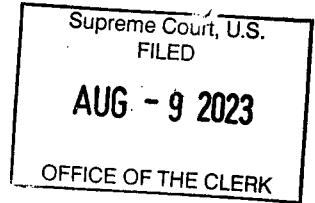


No. 23-598



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

CHESTER NOEL ABING, DENNIS DUANE  
DESHAW, and SUSAN KAY BROER-  
DESHAW,

*Petitioners,*

v.

JAMES F. EVERE, *et al.*,

*Respondents*

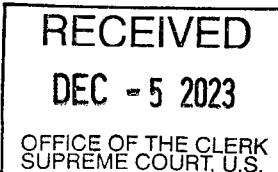
On Petition for a Writ of Certiorari to  
the Ninth Circuit Court of Appeals

**PETITION FOR A WRIT OF CERTIORARI**

Chester Noel Abing  
94-1118 Pohu Place  
Waipahu, HI 96797

Dennis Duane DeShaw  
815 College Dr, Apt. 18A  
New Town, ND 58763

Susan Kay Broer-DeShaw  
P. O. Box 573  
Hill City, SD 57745  
Petitioners



## QUESTIONS PRESENTED FOR REVIEW

### FIRST QUESTION

Does the Fourteenth Amendment (1868) amend the Eleventh Amendment (1798)? (If so, then the Eleventh Amendment cannot provide "sovereign immunity" from civil-rights lawsuits under the Fourteenth Amendment or the Civil Rights Laws enacted pursuant to it.)

### SECOND QUESTION

May State laws nullify the Fourteenth Amendment and the Civil Rights Laws enacted under it?

### THIRD QUESTION

Do the Fourteenth Amendment, and the Civil Rights Laws enacted to enforce it, prohibit malicious discrimination by State officers in the form of theft of property using forged documents, threats, and harassment?

#### FOURTH QUESTION

Are homeowners as a group protected by the Equal Protection Clause of the Fourteenth Amendment against discriminatory application of State laws against them to steal their property using forged documents?

#### FIFTH QUESTION

The courts have held that Section 1983 of the Civil Rights Laws has a two-year statute of limitations in Hawaii. Does this mean that victims' right to seek redress under these laws expires in the second year of a ten-year pattern of continuous and cumulative acts of discrimination against a class, involving theft of property and fraud on the courts?

## LIST OF ALL PARTIES

Petitioners: Chester Noel Abing  
94-1118 Pohu Place  
Waipahu, HI 96797

Dennis Duane DeShaw      Susan Kay Broer-DeShaw  
815 College Dr., Apt. 18A      P. O. Box 573  
New Town, ND 58763      Hill City, SD 57745

Defendants:

In order of appearance in the First Amended  
Com plaint: (a) Attorneys employed by the  
Hawaii "Office of Consumer Protection" and  
their supervisors: James F. Evers, John N.  
Tokunaga, Stephen H. Levins, Lisa P. Tong,  
Melinda D. Sanchez, Catherine Awakuni  
Colon, Jo Ann Uchida Takeuchi, Michael J.S.  
Moriyama; 205 South Beretania, 8<sup>th</sup> floor,  
Honolulu, HI 96813.

(b) Lawyers employed by the Hawaii Office of Disciplinary Counsel: Bruce B. Kim, Bradley R. Tamm, Ryan Summers Little, Rebecca Salwin, Yvonne R. Shinmura, and Charlene

M. Norris; 201 Merchant Street, Suite 1600,  
Honolulu, Hawaii 96813.

(c) Lawyers employed by the Disciplinary Board of the Supreme Court of Hawaii: Roy F. Hughes, Gayle J. Lau, Jeffrey P. Miller, Philip H. Lowenthal, and Clifford Nakea, 201 Merchant Street, Suite 1600, Honolulu, Hawaii 96813.

(d) Designated foreclosure-court judges in the Circuit Court of the First Circuit in Honolulu: Bert I. Ayabe and Jeannette H. Castagnetti, 777 Punchbowl Street, Honolulu, Hawaii 96813.

All Defendants are represented by the Department of the Attorney General of Hawaii, 425 Queen Street, Honolulu, Hawaii 96813.

#### **CORPORATE DISCLOSURE STATEMENT**

Petitioners are individuals who do not fall within the scope of the Supreme Court Rule 29.6 requiring a statement of corporate disclosure.

PROCEEDINGS IN THIS CASE  
IN FEDERAL TRIAL COURT  
AND APPELLATE COURT

1. Homeowners' "First Amended Verified Class Action Complaint," *Abing vs. Evers*, 21-cv-95 (Dist.Haw.), filed September 30, 2021.  
See Appendix at ..... 39 - 265
2. The District Court's First Order of Dismissal: "Order Granting in Part and Denying in Part (1) Motion to Dismiss Plaintiffs' Complaint filed on February 16, 2021; and (2) Defendants Bruce B. Kim, Bradley R. Tamm, Ryan Summers Little, Rebecca Salwin, Yvonne R. Shinmura, Charlene M. Norris, Roby F. Hughes, Gayle J. Lau, Jefferey P. Miller, Philip H. Lowenthal, Clifford Nakea, The Honorable Bert I. Ayabe and the Honorable Jeannette H. Castagnettis' Substantive Joinder and Motion to Dismiss with Prejudice Complaint for Injunctive and Declaratory Relief and Damages." *Abing vs. Evers*, 21-cv-95 (Dist.Haw.), entered August 30, 2021.  
See Appendix at ..... 266 - 342
3. The District Court's Second Order of

Dismissal: “Order Granting in Part and Denying in part (1) OCP Defendants’ Motion to Dismiss Plaintiffs’ First Amended Complaint Filed on September 30, 2021 [ECF No. 75]; and (2) Defendants Bruce B. Kim, Bradley R. Tamm, Ryan Summers Little, Rebecca Salwin, Yvonne R. Shinmura, Charlene M. Norris, Roy F. Hughes, Gayle J. Lau, Jeffrey P. Miller, Philip H. Lowenthal, Clifford Nakea, the Honorable Bert I. Ayabe and the Honorable Jeanette H. Castagnettis’ Substantive Joinder and Motion to Dismiss with Prejudice First Amended Complaint for Injunctive and Declaratory Relief and Damages.” *Abing vs. Evers*, 21-cv-95 (Dist. Haw), entered December 21, 2021.

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4. The Ninth Circuit’s Memorandum Disposition and Judgment, affirming the District Court’s orders Dismissing the First Amended Verified Class Action Complaint. *Abing v. Evers*, 22-15097 (9<sup>th</sup> Cir.), filed and entered May 12, 2023.

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3. The District Court's Second Order of Dismissal: "Order Granting in Part and Denying in part (1) OCP Defendants' Motion to dismiss Plaintiffs' First Amended Complaint Filed on September 30, 2021 [ECF No. 75]; and (2)

Defendants Bruce B. Kim, Bradley R. Tamm, Ryan Summers Little, Rebecca Salwin, Yvonne R. Shinmura, Charlene M. Norris, Roy F. Hughes, Gayle J. Lau, Jeffrey P. Miller, Philip H. Lowenthal, Clifford Nakea, the Honorable Bert I. Ayabe and the Honorable Jeannette H. Castagnetti's Substantive Joinder and Motion to Dismiss with Prejudice First Amended Complaint for Injunctive and Declaratory Relief and Damages." *Abing vs. Evers*, 21-cv-95 (Dist. Haw.), entered December 21, 2021. See Appendix at ..... 344 - 382

4. The Ninth Circuit's Memorandum Disposition and Judgment, affirming the District Court's orders dismissing the Complaint. *Abing v. Evers*, 22-15097 (9<sup>th</sup> Cir.). Filed and entered May 12, 2023.  
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**TABLE OF AUTHORITIES:**  
**CONSTITUTIONAL PROVISIONS**  
**INVOLVED IN THIS CASE**

1. The Eleventh Amendment (1798) to the Constitution of the United States:

“The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.” . . . . 1, 8, 11, 18, 19, 22, 26-8, 30, 286, 290-95

2. The Fourteenth Amendment (1868) to the Constitution of the United States:

“Section 1. . . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws . . . .  
Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.”

. . . . 1, 2, 8, 11, 13, 22-3, 26-30, 32-34, 53-6, 95, 102, 105, 111, 119-20, 242, 324, 328, 361, 370-3

3. The Constitution of the Confederate States of America (1861), Preamble:

“We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity – invoking the favor and guidance of Almighty God – do ordain and establish this Constitution for the Confederate States of America.”

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42 U.S.C. §1983: "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, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable." . . . . 2, 8, 13, 23, 54, 58, 70-1, 95, 98, 102, 110, 119-20, 230-295, 304, 319, 322-3,

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42 U.S.C. §1986: "Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; . . . But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued."

..... 13, 15, 34, 117, 120, 281,  
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2. United States Code:

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3. Hawaii State Laws:

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Haw.RevStats §§662-3 . . . . . 16, 296-7

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Hawaii's RSCH Rule 2.4 . . . . . 16, 302, 335

Hawaii's RSCH Rule 2.8 . . . . 16, 30,287, 301-4

TABLE OF AUTHORITIES:  
OPINIONS CITED IN THIS CASE

1. Opinions on which Petitioners rely.

*Bank of America v. Reyes-Toledo,*  
SCWC-15-5 (Supreme Court of  
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156, 166, 186, 194, 210, 218, 239, 257

*Bank of New York Mellon, FKA the Bank  
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-32CB) v. DeShaw*, Case No. 1CC16-1-  
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*Brown v. Board of Education*, 347 U.S. 483  
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*Daugherty v. Ellis*, 142 W.Va. 340, 97 S.E.2d  
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*McDonough v. Smith*, 588 U.S. \_\_, 139 S.Ct.  
2149, 204 L.Ed.2d 506 (2019) ..... 34

*PennyMac v. Abing*, 1CC12-1-003115  
(Haw. 1<sup>st</sup> Cir. 2012) ..... 45, 60, 77, 153,  
159, 171-3, 198, 222, 231-3,  
243, 245, 257, 263

2. Opinions on which the District Court relied:

*Aqua Caliente Band of Cahuilla Indians v.  
Hardin*, 223 F.3d 1041 (9<sup>th</sup> Cir. 2000) .... 293  
("Whether the Tribe's claims are barred  
by the Eleventh Amendment presents  
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*Kentucky v. Graham*, 473 U.S. 1598 (1985) .... 290  
("[O]fficial-capacity suits . . . 'represent  
only another way of pleading an action  
against an entity of which an officer is  
an agent.'")

*Larson v. Domestic & Foreign Commerce  
Corp.*, 337 U.S. 682 (1949) ..... 290-1

(“[A] suit may be characterized as an official-capacity suit when it seeks ‘the prevention or discontinuance, in rem, of a wrong,’”)

*Pena v. Gardner*, 976 F.2d 469 (9<sup>th</sup> Cir. 1992) . . . 294

(“It is thus clear that the eleventh amendment will bar Pena from bringing his claims in federal court against the state officials . . .”)

*Wilbur v. Locke*, 423 F.3d 1101 (9<sup>th</sup> Cir. 2005) . . . 293

(“The eleventh amendment ‘bars suits against a state or its agencies, regardless of the relief sought . . .’”)

*Wis. Dept. of Corr. v. Schacht*, 524 U.S. 381

(1998) . . . . . 293

(“[T]he Supreme Court has not decided whether Eleventh Amendment immunity concerns subject matter jurisdiction.”)

civil-rights laws of the United States. (See Appendix at 267 - 343.)

On December 21, 2021, the District Court dismissed the case in remaining part. (See Appendix at 345 - 383.)

The Ninth Circuit's decision affirming the dismissal orders was filed and entered on May 12, 2023. (See Appendix at 385 - 398.) No petition for rehearing was filed.

Petitioners now seek this Court's review of the District Court's orders dismissing the First Amended Verified Class Action Complaint and also of the Ninth Circuit's judgment affirming that dismissal. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

not directly participate in the scheme but rather saw their fellow officers engaging in the obviously illegal behavior for ten years, should have known it was illegal, failed to take appropriate actions, and thereby also caused the homeowners grievous injury.

In 2021, the homeowners sued the corrupt officers in Hawaii District Court, under the Fourteenth Amendment to the U.S. Constitution and the Civil Rights Acts of 1871 enacted to enforce it, alleging invidious discrimination against homeowners as a class for the purpose of helping the corrupt plaintiffs' bar. The District Court dismissed the homeowners' complaints, ruling that the Fourteenth Amendment and the Civil Rights Laws protect citizens from the discriminatory acts of malicious individuals but do not protect us from the acts of malicious State officers acting corruptly in their official capacities. The District Court indicated or implied five reasons for its ruling: (1) State officers enjoy "sovereign immunity" from lawsuits under the Eleventh Amendment. (2) State law supports the corrupt State officials, and State law trumps national law in this case. (3) The Fourteenth Amendment and

the Civil Rights Laws on their faces do not prohibit theft, fraud, threats, and intimidation. (4) Homeowners as a class do not have a right to equal protection under the law. And (5) The two-year statute of limitations in Hawaii means that, when there are continuous and cumulative violations of civil rights over a ten-year period, all violations after two years are immune from the reach of the Fourteenth Amendment and the Civil Rights Laws.

On September 30, 2021, Petitioners filed their First Amended Verified Class-Action Complaint, seeking Injunctive and Declaratory Relief and monetary damages from Defendants' violations of the Civil Rights Laws in stealing Petitioners' homes and threatening and harassing them. (See Appendix at 39 - 265.) As alleged by the Homeowners, the District Court had jurisdiction under 28 U.S.C. § 1331 ("Federal Question") because Petitioners brought the lawsuit pursuant to the laws of the United States, including the Fourteenth Amendment and the U.S. Civil-Rights Laws, 42 U.S.C. §§ 1983, 1985, and 1986.

The District Court had supplemental jurisdiction pursuant to 28 U.S.C. § 1367 ("Supplemental

## **CONCISE STATEMENT OF THIS CASE**

In this case, the plaintiffs (petitioners), who are homeowners in the State of Hawaii, allege that they are victims of a scheme by members of the plaintiff's bar of that State, conspiring with corrupt State officers in the Office of Consumer Protection and the Office of Disciplinary Counsel, to use forged documents to steal their homes, and thousands of other homes in the State. The lawyers file false legal documents (fraud on the court) and then conspire with State officers to issue summary orders of possession, transferring ownership of the homes to the corrupt lawyers, under color of State law. The scheme started in 2011 and continues to the present day. The corrupt lawyers then sell the houses and pocket the funds—stripping the homeowners of what is usually their life savings and leaving them with nothing, doing them irreparable harm. The corrupt State officers assist the corrupt lawyers by appearing in court to help them and by threatening, investigating, fining, and disbarring the homeowners' defense attorneys. Some of the defendant officers did

Jurisdiction”), over the State-law claims asserted in the Complaint (for example, abuse of power) because these claims are so closely related to the civil-rights claims (for example, conspiracy and intimidation of witnesses) that they form part of the same case or controversy, and because the State-law claims arise out of the same transactions or occurrences as to the claims under the laws of the United States.

In addition, the Complaint is brought pursuant to 28 U.S.C. § 2201 (“Declaratory Judgments”) to ask the District Court to declare that the conspirators’ activities are illegal--and under that court’s inherent equity jurisdiction to enjoin the conspirators from their illegal activities. (See Appendix at 59.)

On August 30, 2021, the District Court dismissed the case in part, arguing that all State officials enjoy “sovereign immunity” from the jurisdiction of the courts of the United States for all violations of the civil-rights laws of the United States. (See Appendix at 267 - 343.)

On December 21, 2021, the District Court dismissed the case in remaining part. (See Appendix at 344 - 383.)

The Ninth Circuit's decision affirming the dismissal orders was filed and entered on May 12, 2023. (See Appendix at 385 - 392.) No petition for rehearing was filed.

Petitioners now seek this Court's review of the District Court's orders dismissing the First Amended Class Action Complaint and also of the Ninth Circuit's judgment affirming that dismissal. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

**CONCISE ARGUMENTS AMPLIFYING  
THE REASONS FOR ALLOWING THE WRIT  
OF CERTIORARI IN THIS CASE**

This case raises five questions of immense importance and provides this Court with a clear opportunity to clarify all of them at one time. In all five questions, a United States court of appeal has decided an important question of federal law in a way that directly conflicts with the Constitution of the United States:

1. Does the Fourteenth Amendment (1868) Amend the Eleventh Amendment (1798)?  
If so, then the Eleventh Amendment Cannot Provide "Sovereign Immunity" from any Lawsuit under the Fourteenth Amendment.

The District Court's First Order Dismissing the Complaint in Part (below Appendix at 267 - 343) and the District Court's Second Order Dismissing Complaint in remaining part (Appendix at 345 - 383) together hold, and the Ninth Circuit affirms, that the thefts of private property, intimidation, discrimination, and threats committed by the State officers in the case at bar are protected by the

Eleventh Amendment to the Constitution, which supposedly confers "sovereign immunity" on all State officers. (See the District Court's First Dismissal Order below at 291 and 294-6); and the District Court's Second Dismissal Order, "The Disposition of the other counts as described in the Order remains effective," and again at 335.) If this were true, any criminal can violate the Fourteenth Amendment, and the Civil Rights Laws passed to enforce it, as long as he acts under color of State law.

The Eleventh Amendment actually provides:

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

There are two reasons why the Eleventh Amendment cannot apply to the case at bar. First, the homeowners in this case are, or in the past were, citizens of the State of Hawaii, and the defendants are officers of the State of Hawaii. So, the homeowners

cannot be "citizens of another State" or "citizens or subjects of any Foreign State."

More importantly, the Eleventh Amendment became law on January 8, 1798, but the Fourteenth Amendment became did not become law until July 21, 1868. Therefore the Fourteenth Amendment overrules and amends the Eleventh Amendment in all cases in which there is a conflict between the two. And Section 5 of the Fourteenth Amendment authorizes Congress to pass statutes enforcing the Fourteenth Amendment, and the Civil Rights Laws are enacted under that section:

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

There is no reference whatsoever anywhere in the Constitution of the United States and its Amendments to any "sovereignty" of any State. That notion is derived exclusively from the 1861 Constitution of the Confederate States of America, which is the polar opposite of the Constitution of the United States. In all five of the grave errors the lower courts have

committed in this case, they have unwittingly ignored the Constitution of the United States of America and instead have substituted for it the Constitution of the Confederate States of America:

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity – invoking the favor and guidance of Almighty God – do ordain and establish this Constitution for the Confederate States of America.

--Preamble

2. State Laws Never can Nullify the Law of the United States.

The District Court in this case repeatedly uses State law to override the Civil Rights Laws of the United States. For example, the District Court holds, and the Ninth Circuit affirms, that the actions of State attorney-discipline agencies are exempt from

the requirements of the Fourteenth Amendment and the Civil Rights Laws passed pursuant thereto--- because of Hawaii's RSCH Rule 2.8. (See the District Court's First Dismissal Order below at 287 and 301-2.) This holding is in direct conflict with the Supremacy Clause of the Constitution:

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.

--Constitution of the United States,  
Article VI, parag. 2

3. The U.S. Civil Rights Laws on their Face Prohibit Malicious Discrimination in the Form of Theft, Threats, and Intimidation.

In addition to holding that the Fourteenth Amendment of the United States Constitution and the Civil Rights Laws under it are overruled by the Eleventh Amendment and by various State laws, the District Court also holds, and the Ninth Circuit

affirms, that--although the homeowners' homes were stolen from them in an illegal conspiracy involving corrupt judicial decisions, threats, intimidation, and discrimination against their entire class--such a situation supposedly fails "to identify a constitutionally protected property interest." (See the District Court's Second Dismissal Order below in the Appendix at 320 – 322.) Our residential homes, our castles, are not even our property?

It is astonishing that there is a need for the Supreme Court of the United States to clarify that residential homes are property, but this case shows that that is precisely what is needed.

Likewise, the District Court holds, and the Ninth Circuit affirms, that malicious and discriminatory harassment and threats against a class are legal. Such a bizarre and incomprehensible holding must not be allowed to stand, or it will become a precedent.

Likewise, the District Court holds, and the Ninth Circuit affirms, that State officers have no duty to intervene in this case—even though defendant State officers saw their fellow officers engaging in the

obviously illegal behavior for nine years, defendants should have known it was illegal, defendants failed to take appropriate actions, and defendants therefore caused the homeowner's grievous harm. This holding directly contradicts decisions from other Circuit Courts.

4. The Equal-Protection Clause  
of the Constitution  
Protects All Citizens who are  
Victims of Malicious Discrimination  
by Government Officers  
Applying the Law Unequally.

The District Court holds, and the Ninth Circuit affirms, that homeowners cannot possibly be a discriminated group or class for the purposes of the Equal Protection Clause of the Fourteenth Amendment. This holding eliminates almost all groups from the protection of the Equal Protection Clause and the Civil Rights Laws and thereby largely reduces the Fourteenth Amendment and the Civil Rights Laws to toothless formalities.

Homeowners allege that the Defendants abused a State law to steal from one group (homeowners) and to give the stolen property to another

group (the plaintiff's bar and their non-existent strawman plaintiffs). And they threatened and intimidated the homeowners and deprived them of legal representation, while working to assist in court the other group. Nevertheless, the District Court holds, and the Ninth Circuit affirms, that the homeowners "... have not alleged any facts showing that defendants applied any law in a different manner with respect to these two groups." (See the District Court's First Dismissal Order, below at 327.)

5. The Doctrine of Continuous  
and Cumulative Violations  
Extends the Statute of Limitations.

In this case, the District Court held, and the Ninth Circuit affirmed, that when State officers violate the civil rights of citizens continuously and cumulatively over a period of ten years, the two-year statute of limitations begins to run at the time the violations began, so all ongoing continuing and cumulative violations after two years are immune from redress under the Fourteenth Amendment and the Civil Rights Laws. And this is the case although, as in this

case, the law-breakers engage in fraud on the court during all ten years and although law-breakers disbarred the victims' defense attorneys to prevent them from going to court. This holding by the Ninth Circuit is in direct conflict 42 U.S.C. §1986 and with *McDonough v. Smith*, 588 U.S. \_\_\_, 139 S.Ct. 2149, 204 L.Ed.2d 506 (2019).

The doctrine holding that continuous and cumulative violations toll (pause) the statutes of limitation under the U.S. Civil Rights Laws is well established by this Court. *McDonough v. Smith*, 588 U.S. \_\_\_ (2019), 139 S.Ct. 2149, 204 L.Ed.2d 506 (2019). And it is obvious that elementary rules of justice require it in this case. It is absurd to argue that the framers of the Fourteenth Amendment and the drafters of the Civil Rights Laws intended to protect and immunize the latter eight years of a ten-year scheme to defraud the courts and to discriminate maliciously against an important class. (See the District Court's First Dismissal Order below at 337-8 and 343 below and the District Court's Second Dismissal order at 376 -- 379 below.)

## CONCLUSION

This case presents five legal questions of immense importance, so this Petition for a Writ of Certiorari should be granted as to all five questions presented.

Respectfully submitted,

/s/ Chester Noel Abing

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Petitioner

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