak. At the Oral Argument, Defendant mentioned such a waiver issue, Petitioner thus made such a reply to him again.

In fall 2013, Appellant met Dr. Kilian at PSH, who had made medical achievements and was a decent and honest professional in medical practice with good fame known to the patients there. When Appellant mentioned such a medical diagnosis report to him, he was surprised and told Appellant that he never made such a report for Appellant. As expected, Dr. Kilian confirmed it was a counterfeit medical report from Defendant.

(4) Defendant declared, "Beyond the examination in 2012 and 2013, plaintiff had no further contact with Dr. Knapke. (See Complaint 10-16 and FAC at CT 57-84.) ..." (See Defendant RB, p. 13.)

The Truth: Appellant had no contact with Defendant but Defendant kept harming Appellant as much as he could. Appellant wrote in Complaint and in FAC about how Defendant harmed Appellant in all these years till August 2021. **Defendant's counterfeit evaluation report, which was completed in 2017 but dated Feb. 5, 2012, and another counterfeit report in 2019 but dated for March 21, 2013**, were all examples of his continuation of vicious harm to Appellant. A remarkable fact was that when Appellant saw his report in summer 2017, Defendant covered all his name and contact information (see **Exhibit K** attached to **App. F.**) Why should Defendant cover his name and other important information? Defendant was very guilty to make such a

report as he knew what he wrote was all false. He attempted to tell Appellant it was not his writing.

Appellant also mentioned that Andrea Bernhard talked about Defendant's false evaluation report in 2015 (see **Exhibit I** attached to **App. F.**) Except for the false diagnosis report in 2013, there was no report that Appellant could see before 2017. There were only some false mental accusations by Defendant on the two court orders in 2012 and in 2013.

Then, to apply for his 3-year limitation, Defendant now wickedly declared "Beyond the examination in 2012 and 2013, plaintiff had no further contact with Dr. Knapke." Defendant should check my summary writings which presented detailed information about his long-term harm to Appellant in my Opening Brief. It is no use to shut his eyes before all these facts. The simple fact is, all the written reports were willfully made up by Defendants in 2015 as declared by Andrea Bernhard, in 2017 and in 2019 as evidenced by the fact that they did not exist in 2012 or in 2013.

(b) Defendant Made Sufficient Lies in "Procedural History"

(5) Defendant declared, "... The 2012 report states that plaintiff is a 'very intelligent individual' who suffers from 'Delusional Disorder, Persecutory Type" and who believes both Chinese agents and American Mafia organizations are attempting to kill him. (CT 36-37.) ... Dr. Knapke's 2012 report goes on to opine: 'I do not believe the [plaintiff] is competent to stand trial," and that he 'should be transferred to a state hospital in order to be restored to competency." (CT 37) The 2012 report concludes by stating, among other things: 'This is an interesting case' ... Plaintiff did not include a copy of the alleged counterfeit medical report that Dr. Knapke created in 2013 to his pleadings." (See p. 15.)

The Truth: Throughout this part, Defendant is supported by the fake CT, the counterfeit transcript. Otherwise, they had nothing to rely on for their sham defense. Therefore, there is no legality for such writings filled with lies or nonsense. Appellant already mentioned in the Complaint, in FAC, in the two Briefs that during the evaluation, Defendant did not mention any political issues to Appellant. Appellant wrote a few times about the issue. To make false accusation, Defendant thus created so much nonsense in the two mental evaluation reports. Defendant worked as a psychiatrist when he came to see me in Feb. 2012. Now, he declared

that Appellant was "'very intelligent individual' who suffers from 'Delusional Disorder, Persecutory Type." How can a psychiatrist call a man "intelligent" when a man suffered "Delusional Disorder, Persecutory Type"? Appellant did not talk a word about the Chinese communists for the evaluation, nor did Defendant ask a question about it, how could Defendant declare about Appellant "who believes both Chinese agents and American Mafia organizations are attempting to kill him"? Was Defendant a psychiatric genius, or "a very intelligent individual"? Or was he only a psychiatric idiot in Appellant's case? Or was Defendant only a very wicked swindler who wanted to bring horrible harm to Appellant by all means?

Defendant felt it was a big problem as he said, "Plaintiff did not include a copy of the alleged counterfeit medical report that Dr. Knapke created in 2013 to his pleadings." It is a fact but it is also ridiculous. Appellant was a prisoner under the control of the Chinese communist agents and their American accomplices including Defendant Knapke. Appellant got a lot of maltreatment in the detention time. Whatever legal request/demand Appellant made; the evils refused. As an example, the two court orders were refused for a copy to Appellant. Appellant had to get permission to write every word down by self. About this counterfeit medical report, as mentioned above, when Defendant came to see me on March 20, 2013 with such a false medical report, Defendant knew it was false so when Appellant pointed it out to Defendant, Defendant sneaked away immediately. Now, Defendant wants to get a copy from Appellant. Isn't it preposterous?

(6) Defendant declared, "Plaintiff also reiterated that the case 'is about fraud and intentional tort liability,' but did not specifically identify a fraud or other intentional tort claim in the first amended complaint." (See p. 16.)

The Truth: In the Complaint and in the FAC, Appellant stated how Defendant Knapke made fraud and intentional tort to Plaintiff throughout the past decade from March 2012 to August 2021. Such facts covered almost all the pages for these two documents. But Defendant acted as a blind man to ignore all these facts. As mentioned, the two mental court Minute Orders in 2012 and in 2013 with Defendant acting as the sole doctor to accuse Appellant with mental illness; the counterfeit medical report in 2013; the fake evaluation report in 2017 but was dated

for Feb. 5, 2012 (see **Exhibit M** for a clean copy attached to **App. F**); the fake evaluation report in 2019 but was dated for March 20, 2013 which was mentioned by CDCR Nir Lorant in 2019 but Petitioner was not given a copy; another evaluation report from Defendant was mentioned by Andrea Bernhard in 2015 but Petitioner did not see it, etc. All these are too much fraud with intentional tort. Defendant now acts like a Moran to declare that he cannot see "a fraud or other intentional tort claim in the first amended complaint."

(7) Defendant wrote: "Dr. Knapke argued, among other things, that the first amended complaint constituted a sham pleading because plaintiff modified the facts to avoid application of the statute of limitation. (RA at 8-9) ..." (See pp. 17-18.) ... In the first amended complaint, plaintiff now alleged that the 2013 "counterfeit' report was actually created in 2019 in order to avoid the 3-year statute of limitations. (RA at 9.)

The Truth: For such an accusation, Appellant already gave a clear reply in **"Plaintiff's Strong Objection to Defendant's Second Demurrer"** dated Dec. 18, 2021. From p. 2 - p. 7, Appellant gave all the details to state for **"A. There is NO "Sham Pleading" in Plaintiff's Complaints"** with a summary as follows:

> In summary, Defendant made three counterfeit reports with different dates. One was made on one-page paper with the diagnosis of "delusion" which Defendant showed me on 03-20-2013; The second false report was revealed to Plaintiff by Steve Escovar in summer 2017 but was dated 02-05-2012; The third one was revealed by Nir Lorant, Craig King and Todd Thies in summer of 2019 which was dated 03-21-2013 but Plaintiff never saw the report or got a copy from the Defendant. About Andrea Bernhard evaluation report, Plaintiff wrote in the First Amended Complaint as follows:
>
> ¶ 52. Plaintiff must point out that Defendant Knapke did not make any evaluation about me on February 5, 2015. It was a lie made by the Defendant. Plaintiff thus did not see his evaluation report for such a date from him at that time.
> Plaintiff's First Amended Complaint does not contradict the Complaint. Because it is amended complaint, Plaintiff thus added some detailed information with more Exhibits for this case. Defendant should not complain or reject such information which provides more facts for this case. Meanwhile, Defendant should read my documents carefully. It is not right to accuse Plaintiff at will so that they can let the so-called demurrer confuse this case with serious law violations by the Defendant. (See Plaintiff's Strong Objection, p. 7.)

Appellant talked about the positive evaluation by the two important classification officials at Wasco State Prison in Feb. 2017 with some detailed information (on FAC p. 13, and see **Exhibit J** attached to **App. F**.) Afterward, Appellant wrote a note as follows:

(**Plaintiff's Note:** In this Decision, the key words are "permanent, mainline, level I." They sent me to mainline because they did not find mental problem from me. They sent me to level I custody because they did not see the evidence of the two counts of violent felony in my criminal case. Also, "permanent" means that I should be kept for mainline and level I all the time before I got released.

The importance of such a document lies in the sharp differences with the counterfeit documents that were created over the years including the counterfeit reports from Defendant Knapke. In other words, this document gives the strong proof that the documents against Plaintiff in mental and in criminal cases are all false. These crooks had no evidence in my criminal case and in my mental case. This document alone may effectively serve as the rebuttal to the fake documents around the time.

Plaintiff strongly believes that the full contents of **the two counterfeit documents dated 02-05-2012 and 03-21-2013 were not available yet at that time**. **They were created into detailed reports after the Appeal Response from these two officials in Feb. 2017**. As set forth above, Plaintiff did not see Defendant's first report dated 02-05-2012 until summer 2017. As for the second report dated 03-21-2013, Plaintiff believes it should be written by Defendant in summer 2019 for my MDO treatment. But Plaintiff did not see the full contents of the second report till this date. It is not right to conceal the evaluation report from Plaintiff since Defendant made it for Plaintiff's mental evaluation.) (See FAC, p. 14.) As mentioned in Complaint, in FAC and above, Defendant did not make evaluation at county jail in March 2013. Defendant only revealed a fake medical diagnosis report to stop Appellant from the release, and then to send Appellant back to PSH. Defendant did so as was evidenced in the second court order issued in April 2013 attached to the Complaint.

Another report from the Licensed Clinical Social Worker Amber Fargo also gave a very positive comment about my mental status at the mental hospital (see **Exhibit P** attached to **App. F**) but was willfully ignored by the Defendant.

For FAC, Appellant continued to provide more information about the issue:

¶ 65. In summer 2017, Plaintiff received a copy of the evaluation report from Steve Escovar, the ex- private defense attorney. As all the names and contact information were covered with dark ink, Plaintiff was puzzled when I received it at the prison. However, from the date of Feb. 05, 2012, Plaintiff came to realize it was the report from Defendant Knapke, which was the first time for Plaintiff to see the report from him. (See **Exhibit K to FAC.**)

(Plaintiff's Note: When Plaintiff began to file this civil case in late June 2021, Plaintiff did not have Defendant's mailing address, so Plaintiff asked Steve Escover to pass my Complaint to Defendant Knapke. On July 2, 2021, Escovar sent me a copy from the Defendant without

darkened spots. (See **Exhibit L,** Escovar's letter.) Plaintiff thus came to know the whole content of his report including Knapke's contact information. In the following, Plaintiff would discuss with my opinion based on his clean copy and it is listed as **Exhibit M** for the FAC.)

¶ 66. Defendant's evaluation was addressed to Kimberly Greene. Plaintiff was surprised that since it was dated Feb. 5, 2012, how could Ms. Greene not know about it as she only gave Plaintiff a positive conclusion with one sentence on Feb. 08, 2012, "The doctor believes you are a man of intelligentsia"? Thus, from such a contradiction, it should be clear that this was a counterfeit report written by Defendant later. As mentioned, Plaintiff did not see such a report until summer 2017. (See FAC, p. 14.)

With such facts, Appellant wrote for FAC, which has the responsibility for Appellant to provide more accurate information for the case. Now, Defendant only wants to ignore such indisputable facts to use the unlawful 3-year statute of limitations for his sham defense.

(8) Defendant declared, "On February 2, 2022, the trial court heard argument on the demurrer and motion to strike plaintiff's first amended complaint (CT 206.) There is no reporter's transcript of proceedings held on that date." (Defendant RB, p. 18.)

Truth: On that day, at the demurrer hearing, after Appellant made a presentation for about 20 minutes, the trial judge only made a very positive comment to Appellant's presentation. **He praised Appellant for presenting the case better than some attorneys with facts and reasons.** He asked what doctoral major Appellant had with me. He also asked Defendant's attorney if he had something to say. **The attorney could not say much as he only disagreed for elder abuse**. That's all for the demurrer hearing. There must be a positive result since Defendant could not make unreasonable statements against Appellant for the hearing. **However, the judge soon abused judicial power.** His willful corruption made Defendant flee from all his evil doings in the case. For such an event, Appellant wrote about it when Appellant appealed to the Court. It is also listed as Attachment A **"The Hidden Facts about the Oral Proceedings for the Demurrer Hearing"** for the Opening Brief. That paper gives some detailed facts for the demurrer hearing on Feb. 2, 2022 at the trial court. Plaintiff now lists it as **Appendix G** for this Petition.

Now, Defendant declared "There is no reporter's transcript of proceedings held on that date." It was a true statement. However, without the court reporter's report, the dishonest

judge, and the lawless Defendant thus all ignored the real proceedings for the demurrer hearing. The trial judge willfully abused judicial power to rule completely in favor of the lawless Defendant armed with counterfeit transcript (CT). It is an illegal conduct by the trial court judge to willfully assist Defendant in this serious civil right violation case.

(9) Defendant stated in his Brief,

> On February 7, 2022, the trial court issued its ruling to sustain Dr. Knapke's demurrer to the first amended complaint without leave to amend. (CT 206.) The court found that the causes of action are based on reports written in 2012 and 2013 that have "been part of [plaintiff's] psychiatric record during the past eight or more years" and which have "affected [plaintiff's] classification within the prison system and release from custody." (CT 206.) The court similarly noted that plaintiff "concedes he was aware of the report for all of this period of time since 2013," and is now attempting to assert claims based on "discovery of the effects of the report in 2017. (CT at 206.)

(See Defendant's Brief, p. 18.)

All is nonsense as this paragraph revealed that Defendant completely denied all the facts that Appellant mentioned in FAC, at the hearing, in Opening Brief and repeated above about the produce of the two counterfeit evaluation reports made by the Defendant in the later years. Second, to assist the lawless Defendant, the judge completely ignored Defendant's serious violation of the federal laws which was related to 42 U.S.C. § 1983 – deprivation of civil rights and that it was impossible for Appellant to take any action before filing the suit against Defendant in July 2021 as Appellant was completely isolated without legal assistance in the county jail, or the state prison, or in the mental hospitals apart from the serious torture to Petitioner during the whole detention time. It was a miracle to Petitioner that I could get out of the detention alive on July 6, 2020.

> (10) Defendant declared, "The court found that the plaintiff's claims are all time-barred by the three-year statute of limitations ... Furthermore, plaintiff has failed to allege sufficient facts to state a valid claim for Elder Abuse ... Based on these determinations, the court sustained Dr. Knapke's demurrer without leave to amend and ordered the case dismissed with prejudice. (CT 206.)"
>
> (See Defendant's Brief, p. 19.)

Truth: All is nonsense again. In Complaint, in FAC, Appellant pointed out repeatedly with facts that Defendant harmed Appellant in the past decade from March 2012 to August 2021. How can the claims be time-barred? In Appellant's Opening Brief, Appellant gave a summary for these issues in two sections. Now Petitioner would repeat the major ideas as follows,

(c) Defendant Made the Second Fake Evaluation Report in Summer 2019 But Falsely Dated It for 03/21/2013

As mentioned repeatedly above, Defendant Knapke made the first fake evaluation report in summer 2017 but dated Feb. 5, 2012, to cheat and oppress Appellant. However, the two Classification Officials at Wasco State Prison (WSP) made it clear in their Response that there was not such a fake evaluation report in my case file when they granted my appeal in Feb. 2017. They did not see it because Defendant had not made it up yet. But the trial court judge and then the Second Appellate Judges all ignored and distorted such facts in their final verdicts. At the trial Court, Appellant mentioned such a serious lie from Defendant, Defendant could not deny. But the trial judge, after giving a very positive comment over Petitioner's presentation at the hearing, still dishonestly used such lies to rule in Defendant's favor. Thus, for the appeal, Defendant still attempted to use such lies in his Reply to cover up his wrongdoings after Petitioner submitted the Opening Brief. (Without repeating his lies, Defendant could not write his Brief.) Petitioner thus refuted such lies again in the Appellant's Reply Brief for the case. At the Oral Argument held by the Appellate Court, Petitioner spent time talking about such issues. Defendant could not say "no" to Petitioner. As mentioned, his attorney only mentioned the waiver issue by the crook attorney Jonathan Petrak from LACPDO at the mental court. Petitioner stated that Petitioner was not allowed to talk at that time, and that everything was under the control of the rascal attorney Jonathan Petrak who worked for the Chinese communists. However, in the final verdict, the three judges at Appellate Court only loved to adopt all the lies made by the Defendant when he was not able to use such lies anymore for his sham defense at the Oral Argument.

In summer 2019, some VIPs at CDCR let their Chief Psychiatrist Nir Lorant make a lengthy fake mental evaluation report in which Defendant's second mental report about Appellant

dated 03/21/13 was the chief basis to send Appellant to Atascadero State Hospital (ASH) for mental treatment for the third time. Defendant's cruel and reprehensive comments about Appellant appeared at least in three evaluation reports at that time made by three different doctors, namely, Nir Lorant, Craig King and Todd Thies. While Nir Lorant's report was written by the man himself, the other two were all seriously tampered by CDCR VIPs to add a lot of nonsense from Defendant's second report which accused Appellant of serious mental problems and criminal behaviors. But Appellant never received a copy of Defendant's second report. These reports made Appellant lose another precious year of life at my senior age at ASH after serving the nine-year term in the state prison for the wrongful conviction case. Such a new document for the second evaluation report by Defendant was in fact written around summer 2019 although it was dated 03/21/13. But as mentioned above, Defendant did not make evaluation on that day. He only showed a false diagnosis report to Petitioner on that day and then slipped away quickly. Before that time in 2019, Appellant never knew the existence of such a second counterfeit report from Defendant. Nor did the two Classification Officials at WSP mention it so they sent me to Level I custody without mental care in Feb. 2017. With such a status, Petitioner would soon get released from the state prison while Petitioner was taken as a mentally healthy man. But in spring 2017, the counterfeit new LAPD Arrest Report stopped my release as they perjured to accuse me of violent felony for their financial reward from the Chinese communist regime. Defendant soon cooperated in such a scheme with the fake evaluation reports in 2017 and in 2019 for his monetary gains from the Chinese communists as well.

In the past decade since 2012, Defendant's two vicious and intentional tort of accusations in the two Minute Order and other false reports played a very bad role for Appellant's three times hospitalization as a mental patient. <u>If without such counterfeit accusation of "delusion", Appellant could have a trial and then get released in April 2012 already</u>. Defendant made Appellant lose so many precious years of life and liberty, but he wickedly declared that he stopped his harm to Plaintiff in 2013. It is a big lie and he must be fully liable for my terrible loss in the past nine years at senior age but both the trial court and the Second Appellate Court all willfully ignored such a vice with horrible harm to Petitioner from Defendant. While

Defendant was not able to deny his harm to Petitioner that lasted till August 2021, these two state courts picked up such lies and set Defendant free from all the legal liabilities. Petitioner holds a doctoral degree and would do a lot of academic work if free in April 2012 via a jury trial. Defendant made Petitioner suffer such a long-term with torture and willfully brought harm to Petitioner for nine years. Defendant made me lose so many precious years for academic works. Besides, Defendant made Petitioner suffer terribly with the involuntary antipsychotic medication when being locked up at PSH in 2012 and in 2013. Afterwards, Petitioner was kept as a mental patient in state prison all the time. As mentioned, his false statements were also a basis for California Department of State Hospitals (CDSH) to make Petitioner kept for long term care at the Atascadero State Hospital in 2019 and in 2020.

(d) Defendant's Counterfeit Reports Harmed Appellant Throughout the Past Decade till August 2021

Even after Appellant was discharged from the mental hospital in July 2020, Appellant was kept for parole checking mental state by CDCR with the excuse of my past mental history until August 2021 after Appellant filed a civil lawsuit against them. Defendant seriously violated my civil rights as Defendant brought "**cruel and unusual punishment**" to Appellant in the past decade while Defendant was cruel and inhuman as he felt it was "interesting" to harm Appellant as declared in his document. Besides, it was also elder abuse as all these years of torture happened at my senior age. Defendant has been a wild beast without any human sense when he started to bring so much horrible harm to Appellant in March 2012 and he continued to do so till August 2021. In this document, he still wickedly attempted to depict Appellant as a mental patient. Such a rascal psychiatrist must be condemned for violations of the laws and for lack of medical ethics. Defendant worked for the Chinese communists in exchange for his financial gains so he used his medical expertise to harm Petitioner for a decade and he never cared about laws and justice.

Defendant's counterfeit evaluation reports fooled the court and many people. Besides, some crooks willfully took his reports as authoritative since Defendant has held some high-sounding titles and thus, they cited his nonsense writings as reliable source for my mental

health. Petitioner gave examples for their reports for the Exhibits N and O attached to FAC although it was very likely that they were tempered by the CDCR crooks.

Such cruel and intentional medical torture to Appellant went through for the past decade since his first fake role was dated in the Court Minute Order for March 02, 2012, and the second was dated April 10, 2013, and went on. He also showed the counterfeit medical diagnosis report in March 2013. Defendant Knapke sent Appellant to the mental hospital two times for involuntary antipsychotic medication, and then sent Appellant to the mental hospital for the third time in June 2019 and kept there for long term care till July 2020. After being discharged from the mental hospital, Appellant was kept as a mental patient by CDCR during the parole time till Aug. 2021. In spring 2023, when Appellant went to have a routine health check at a clinic in downtown LA, the physician informed Appellant that there was mental history in my medical record. Appellant explained the cause, the physician thus stated it as a false record. Hence, Defendant harmed Appellant for many years. In the Opening Brief to the Appellate Court, Petitioner thus stated,

> To explain the Causes of Action, i.e., fraud or perjury and intentional tort, Appellant listed these evil acts in the Complaint, and in some more detail in my First Amended Complaint with many Exhibits. Defendant only wanted to make his personal gains by torturing Appellant in the past decade. Defendant pleased the Chinese communist government well in persecution against a U.S. citizen as well as a China democracy advocate. (See **Appendix F**, Opening Brief, p. 19.)

These are sufficient facts about the long-term persecution against Petitioner by this mean and vicious private medical professional who faithfully worked for the Chinese communists in exchange for his financial gains. Petitioner made such points at the Oral Argument; Defendant could not deny them. There is an audio tape about it. Petitioner has kept it as undeniable facts for this case.

B. Defendant Seriously Violated Federal Laws

Amendment VI

In all criminal cases, the accused shall enjoy the right to a speedy and public trial, ...

Defendant's false accusations and false reports made Petitioner unable to have a trial in the past ten years. Defendant made Petitioner lost the first and most important jury trial in spring 2012 as Defendant was the sole medical doctor who made such a horrible accusation against a mentally healthy man. In March 2013, Defendant produced a false medical report to stop my release from the county jail. In Feb. 2015, Defendant did not make any mental evaluation, but he said that he did it to let Bernhard cheat the court. In summer 2017, Defendant made the first counterfeit evaluation report, but he wickedly dated it as 02/05/2012. In summer 2017, Defendant made the second counterfeit evaluation and dated it for 03/20/2013. These two counterfeit reports prevented my release from state prison at different times. Even after Petitioner got discharged from the mental hospital, his false reports still haunted Petitioner as CDCR kept me on parole as a mental patient till August 2021. Now Defendant wickedly declared that he stopped harming Petitioner after 2013. After the trial judge deceived Petitioner and then made an illegal ruling for Defendant, the Second Appellant Court approved all such nonsense.

Amendment VIII prohibiting "cruel and unusual punishment"

Defendant forced Plaintiff, a mentally healthy man to go to the mental hospital for three times due to his fraud and international tort which lasted from March 2012 to August 2021. For the first and second times, Defendant forced Petitioner take the harmful antipsychotic medication at Patton State Hospital (PSH) for a total of 19 months. Such illegal conduct was forbidden aby the law as he brought **"cruel and unusual punishment"** to mentally healthy Petitioner. Petitioner suffered terribly due to the side-effects of such crazy pills. Afterwards, Petitioner was always treated as a mental patient at the different institutions which gave Petitioner extra trouble and even torture during the detention time. In Feb. 2015, Bernhard used Defendant's false evaluation to haunt Petitioner which prevented me from getting self-representation for the criminal case. As a result, Plaintiff was wrongfully convicted for a violent felony that Petitioner did not commit. In summer 2017, Defendant created the first counterfeit evaluation report to stop my potential release from the state prison. In June 2019, at the time of scheduled release, Petitioner was sent to the mental hospital for the third time as Defendant created the second counterfeit mental evaluation. At Atascadero State Hospital, due to such

false mental history, Petitioner was kept for long term care while being threatened with more antipsychotic medication. All these conducts brought **"cruel and unusual punishment"** to mentally healthy and innocent Petitioner for the criminal case. However, Defendant Declared that he did not bring any harm to Petitioner after 2013. The Second Appellate Court willfully approved such nonsense.

Amendment XIV

By adopting all the lies as truth and by refusing to apply the federal laws for this case, these judges at the trial court and at the Appellate Court all refused to provide a fair and justifiable solution to Petitioner after Defendant deprived of my life and liberty with torture for ten years. They only want to dismiss the case at Defendant's will. Such willful dismissal orders violated their mission to provide a fair and efficient solution for a civil suit. They are unconstitutional as **they "abridge the privileges or immunities" of Petitioner, a citizen of the United States; They deprive Petitioner "of life, liberty or property without due process of law;" They deny to Petitioner "within its jurisdiction the equal protection of the laws."**

18 U.S.C. CH 79, Perjury,

Defendant seriously and repeatedly violated this federal law with his counterfeit reports to harm the innocent and mentally healthy Petitioner in the past decade from March 2012 till August 2021. As mentioned above, at different times, Defendant Knapke willfully worked for the Chinese communists to bring terrible harm to Petitioner, a senior citizen as well as a China democracy advocate in the criminal case. Defendant committed so much perjury solely for his financial gains.

42 USC § 1983

Defendant willfully and intentionally **"subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws."** Defendants made Petitioner suffer terribly in 2012 and in 2013 by working out the two Court Minute Orders to impose antipsychotic medications on mentally healthy Petitioner. Petitioner suffered from the strong side-effects of such medication all the time at Patton State Hospital let alone the loss of my

precious chance for a jury trial which would set Petitioner free. His other perjuries in the following years all brought horrible torture to Petitioner at the different institutions. Especially, his false mental reports sent Petitioner to the mental hospital for the third time in June 2019 when Petitioner should get released from the state prison after serving nine years already for the wrongful conviction case as Defendant deprived Petitioner of the constitutional right for a jury trial with his false accusation again and again. Finally, Petitioner was kept for long term care due to the false mental history. It was with immense hard efforts that Petitioner was able to get out of the mental hospital under the order of Honorable Judge Mathew Guerriero at San Luis Obispo County Superior Court in July 2020 who accepted my testimony at the court. However, these judges at the trial court and then at the Second Appellate Court all ignored Defendant's vicious conduct not only at the times when Defendant viciously committed perjury and intentional tort to Petitioner in 2012 and in 2013 but also for a long time afterwards especially in 2015, in 2017 and in 2019 when Defendant made three false evaluation reports to harm Petitioner. They refused to apply the US constitution and certain federal laws to this case. Instead, they only love the inapplicable state statutes of limitation to cheat and to oppress Petitioner.

Article VI

As stated above, the judges at lower courts only love to use some inapplicable state statutes to deny this case filled with serious federal civil rights claims. They refused all the federal laws that should be applied to this case. They thus violated US constitution, **Article VI**, which clearly stated,

> **This Constitution and the Laws of the United States which shall be made in Pursuance thereof; ... shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.**

These judges all willfully ruled in Defendant's favor. As mentioned, at the trial court, Petitioner made presentation and the trial court judge only made a very good positive comment about Petitioner's presentation while Defendant could not say anything reasonable at the demurrer

hearing on Feb. 2, 2022. However, just in a few days, this judge willfully ruled in complete favor for the Defendant with a dismissal order with distorted facts and inapplicable state statutes which were all refuted by Petitioner and Defendant could not use them anymore. That was how a trial court judge illegally cheated Petitioner out of this civil case. Such a dismissal order is thus filled with lies, strong bias, and disgusting discrimination against Petitioner. This trial judge cheated and oppressed Plaintiff with all his might. He abused his judicial power to the extreme.

Likewise, for the Oral Argument dated May 4, 2023 at California Second District Court, the three judges at Division Seven, headed by Perluss, together with Feuer and Escalante could not refute or make any negative comment about Petitioner's presentation, while Defendant's attorney was unable to use the lies anymore for Defendant's sham defense. However, some days later, on May 18, 2023, these judges impudently distorted all the key facts and used all the lies to dismiss this case. They all applied the inapplicable state statutes to help the Defendant. Again, such a dismissal is thus filled with lies, strong bias, and disgusting discrimination against Petitioner. That the way they willfully cheated Petitioner out of the appeal court.

Thus, these judges all refused to follow Amendment XIV to provide "**within its jurisdiction the equal protection of the laws.**" They also willy fully violated Article VI because as judges, they "**shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.**" The US constitution "**shall be the supreme Law of the Land,**" but they all refused them at the will of the Defendant and at their own interest.

Besides, these judges refused to consider other applicable laws:

Equitable Tolling

The statute of limitations may be equitably tolled (extended, suspended, put on hold) when under certain circumstances,

Impossible: Filing a lawsuit was impossible or virtually impossible [*Lewis v. Superior Court* (1985) 175 Cal. App. 3d 366.]

Petitioner mentioned the impossible conditions for filing a lawsuit earlier in the two Briefs and for the Oral Argument such as complete isolation without any legal assistance,

torture and death threat to Petitioner, the poor conditions after Petitioner's release, etc. But these judges refused to consider them.

More importantly, there is law that stated: **For filing federal civil rights of claims, a claim is not required,**

> **Not required if the claim falls under 42 U.S.C. § 1983 *Williams v. Horvath*, 16 Cal. 3d 834, 129 Cal. Rptr. 453, 548 P. 2d 1125 (1976). Filing of a claim in compliance with state law does not toll the statute of limitations for a civil rights claim. *Boston v. Kitsap County* (2017) 852 F. 3d 1182.**

As mentioned throughout my case, Defendant Harmed Petitioner for a total of ten years. Defendant seriously violated 42 U.S.C. § 1983. He arrogantly and viciously used his medical expertise to harm Petitioner. Per the law above, this case must not be barred by any statute of limitations because it is totally related to civil rights violations.

C. After the Trial Court Judge Willfully Fooled Around Petitioner, the Judges at Appellate Court Viciously Discriminated Against Petitioner

Defendants seriously violated my civil rights for a whole decade as mentioned in my Complaint, in FAC at the trial court, and in the two Briefs at the Appellate Court, such violations all fall under **42 USC § 1983** but these judges shut their eyes at the serious violations, and refused to apply the U.S. Constitution, the related federal laws such as 18 U.S.C. Chap. 79 Perjury and **42 USC § 1983** for Deprivation of Civil Rights . They only love the inapplicable state statutes of time barred to oppress Petitioner for their dismissal verdicts. Their strong prejudice and discrimination resulted in such nonsensical rulings against Petitioner. They abused their judicial power and they in fact acted as sly attorneys for Defendant Kory Knapke. These judges are racists who only want to free a white man who raped my mental case for ten years. Due to Defendant's perjury and intentional tort, Petitioner suffered immensely for a whole decade from March 2012 to August 2021 but these three judges at the Appellate Court all shut their

eyes to rule in Defendant's favor. They wrote a lengthy judgment for the case which covered 21 pages because they tried their best to distort this case with false statements and a lot of unrelated citations to defend the lawless Defendant in this case. These judges totally ignored the U.S. constitution and other related federal laws as they do not want to see how Defendant used his medical profession to harm an innocent man in the criminal case to serve the interest of the Chinese communist regime for his financial gains. Petitioner repeatedly stated that Defendant violated **42 USC § 1983** as he willfully subjected Petitioner to immense harm with fraud and intentional tort which lasted for a total of ten years from March 2012 to August 2021. Petitioner stated clearly that if Defendant did not make such a false mental charge against mentally healthy Petitioner in 2012 as he was listed as the sole doctor who made such a ridiculous accusation in the Court Minute Orders, Petitioner should get released already in April 2012 via jury trial. Defendant repeated his vice in 2013. He continued to harm Petitioner till August 2021. But these three judges, like the trial court judge at Los Angeles County Superior Court, all willfully ignored such a serious fact by forcing Petitioner to admit that Petitioner had serious mental problem at that time, which even Defendant could not say so at the Oral Argument when their attorney was face-to-face with Petitioner. Petitioner could get a witness (Ms. Kimberly Greene, first defense attorney for Petitioner from LA County Public Defender Office) who only got a positive evaluation comment from Defendant on February 5, 2012. Why should these three judges all ignore such an authoritative witness as Petitioner mentioned a few times in the different documents? Ms. Greene said to Petitioner on that day, "the doctor believes that you are a man of intelligentsia." But these judges all pretended not to know such a witness as Petitioner repeated in my Briefs. They only love the nonsense from the mean Defendant. And then, they tried to amplify Defendant's nonsense with their ridiculous comments and citations. However, Petitioner already pointed out that Defendant could not use such lies or nonsense anymore in the Oral Argument. In fact, as early as at the demurrer hearing at the trial court, Defendant was already silent as he could not continue his sham defense anymore. Otherwise, how could the trial judge only give a 100% positive comment to my presentation on that hearing day of Feb. 2, 2022? Unexpectedly, he soon defied the US

constitution as he acted as a swindler or a crook to rule in complete favor of the Defendant on Feb. 7, 2022.

Therefore, these judges at the Appellate Court did not work for laws and justice, rather, they only acted as despicable agents or shameful defense attorneys to help the lawless Defendant escape from all the serious legal liabilities based on their strong discrimination against Petitioner, who is an Asian, a senior citizen, a China democracy advocate, a pro se litigant with poor financial status. It is too much cheating to Petitioner by these judges at this Appellate Court.

D. About the Oral Argument

On May 4, 2023, under my request, Oral Argument was held at the Court by Div. Seven presided by the three judges. Petitioner made a presentation about 25 minutes to talk about all the major facts listed in my Opening Brief. Petitioner gave the indisputable facts and emphasized that Defendant seriously violated federal laws and harmed Petitioner for a total of ten years from March 2012 to August 2021. Petitioner also gave the causes why the statutes of limitations for time barred should not be applied to this case because Defendant harmed Petitioner for a whole decade at different times. Besides, Defendant committed serious violation of US constitution and certain federal laws while such violations all fall under 42 USC § 1983.

At the Oral Argument, Petitioner stated that there were not these two written evaluation reports by Defendant before 2016 as evidenced by the Response from the Classification Officers at WSP. In Feb. 2012, My defense attorney Kimberly Greene did not see his counterfeit report dated 02/05/2012 so she gave a very positive comment to Petitioner from Defendant. But Defendant soon started to work for the Chinese communists for his financial gains at the different times, in 2012, in 2013, in 2015, in 2017, in 2019 and in 2020. As an example, there was no mental evaluation 03/20/2013 but Defendant forged such a report to make Petitioner go to the mental hospital for the third time in June 2019. All were made after 2016 by Defendant. But the trial court judge and the three judges at the Appellate Court willfully all ignored such clear facts in their dismissal orders.

Defendant could not deny any of these facts at the Oral Argument. Defendant only made the excuse that my defense attorney didn't rebut Defendant's accusation at the mental court in 2012 and in 2013. Petitioner pointed out that at that time, a rascal attorney Jonathan Petrak took over my criminal case and acted as my defense attorney but he worked for the Chinese communists so he also forced Petitioner to go to the mental hospital like Defendant did. He and Defendant had the same dirty scheme to harm innocent and mentally healthy Petitioner for their financial rewards from the Chinese communist regime. As a result, Petitioner received long time suffering from this inhuman and despicable Defendant in this civil case. But these judges all love to stand at the side of an outlaw in the United States to oppress and to cheat innocent and mentally healthy Petitioner.

E. My Natural Response to the Court Ruling

On May 18, 2023, Petitioner saw the Appellate Court's unlawful Ruling from Division Seven with Perluss as the Presiding Judge, Feuer and Escalante as the Associate Justices. They adopted all the false statements from the Defendant's Brief while Defendant's attorney was unable to make them as facts any more at the Oral Argument. Clearly, like the judge at the trial court, these Judges at the Appellate Court do not want to work for laws and justice for this case filled with federal civil rights claims because Petitioner is non-white with Asian origin, a senior citizen, a China democracy advocate and a *pro se* litigant with poor financial status due to the past long term of wrongful conviction in which Defendant played a very ugly role, while Defendant is a white professional with a high income so he hired a few attorneys to support him. Therefore, these Judges illegally distorted all the facts with inapplicable laws to dismiss this case. Such an unlawful verdict is "... **misuse of the power of the court; it is an act done in the name of the court and under its authority for the purpose of perpetrating an injustice.** [Citation]" (*S. A. Madison* 2014) 229 Cal. App. 4th 27, 41.)

Upon reading the court verdict, on May 19, 2023, Appellant sent an email to the court clerk with a statement as follows:

... It is only a court order filled with nonsense. These judges refuse to see the facts in my Opening Brief and in my Reply Brief. They refuse all the facts that I stated in the Oral Argument. They tried to find some words from my initial complaint at the LA trial court to accuse me of "sham pleading" but I made all things clear in my FAC for the trial court. That is why the trial court Judge could only give a very positive comment to my speech at the demurrer hearing while Defendant could not refute me at all. His corruption made him change his mind in Defendant's favor for the ruling. Now, at your Appellate Court, after I made clear statements in the two Briefs and also at the Oral Argument about how Defendant Kory Knapke harmed me from March 2012 to August 2021, Defendant again could not refute me with reason and with any applicable statutes. These judges should examine my Briefs but they don't. They should pay attention to all the statements in the Oral Argument but they don't. In fact, the Oral Argument should be the key for this case and I have got a copy of the CD for it. I gave clear facts and reasons for the Oral Argument. But they do not want to respect the factual statements from Appellant because my statements can well refute all their nonsense in this verdict. They only want to protect the lawless Defendant with distorted facts and inapplicable state statutes. They completely failed the mission of this district court for appeal as they refuse to apply any federal laws that Appellant mentioned in the two Briefs. They discriminated against Appellant, a non-white pro se litigant, a senior US citizen and a China democracy advocate. This lawless verdict tells clearly that they refuse to work for the US constitution especially Amendment XIV which demands them to provide equal protection of the laws to all parties in a civil suit. They refuse to apply 42 USC section 1983 for this case filled with federal civil rights claims. They wantonly deprived all the civil rights of the Appellant in this case. They are only some nasty crooks at your Court. Shame on these sly, corrupt, and disgusting rascals as they seriously insulted the American democratic social system with liberty and justice for all.

This email presents the key issues for this Petition to the U.S. Supreme Court. Since their major lies are stated above from Defendant's bogus statements, Petitioner would not repeat their lies with about the same statements. In a word, these judges do not work for laws and justice. They only work for the people like Defendant and for their own personal interest.

F. The Key Issue

Can a Rapist Be Excused with Statutes of Limitations after He Committed the Rape for a Few Times?

In my Opening Brief to the Appellate Court, Petitioner mentioned that Defendant raped my criminal case at different times. Defendant forced a mentally healthy man to go to the mental hospital to deprive Petitioner of the jury trial and to take involuntary antipsychotic medication which brought immense harm to Petitioner for two years in 2012 and in 2013 after Defendant made false accusations on the two Minute Orders plus a false diagnosis report with "delusion". In the following years, Defendant committed such rape again and again to my criminal case at different times to willfully harm Petitioner. Defendant falsely declared that he made evaluation on Feb. 5, 2015, but he never did. In 2017, in 2019, Defendant made the two counterfeit evaluation reports to stop my two release chances from the state prison. In 2020, CDCR again used his false report to force me parole as a mental patient till August 2021. Petitioner repeatedly pointed out, if Defendant did not collaborate with the nasty attorneys at LACPDO to make the false mental accusation in March 2012, Petitioner would get released via a jury trial in April 2012 already. Defendant brought tremendous sufferings to Petitioner without remorse as he even declared "it is interesting" for him to harm Petitioner.

Everyone knows that after a girl got raped, regardless of when it took place, the rapist would be punished by law because the rapist seriously violated her civil rights guaranteed by U.S. constitution. Similarly, Defendant Kory Knapke should be punished to use his medical profession to rape Petitioner at different times as mentioned above. Defendant made a mentally healthy man suffer for a whole decade especially Defendant forced mentally healthy Petitioner to take antipsychotic medication which brought immense harm to me. Afterwards, Defendants continued to bring serious harm to Petitioner with counterfeit reports to deprive Petitioner of "life, liberty" which was prohibited by U.S. constitution and **42 U.S. C. § 1983.** Now, these judges at the California Second District Court for Appeals used time barred as the major cause to cheat Petitioner to dismiss this case after the trial court judge willfully fooled around Petitioner to let Defendant flee from all the serious legal liabilities with the same ridiculous alibis from the rapist Defendant Kory Knapke. These are in fact not judges, rather, they acted as defendant's defense attorneys to cover up and delete all the Defendant's lawless conduct when this rapist cannot use such state statutes anymore at the Oral Argument. Such a

group of judges are swindlers sitting at the courts with the judicial cloaks on to cheat a senior citizen, a pro se litigant in this case. They are shameful crooks in American judicial system.

G. Defendant Has Admitted All His Illegal Conduct in the Criminal Case

In early November 2022, Appellant filed my petition to the US Supreme Court for the criminal case about the illegal detention and about the terrible persecution by the government agencies and private professionals including Defendant. It was docketed as case # 22-6005. In the petition, Appellant stated on pp. 12-13 as follows:

(a) Outlaw Psychiatrist Kory Knapke

> One important outlaw was a psychiatrist, Kory Knapke. On 2/2/2012, Knapke made a mental evaluation about my mental state. On 2/5/2012, my defense attorney (Kimberly Greene) informed me, "The doctor believes that you are a man of intelligentsia." However, Knapke soon changed to assist LACPDO to persecute against me with serious mental illness of delusion. He was listed as the sole doctor in the court order. On 4/2/2012, Petitioner was forced to go to PSH for treatment with the crazy medication. Petitioner suffered terribly.
>
> After Petitioner retuned to county jail, on March 20, 2013, Knapke went to the jail to see me with a false medical report of delusion signed by Dr. Kilian when he learned that Petitioner would plead "not guilty" for the case. Petitioner told him it was a false report, the man slipped away quickly. With such a false report, he and LACPDO sent Petitioner back to PSH for involuntary medication. At PSH, Petitioner learned from Dr. Kilian that he never wrote such a report.
>
> In summer 2017, Knapke completed the first fake evaluation report but it was dated 2/5/2012. With such a report, the California Department of Correction and Rehabilitation (CDCR) always treated Petitioner as a mental patient. In June 2019 at the time of my release, Knapke made a second fake report but it was dated 3/21/2013. CDCR used such a report and other false documents to force Petitioner to go to the mental hospital for the third time. Throughout my case, outlaw Knapke worked faithfully for the Chinese communists in persecution against a China democracy advocate for his monetary gains.

As a requirement, all the defendants in my Petition must give their response to the US Supreme Court. Nevertheless, on Nov. 9, 2022, California Attorney General Office, representing

all the defendants including rapist Kory Knapke filed WAIVER (see **App. K**) to my Petition to the US Supreme Court.

California Department of Justice did not use the excuses such as being "time barred" and the other alibis by Defendant as the basis to argue or to refuse my Petition. They gave up their right for rebuttal as they admitted all the facts in my petition. Thus, it is illegal that these judges at California Second Appellate Court still refused to see all the indisputable facts and the federal laws in this civil case, which was filed based on the criminal case and after the WAIVER from the CA Department of Justice. Their judgment goes totally against the Bill of Rights and against the WAIVER representing the will of the Attorney General. Such a dismissal ruling from the Appellate Court is invalid and illegal by law.

This Supreme Court case # **22-6005** can be found online. All the contents for the Petition are presented for the public to read. Petitioner mentioned such a case to these Judges at the Appellate Court but they willfully and despicably ignored me.

H. Judicial Corruption Is the Key Problem for This Case

Federal Law **Rule 2.3: Bias, Prejudice, and Harassment** stated,

> **(B) A Judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, ...**

As mentioned above, Plaintiff is an Asian, with the national origin of Chinese, a senior citizen, a China democracy advocate, and a pro se litigant with poor financial status due to long-term imprisonment created by Defendant and some other evils involved in the criminal case. With such causes, Defendant viciously cheated and oppressed Petitioner from February 2012 to August 2021 for his financial gains. Today, based on such a status, these judges at the lower courts including Michael Stern at LA County Superior Court, Perluss, Feuer and Escalante at

Division Seven of CA Second District of Court for Appeal, all willfully cheated Petitioner and refused to apply federal laws for this case filled with federal civil rights violations. They love to assist a white and rich medical professional after this rapist brought immense harm to an innocent and mentally healthy man, Petitioner in this civil case.

The Honorable Diego Garcia-Sayan, United Nations Special Rapporteur on the Independence of Judges and Lawyers stated in his writing, "Corruption, Human Rights, and Judicial Independence,"

Corruption in the Judicial System

Corruption undermines the core of the administration of justice, generating a substantial obstacle to the right to an impartial trial, and severely undermining the population's trust in judiciary.

Illicit interferences with justice can also be violent, particularly when perpetrated directly by members of organized crime. These forays are intended to secure specific objectives, such as the closing of a particular case, or the acquittal of a given individual.

(*United Nations,* A/72/140.35 July 2017.)

Clearly, what these corrupt judges have done aimed at the closing of this civil case as soon as possible to meet the wish of the Defendant. Such a court Judgment is a natural product of their strong corruption. Despite my indisputable facts in the two Briefs and at the Oral Argument, they only love the distorted facts and cited some inapplicable statutes and legal sources to cheat and to oppress Petitioner and to dismiss this case as their goal for the case.

President Theodore Roosevelt pointed out,

No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right, not asked as a favor.

These corrupt judges let the rapist Defendant stay above the law of the United States. Meanwhile, they forced Petitioner to stay below the law as a subhuman. Such corrupt judges stay above the laws themselves as they willfully abused the judicial power to make absurd

rulings. However, to such a case filled with federal civil rights violation, the California State Supreme Court refused to review it. What is the duty of such a supreme court in California? It failed its duty as the highest state court which should give guidance to and supervision over the lower court for laws and justice but it would do nothing for this serious case. It is illegal for the judges at such a high court to ignore all the wrongdoings at the lower court. Such a denial of review to my case is unconstitutional.

The lawless acts well revealed that the judges at the state courts in California all refused to provide "**equal protection of the laws**" which is required by Amendment XIV and other federal laws to the underprivileged class in California. In fact, these corrupt judges at the state courts assisted the Chinese communists and their American accomplices including Defendant Knapke to persecute Petitioner. This is the basic cause for why this case cannot get laws and justice till this date. Shame on these crook judges.

I. Reason for Granting Appellant's Appeal

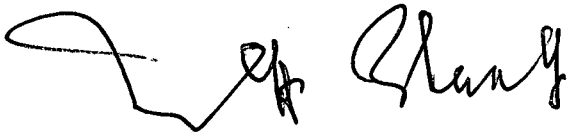
Defendant can't deny his wrongdoings anymore, therefore, at the trial court, the judge could only praise Petitioner for presenting the case with facts and laws. However, just in a few days, he willfully cheated Petitioner with a dismissal order to rule completely in favor of Defendant.

Likewise, at the California Second District Court for Appeals, Defendant cannot give any alibis to cover up his fraud and intentional tort against Petitioner anymore. At the Oral Argument, Defendant could not deny his lawless conducts from Feb. 2012 to August 2021, and he cannot use the unreasonable state statutes for his fraud and intentional tort to Petitioner. However, these judges insisted on their cheating by distorting the facts with inapplicable state statutes to dismiss this civil case. They defied the US constitution and the federal laws as they refused to provide "equal protection of the law" to an innocent citizen. Such wanton corruption not only seriously harmed and insulted Petitioner, but also brought terrible and disgusting shame to the American democratic social system. They want to turn this country into a fascist country by cheating and oppressing the disadvantaged class in California. They seriously violated the Civil Rights Act of 1964 which advocates laws and justice and equal opportunities for all the people.

Conclusion

Given the reasons set forth in this Petition, Petitioner respectfully requests the United States Supreme Court to reverse the lawless verdict made by the corrupt judges at the California Second District Court for Appeals. Laws and justice must be applied to a civil case filled with federal civil rights violations. As a rapist in my mental case and in my criminal case which made Petitioner suffer tremendously for a whole decade, Defendant should get legal punishment for his fraud and intentional tort against an innocent citizen of the United States at the will of the Chinese communist regime for his own financial gains.

DATED this 2nd day of October 2023



Petitioner, Jeff Baoliang Zhang, Ph.D., in *Pro pe*

Certificate of Word Count

For the Case B318744

Jeff B. Zhang, Ph.D. v. Kory Knapke

At the time of Service, I was at least 18 years of age and not a party to this legal action. My address is **340 N. Madison Ave. Los Angeles, CA 90004**.

I certify that per CRC Rule 8.204(c), I counted for the document with the Window 10, word count program, there are 12, 998 words on 34 pages for the document indicated below:

Petition for Review

Petition to Leave in Paup

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 2nd day of October 2023

JUARIS M _____ _____

(Name of Person Completing This Form) (Signature)