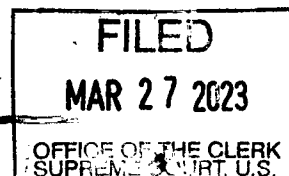


No. 23-6125

ORIGINAL

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



**WALTER LANCASTER**  
*Petitioner*

-v-

**BEATS ELECTRONICS et al**  
*Respondents*

**On Petition for Writ of Certiorari to**

**State of California**

**Second District Court of Appeals Division Four**

**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

With herein evidenced incompetence that cannot be ascribed to any agency view or expertise coupled with ***Fraud on the Court*** in collusion spanning from the Trial Court Judges to the Court of Appeals Judges and of the Respondents inclusively as a collective with the intent to have then Plaintiff to Appellant to Petitioner be caused to exhaust remedy for recourse.

Would after having been denied by the highest State Supreme Court for both Petition for Review and for Petition for Rehearing is then a State District Court of Appeals **denial memorialized** in Unpublished Opinion of a timely Appeal of the issues presented which is then too denied therein for Petition for Rehearing to stand when evidenced is that said Unpublished Opinion is procured by ***Fraud on the Court*** and is in collusion with and in support of the inferior Trial Court Judgments which are too inclusively procured by ***Fraud on the Court*** with easily apparent and evidenced **egregious discord** to harmonious Case Precedent Authorities and Statutes and Codes of Civil Procedure and Rules of Court in violation of the ***Doctrine of Stare Decisis*** and of the ***14<sup>th</sup> Amendment Due Process*** be by this High Court considered a ***Miscarriage of Justice***.

**PARTIES TO THE PROCEEDING**

1. All parties appear in the caption in the case on the cover page.

**RELATED PROCEEDINGS**

This case bears relation to the following proceedings in the State of California where Petitioner herein attempted Joinder and Intervenor:

**BC533089 - HINRICHS & ASSOCIATES ET AL VS BEATS  
ELECTRONICS LLC ET AL.**

**BC595235 - MONSTER VS. BEATS ELECTRONICS LLC ET AL.**

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## PETITION FOR WRIT OF CERTIORARI

After the State of California Supreme Court denied both Petition for Review and Petition for Rehearing.

After the State of California 2<sup>nd</sup> District Court of Appeals had previously denied a timely Appeal of the issues presented and too denied therein the Petition for Rehearing in *Fraud on the Court* in collusion with and in support of the inferior Trial Court Judgments which are too inclusively procured by *Fraud on the Court*.

Petitioner herein pleads to the U.S. Supreme Court exhausting remedy in service of other Courts and Persons similarly situated.

On **September 27, 2022** the State of California 2<sup>nd</sup> District Court of Appeals denied Petitioner of an Appeal and in *Fraud* Opined in Unpublished Opinion that the Appeal was untimely where there is (1) a Trial Court *Motion to Vacate* and (2) The Trial Court *Final Judgment* is *Substantially Modified* on its face to in *Fraud* declare Petitioner a Vexatious Litigant without a hearing prior to the entry of the accusation.

Plaintiff *Motion to Vacate* was denied on April 4, 2019. and *Notice of Appeal* is timely filed May 28, 2019 within (citing): (*Rule 8.108(c)(3)*) - 180 days after entry of judgment.

The *Substantially Modified Final Judgment* is dated May 16, 2019 and *Notice of Appeal* is timely filed May 28, 2019 within (citing): (*Cal. Rules of Court Rule 8.104(1)(A)*) - 60 days after entry of judgment

## OPINIONS BELOW

The State of California 2<sup>nd</sup> District Court of Appeals

Division Four Opinion is Unpublished.

## JURISDICTION

This court has jurisdiction (*citing*): ***Rule 13 Review on Certiorari:***

***Time for Petitioning (1)*** “ - - is timely filed with the clerk **within 90 days after entry** of the order denying discretionary review.”

Established herein is the Statutory source for this High Courts jurisdiction and the dates that determine whether the petition is timely filed.

The California State Supreme Court denied petition for Rehearing on **January 23, 2023.**

The California State Supreme Court denied petition for Review on **January 11, 2023.**

The California State 2<sup>nd</sup> District Court of Appeals Division Four denied Petition for Rehearing on **October 14, 2022.**

The California State 2<sup>nd</sup> District Court of Appeals Division Four Unpublished Opinion is dated **September 27, 2022.**

## CONSTITUTIONAL and STATUTORY PROVISIONS

### INVOLVED

This Court has jurisdiction on void Judgments and Constitutional issues. **28 U.S.C. 1254**

The **14<sup>th</sup> Amendment** of the United States Constitution gives everyone a right to due process of law and specifies inclusively that no state shall deprive any person of life liberty, or property, without due process of law.

(citing): **(28 U.S.C. 2016 Determination (June 25, 1948) Chpt. 646)**

"The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment decree or court order lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, order, or require such further proceedings to be had as may be just under the circumstances."

### STATEMENT OF THE CASE

Petitioner states that the Trial Court and the State of California 2<sup>nd</sup> District Court of Appeals Division Four in ***Fraud on the Court*** and their ultimate denial of an Appeal of the issues presented following this ***Fraud*** deprived this Petitioner of its Constitutional Rights.

Petitioner as U.S. Air Force Serviceman is whom divulged to Respondent Andre Young (Dr. Dre) in 1990 - 1991 and later in time to Respondent Jimmy Iovine of Interscope Records in 1995 - 96 - 1997 with Respondent Andre Young (Dr. Dre) standing present the concept premise and invention of this that has become called "Beats by Dre", a meeting arranged by Respondent Sean Bouldin of Interscope Records.

Respondents in their Motion to Strike Judicially Admit that, "The very fact that He divulged this information to persons whom were otherwise under no obligation to keep it secret undermines His claims."

These Respondents in *Fraud / Deceit* and *Negligent Misrepresentation* later in 2005 - 2006 embarked upon and *continue to in Fraud Negligently Misrepresent* that the two of them were simply "Walking on a Beach one day" when stricken with an epiphany, and additionally contracted with other parties whom took responsibility in Fraud by pleading they had "visions". (*Steven Lamar BC533089 and Noel Lee BC595235*)

The initial Trial Court Judge (Raphael) forewarned this Petitioner in testifying as an expert witness with *Judicial Bias* captured on Court Reporter transcript that, "I understand that you feel more strongly about this case that anyone in the State of California".

The initial Trial Court Judge (Raphael) to appease the Defendants in collusion then **omitted and ignored** (wholly bypassed) the Plaintiffs pleading that the Trial Court case is filed **exactly 3 months beyond when** **witnessed these Respondents in HBO Documentary Film stating that they** **were simply "walking on a beach one day"** when Respondent Jimmy Iovine in ***Fraud*** states that He divulged the concept premise and invention of this that has become called "Beats by Dre" to Respondent Andre Young (Dr. Dre) and with Respondent Andre Young (Dr. Dre)'s express approval.

Plaintiff in the Trial Court and in the State District Court of Appeals was denied the benefit of all inferences that plausibly were to be drawn from the pleadings in **discord to** the bright line holding in (citing): ***(Drug v. Colwill Constr. 243, A2d 548, 552 - 54 (Md. 1968) "The Plaintiff enjoys the benefit of all inferences that plausibly can be drawn from the pleadings..."***.

The initial Trial Court Judge (Raphael) on same day without notice had taken off calendar the Scheduled for Case Management Conference and entertained instead a then Defendants Judgment on the Pleadings and therein ruled that "The claims are in essence **a Single Fraud that has Continuing Damages** and **not a recurring** actionable act".  
(oxymoronic)

The initial Trial Court Judge (Raphael) with incompetence that cannot be ascribed to agency view or expertise calculated Statutory Time to bring Civil Suit from years 1990 - 1991 and 1996 - 1997 and from the year 2014 when Plaintiff attempted to intervene into Case No. BC533089 Steven Lamar v. Beats Electronics and from where Plaintiff had attempted Joinder into Noel Lee v. Beats Electronics BC595235 and both attempts were ruled denied because those cases were of Parties suing these same Respondents for *Fraud* for which they had in writing contracted into.

The initial Trial Court Judge (Raphael) ruling was in discord to then Plaintiffs raised *Doctrine of Continuous Accrual* in violation of the *Doctrine of Stare Decisis* and then Plaintiffs claims were ruled to be "Time Barred" by the Statute of Limitations in discord to the bright line holding in (citing): (*Aryeh v. Canon Business Solutions Inc. 13 S.O.S. 345*) where Justice Werdegar agreed with Justice Rubin the existence of the "*Continuous Accrual Doctrine*", where under that doctrine each breach gave rise to a new cause of action.

The initial Trial Court Judge (Raphael) and the replacing Trial Court Judge (Landin) rulings remains in discord to the bright line holding in (citing): (*Miller v. Beneficial Mgmt. Corp. 977 F2d 834, 843 - 44 (3d Cir. 1992)*) "if the alleged - - conduct is a continuing violation the statute begins to run on the date of the last occurrence - - rather than the first."

The replacing Trial Court Judge (Landin) refused to correct the previous ***Clear Error*** of the Trial Court Judge (Raphael) from the Plaintiffs Objection to Judgment on the Pleadings of the ***Doctrine of Continuous Accrual*** and the new or different law raised in Plaintiffs [First] Motion for Reconsideration of the ***Doctrine of Continuing Violation*** and in Plaintiffs [Second] Motion for Reconsideration of the ***Last Overt Act Doctrine***.

The replacing Trial Court Judge (Landin) in discord to the bright line holding in (citing): (CCP. 1008 (a) (citation omitted)) “any party affected may make application to the same judge or court to reconsider the matter and modify amend or revoke the prior order.”

To Deny Petitioner of an Appeal the State of California 2nd District Court of Appeals in collusion with the lower Trial Court and with the Respondents denied Petitioner of an Appeal as evidenced in its Unpublished Opinion procured by *Fraud* in violation of the *Doctrine of Stare Decisis* and of the 14<sup>th</sup> Amendment Due Process

Opined at (APPENDIXED(A) - Page 6 - item D Appellants Notice of Appeal) is that, “in addition, the notice of appeal lists the dates of the “judgment or order” appealed from as April 25, 2018, August 1,



2018, December 12, 2018, January 31, 2019, April 4, 2019, and May 16, 2019. (For which was Petitioners then issues Opening Briefed for Appeal)

The 2<sup>nd</sup> District Court of Appeal Division Four Judges in Unpublished Opinion at (APPENDIXED(A) - Page 11 in Footnote) opine that, "Even if appellant's motion to vacate had been "valid" appellant's attempted appeal from the January 31, 2019 judgment would be untimely. Rule 8.108(c) extends the time to appeal to "the earliest of: (1) 30 days after the superior court clerk or a party serves an order denying the motion or a notice of entry of that order; (2) 90 days after the first notice of intention to move—or motion—is filed; or (3) 180 days after entry of judgment." (Rule 8.108(c). Because appellant filed his motion to vacate on February 15, 2019 and the trial court denied it on April 4, 2019, his notice of appeal was due on May 16 at the latest—90 days FROM WHEN he FILED the motion in February."

The 2<sup>nd</sup> District Court of Appeal Division Four Judges in Unpublished Opinion are evidenced to have mis-interpreted in *Fraud on the Court* where Opined the Statute of California Rules of Court 8.108(c) that correctly reads, "If within the prescribed by Rule 8.104 to appeal from the Judgment...."

Petitioner herein evidences how the (*Cal. Rules of Court, Rule 8.104(a)(1)(3)*) then correctly holds that, “A notice of appeal from a judgment must be filed on or before the earliest of (1) 60 days AFTER the trial court’s mailing of the notice of entry of judgment, (2) 60 days AFTER a party’s service of the notice of entry of judgment, or (3) 180 days AFTER entry of judgment”. NOT the date “FROM WHEN He Files”.

The 2<sup>nd</sup> District Court of Appeal Division Four Judges in Unpublished Opinion are evidenced in discord to the bright line comparative rule in (*citing*): *Rule 13 Review on Certiorari: Time for Petitioning* (1) (*citation omitted*) “is timely filed with the clerk within 90 days AFTER entry of the order denying discretionary review.”

The State of California 2<sup>nd</sup> District Court of Appeal Division Four Judges in violation of the *Doctrine of Stare Decisis* in *Fraud* opined at (APPENDIXED(A) - Page 10 - item B) that, “Appellant’s June 25, 2019 notice of appeal is untimely”, when the record reflects in *FACT* that May 28, 2019 is filed then Plaintiffs Notice of Appeal in less than (30) days from the Substantially Modified Final Judgment of May 16, 2019.

The State of California 2<sup>nd</sup> District Court of Appeal Division Four Judges to prejudice and to deny this Petitioner of an Appeal of the issues

presented in *Fraud on the Court* in Unpublished Opinion opined at (APPENDIXED(A) - Page 13 - item B) that, "Thus, the only issue remaining before us is whether the trial court properly issued the prefiling order."

The *Substantially Modified Final Judgment* in question where the Trial Court Judge (Landin) denied then Plaintiffs [Second] Motion for Reconsideration which bears on its face in *Fraud on the Court* in violation of the *Doctrine of Stare Decisis* that then Plaintiff is a "Vexatious Litigant" and this assertion is made solely by the Trial Court Judge (Landin), not by the then Defendants and is without a hearing on the assertion prior to its entry. [*Plaintiffs SECOND Motion for Reconsideration because the Trial Court Judge (Landin) VACATED His Judgment for then Plaintiffs initial FIRST Motion for Reconsideration in Fraud, and vacated judgments are of no legal consequence.*]

(APPENDIXED(A) Page 4) evidenced herein Omitted for Fraudulent Concealment upon Final Judgment at (APPENDIXED(C) Page 2)

The State of California 2<sup>nd</sup> District Court of Appeal Division Four Judges Unpublished Opinion Judicially Admits this violation of the 14<sup>th</sup> *Amendment Due Process* where the Trial Court Judge (Landin) *Final Judgement* became *Substantially Modified* to read on its face that then Plaintiff is a vexatious litigant without a hearing on the matter prior to its

entry at (APPENDIXED(A) - Page 5 - item C) where opined is that “On May 16, 2019 the same day the trial court denied appellants third reconsideration motion the court on its own motion entered a prefiling order against Lancaster as a vexatious litigant under section 391.7.”

(citing): (*Sanchez v. Strickland* (2011) 200 Cal. App. 4th 758,765.)

“A “substantial modification” occurs by an amendment that “materially” affects the rights of the parties.”

The State of California 2<sup>nd</sup> District Court of Appeal Division Four Judges Unpublished in Opinion in *Fraud* and in violation of the *Doctrine of Stare Decisis* and of the *14<sup>th</sup> Amendment Due Process* evidence their discord to their very own 2<sup>nd</sup> District holding in (*Neff v. Ernst* (1957) 48 Cal. 2d. 628, 634; and to the bright line holding of the Court in *Torres v. City of San Diego* (2007) 154 Cal. App. 4<sup>th</sup> 214, 222) which by precedent holds that “When the Judgment is substantially modified a new appeal period runs from notice of entry of the amended judgment.”

The State of California 2<sup>nd</sup> District Court of Appeal Division Four Judges Unpublished Opinion evidenced in *Fraud on the Court* maintain that the Appeal of this Petitioner was untimely and limited their Scope

of Appeal to ONLY the Vexatious Litigant assertion upon the face of the Substantially Modified Final Judgment.

Petitioner in the Trial Court also filed a Motion to Vacate (*Cal. Section 663*) and the State of California 2<sup>nd</sup> District Court of Appeal Division Four Judges Unpublished Opinion in *Fraud* maintain that the Appeal of this Petitioner was untimely.

The State of California 2<sup>nd</sup> District Court of Appeals Division Four Judges Opinion Judicially Admits their discord to the bright line holding of the Court in (*Ryan*) which otherwise holds that, "the denial of a Section 663 motion is, by statute, an appealable order regardless of the issues raised".

Petitioner herein evidences that as opined, "June 25, 2019 notice of appeal is untimely", when the record reflects in *FACT* that May 28, 2019 is filed notice of appeal in less than (30) days from Final Judgment makes apparent the discord to harmonious Case precedent Authority because "the denial of a Section 663 motion is, by statute, an appealable order regardless of the issues raised".

The State of California 2<sup>nd</sup> District Court of Appeals Division Four Judges in *Fraud on the Court* with hearsay opined that, "we have no difficulty in concluding that the administrative presiding justice

of this court would not have granted appellant permission to appeal the denial of his purported section 663 motion.

(APPENDIXED(A) - Page 13)

The California 2<sup>nd</sup> District Court of Appeal Division Four Judges Unpublished Opinion Judicially Admit that upon the face of the *Substantially Modified Final Judgment* where denied was then Plaintiffs [Second and final not "Third"] Motion for Reconsideration [where the Trial Court Judge (Landin) ruled that then Plaintiff is a vexatious litigant], that this Petitioner is denied 14<sup>th</sup> Amendment Due Process in violation of the *Doctrine of Stare Decisis* at (APPENDIXED(A) - Page 14 - item III. *The Prefiling Order*) where opined is that, "The sole contention raised by appellant is that the trial court's order is "void" because section 391.7 entitled him to an oral hearing before the trial court entered the prefiling order. Although the statute is silent on the issue."

The California 2<sup>nd</sup> District Court of Appeal Division Four Judges Unpublished Opinion in *Fraud on the Court* opines the mendacity (lie) (APPENDIXED(A) - Page 14 - item III. *The Prefiling Order*) that, "the statute is silent on the issue."

Petitioner herein evidences that the decision by the State of California 2<sup>nd</sup> District Court of Appeals Division Four Judges Unpublished

Opinion where opined is that, "the statute is silent on the issue." is evidenced as *Fraud* and in discord to the bright line holding of the *Cal. App.4th* where in (*Bravo, supra, 99 Cal. App.4th 211*) "an individual subject to a prefiling order is entitled to both notice and a hearing before entry of the order."

The State of California 2<sup>nd</sup> District Court of Appeals Division Four Judges in *Fraud on the Court* opined (APPENDIXED(A) - Page13) that, "Thus, the only issue remaining before us is whether the trial court properly issued the prefiling order."

Petitioner herein states and evidences that the State of California 2<sup>nd</sup> District Court of Appeals Division Four Judges in *Fraud on the Court* in violation of the 14<sup>th</sup> Amendment Due Process then denied the Appeal of the issues presented and briefed by then Appellant.

The California 2<sup>nd</sup> District Court of Appeal Division Four Judges Unpublished Opinion Judicially Admit that this Petitioner is denied 14<sup>th</sup> Amendment Due Process in violation of the *Doctrine of Stare Decisis* at (APPENDIXED(A) - Page 14 - item III. The Prefiling Order) where opined is, "(*Bravo, supra, 99 Cal.App.4th at p. 225.*) However, *Bravo* proceeded to find any error harmless where the litigant failed to identify what evidence he would have presented that might have led to a different outcome. (*Id.* at p. 227.)".

Petitioner herein states that the same does not hold true here because in discord to the Court in (*Bravo, supra, 99 Cal.App.4th at p. 225.*) in that Court there is evidenced to have been a hearing on the assertion of being a vexatious litigant.

The California 2<sup>nd</sup> District Court of Appeal Division Four Judges in Unpublished Opinion are evidenced in willful reluctance to afford this Petitioner *14<sup>th</sup> Amendment Due Process* in violation of the *Doctrine of Stare Decicis* and in *Fraud* where is opined at (APPENDIXED(A) - Page 15 - item III. The Prefiling Order) that, "Thus, even assuming the trial court erred in not holding a hearing on the issue, "[w]e are not required to remand this matter for an oral argument or an evidentiary hearing where there is no purpose shown for doing so." (*Ibid.*)

Petitioner herein states that the Trial Court Record only reflects One *Motion for Reconsideration (CCP 1008(a))* and then One *Motion to Vacate (Section 663)* and then a *Second Motion for Reconsideration (CCP 1008(a))* and this Petitioner in *Fraud* is denied an Appeal in discord to the bright line rule held in, (*citing*): (*Whitfield v. Roth (1974) Cal. 3d 874, 891 - 892 [112 Cal. Rptr. 540, 519 P. 2d 588]*) "A claim -- is entitled to no consideration on appeal unless the record shows timely and proper objection -- as the effect of misconduct can ordinarily be removed to give the court an opportunity to so act in



the premises - - where the action of the court is not thus invoked  
the alleged- - will not be considered on appeal.”

Petitioner herein states that raised and pleaded in the [First] Motion for Reconsideration and then in the Motion to Vacate and in the following [Second] Motion for Reconsideration since the Trial Court is that Plaintiff pleadings were ignored in *Abuse of Discretion* in violation of the 14<sup>th</sup> Amendment Due Process is because the underlying Defendants / Respondents *Fraud* is ruled “Continuous” and that then Plaintiffs BC687998 complaint is not “time barred”.

(APPENDIXED(C) - Page 1-2)

The State of California 2<sup>nd</sup> District Court of Appeal Division Four Judges Unpublished opinion in *Fraud* at APPENDIXED(A) - Page 13 - item C III. The Prefiling Order juxtaposes this Petitioners attempts to exhaust remedies in *Fraud* as it opines, “repeated attempts to relitigate the validity of the determination against him.”

Petitioner states that this evidenced *Fraud* frustrates the bright line holdings in rules (CCP 1008(a) Motion to Reconsider and of (Section 663) Motion to Vacate because timely and proper objections where the effect of misconduct can ordinarily be removed to give the court an opportunity to so act in the premises absolutely does not equate to as opined, “repeated attempts to relitigate”.

Petitioner herein states that the State of California 2<sup>nd</sup> District Court of Appeals Division Four Judges are herein evidenced to have *deliberately* and *vexatiously changed details of the case to support their denial of this Petitioner of an Appeal* and inclusively as at (APPENDIXED(A) Page 7 Discussion) where *craftfully* in *fraud* is opined, “(7) the separate May 16, 2019 order designating appellant as a vexatious litigant”, when in FACT the assertion is read upon “(6) the May 16, 2019 order denying reconsideration” (APPENDIXED(C) Page 2-3 .

In discord to the equal protection of the Law afforded under the 14<sup>th</sup> *Amendment* to the United States Constitution.

Petitioner herein states that these actions defy the comparative prohibitions against *Fraud* in *FRCP rule 60(b)(3)* and prohibitions against impropriety in the Code of conduct for United States Judges (A judge must avoid all impropriety and the appearance of impropriety - *Canon 2A*).

(citing): (*Cal. Constitution Art VI, 13, 48 Code of Civ. Proc. 475 Pool v. City of Oakland (1986) 42 Cal. 3d 1051, 1069*) “Miscarriage of Justice may be found on Appeal only when the Court after examination of the entire cause including the evidence is of the opinion that it is reasonably probable that a result more favorable

to the Appealing party would have been reached in Absence of the Error."

(citing): (*Orner v. Shalala*, 30 F. 3d 1307 (Colo. 1994) "When rule providing for relief from void judgments is applicable, relief is not discretionary matter, but is mandatory."

In (*People v. Massengale*) and in (*re: Sandel*), the Courts confirmed the Judicial power and responsibility to correct void judgments.

Petitioner herein presents additional *Fraud* of the State of California 2<sup>nd</sup> District Court of Appeals Division Four Judges in Respondent collusion where they are herein evidenced to have Opined their denial of Appellants Motion to Quash and Motion to Strike service of Respondents untimely filed Reply Brief at their Page 7 in footnote without any Precedential Authoritative support, as this Petitioner was made prejudiced, cheated and deprived of statutory time to generate an Appellants Reply (*which was their plan*). Evidencing their additional defiant reluctance to apply the longstanding principles of the *Doctrine of Stare Decisis* and *State of California Rules of Court and Civil Procedure*.

## REASONS FOR GRANTING THE PETITION

Petitioner herein extends to this United States Supreme Court to capture the record for evidence of ***Fraud on the Court*** which is identified as intrinsic ***Fraud*** to draw sufficient reason to regulate by the United States Supreme Court review of the elements to verify this continuing ***Fraud on the Court.***

In keeping with ***Rule 10*** compelling reasons exist for the exercise of this courts discretionary jurisdiction. The lower State of California 2<sup>nd</sup> District Court of Appeals Division Four Judges Unpublished Opinion is erroneous and is evidenced as ***Fraud on the Court*** in evidenced conflict in discord to other State of California District Courts of Appeal and inclusively of itself the State of California 2<sup>nd</sup> District Courts of Appeals in violation of the ***Doctrine of Stare Decisis*** in evidenced ***Fraudulent collusion*** with the lower Los Angeles Superior Court Dept. 51 with both Courts in violation of the ***14<sup>th</sup> Amendment Due Process.***

(citing): (***Long v. Shorebank Development Corp. 182 F.3d 548 (1999)***) "A void judgment in which a Court lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any Court."

This U.S. Supreme Court has previously held that "all persons concerned in executing void judgments are considered in law as trespassers." (*State ex. Rel. Latty, 907, S.W. 2d at 486*)

This U.S. Supreme Court has previously held in (*Bulloch v. United States, 763 F2d. 1115, 1121 (10<sup>th</sup> Cir. 1985)*) that "Fraud upon the Court is Fraud which is directed to the judicial machinery itself and is not Fraud between the parties (citation omitted) It is where the Court or a member is corrupted or influenced, or influence is attempted, or where the judge has not performed his Judicial function, thus where the impartial functions of the Court have been directly corrupted."

The High Court in (*Kenner v. C.I.R., 387 F3d. 689 (1968)*), and in (*7 Moore's Federal Practice, 2d ed. P. 512, 60, 23*) have held that, "a decision produced by *Fraud upon the Court* is not in essence a decision at all, and never becomes final."

This U.S. Supreme Court has previously held in (*Kimble v. Marvel Enterprises*) that the rationale behind the *Doctrine of Stare Decisis* is to be for, "Promoting the evenhanded, predictable, and consistent development of legal principles, fostering reliance on judicial decisions, and contributing to the actual and perceived integrity of the Judicial process". (*Source: Wex Law*)

## CONCLUSION

Of National Importance is inclusively that, tampering with the administration of Justice as is indisputably evidenced herein involves far more than injury to a single litigant. It is another wrong against the institutions set up to protect and safeguard the public, institutions in which ***Fraud on the Court*** cannot complacently be tolerated consistent with the good order of society.

***(Hazel - Atlas Glass Co. v. Hartford - Empire Co., 322 U.S. 238 (1944).)***

"There is no question of the general doctrine that ***Fraud*** vitiates the most solemn contracts, documents, and even judgments."

***(United States v. Throckmorton, 98 U.S. 61 (1878).)***

The petition for writ of certiorari should be granted.

Petitioner respectfully requests that this High Court correct these wrongs by remanding this cause to an impartial Court possibly if deemed unworthy of review here in your forum, if for virtue of a super-strong presumption of correctness in this herein evidenced as ***Fraud on the Court*** State of California 2<sup>nd</sup> District Court of Appeals Division Four Unpublished Opinion in keeping with the underlying Trial Court's impropriety.

Petitioner herein maintains faith in the statutory *Stare Decisis* practice regarding statutory precedents discovered here in the United States Supreme Court.

Respectfully Submitted,

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(Petitioner)

Dated:

NOV 18 / 2023

Signed:

