23-6055

IN THE

ORIGINAL

SUPREME COURT OF THE UNITED STATES

Debora Donathan - Petitioner

Vs.

John Donathan Sr., Sheryl Walsh, Dianne Herring-Ysaguirre

ON PETITION FOR WRIT OF CERTIORARI TO

Court of Appeal 4th District, 3rd Division

Debora Donathan, BSW, M.ED, RBT
7100 Fulton Way
Stanton, CA 90680
562-458-5426

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QUESTIONS PRESENTED

Did the court make a mistake rendering orders on an ex-parte basis?

Did the ex-parte application render the necessary elements for ex-parte relief?

Did the court act without the required legal elements to an ex-parte and make unilateral decisions of custody in this case?

Did the court violate it's discretion make mistakes in the law pertaining to jurisdiction, custody, and the Constitution Provisions pertaining to Parental Rights and State Encroachment to those unalienable rights?

Had there been no third party placed on this without consent or stipulation rendering an opinion on education, would there be legal grounds to remove the education power from the Appellant?

Is it a violation of the Constitution for the court to arbitrarily hire their attorney at the public cost to protect the state interests in the representation of the school district and obstruct the funding allotted to the proposed conservatee in the District Courts?

Is it a violation of Equal Protection for the District Court to hire an attorney to represent the state interests at the public cost having legal prowess and expertise to manipulate these proceedings against pro se parties?

Is the District Court acting in a Conflict of Interest acting as a Party to this matter in addition to the court officers also parties on this matter?

Did the court make a mistake in the law by indicating that "advocacy" for a special needs student was a compelling circumstance to remove rights from a parent?

Did the court make a mistake in the law by making a rule regarding custody on an exparte basis based on an issue that had not occurred?

Did the court make a mistake in the law by ruling on a family law matter outside of its jurisdiction in violation of Family Law Orders?

Did the court abuse its discretion by ruling on custody when there was no petition made for a change of custody?

Did the appellate court make a mistake in the law stating Appellant had to compromise the care of the Proposed Conservatee thereby denying FAPE and IDEA?

Did the appellate court make a mistake by rendering a Special Education Opinion in violation of Federal IDEA Law - antithesis to the law?

Did the California Court act in Obstruction of the Federal Individuals Disabilities Act (IDEA) Jurisdiction and Protections?

Did the court abuse discretion by discharging all documents and evidence requested by the court as an order to show cause when the petitioner indicated 1310d was not appropriate nor the intention of the appellant?

Did the court abuse it's discretion by attempting to force a 1310d inappropriately on the appellant subsequent to her appeal?

Did the court abuse it's discretion by denying mother's, appellant's exparte and petition to the court to move forward on Approved Independant Educational Evaluations per IDEA Federal Procedural Safeguards for proposed Conservatee at the public cost.

Did the court make a mistake by ordering parties to file under a code with the intent to circumvent Due Process and the Appeal - absolving Los Alamitos School District and Del Sol School of Legal Ramifications under IDEA and ADA - a matter of appeal?

Did the court execute a mistake in the law by making an order that would take the Appellant's full-time employment and medical insurance without cause; thereby, leaving her destitute to provide for her home and children, and further starve her out of Due Process?

Did the California District Court Collude with the Los Alamitos School to Circumvent Due Process under Federal Procedural Safeguards with Cheryl Walsh, Esq. hired by the court and the Public Defender?

Did the Court Falsify Documents/Records by Adding the Proposed Conservatee's Name as an Objector on the Opinion?

Does the falsifying of the Document/Record bias the case/decision/opinion in the furtherance of Due Process?

Does the falsifying of the Document/Record cover up the violation of Due Process and Procedure - manipulate the facts of the case thereby denying Due Process and IDEA?

Did the California Court make a mistake granting an exparte application without the elements to demonstrate exparte relief?

Jurisdiction - Did the Central Justice Center act out of jurisdiction and violate procedural custody Family Law Orders? There is a family law attorney of record from 2004 to date, Indu Srivastiv, Esq.

Did the Central Justice Center have jurisdiction to overturn the Administrative Law Judge's Decision in favor of the proposed Conservatee and Appellant against Los Alamitos School District in the Federal Office of Administrative Hearings?

Did the Central Justice Center have Jurisdiction and authority to adjudicate a Special Education case denying Proposed Conservatee and Appellant Federal Protection and Germain law under IDEA Procedural Safeguards of the Individuals with Disabilities Education?

Due Process - Did the Central Justice Center violate Due Process by denying the trial to determine the mandatory settlement conference regarding 3rd parties? Judge Did the Public Defenders' Office, Diane Ysaguire and Honorable Gerald

Johnston violate due process and procedure by stating Gianna Gruewald, mediator, told the Public Defender someone was supposed to ask for a third party to at the trial date hearing decide (Exhibit)4-26-22 (4).pdf for a 3rd party GAL on the matter. The mistake gives the State all decision-making without Due Process and federal and Constitutional Protection - relinquishing all rights and public costs for the care of Special needs adults. The matter of 3rd parties is the issue set for trial.

Did the court violate procedure and jurisdiction by taking a Special Education Case from an Education Law Firm in the Procedural Safeguard of Due Process, obstructing Independent Education Evaluation per procedural safeguards - a team of experts to Safeguard FAPE and recommendations for John Donathan II? IEE's evaluators are expert witnesses.

- Did the Central Justice Center unreasonably deny Evidence in violation of Procedure and Evidence Code in light of COVID Restrictions - Court Closed - Filings were submitted via email
- Conflict of Interest - Did 4th District, 3rd Division act in Conflict of Interest is accordance to the federal conflict of interest rules are found at **18 U.S.C. § 208** with implementing regulations at 5 C.F.R. § 2635.402. The appellant is requesting the case to be moved to another District Court and Court of Appeal due to the conflict of interest and inability to receive a fair hearing.
  - It is understandable and reasonable these relationships would develop in this realm; however, it demonstrates a conflict of interest due to the monetary implications to Orange County. Orange County Government agencies can't adjudicate themselves. These are issues that expose the exploitation of Special Needs Students for the financial gains of school

districts and Del Sol School in the City Cypress. It is an exploitation and violation of human rights afforded to children and adults with disabilities by the Constitution the Individuals with Disabilities Education Act (IDEA) and the Adults with Disabilities Act (ADA) as would be evidenced by the Supreme Court of California.

LIST OF PARTIES

Judge Gerald Johnston, Dianne Herring - Ysaguirre Orange County Public Defender, Sheryl Walsh, Esq. for the State, Los Alamitos School district, Del Sol School, John Donathan Sr.

RELATED CASES

Los Alamitos School District v. Parents of John Donathan II - Office of Administrative Hearings (OAH) - Case #2018081156

United States Supreme Court 22 - 7430
California Supreme Court S281326 - G061128
California Supreme Court S276931
S277649 - G059954
California Supreme Court S278414 - G060634
Appellate Court 4th District, 3rd Division - G061128 - Received by Appellate Court 4th District, 3rd Division - not filed - threat by court to dismiss

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Appendix I - Correspondence from Gianna Gruenwald

Appendix J - 1/11/21 Transcript evidencing Sheryl Walsh working with the School District Representation, Los Alamitos School District, and Dr. Kim Nguyen

Appendix K - Family Law Order evidencing no conflict and disagreement to be brought to Family Court - Reliance on the Law, Due Process. No history or pattern of conflict. A GAL was generated by the district court and Public Defender's Office, not a result of conflict between parents as being fabricated or a Special Education case. A SPECIAL EDUCATION CASE WAS NOT, IS NOT TO BE ADJUDICATED IN A PROBATE COURT.

Appendix L - Email and IEP Sheet Identifying Dr. Kim Huynen as BCBA Consultant - 17 hours a month - Director and Founder of Del Sol School

Appendix M - Text from John Donathan Sr. evidencing collusion with the Public Defenders office and Sheryl Walsh for the State to remove JJ from Mother Petitioner without cause and cut off all her resources

Appendix N - Social Security identifying Mother Appellant as overseer after the proposed conservatee was diagnosed just short of 3 years old. John Donathan Sr. Supplanted Social Security Income as well as Appellant's Employment Income as a result of this order by Commissioner Heisler. The Court is presently exercising this order - denying custody and income to the Appellant/Petitioner without cause.

APPENDIX O – DENIED REVIEW BY THE CALIFORNIA SUPREME COURT

TABLE OF AUTHORITIES CITED

California Rule of Court 3.1202 (c) states an applicant must make an affirmative factual showing in a declaration, containing competent testimony based on personal knowledge, of irrepararable harm, immediate dange, or any other statutory basis for granting relief exparte.

An ex-parte application must constain admissible evidence in order for a court to grant the requested relief. The claims in the declaration must be based upon facts, not speculation. **Renzel Co v. Warehouseman's Union(294-_16 Cal2d 369.** The declaration cannot contain hearsay, but must be made upon personal knowledge, showing that the declarant is competent to testify about the matters stated. **Evidence Code 702**

Family Code 3064 states that the court shall refrain from making any order granting or modifying custody orders on an exparte basis unless there has been a showing of immediate harm to the child and this shall include a prent who has committed acts of domestic violence **(CCP 527)** of recent origin or are a part of a demonstrated and continuing pattern of such acts.

Ware v. Stafford (1962) 206 C.A.2d 232 - Pleadings with ultimate facts or legal conclusions, as non-expert opinions, have no probative force and cannot be made the basis for relief.

I.R. v LA USD, 9th Circuit of Appeal, 2015

D.R. vs. Redondo Beach Unified School District, 9th Circuit of Appeal, 2022.- Least Restrictive Environment

OAH Case #201308449 - OAH jurisdiction is over other Federal, California Agencies of Special Education

IDEA Section 1415 (i) - Civil courts only have jurisdiction under appeal within 90 days based on a preponderance of the evidence.

In re. SAMUEL A, Department of Children Family Services v. PATRICIA A. B306103
Superior Court #19CCJP00325A - The appointment of a guardian ad litem radically changes the litigation - taking the case out of the hands of the parent.

Family Law Code 2130

Family Law Code Best Interest Standards

28 USC App Fed R Evid Rule 702: Testimony by Experts

28 USC App Fed R Evid Rule 703: Testimony by Experts

Federal Education Code Sec. 300.502 Independent educational evaluation

(b) Parent right to evaluation at public expense.

(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraphs (b)(2) through (4) of this section.

(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either—

(i) File a due process complaint to request a hearing to show that its evaluation is appropriate; or

(ii) Ensure that an independent educational evaluation is provided at public expense unless the agency demonstrates in a hearing according to §§300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.

Miguel Luna Perez v. Sturgis Public Schools Board of Education (2018)
Being heard in the Supreme Court of the United States, January 18th, 2023

Pierce v Society of Sisters, 268 U.S. 510 (1925)

The fundamental theory of liberty upon which all governments of the Union rest excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only - it is an unreasonable interference with the liberty of the parents and guardians to direct the upbringing of the children, and in that respect violates the Fourteenth Amendment 268 U.S. 534.

** I.R. v LAUSD*

The Appellate panel concluded that a school district did not initiate a due process hearing within a reasonable time after a child's parents failed to consent to the provision of services necessary to provide a Free Appropriate Public Education. California Education Code § 56346(f) required the school district to initiate a due process hearing if it determined that a portion of an Individualized Education Program to which the parents did not consent was necessary to provide the child with a FAPE. The panel concluded that a period of a year and a half was too long for the school district to wait to initiate the hearing. The panel remanded the district court to determine the appropriate remedy for the injury of the child remaining in an inappropriate program for a much longer time than should have been the case. I.R. V. LOS ANGELES USD

***OAH Case No. 2018081156 Los Alamitos School District v. Parents on Behalf of Student* - Summary of Decision - Los Alamitos failed to prove that the IEP dated March 13, 2018, offered Student a FAPE. Los Alamitos did not comply with the procedures outlined in the IDEA in developing the IEP. Los Alamitos failed to prove that the assessments upon which the offer of special education and related services are based complied with the law. The evidence did not establish Student was appropriately assessed in the area of cognition. Los Alamitos Occupational Therapists failed to seek or obtain Parent input concerning the 2018 occupational therapy evaluations and their reports did not include the requisite information to meet legal standards**

Substantive No. 69 - The evidence established that Los Alamitos engaged in multiple procedural violations, which resulted in the denial of FAPE because the violations undermined the very essence of the IEP, parental participation in the IEP formulation process. Among other things, and as discussed above, in developing the IEP dated March 13, 2018, Los Alamitos's assessments upon which its 2018 offer of special education and related services was based did not comply with the law and Los Alamitos held IEP team meetings without required members present. These violations significantly impeded Parents' participation rights, and as such, denied Student FAPE. Regardless of all the other procedural and substantive aspects of FAPE, the parties attempted to litigate in this case, Los Alamitos did not meet its burden of demonstrating that the 2018 IEP offered Student FAPE because of demonstrating that the 2018 IEP offered Student a FAPE because of these significant procedural violations. Since the violations addressed in this Decision

undermined the very essence of the 2018 IEP, it is not necessary to address the other procedural or substantive aspects of the offer. Without proper assessments and parental participation in the IEP process, there can be no appropriate substantive offer. The district may not implement the IEP dated March 13, 2018, without parent consent.

***OAH Case No. 2021020128/2021030289 Parent v. Los Alamitos Unified School District* and Los Alamitos School District v. Parent (Consolidated Matter)**

Order 1 - Los Alamitos failed to meet all legal requirements for assessments

Order 2 - Los Alamitos School District will fund independent educational assessments of Students to be conducted by assessors chosen by the Student

OAH Case No. 2021050241 Parent V. Los Alamitos Unified School District -

Issue 4(c) Los Alamitos Denied a Student a FAPE in the 2020-2021 school year by denying parents an opportunity to meaningfully participate in the IEP decision-making process by, among other things, failing to timely and communicate with Parents, failing to respond to communication from Parents, failing to consider Parents' input, and failing to communicate with parents.

Los Angeles County Department of Children and Family Services v. Patricia A. B306103 2nd Appellate District, Division 7

The Appointment of a Guardian Ad Litem transfers the direction and control of litigation from the parent to the State; the appointment of a Guardian Ad Litem is not to restrain a parent - without finding evidence

INDEPENDENT EDUCATIONAL EVALUATIONS

PROCEDURAL SAFEGUARDS (Sec 300.504) – A PARENT IS ENTITLED TO ONLY ONE (1) INDEPENDENT EDUCATIONAL EVALUATION AT THE PUBLIC EXPENSE

EACH TIME THE DISTRICT CONDUCTS AN EVALUATION WITH WHICH THE PARENT DISAGREES.

"[T]he failure to receive and consider parental information, including evaluations they may obtain, directly denies parents the pivotal role they should enjoy in the development of their child's placement. This role includes not only providing evaluations or other information but also discussing such information. Consideration of such outside information also ensures that a program is individualized and provides a check on the judgments being made by school officials regarding the child."

***Community Consolidated Sch. Dist. No. 180*, 27 IDELR 1004, 1005-06.**

Parent participation in the decision-making process is mandated by the Act. It constitutes a denial of free appropriate public education if a school system significantly impedes the parents' participation in the decision-making process. 34 C.F.R. §300.513(a)(2)(ii). In many cases, independent evaluations provide support for the parents' opinions and requests. When a school district refuses to consider an independent evaluation, it not only denies equal and meaningful input from the parents but also prevents important

information from being considered by the IEP team that develops the IEP.

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information from being considered by the IEP team that develops the IEP.

Parents are not the only ones to find IEEs valuable. Sometimes, school districts request IEEs when they lack the personnel or expertise to conduct a particular type of evaluation. A school district may seek an IEE to assuage parental concerns about the fairness or accuracy of an evaluation.

What is Required of School Districts?

The federal regulations direct school districts to inform parents of their right to obtain an IEE, where they may obtain an IEE, and, the agency criteria applicable to the IEE. 34 C.F.R §300.502(a)(2).

Consideration of parentally obtained evaluations by the IEP team is not discretionary, it is mandatory. 34 C.F.R. 300.503(c). ("If the parent obtains

words, the school district cannot simply refuse or ignore the parents' request for an independent evaluation. If the school district decides to request a due process hearing, it must do so "without unnecessary delay." 34 C.F.R §300.502(b)(2). Failure to request a due process hearing in a timely

the manner may result in a waiver by the school district to challenge the parent's request for an IEE. See *Pajaro*

Valley Unified School District v. J.S., 2006 U.S. Dist. LEXIS 90840 (N.D. Cal. 2006). If the school district requests a due process hearing, it has the burden of proof and must prove to a hearing officer that the school evaluation was sufficient. Even if the school district does not conduct an evaluation, the student's parents may be entitled to an IEE at public expense if the school district rrefusesto conduct evaluations. *Haddon Township Sch. Dist. v. New Jersey Dept. of Edu.*, 67 IDELR 44 (N.J.S.C. 2006).

20 USC 1401(5)(A) LEAST RESTRICTIVE ENVIRONMENT

To the maximum extent appropriate are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Board of Ed. of Hendrick Hudson Central School Dist. v. Rowley 458 U.S. 176 (1982). **The first decision in a special education case by the U. S. Supreme Court; defined "free appropriate public education" in the least restrictive environment.**

Carter v. Florence County, **UU.S. Court of Appeals for the Fourth Circuit.** *Florence County School District Four v. Shannon Carter.*

Hartmann v. Loudoun County, **U.S. Court of Appeals for the Fourth Circuit, inclusion and LRE for the child with autism (1997).**

L.B. and J.B. ex rel. K.B. v. Nebo UT School District, **U. S. Court of Appeals for the Tenth Circuit. Parents of children with autism were reimbursed for**

ABA therapy and private preschool which was LRE; also impartiality of the hearing officer. (August 2004)

T. R. v. Kingwood Township (NJ) (3rd Cir. 2000) Clarifies the requirement to provide a "free appropriate education (FAPE)" in the "least restrictive environment, meaningful benefit, continuum of placements. _Zachary Deal v. Hamilton Dept of Education_ (TN Due Process Decision Aug 2001) Administrative law judge issues a 45-page decision after a 27-day due process hearing; finds procedural safeguards and LRE violations;

substantive violations; discusses credibility problems with school witnesses re: closed minds, evasiveness.

*** Independent Educational Evaluations**

*** IDEA 1400(d)- The purpose of the Individuals with Disabilities Education Act is "to ensure that all children with disabilities have available to them a free appropriate education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living."**

IDEA PROCEDURAL SAFEGUARDS

*** IDEA 1401(34) Transition Services - Transition services must be included in all IEPs when the student reaches age 16 and may be included for younger students if deemed appropriate by the IEP team (*OSEP Letter to Anonymous*, 17 EFLR 842). Preventing school drop-out is t major factor in determining when transition services are needed (*OSEP Letter to Bereuter* 20 IDELR 536). See also *Appendix A to IDEA 92***

Transition services are a coordinated set of activities that promote movement from school to such post-school activities as post-secondary education, vocational training, employment, adult services, independent living, and community participation. They must be based on the individual

student's needs, taking into account his or her preferences and interests. Transition services must include instruction, community experiences, and development of employment and other post-school adult living objectives. If appropriate, daily living skills and functional vocational evaluation may also be included.

If the IEP team determines an individual student does not need services in one or more of these areas the IEP must contain a statement to that effect and the basis upon which the determination is made (*OSEP Letter to Cernosia* 19 IDELR 933). The term `transition services' means a

coordinated set of activities for a child with a disability that-(A) is designed to be a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;(B) is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; (C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational

evaluation. (See "Definitions" in Section 1401 The phrase "further education" and the emphasis on effective transition services is new in IDEA 2004. Section 1400(c)(14) describes the need to provide "effective transition services to promote successful post-school employment and/or education.

**** THE UNITED STATES COURT OF APPEALS***

FOR THE EIGHTH CIRCUIT

93 F.3d 1369 YANKTON SCHOOL DISTRICT, Appellant,v.

HAROLD AND ANGIE SCHRAMM,Appellees

No. 95-3343August 22, 1928

Honig v. Doe, U.S. Supreme Court on January 20, 1988

• The rights of parents to the care, custody, and nurture of their children is of such character that it cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions, and such right is a fundamental right protected by First, Fifth, Ninth, and Fourteenth Amendments. ***Doe v. Irvin United States District Court of Michigan (1977)***

• The fundamental liberty interests of natural parents in the care, custody, and management of their child are protected by the 14th Amendment ***Santosky v Kramer United States Supreme Court (1982)***

)

• Statutes and rulings that infringe upon fundamental rights are presumptively unconstitutional and a substantial burden rests on the state. not citizens to prove its case.

• The liberty interest at issue in this case-- the interest of parents in the care, custody, and control of their children--is perhaps the oldest of the fundamental liberty interests recognized by this Court ***Troxel v.***

(1995)

• **Indeed, the right to rear one's children is so firmly rooted in our culture that the United States Supreme Court has held it to be a fundamental liberty interest protected by the Fourteenth Amendment to the United States Constitution.** ***Hawk v. Hawk Tennessee Supreme Court (1993)***

• **The right of a parent not to be deprived of parental rights without a showing of fitness, abandonment or substantial neglect is so fundamental and necessary to rank among the rights contained in the State and Federal Constitutions.** ***In re J.P. Utah Supreme Court (1982)***

Requiring a State to demonstrate a compelling interest and show that it has adopted the least restrictive means of achieving that interest is the most demanding test known to Constitutional Law. ***City of Boerne v Flores United States Supreme Court (1997)***

To satisfy strict scrutiny, the state must show that a statute furthers a compelling state interest by the least restrictive means practically available. ***Bernal v. Fainter United States Supreme Court (1984)***

Granville United States Supreme Court (2000)

• **It is well settled quite apart from equal protection if a law infringes upon a fundamental right explicitly or implicitly secured by the Constitution it is presumptively unconstitutional** *Harris v McRae United States Supreme Court (1980)*

• **The Constitution protects "the interest of a parent in the companionship, care, custody, and management of his or her children"** *Stanley v Illinois United States Supreme Court (1972)*

• **It is well-settled that parents have a liberty interest in the custody of their children. Hence, any depreciation of that interest by the state must be accomplished by procedures meeting the requirements of due process. Hooks v. Hooks United States Court of Appeals (1985)**

• **A Parent's Constitutionally protected right to rear his or her children without state interference, has been recognized as a fundamental "liberty" interest protected by the Fourteenth Amendment and also as a fundamental right derived from the privacy rights inherent in the constitution.** *In re Smith Washington Supreme Court (1998)*

• **Parents have comparable interests under our state constitutional protections of liberty and privacy rights "The right to the custody and control of one's child is a fiercely guarded right in our society and our law. It is a right that should be infringed upon only under the most compelling circumstances.** *Brooks v. Parkerson Georgia Supreme Court*

OPINIONS BELOW

The opinion of the Court of Appeal, 4th District, 3rd Division in the State of California state to review the merits appears in Appendix A to the petition and is unpublished.

The decision of the Court of Appeal, 4th District, 3rd Division in the State of California petition for rehearing appears in Appendix B.

The Supreme Court of California received for review on

JURISDICTION

The date on which the highest state court decided my case was 8/25/2022. A copy of that decision appears in the Appendix A.

A timely petition for rehearing was thereafter denied on the following date 9/16/2022, and a copy of the order denying rehearing appears in Appendix B.

The jurisdiction of this Court is invoked under 28 U.S.C.1257(a)

The heart of the matter is the adjudication of a Special Education matter outside the jurisdiction of Federal Procedural Safeguards without consent or motion to do so. This is a Federal Matter that is regulated by IDEA and procedural

safeguards.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

It appears the 1st, 14th, 8th, 9th, 4th, 5th Constitutional Amendments in addition Federal Procedural Safeguards of the Individuals with Disabilities Act and the Americans with Disabilities Act.

STATEMENT OF CASE

I appealed this case - G059954, currently under review by the United States Supreme Court. After doing so, I entered an ex-parte to move forward with the IEEs, which had been delayed by opposing parties (not John Donathan II). This included the team of experts for IEEs approved by the Los Alamitos School District which Dad and Mother had agreed to execute. The court denied the exparte. The petitioner resubmitted the request at the following review hearing listing the experts to conduct the assessments per Federal IDEA Procedural Safeguards, which were already approved at the public cost. The judge ordered the parties to enter into an order to show cause under 1310d. After reviewing a 1310d, it did not appear to be appropriate; therefore, I submitted what was ordered to show cause, which was essentially the evidence that was denied at trial in G059954 currently under review by the United States Supreme Court.. This

order to show cause. The court's order discharged everything I had submitted, allowing the limited-scope attorney Cheryl Walsh to continue that seemed like stalking the case. It is unfair to allow for an attorney to represent the school district at the public cost in violation of mine and proposed conservatee's privacy rendering opinion and directing this case with a legal prowess that is a disparity - controlling the evidence and the case. Further, not an expert to proposed conservatee's special needs. This appears to be an overreach and encroachment by the State in addition to the violation of the Proposed Conservatee's and Petitioner's Constitutional Rights.

Commissioner Heisler to liberty to make orders forcing the absolution of Los Alamitos School District posing a loss to Proposed Conservatee. Commissioner Heisler took custody of the Proposed Conservatee from the Mother, Community, Church, and Family without cause to do so as well as cutting off all Appellant's Resources as the Proposed Conservatee's full-time full-time caregiver with IHSS since 2008.

REASONS FOR WRIT

The California Courts will render IDEA and ADA powerless by denying Procedural Safeguards via their deviation from the law and procedure. The California Courts are removing cases from their jurisdiction unilaterally absent procedure and lawful basis. In addition, arbitrarily placing GALs, third parties on cases without cause, or compelling circumstances thereby denying the law and