

APPENDIX TO THE PETITION FILED ON NOVEMBER 10, 2023

TABLE FOR THE APPENDIX

App #	ECF#	description	Special note
1-6		15 Applicable laws, statutes	
7-12		Docket of 22-15857	
13-29	21 5/23/2023 unopposed	Appellant's Circuit Rule 3.1 motion for Summary Reversal based on Undisputed Clear Error in violation of 28 U.S.C. §455(a), §455(b)(5)(i), §636 and Rule 73, and Remand to U.S.D.C. for Southern District of New York, and/or Motion to Certify Transfer Venue to Second Circuit Court of Appeal to Form a Neutral Panel that is not composed of American Inns of Court Judge Members Pursuant to United States v. District Court for Southern Dist. Of New York, 334 U.S. 258 (1948)	5 issues stated in the first two pages of Introduction <u>Liteky</u> is on App.20 (ECF 21, p.8 of 17) Anderson case in App.26-29 (pp.14 through 17 of 17) App.29: Docket was concealed twice (ECF 19)
30-45	22 5/29/2023 unopposed	Dispositive Motion to Change Venue to Second Circuit of Appeal (James McManis's hacker made a mischief on the format)	Evidence of Ninth Circuit's physical blockage of Petitioner's access in violation of 18 USC 1343
46-48	23 6/7/2023	Email correspondence to Chief Judge and Operation Manager of Ninth Circuit asking to change venue based on newly discovered crime	
49-67	24 6/8/2023	Appellant's First Supplement to Circuit Rule 3.1 Motion to Change Venue (ECF 22)	New evidence of docket alteration (ECF 24, pp.5 -7 of 19), evidence that the account was created with email of <u>attorneyshao@outlook.com</u> on 5/24/2022 (p.9 of 19); blocking download of record (p.19 of 19)
68-70	25 6/9/2023	Appellant's Reply to State Bar's Opposition (ECF 20) to Motion to be Relieved from Default	Exposing conspiracy between California State Bar and Ninth Circuit

71- 77	26 6/22/2023	<p>NOTICE OF NON-OPPOSITION BY ANY APPELLEES IN RESPONSE TO "APPELLANT'S Circuit Rule 3.1 MOTION FOR SUMMARY REVERSAL BASED ON UNDISPUTED CLEAR ERROR IN VIOLATION OF 28 U.S.C. §455(a), §455(b)(5)(i), §636 and Rule 73, AND REMAND TO U.S.D.C. FOR SOUTHERN DISTRICT OF NEW YORK, AND/OR MOTION TO CERTIFY TRANSFER VENUE TO SECOND CIRCUIT COURT OF APPEAL TO FORM A NEUTRAL PANEL THAT IS NOT COMPOSED OF AMERICAN INNS OF COURT JUDGE MEMBERS PURSUANT TO United States v. District Court for Southern Dist. Of New York, 334 U.S. 258 (1948)." (ECF 21) And Appellant's "Motion to Change Venue"(ECF 22, supplemented by ECF 23, 24)</p>	<p>App.72: citing (1) Anderson v. Woodcreek Venture, Ltd., 351 F.3d 911 (2003); Williams v. King, 875 F.3d 500 (9th Circuit 2017)</p> <p>(2) Mentioned illegal assignment to Magistrate Judge without jurisdiction under 28 U.S.C. § 636(b)(1)(A)-(B) and cited the case law that a Magistrate Judge is not allowed to make deal with dispositive motion. Mitchell v. Valenzuela, 791 F. 3d 1166 (9th Circuit 2015)</p> <p>App. 73: Raised issue of suspicion of bribery dismissal by Mendez.</p> <p>Rita Himes tacitly admitted that her willful failure to serve Petitioner her ECF 20 was because her conspiracy with the Ninth Circuit or her ex parte communications with the Ninth Circuit on blocking Petitioner's access to the court (App.73)</p> <p>App.74: Undisputed fact that the Appeal No 22- 15857 disappeared from pacer.gov on 6/7/2023</p>
78-	ECF 27	The court altered the docket entry for ECF 26	

79-80	ECF 28	ORDER OF JUNE 29, 2023 ¶1: "No motions for reconsideration, clarification, or modification of this denial shall be filed or entertained."	ILLEGAL ORDER SHOWN IN ¶1, blocking Petitioner's right to file Circuit Rule 27 motion
81-89	ECF 29 7/7/2023	"APPELLANT'S (1) OBJECTION TO ECF 28 FOR VIOLATION OF DUE PROCESS AS WELL AS THE FIRST AMENDMENT RIGHT TO ACCESS THE COURT; AND DISCOVERY OF NEW FACT/NEW CONSPIRACIES (2) REQUEST FOR DISCLOSURE OF CONFLICTS OF INTEREST OF THE APPELLATE PANEL JUDGES REQUESTS FOR STATEMENTS OF DECISION FOR JUNE 29, 2023 ORDER IN ECF 28 (3) MOTION TO DISQUALIFY EACH JUDGE IN THIS PANEL BASED ON THEIR PERVASIVE BIAS THAT MANDATES RECUSAL UNDER 28 U.S.C. §455(A) (4) 60(B) MOTION TO VACATE JUNE 29, 2023 ORDER (5) RENEWED MOTION TO CHANGE VENUE INCLUDING STAYED THE BRIEFING SCHEDULE PENDING RESOLUTION OF THE ISSUES AND REQUESTS PRESENTED HEREIN (6) REQUEST FOR EN BANC DECISION ON THIS PAPER INCLUDING MULTIPLE OBJECTIONS AND MOTIONS (7) MOTION FOR CERTIFICATION FOR APPEAL"	App.83: ¶1: "No motions for reconsideration, clarification, or modification of this denial shall be filed or entertained" in 6/28/2023 is nothing but a bully in conflicts with Circuit Rule 27-10; Henry v. Ryan, 766 F.3d 1059, 1060 App.86: disqualify panel for "pervasive bias" stated in <i>Liteky v. U.S.</i> , 510 U.S. 540, 555, 556 (1994); <i>Rice v. McKenzie</i> , 581 F.2d 1114, 1118 (9 th Cir. 1978) App.87: asked to vacate 6/29/2023 order based on Rule 60(b); <i>Liljeberg v. Health Serv. Acquisition Corp.</i> 486 US 847 (1988); <i>Tumey v. Ohio</i> 273 US 510 (1927) App.84-85: 12 actual prejudices of Ninth Circuit App.88: asked certification of appeal. See <i>New Haven Inclusion Cases</i> , 90 S.Ct. 2054, 339 US 392 (1970)
90-139	ECF 32 8/2/2023	Appellant's Opening Brief including the District Case Docket	Issue 3(App.93) is uncontested. Whole section of "Direct Conflicts of Interest of the

			<p>Ninth Circuit Court of Appeal in Handling this Appeal; Pending this Court Requests in ECF 29 that was filed on 7/7/2023” is undisputed. (App.94-105)</p> <p>Ft. 1 (App.99) mentioned 8 matters that Tani Cantil-Sakauye conceded.</p> <p>Ft.2 (App.100) mentioned 30,000+ felonies committed by US Supreme Court defendants.</p> <p>Ft.3 (App.101-102) mentioned the newly discovered co-conspirators of Kamala Harris and Judge William B. Shubb in jointly dismissing the first civil right case of Shao v. Wang et al (3:14-cv-01912)</p> <p><u>And new discoveries of crimes, which are all undisputed</u></p>
140-145	ECF 30	Appellant’s Ex Parte Motion/Application for Emergency Relief in a Short Extension of Due Date of Filing Opening Brief from August 2, 2023 to August 8, 2023 or until the time the Court renders decision on ECF 29 requests, whichever is later (Circuit Rule 27-10)	<p>The Exhibit B is the same as the Exhibit A in ECF 31 therefore it is removed here.</p> <p>App.144-45: examples of the hackings on Petitioner’s legal work in this case</p>
146-155	ECF 31	Supplement to ECF 29: new evidence of direct conflicts of interest of the Ninth Circuit to handle this Appeal that requires change of venue <u>when no Appellees opposed to ECF 29</u>	<p>App.150-155: new discovery of conspiracies between the Ninth Circuit and 4 California judges who committed 16+ judicial kidnapping by removing their names from being listed as Respondents in 14-17400</p>

			<u>App.148: The court was reminded that ECF 29 was unopposed.</u>
156-157	ECF 36 8/7/2023	"APPELLANT YI TAI SHAO'S MOTION THAT THE COURT DECIDE ON ECF 29; Supplement to ECF 29 with new fact of cognizable misconduct of ex parte communication between California Attorney General office and the court as shown by ECF 33 and 35"	App.141:asked the Court to decide ECF 29 that had been pending since 7/7/2023. Objection to Ex Parte communications between ECF 33 and 35 constitute evidence of Ex parte communication between Rob Bonta's office and Ninth Circuit to get immediate extension without need to file a paper.
158-159	ECF 42 8/15/2023	Motion to Decide ECF 29 filed on 7/7/2023	
160-162	ECF 52 10/11/2023	Motion to Decide ECF 29 motion and its supplements in ECF 30 and 31 by the Appellate panel when Appellant's Motion in ECF 29 was unopposed for more than three months	App.161-162: laws must decide
163	ECF 53	10/11/2023 ORDER OF SUMMARY DENIAL WITHOUT ANY ANALYSIS	
164	4/20/2022	District Court Judgment (Judge Mendez) (ECF 86)	
165-66	Signed on 4/19/2022	District Court Order denying recusal (ECF 84)	
167-68	Signed on 4/19/2022	District Court Order dismissing with prejudice (ECF 85)	
169	ECF 80 4/19/2022	OBJECTION to ECF 79 order of Magistrate Judge Allison Claire and moves to strike the ECF 79 Order as Magistrate Judge Allison Claire has no authority to issue that order, a willful act of disrupting administration of justice (ECF 80)	
170	4/4/2022	ECF 51: DECLINE of jurisdiction of United States Magistrate Judge	

171-173	10/5/2023	10/5/2023 letter of Rob Bonta's office providing a privilege log which shows an email correspondence from the Department of Child Support Services to request representation on appeal by Rob Bonta's office on 4/8/2022, that was 11 days prior to dismissal.	App.173 Direct Evidence that Judge John A. Mendez's dismissal was a conspiracy among defendants not less than 11 days prior to dismissal.
174-175	10/5/223	p.4 of State Bar of California's Response to Petitioner's Request based on Public Record Information Act. State Bar misrepresented that there was no record of James Mcmanis's position with the State Bar The response is false as McManis Faulkner's 8/13/2012 News Release publicizing Mcmanis's being appointed to Task force on Admissions Regulation Reform by the State Bar of California	State Bar of California concealed its relationship with James Mcmanis

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APPLICABLE CONSTITUTION, CODES AND RULES**Contents**

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1. Amendment I to the US Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting
..., and to petition the government for a redress of grievances.

2. 28 U.S. Code §636 - Jurisdiction, powers, and temporary assignment

(a) Each United States magistrate judge serving under this chapter shall have
within the district in which sessions are held by the court that appointed the
magistrate judge, at other places where that court may function, and elsewhere as
authorized by law— [omitted]

(b) (1) Notwithstanding any provision of law to the contrary—

(A)

a judge may designate a magistrate judge to hear and determine any pretrial
matter pending before the court, **EXCEPT a motion for injunctive relief, for**

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judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action. A judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.

.....

(C) the magistrate judge shall file his proposed findings and recommendations under subparagraph (B) with the court and a copy shall forthwith be mailed to all parties.

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

Nothing in this paragraph shall be construed as a limitation of any party's right to seek review by the Supreme Court of the United States.

(4) The court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate judge under this subsection.

3. FEDERAL RULES OF CIVIL PROCEDURE Rule 73. Magistrate Judges: Trial by Consent; Appeal

(a) TRIAL BY CONSENT. When authorized under 28 U.S.C. §636(c), a magistrate judge may, if all parties consent, conduct a civil action or proceeding, including a jury or nonjury trial. A record must be made in accordance with 28 U.S.C. §636(c)(5).

(b) CONSENT PROCEDURE.

(1) *In General.* When a magistrate judge has been designated to conduct civil actions or proceedings, the clerk must give the parties written notice of their opportunity to consent under 28 U.S.C. §636(c). To signify their consent, the parties must jointly or separately file a statement consenting to the referral. A district judge or magistrate judge may be informed of a party's response to the clerk's notice only if all parties have consented to the referral.

(2) *Reminding the Parties About Consenting.* A district judge, magistrate judge, or other court official may remind the parties of the magistrate judge's availability, but must also advise them that they are free to withhold consent without adverse substantive consequences.

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(3) *Vacating a Referral.* On its own for good cause—or when a party shows extraordinary circumstances—the district judge may vacate a referral to a magistrate judge under this rule.

4. 28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding; [omitted]

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Is acting as a lawyer in the proceeding;

(iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

5. 28 U.S.C. §1631

Whenever a civil action is filed in a court as defined in section 610 of this title or an appeal, including a petition for review of administrative action, is noticed for or filed with such a court and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court (or, for cases within the jurisdiction of the United States Tax Court, to that court) in which the action or appeal could have been brought at the time it was filed or noticed, and the action or appeal shall proceed as if it had been filed in or noticed for the court to which it is transferred on the date upon which it was actually filed in or noticed for the court from which it is transferred.

6. 18 U.S.C. §241

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if

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such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

7. 18 U.S.C. §242

Whoever, under color of any law, statute, ordinance, regulation, or custom, **willfully subjects any person** in any State, Territory, Commonwealth, Possession, or District **to the deprivation of any rights, privileges, or immunities** secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

8. 18 U.S.C. §1962

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

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(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

9. 28 U.S.C. §1512

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(1) influence, delay, or prevent the testimony of any person in an official proceeding;

10. 18 U.S. Code § 1341 - Frauds and swindles

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises,any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. ...

11. 18 U.S. Code § 1343 - Fraud by wire, radio, or television

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings,for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. ...

12. 18 U.S. Code § 1503

(a) Whoever corruptly,, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty,on account of the performance of his official duties, or corruptly or by threats or force, or by any

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threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished as provided in subsection (b).

13. CIRCUIT RULE 27-10. MOTIONS FOR RECONSIDERATION—BANNED ILLEGALLY BY JUNE 29, 2023 ORDER (ECF 28)

(a) Filing for Reconsideration

(1) Time limit for orders that terminate the case A party seeking further consideration of an order that disposes of the entire case on the merits, terminates a case, or otherwise concludes the proceedings in this Court must comply with the time limits of FRAP 40(a)(1). (Rev. 7/1/16)

(3) Required showing A party seeking relief under this rule shall state with particularity the points of law or fact which, in the opinion of the movant, the Court has overlooked or misunderstood. Changes in legal or factual circumstances which may entitle the movant to relief also shall be stated with particularity. FRAP 27 - 99- (b)

Court Processing Motions Panel Orders: A timely motion for clarification, modification, or reconsideration of an order issued by a motions panel shall be decided by that panel..... No response to a motion for clarification, modification, or reconsideration of a motions panel's order is permitted unless requested by the Court, but ordinarily the Court will not grant such a motion without requesting a response and, if warranted, a reply. **The rule applies to any motion seeking clarification, modification, or reconsideration of a motions panel order, either by the motions panel or by the Court sitting en banc.** (New 1/1/04; Rev. 12/1/09; Rev. 7/1/16; Rev. 12/1/21)

Orders Issued Under Circuit Rule 27-7: A motion to reconsider, clarify, or modify an order issued pursuant to Circuit Rule 27-7 by a deputy clerk, staff attorney, circuit mediator, or the appellate commissioner is initially directed to the individual who issued the order or, if appropriate, to his/her successor. The time to respond to such a motion is governed by FRAP 27(a)(3)(A).

CIRCUIT ADVISORY COMMITTEE NOTE TO RULE 27-10 Motions for clarification, reconsideration or modification of orders entered by a motions panel are not favored by the Court and should be utilized only where counsel believes that the Court has overlooked or misunderstood a point of law or fact, or where there is a change in legal or factual circumstances after the order which would entitle the movant to relief. (Rev. 1/1/04)

Anderson v. Woodcreek Venture, Ltd., 351 F.3d 911 (2003), quoted in App.26-29 (ECF 21) order must be reversed without voluntary consent to a Magistrate Judge. *See also App. 121-124*
Mitchell v. Valenzuela, 791 F. 3d 1166 (9th Circuit 2015), a main case law that a Magistrate Judge has no jurisdiction to decide dispositive motions. is discussed in App.73

YI TAI SHAO, AKA Linda Yi Tai Shao,

Plaintiff - Appellant,

v.

JOHN G. ROBERTS, Jr.; ANTHONY M. KENNEDY; STEPHEN G. BREYER; SAMUEL ANTHONY ALITO, Jr.; ELENA KAGAN; SONIA SOTOMEYER; SCOTT S. HARRIS; JORDAN DANNY BICKELL; JEFF ATKINS; MERRICK B. GARLAND, Attorney General; PATRICIA ANN MILLETT; CORNELIA T.L. PILLARD; SCOTT ATCHUE; RUDOLPH CONTRERAS; BERYL A. HOWELL; JACKIE FRANCIS; TANI CANTIL-SAKAUYE; JORGE NAVARRE; JAMES MCMANIS; MICHAEL REEDY; MCMANIS FAULKNER, PC; DINA DILORETO; JAY BUTEYN; ROY KIM; VANESSA LARA; RYAN CHIN; GREGORY J. CHARLES; DAVID PHILLIPS; DAVID KILGORE; JAMES LASSERT; JANET L. EVERSON; SUZIE TAGLIERE; MARY J. GREENWOOD; FRANKLIN D. ELIA; PATRICIA BAMATTRE-MANOUKIAN; ADRIENNE M. GROVER; ALLISON MARSTON DANNER; CONRAD RUSHING; THEODORE C. ZAYNER; ALEX RODRIGUEZ; CHRISTOPHER RUDY; MAUREEN FOLAN; SUNIL RAVINDRA KULKARNI; PATRICIA M. LUCAS; RICE PICHON; MARY ANN GRILLI; JOSHUA WEINSTEIN; PETER H. KIRWAN; GREGORY SALDIVAR; SUSAN WALKER; LISA HERRICK; REBECCA DELGADO; JILL SARDESON; SARAH SCOFIELD; DAVID YAMASAKI; B. J. FADEM; AMERICAN INNS OF COURT FOUNDATION, American Inns of Court Foundation-The 30343 Edward Coke Appellate American Inn of Court in Washington, District of Columbia; American Inns of Court Foundation- 30048 Anthony M. Kennedy Chapter; American Inns of Court Foundation- 30249 Ruth Bader Ginsburg Chapter; American Inns of Court Foundation- 30070 George Washington Chapter; American Inns of Court Foundation- 30242 San Francisco Bay Area Chapter (1986); American Inns of Court Foundation, 30012 Honorable William A. Ingram Chapter (1986); American Inns of Court Foundation-30382 Hon J. Clifford Wallace Chapter (1986); MICHAEL L. FOX; SEAN P. PATTERSON; TSAN-KUEN WANG; TASHA DECOSTA; JOEL FOOTEN; BRYAN WARD; PRICE; CLARENCE THOMAS; EDWARD J. DAVILA; GOOGLE, INC.; KEVIN L. WARNOCK; JAYNE KIM; KAREN LECRAFT HENDERSON; DAVID S. TATEL; SRI SRINIVASAN; COMMISSION FOR JUDICIAL PERFORMANCE; JOEL LOOTEN; VANESSA LARA,

Defendants - Appellees.

- 06/08/2022 ☐ 1
61 pg, 956.15 KB DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL AND PRO SE APPELLANT. SEND MQ: No. The schedule is set as follows: Appellant Yi Tai Shao opening brief due 08/08/2022. Appellees Samuel Anthony Alito Jr., American Inns of Court Foundation, Scott Atchue, Jeff Atkins, Patricia Bamattre-Manoukian, Jordan Danny Bickell, Stephen G. Breyer, Jay Buteyn, Tani Gorre Cantil-Sakauye, Gregory J. Charles, Ryan Chin, Commission for Judicial Performance, Rudolph Contreras, Allison Marston Danner, Edward J. Davila, Tasha DeCosta, Rebecca Delgado, Dina DiLoreto, Franklin D. Ella, Janet L. Everson, B. J. Fadem, Maureen Folan, Joel Footen, Michael L. Fox, Jackie Francis, Merrick B. Garland, Attorney General, Google, Inc., Mary J. Greenwood, Mary Ann Grilli, Adrienne M. Grover, Scott S. Harris, Karen LeCraft Henderson, Lisa Herrick, Beryl A. Howell, Elena Kagan, Anthony M. Kennedy, David Kilgore, Jayne Kim, Roy Kim, Peter H. Kirwan, Sunil Ravindra Kulkarni, Vanessa Lara, James Lassert, Joel Looten, Patricia M. Lucas, James McManis, McManis Faulkner, PC, Patricia Ann Millett, Jorge Navarre, Sean P. Patterson, David Phillips, Rice Pichon, Cornelia T.L. Pillard, Price, Michael Reedy, John G. Roberts Jr., Alex Rodriguez, Christopher Rudy, Conrad Rushing, Gregory Saldivar, Jill Sardeson, Sarah Scofield, Sonia Sotomeyer, Sri Srinivasan, Suzie Tagliere, David S. Tatel, Clarence Thomas, Susan Walker, Tsan-Kuen Wang, Bryan Ward, Kevin L. Wamock, Joshua Weinstein, David Yamasaki and Theodore C. Zayner answering brief due 09/08/2022. Appellant's optional reply brief is due 21 days after service of the answering brief. [12466592] (RT) [Entered: 06/08/2022 01:58 PM]
- 06/08/2022 ☐ 2 Filed (ECF) notice of appearance of Rita K. Himes (The State Bar of California, 180 Howard Street, San Francisco CA 94105) for Appellees Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim and Vanessa Lara. Substitution for Attorney Mr. Marc Aaron Shapp for Appellees Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim and Vanessa Lara. Date of service: 06/08/2022. (Party was previously proceeding with counsel.) [12466629] [22-15857] (Himes, Rita) [Entered: 06/08/2022 02:19 PM]
- 06/08/2022 ☐ 3 Attorney Marc Aaron Shapp substituted by Attorney Rita Kathryn Himes. [12466639] (RL) [Entered: 06/08/2022 02:25 PM]
- 07/29/2022 ☐ 4
11 pg, 2.89 MB Filed (ECF) Appellant Yi Tai Shao Motion to extend time to file Opening brief until 10/07/2022. Date of service: 07/29/2022. [12505442] [22-15857] (Shao, Yi) [Entered: 07/29/2022 03:34 PM]
- 08/03/2022 ☐ 5
1 pg, 100.57 KB Filed clerk order (Deputy Clerk: LBS): Appellant's motion (Docket Entry No. [4]) for an extension of time to file the opening brief is granted. The opening brief is due October 7, 2022. The answering brief is due November 7, 2022. The optional reply brief is due within 21 days after service of the answering brief. [12509013] (ABT) [Entered: 08/03/2022 04:09 PM]
- 09/16/2022 ☐ 6 Filed (ECF) notice of appearance of Jose A. Zelidon-Zepeda (California Department of Justice, Office of the Attorney General, 455 Golden Gate Avenue, Suite 11000, San Francisco, California 94102) for Appellee Commission for Judicial Performance. Substitution for Attorney Rita B. Bosworth for Appellee Commission for Judicial Performance. Date of service: 09/16/2022. (Party was previously proceeding with counsel.) [12542623] [22-15857] (Zelidon-Zepeda, Jose) [Entered: 09/16/2022 04:19 PM]
- 09/16/2022 ☐ 7 Attorney Rita B. Bosworth substituted by Attorney Jose Zelidon-Zepeda. [12542630] (RL) [Entered: 09/16/2022 04:21 PM]
- 09/29/2022 ☐ 8
9 pg, 584.53 KB Filed (ECF) Appellant Yi Tai Shao Motion for miscellaneous relief [Motion for Second Extension of the Due Date for Opening Brief]. Date of service: 09/29/2022. [12552985] [22-15857] (Shao, Yi) [Entered: 09/29/2022 05:43 PM]
- 10/05/2022 ☐ 9
1 pg, 99.87 KB Filed clerk order (Deputy Clerk: LBS): Appellant's motion (Docket Entry No. [8]) for an extension of time to file the opening brief is granted. The opening brief is due December 6, 2022. The answering brief is due January 5, 2023. The optional reply brief is due within 21 days after service of the answering brief. [12556838] (OC) [Entered: 10/05/2022 03:38 PM]
- 12/21/2022 ☐ 10
9 pg, 285.98 KB Filed (ECF) Appellant Yi Tai Shao Motion to file a late brief. Date of service: 12/21/2022. [12616064] [22-15857] (Shao, Yi) [Entered: 12/21/2022 04:24 PM]
- 12/27/2022 ☐ 11
4 pg, 183.11 KB Filed (ECF) Appellee Commission for Judicial Performance response to motion ([10] Motion (ECF Filing), [10] Motion (ECF Filing)). Date of service: 12/27/2022. [12618341] [22-15857] (Zelidon-Zepeda, Jose) [Entered: 12/27/2022 01:43 PM]
- 01/13/2023 ☐ 12
1 pg, 101.64 KB Filed clerk order (Deputy Clerk: LBS): Appellant's unopposed motion (Docket Entry No. [10]) for an extension of time to file the opening brief is granted. The opening brief is due March 6, 2023. The answering brief is due April 5, 2023. The optional reply brief is due within 21 days after service of the answering brief. [12630052] (AF) [Entered: 01/13/2023 10:11 AM]
- 03/13/2023 ☐ 13
8 pg, 234.64 KB Filed (ECF) Appellant Yi Tai Shao Motion to extend time to file Opening brief until 05/12/2023. Date of service: 03/13/2023. [12673155] [22-15857] (Shao, Yi) [Entered: 03/13/2023 03:42 PM]
- 03/17/2023 ☐ 14
7 pg, 137 KB Filed (ECF) Appellees Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim and Vanessa Lara response opposing motion ([13] Motion (ECF Filing), [13] Motion (ECF Filing) motion to extend time to file brief). Date of service: 03/17/2023. [12676832] [22-15857] (Himes, Rita) [Entered: 03/17/2023 07:42 PM]

App

- 04/05/2023 ☐ 15
1 pg, 99.43 KB
Filed order (Appellate Commissioner): Appellant's motion (Docket Entry No. [13]) for an extension of time to file the opening brief is granted. The opening brief is due May 12, 2023. In light of the lengthy extensions previously granted, no further motions for an extension of time to file the opening brief will be granted absent extraordinary and compelling circumstances. The answering brief is due June 12, 2023. The optional reply brief is due within 21 days after service of the answering brief. Appellees' motion (included in Docket Entry No. [14]) to dismiss for failure to prosecute is denied. [12689904] (ABT) [Entered: 04/05/2023 03:26 PM]
- 05/01/2023 ☐ 16
Filed (ECF) notice of appearance of Nicole J. Kau (California Attorney General's Office, Department of Justice, 300 S. Spring Street, Suite 1702, Los Angeles, CA 90013) for Appellee Commission for Judicial Performance. Substitution for Attorney Mr. Jose Zelidon-Zepeda for Appellee Commission for Judicial Performance. Date of service: 05/01/2023. (Party was previously proceeding with counsel.) [12706118] [22-15857] (Kau, Nicole) [Entered: 05/01/2023 12:38 PM]
- 05/01/2023 ☐ 17
Attorney Jose Zelidon-Zepeda substituted by Attorney Nicole Juliet Kau. [12706207] (RL) [Entered: 05/01/2023 01:36 PM]
- 05/16/2023 ☐ 18
101 pg, 21.01 MB
Filed (ECF) Appellant Yi Tai Shao Motion to extend time to file Opening brief until 05/31/2023. Date of service: 05/16/2023. [12717168] [22-15857] (Shao, Yi) [Entered: 05/16/2023 04:36 PM]
- 05/17/2023 ☐ 19
116 pg, 8.32 MB
Filed (ECF) Appellant Yi Tai Shao Amended Motion to extend time to file Supplemental brief until 05/31/2023, Motion to extend time to comply with the order dated 04/05/2023. Date of service: 05/17/2023. [12717683] [22-15857] (Shao, Yi) [Entered: 05/17/2023 01:21 PM]
- 05/19/2023 ☐ 20
10 pg, 137.73 KB
Filed (ECF) Appellees Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim and Vanessa Lara response opposing motion ([19] Motion (ECF Filing), [19] Motion (ECF Filing), [19] Motion (ECF Filing), [18] Motion (ECF Filing), [18] Motion (ECF Filing)). Date of service: 05/19/2023. [12718974] [22-15857] (Himes, Rita) [Entered: 05/19/2023 09:05 AM] *State Bar refused to serve until after 5/29/2023 when*
- 05/23/2023 ☐ 21
17 pg, 766.51 KB
Filed (ECF) Appellant Yi Tai Shao Motion for summary reversal. Date of service: 05/23/2023. [12721431] [22-15857] (Shao, Yi) [Entered: 05/23/2023 04:04 PM] *paper. 9 or so the mt.*
- 05/29/2023 ☐ 22
16 pg, 2.38 MB
Filed (ECF) Appellant Yi Tai Shao Motion for miscellaneous relief [Motion to change venue]. Date of service: 05/29/2023. [12723967] [22-15857] --[COURT UPDATE: Updated docket text to reflect content of filing. 05/30/2023 by SLM] (Shao, Yi) [Entered: 05/29/2023 09:55 AM]
- 06/07/2023 ☐ 23
3 pg, 868.21 KB
Filed (ECF) Appellant Yi Tai Shao Correspondence: asked Chief Judge of the Ninth Circuit to change venue based on undisputed clear physical blockage of access to the court by the Ninth Circuit for 2 years. Date of service: 06/07/2023 [12730737] [22-15857] (Shao, Yi) [Entered: 06/07/2023 11:35 AM]
- 06/08/2023 ☐ 24
19 pg, 4 MB
Filed (ECF) Appellant Yi Tai Shao Supplemental Motion for miscellaneous relief [motion to change venue]. Date of service: 06/08/2023. [12731842] [22-15857] --[COURT UPDATE: Updated docket text to reflect content of filing. 06/08/2023 by TYL] (Shao, Yi) [Entered: 06/08/2023 01:11 PM]
- 06/09/2023 ☐ 25
3 pg, 107 KB
Filed (ECF) Appellant Yi Tai Shao reply to response (). Date of service: 06/09/2023. [12732814] [22-15857] (Shao, Yi) [Entered: 06/09/2023 02:54 PM]
- 06/22/2023 ☐ 26
7 pg, 470.46 KB
Filed (ECF) Appellant Yi Tai Shao Correspondence: Notice of non-opposition to motion for summary reversal and motion to change venue. Date of service: 06/22/2023. [12741249] [22-15857] --[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 06/27/2023 by TYL] (Shao, Yi) [Entered: 06/22/2023 02:05 PM]
- 06/22/2023 ☐ 27
COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [26]. Original Text: Filed (ECF) Appellant Yi Tai Shao response non-opposing motion/form/notice at [24] Motion (ECF Filing), [24] Motion (ECF Filing), [21] Motion (ECF Filing), [21] Motion (ECF Filing), [22] Motion (ECF Filing), [22] Motion (ECF Filing). Date of service: 06/22/2023. I certify that I have separately notified all parties not registered for Appellate Electronic Filing in this case with notice of this non-opposition. [12741252] [22-15857] (Shao, Yi) [Entered: 06/22/2023 02:07 PM]
- 06/29/2023 ☐ 28
2 pg, 138.38 KB
Filed order (BARRY G. SILVERMAN, RYAN D. NELSON and PATRICK J. BUMATAY) Appellant's motion to change venue (Docket Entry Nos. 22, 24) is denied. No motions for reconsideration, clarification, or modification of this denial shall be filed or entertained. Appellant's motion for summary reversal (Docket Entry No. 21) is denied. The motions for an extension of time to file the opening brief (Docket Entry Nos. 18, 19) are denied as unnecessary and moot. See 9th Cir. R. 27-11. The request to dismiss this appeal for failure to prosecute (included in Docket Entry No. 20) is denied without prejudice. The opening brief is now due August 2, 2023. The answering briefs are due September 1, 2023. The optional reply brief is due within 21 days after service of the last-served answering brief. No further motions for an extension of time to file the opening brief will be granted. Failure to file the opening brief by August 2, 2023 may result in dismissal of this case for failure to prosecute. See 9th Cir. R. 42-1. [12746166] (OC) [Entered: 06/29/2023 04:17 PM]
- 07/07/2023 ☐ 29
19 pg, 1.05 MB
Filed (ECF) Appellant Yi Tai Shao Motion for miscellaneous relief [No. 22-15857 APPELLANT'S (1) OBJECTION TO ECF 28 ORDER (2) REQUEST FOR DISCLOSURE OF CONFLICTS OF INTEREST OF THE APPELLATE (3) MOTION TO DISQUALIFY, (4) 60(B) MOTION (5) RENEWED MOTION TO CHANGE

- VENUE, (6) MOTION EN BANC, (7) CERTIFICATION FOR APPEAL]. Date of service: 07/07/2023. [12750750] [22-15857] -[COURT UPDATE: Attached exhibit. 08/01/2023 by TYL] (Shao, Yi) [Entered: 07/07/2023 01:58 PM]
- 08/01/2023 ☐ 30
13 pg, 1.55 MB Filed (ECF) Appellant Yi Tai Shao EMERGENCY Motion to extend time to file Opening brief. Date of service: 08/01/2023. [12765803] [22-15857] -[COURT UPDATE: Updated docket text to reflect content of filing. 08/01/2023 by TYL] (Shao, Yi) [Entered: 08/01/2023 11:27 AM]
- 08/01/2023 ☐ 31 COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [29]. Original Text: Filed (ECF) Appellant Yi Tai Shao reply to response (). Date of service: 08/01/2023. [12765845] [22-15857] (Shao, Yi) [Entered: 08/01/2023 11:46 AM]
- 08/02/2023 ☐ 32
50 pg, 852.47 KB Submitted (ECF) Opening Brief for review. Submitted by Appellant Yi Tai Shao. Date of service: 08/02/2023. [12766701] [22-15857] (Shao, Yi) [Entered: 08/02/2023 12:47 PM]
- 08/03/2023 ☐ 33 Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee Commission for Judicial Performance. New requested due date is 10/02/2023. [12767364] [22-15857] (Kau, Nicole) [Entered: 08/03/2023 10:54 AM] → No record, ex parte communication
- 08/03/2023 ☐ 34
2 pg, 84.69 KB Filed clerk order: The opening brief [32] submitted by Yi Tai Shao is filed. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: not applicable. The paper copies shall be submitted to the principal office of the Clerk. [12767407] (SML) [Entered: 08/03/2023 11:21 AM]
- 08/03/2023 ☐ 35 Streamlined request [33] by Appellee Commission for Judicial Performance to extend time to file the brief is approved FOR ALL APPELLEES. Amended briefing schedule: Appellees Samuel Anthony Allto Jr., American Inns of Court Foundation, Scott Atchue, Jeff Atkins, Patricia Bamattre-Manoukian, Jordan Danny Bickell, Stephen G. Breyer, Jay Buteyn, Tani Cantil-Sakaue, Gregory J. Charles, Ryan Chin, Commission for Judicial Performance, Rudolph Contreras, Allison Marston Danner, Edward J. Davila, Tasha DeCosta, Rebecca Delgado, Dina DiLoreto, Franklin D. Eila, Janet L. Everson, B. J. Fadem, Maureen Folan, Joel Footen, Michael L. Fox, Jackie Francis, Merrick B. Garland, Attorney General, Google, Inc., Mary J. Greenwood, Mary Ann Grilli, Adrienne M. Grover, Scott S. Harris, Karen LeCraft Henderson, Lisa Herrick, Beryl A. Howell, Elena Kagan, Anthony M. Kennedy, David Kilgore, Jayne Kim, Roy Kim, Peter H. Kirwan, Sunil Ravindra Kulkarni, Vanessa Lara, James Lassert, Joel Looten, Patricia M. Lucas, James McManis, McManis Faulkner, PC, Patricia Ann Millett, Jorge Navarre, Sean P. Patterson, David Phillips, Rice Pichon, Cornelia T.L. Pillard, Price, Michael Reedy, John G. Roberts Jr., Alex Rodriguez, Christopher Rudy, Conrad Rushing, Gregory Saldivar, Jill Sardeson, Sarah Scofield, Sonia Sotomeyer, Sri Srinivasan, Suzie Tagliere, David S. Tatel, Clarence Thomas, Susan Walker, Tsan-Kuen Wang, Bryan Ward, Kevin L. Warnock, Joshua Weinstein, David Yamasaki and Theodore C. Zayner answering brief due 10/02/2023. The optional reply brief is due 21 days from the date of service of the answering brief. [12767433] (BG) [Entered: 08/03/2023 11:40 AM]
- 08/07/2023 ☐ 36
2 pg, 106.71 KB Filed (ECF) Appellant Yi Tai Shao response opposing streamlined request and approval (entries [33] and [35]). Date of service: 08/07/2023. [12769224] [22-15857] -[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 08/07/2023 by SLM] (Shao, Yi) [Entered: 08/07/2023 10:57 AM]
- 08/10/2023 ☐ 37 Received 6 paper copies of Opening Brief [32] filed by Yi Tai Shao. [12772054] (SD) [Entered: 08/10/2023 02:15 PM]
- 08/11/2023 ☐ 38 Filed (ECF) notice of appearance of Anik Banerjee (The State Bar of California Office of General Counsel; 845 S. Figueroa Street, Los Angeles CA 90017) for Appellees Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim and Vanessa Lara. Substitution for Attorney Ms. Rita Kathryn Himes for Appellees Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim and Vanessa Lara. Date of service: 08/11/2023. (Party was previously proceeding with counsel.) [12772629] [22-15857] (Banerjee, Anik) [Entered: 08/11/2023 11:46 AM]
- 08/11/2023 ☐ 39 Attorney Rita Kathryn Himes substituted by Attorney Anik Banerjee. [12772659] (RL) [Entered: 08/11/2023 12:04 PM]
- 08/11/2023 ☐ 40 Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellees Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim and Vanessa Lara. New requested due date is 10/02/2023. [12772804] [22-15857] (Banerjee, Anik) [Entered: 08/11/2023 02:33 PM]
- 08/11/2023 ☐ 41 Streamlined request [40] by Appellees Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim and Vanessa Lara to extend time to file the brief is not approved because it is unnecessary. Streamlined request docket entry [35] approved FOR ALL APPELLEES; Answering brief due 10/02/2023. [12772924] (DR) [Entered: 08/11/2023 03:45 PM]
- 08/15/2023 ☐ 42
2 pg, 149.32 KB Filed (ECF) Appellant Yi Tai Shao Motion for miscellaneous relief [MOTION TO DECIDE ECF 29 FILED ON JULY 7, 2023]. Date of service: 08/15/2023. [12774909] [22-15857] (Shao, Yi) [Entered: 08/15/2023 05:31 PM]

* Not
decided
initially

- 10/02/2023 ☐ 43 Submitted (ECF) Answering Brief for review. Submitted by Appellee Commission for Judicial Performance. Date of service: 10/02/2023. [12802591] [22-15857]—[COURT UPDATE: Attached corrected brief. 10/06/2023 by SML] (Kau, Nicole) [Entered: 10/02/2023 02:32 PM]
16 pg, 211.16 KB
- 10/02/2023 ☐ 44 Submitted (ECF) supplemental excerpts of record. Submitted by Appellee Commission for Judicial Performance. Date of service: 10/02/2023. [12802606] [22-15857]—[COURT UPDATE: Attached corrected excerpts. 10/06/2023 by SML] (Kau, Nicole) [Entered: 10/02/2023 02:38 PM]
406 pg, 8.33 MB
- 10/02/2023 ☐ 45 Submitted (ECF) Answering Brief for review. Submitted by Appellees Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim and Vanessa Lara. Date of service: 10/02/2023. [12802905] [22-15857] (Banerjee, Anik) [Entered: 10/02/2023 05:34 PM]
58 pg, 500.7 KB
- 10/02/2023 ☐ 46 Submitted (ECF) supplemental excerpts of record. Submitted by Appellees Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim and Vanessa Lara. Date of service: 10/02/2023. [12802909] [22-15857]—[COURT UPDATE: Attached corrected excerpts. 10/06/2023 by SML] (Banerjee, Anik) [Entered: 10/02/2023 05:36 PM]
274 pg, 3.79 MB
- 10/06/2023 ☐ 47 Filed clerk order: The answering brief [43] and the supplemental excerpts of record [44] submitted by Appellee Commission for Judicial Performance are filed. The answering brief [45] and the supplemental excerpts of record [46] submitted by Appellees Jay Buteyn; et al., is filed.
2 pg, 137.46 KB
- Within 7 days of this order, the filer of each brief is ordered to file 6 copies of that brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. The Form 18 certificate is available on the Court's website at <http://www.ca9.uscourts.gov/forms/form18.pdf>.*
- The covers of the answering briefs must be red.
- Within 7 days of this order, the filer of each set of excerpts of record is ordered to file 3 copies of that set of excerpts in paper format securely bound on the left side, with white covers.*
- The paper copies shall be submitted to the principal office of the Clerk. The address for regular U.S. mail is P.O. Box 193939, San Francisco, CA 94119-3939. The address for overnight mail is 95 Seventh Street, San Francisco, CA 94103-1526. [12806343] (SML) [Entered: 10/06/2023 02:51 PM]
- 10/10/2023 ☐ 48 Received 3 paper copies of supplemental excerpts of record [46] in 1 volume filed by Appellees Jay Buteyn, et al. [12807591] (SD) [Entered: 10/10/2023 04:30 PM]
- 10/10/2023 ☐ 49 Received 6 paper copies of Answering Brief [45] filed by Jay Buteyn, et al. [12807597] (SD) [Entered: 10/10/2023 04:33 PM]
- 10/11/2023 ☐ 50 Filed (ECF) Appellant Yi Tai Shao Motion to extend time to file Reply brief until 11/22/2023. Date of service: 10/11/2023. [12808011] [22-15857] (Shao, Yi) [Entered: 10/11/2023 11:52 AM]
1 pg, 49.76 KB
- 10/11/2023 ☐ 51 COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [50]. Original Text: Filed (ECF) Appellant Yi Tai Shao Motion to extend time to file a reply until 11/22/2023. Date of service: 10/11/2023. [12808035] [22-15857] (Shao, Yi) [Entered: 10/11/2023 12:17 PM]
- 10/11/2023 ☐ 52 Filed (ECF) Appellant Yi Tai Shao Motion for miscellaneous relief [MOTION TO DECIDE ECF 29 MOTION AND ITS SUPPLEMENTS IN ECF 30 AND 31 BY THE APPELLATE PANEL when APPELLANT'S MOTION IN ECF 29 WAS UNOPOSED FOR MORE THAN THREE MONTHS, including 7 requested relief, including vacate ECF 28, judicial disqualification, etc.]. Date of service: 10/11/2023. [12808043] [22-15857] (Shao, Yi) [Entered: 10/11/2023 12:25 PM]
3 pg, 87.14 KB
- 10/11/2023 ☐ 53 Filed order (BARRY G. SILVERMAN, RYAN D. NELSON and PATRICK J. BUMATAY) We treat appellant's filing received on July 7, 2023 as a combined motion for reconsideration and reconsideration en banc (Docket Entry No. [29]). The motion for reconsideration is denied and the motion for reconsideration en banc is denied on behalf of the court. See 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11. All other requests included in Docket Entry No. [29] are also denied. The motion for an extension of time to file the opening brief (Docket Entry No. [30]) and the motions for a decision (Docket Entry Nos. [42], [52]) are denied as moot. The motions for an extension of time to file the reply brief (Docket Entry Nos. [50], [51]) are granted. The optional reply brief is due November 22, 2023. [12808217] (OC) [Entered: 10/11/2023 03:11 PM]
1 pg, 123.4 KB
- 10/13/2023 ☐ 54 Received 3 paper copies of supplemental excerpts of record [44] in 3 volumes and index volume filed by Appellee Commission for Judicial Performance. [12809406] (SD) [Entered: 10/13/2023 12:09 PM]
- 10/13/2023 ☐ 55 Received 6 paper copies of Answering Brief [43] filed by Commission for Judicial Performance. [12809413] (SD) [Entered: 10/13/2023 12:12 PM]
- 11/02/2023 ☐ 56 This case is being considered for an upcoming oral argument calendar in San Francisco

Please review the San Francisco sitting dates for March 2024 and the subsequent month in that location at

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http://www.ca9.uscourts.gov/court_sessions. Absent an irreconcilable conflict, the court expects you to appear and argue your case during one of these two months. If you have an irreconcilable conflict on any of the dates, please consult with opposing counsel to propose an alternate date and/or location and file Form 32 within 3 business days of this notice using the CM/ECF filing type **Response to Case Being Considered for Oral Argument**. Please follow the form's instructions carefully.

If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter **within 3 business days of this notice**, using CM/ECF (Type of Document: Correspondence to Court; Subject: request for mediation).

You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date. [12819223]. [22-15857] (KS) [Entered: 11/02/2023 03:41 PM]

1 YI TAI SHAO (SBN 182768, illegally
 2 suspended bar license without notice by
 3 California Chief Justice Tani Cantil-Sakauye,
 4 in conspiracy with State Bar of California,
 5 James Mcmanis and Director and attorneys
 6 at Santa Clara County Child Support Agency
 7 and/or Director of Department of Child
 8 Support Agency of the State, and Presiding
 9 Judge Beth McGowan and Theodore Zaynor
 10 at Santa Clara County Court)
 11 PO Box 300; Big Pool, MD 21711
 12 Tel.: (408) 873-3888
 13 attorneyshao@outlook.com

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IN U.S. COURT OF APPEAL, NINTH CIRCUIT

Yi Tai Shao

No. 22-15857

Appellant

v.

Chief Justice John G. Roberts, Jr.
 et al.

Appellees

**APPELLANT'S Circuit Rule 3.1
 MOTION FOR SUMMARY REVERSAL
 BASED ON UNDISPUTED CLEAR
 ERROR IN VIOLATION OF 28
 U.S.C. §455(a), §455(b)(5)(i), §636 and
 Rule 73, AND REMAND TO U.S.D.C.
 FOR SOUTHERN DISTRICT OF NEW
 YORK, AND/OR MOTION TO CERTIFY
 TRANSFER VENUE TO SECOND
 CIRCUIT COURT OF APPEAL TO
 FORM A NEUTRAL PANEL THAT IS
 NOT COMPOSED OF AMERICAN INNS
 OF COURT JUDGE MEMBERS
 PURSUANT TO United States v. District
 Court for Southern Dist. Of New York, 334
 U.S. 258 (1948).**

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1
2 **I. INTRODUCTION**

3 As a matter of law, the order and judgment of Judge John A. Mendez for the
4 underlying case in ECF 84 through 86, that was made within a day following his
5 being promoted to "Senior Judge" status at the U.S.D.C. for the E.C., violated Due
6 Process in undisputedly conflicting with 28 U.S.C. §455(a) and §455(b)(5)(i) that
7 must be reversed when Judge Mendez has direct conflicts of interest as being an
8 officer or leading judge member of Appellee American Inns of Court Foundation,
9 and closely related to Appellees retired Justice Anthony M. Kennedy, Anthony M.
10 Kennedy American Inn of Court, California Chief Justice Tani Cantil-Sakauye,
11 James Mcmanis, Michael Reedy, McManis Faulkner, American Inns of Court
12 Foundation, San Francisco Intellectual Property American Inn of Court Foundation,
13 Judge Patricia Lucas, B.J. Fadem, Judge Rise Pichon, Judge Peter Kirwan, Judge
14 Gregory Saldivar at Santa Clara County Superior Court, Judge Edward Davila,
15 Presiding Justice Mary J. Greenwood, Justice Patricia Bamattre-Manoukian at
16 California Sixth District Court of Appeal, who are members of William A. Ingram
17 American Inn of Court, a child of American Inns of Court. Therefore, Judge
18 Mendez's orders in ECF 84 through 86 must be reversed, and vacated pursuant to
19 Aetna Life Ins. Co. v. Loviae (1986) 475 U.S. 813; Liljeberg v. Health Serv.
20 Acquisition Corp. (1988) 486 U.S. 847.

21 Moreover, Judge John A. Mendez who had acted beyond jurisdiction in failing to
22 recuse himself, had further illegally adopted the recommended orders of Magistrate
23 Judge Allison Claire in violation of 28 U.S.C. §636 and Rule 73 in that Appellant
24 SHAO had unambiguously rejected her jurisdiction (ECF51), and Judge Mendez's
25 order and judgment failed to mention this issue, such that as a matter of law,
26 Judge Mendez's orders and judgment **must be vacated** pursuant to Ninth Circuit's
27 Opinion of Judge J. Craig Wallace in Anderson v. Woodcreek Venture, Ltd., 351
28 F.3d 911 (2003).

1 Thirdly, not only in violation of 28 U.S.C. § 455(a) as well as Rule 73 and 28 U.S.C. § 636,
2 Magistrate Judge Alison Claire acted beyond her jurisdiction to dispose the case at the onset of
3 the proceeding, as if she were the attorney of defendants, without any legal basis, which
4 infringed upon Appellant's fundamental right to access the court. Her cited authority to support
5 her being able to dismiss a case at the very beginning of the proceeding, *Reed v. Lieurance*, 863
6 F.3d 1196 (2017 9th Cir.), actually does not support her disposition. Contrary to her
7 argument/opinion, in *Reed*, the dismissal was made pursuant to a motion for summary judgment,
8 after discovery, not by the court's sua sponte dismissal at the on-set of the proceeding.

9
10 Fourthly, Appellant further moves that in ordering remand the Appeal because
11 of lack of jurisdiction (Claire's recommendations), the U.S.D.C. for E.C. should be
12 changed venue to the U.S.D.C. for Southern District of New York, unless an
13 impartial appellate panel that is composed of non-members of the American Inns of
14 Court could be found. It is proper to change to New York as the underlying
15 proceeding of Rule 60(b) motion and motion to change venue to U.S.D.C. in New
16 York which is in ECF 161, 161-1 through 161-11 filed with the U.S.D.C. for the D.C.
17 in case no.1:18-cv-01233RC was unopposed by all defendants who are about
18 the same defendants in this second case, and by analogous to the Congress-
19 designed detailed procedure of certification of appeal as stated by the US Supreme
20 Court in *United States v. District Court for Southern Dist. Of New York*, 334 U.S.
21 258 (1948). Appellant SHAO moves to change court to a neutral senior judge at
22 U.S.D.C. for Central New York, who has no conflicts of interest and not a member of
23 the American Inns of Court.

24 Fifthly, alternatively, Appellant respectfully moves certify transfer the venue of
25 this Circuit to the Second Circuit Court of Appeal based on the fact that this Ninth
26 Circuit has direct conflicts of interest as it promotes Appellee American inns of
27 Court Foundation, Anthony M. Kennedy Inn of Court, Appellee Justice Anthony M.
28 Kennedy, when one of its Presiding Judge, J. Craig Wallance, is an Appellee and its
Judge Lucy Koh has direct conflicts of interest (involved in Petition 17-256).

II. STATEMENT OF FACTS

This is a second lawsuit of Shao v. Roberts, et al., based on the court crimes occurred after the First Amended Complaint (ECF#16) of Shao v. Roberts, et al., case no. 1:18-cv-01233. Appellant respectfully requests this Court to take judicial notice of the Petition for Writ of Mandamus filed in Petition NO.22-350 that is posted on the Supreme Court's website. See, Response to US Attorney's Waiver filed on 11/21/2022, which was concealed by Appellee Supreme Court Chief Justice John G. Roberts, Jr.¹, converted it in the Supreme Court, never returned, and failed to enter into the docket of 22-350 about "not accepted for filing," in this document link:

<https://1drv.ms/b/s!AqQw7ZHOH2MOgS-4PUJ8FhSFzBJU?e=PG7rEA>

All Respondents have waived their objections and re-admitted to their conspiracies in permanent parental deprivation and blocking all access to the courts in the proceeding of Petition No.22-350 where Chief Justice John G. Roberts illegally blocked 8 filings, including Request for Recusal and Petition for Rehearing, after there were many significant admissions in the Appeal No.21-5210 proceeding at the D.C. Circuit Court of Appeal.

¹ Chief Justice Roberts concealed totally 7 filings in Petition 22-350:

(1) Response to US Attorney's Waiver filed on 11/21/2022 (concealed and not returned at all), <https://1drv.ms/b/s!AqQw7ZHOH2MOgS-4PUJ8FhSFzBJU?e=PG7rEA>

(2) Request for Recusal filed on 11/24/2022, Thanksgiving (concealed and not returned at all) <https://1drv.ms/b/s!AqQw7ZHOH2MOgTFUe-13v8cQADSq?e=dotJN1>

(3) Application for Emergency Stay to Justice Barrett filed on 11/24/2022, Thanksgiving <https://1drv.ms/b/s!AqQw7ZHOH2MOgTB-rBJNIAJJ-6L1?e=GPe7Dh>

(4) MOTION TO FILE (1) "Application For Emergency Stay And Other Relief To Associate Justice Amy Coney Barrett [Rule 22] That Was Filed On 11/24/2022, (2) "Request For Recusal Against Chief Justice John G. Roberts, Jr., Associate Justice Clarence Thomas, Associate Justice Samuel Alito, Associate Justice Elena Kagan, Associate Justice Sonia Sotomeyer, Associate Justice Neil Gorsuch, Associate Justice Bret Kavanaugh, Associate Justice Ketanji Brown Jackson" That Was Filed On 11/24/2022, And (3) "Response To Solicitor General's Waiver" Filed On 11/21/2022

https://1drv.ms/b/s!AqQw7ZHOH2MOgTznsdab0y-Q0j_r?e=5PFs8f

(5) Motion to transfer to Court of Appeal filed on 12/4/2022

<https://1drv.ms/b/s!AqQw7ZHOH2MOgTuDN8JAy5GsCv4o?e=XoPMdQ>

(6) motion for summary adjudication/reversal filed on 12/4/2022

<https://1drv.ms/b/s!ApOcXu9BWrwphggK13rr-bO8foTt?e=Amo0V5>

(7) Petition for Rehearing: <https://1drv.ms/b/s!AqQw7ZHOH2MOgUI-SNTFlpZEO3oN?e=aNCr4k>

1 On 2/21/2022, SHAO filed the second complaint of Shao v. Roberts, et al. which was
2 docketed on 2/22/2022 due to Appellees' hacker's interference. In January 2023, SHAO
3 discovered that the hackers include not only Kevin L. Warnock but also William Faulkner, Esq.

4 SHAO filed the complaint together with a TRO motion (underlying case 22-00325, ECF10-
5 17) against California Chief Justice Tani Cantil-Sakauye, et al. for unlawfully suspending her bar
6 license without notice nor hearing; the ground of suspension was later discovered in January
7 2023 to be fraudulent—Tani suspended SHAO's California bar license based on alleged
8 enforcement of child support order of May 3, 2013, where Vice President Kamala Harris
9 illegally supported its affirmance in violation of California Family Code §17407. Such
10 suspension was fraudulent which needs to amend the complaint.² All government agencies and
11 the U.S.D.C. for E.C. failed to respond to SHAO's request to take action to stop the suspension
12 of her bar license. In fact, after California Supreme Court blocked filing of SHAO's motion to
13 vacate Tani's 1/25/2022 order, California Supreme Court conspired with State Bar of California
14 to forge 76 docket entries in S263527 that was in fact already closed on 8/24/2020, to cover up
15 Tani's conspiracies with James Mcmanis that she conceded on 8/25/2021 in the proceeding of
16 Petition for Review S269711. See, Petition for Writ of Mandamus filed in Petition No.22-350
17 that has been tacitly admitted by all Respondents in Shao v. Roberts, et al., which is the
18 preceding case for this underlying case.

19 On 2/22/2022, Judge John A. Mendez ordered to assign the case to Magistrate Judge Allison
20 Claire, without disclosing their conflicts of interest.

21 ² Tani's order is fraudulent as at the time of her issuance of the 1/25/2022 order, Local Child
22 Support Agency did not do enforcement (did not issue a notice for enforcement until March 10,
23 2023, a year later) and further had no jurisdiction for enforcement (California Family Code
24 §17400(n)(1) and §17404.2 for already nearly 5 years since April 1, 2017 when SHAO moved
25 out of Santa Clara County to Alameda County and further moved to Maryland in Spring of 2021.
26 In order to cover up and support Tani's fraud, Local Child Support Agency filed a frivolous
27 motion on 11/9/2012 exceeding its jurisdiction stated in F.C. §17520(k) with the court that is
28 improper venue and refused to issue release when the proceeding exceeds 6 months as required
by §17520 and further conspired with Santa Clara County Court to issue a fraudulent order to
create child support debt in order to continue deprive SHAO of her property California Bar
license.

1 On 2/28/2022, SHAO filed the second TRO motion against Presiding Judge SRI
2 SRINIVASAN in his official capacity as Presiding Judge, Judge Karen LaCraft Henderson, Judge
3 David Tatel, Judge Carnelia T.L. Pillard, Judge Patricia Millett, Judge Rudolph Contreras
4 Scott S. Harris, Jeff Atkins, Jordan Danny Bickell, Chief Justice John G. Roberts, Jr. for their second
5 time conspiracies in refusing to transfer court of appeal to the Second Circuit Court of Appeals
6 after Appellee James Lassart, attorney of record for Appellees James McManis, Michael Reedy,
7 McManis Faulkner, and their California attorney Janet Everson, disclosed and further admitted
8 20+ times that they conspired with the D.C. Circuit in dismissing the first appeal No. 19-5014,
9 and Appellees American Inns of Court tacitly admitted that they bribed then-Chief Judge
Merrick Garland and lead Panel Judge Patricia Millett in dismissing them from 19-5014 appeal.

10 On 3/2/2022, waited until suspension of SHAO's bar license by California State Bar in
11 conspiracies with Tani, and Local Child Support Agencies, before any defendant making an
12 appearance, Magistrate Judge Allison Claire showed up the first time with an Order to Show
13 Cause of Dismissal of the entire case. Claire's willfulness in waiting until SHAO's bar license
14 suspension was demonstrated by her ECF25 Minute Order on 3/2/2022, where she stated
15 SHAO's bar license was suspended, and ordered that SHAO may continue using CM/ECF.
(ECF25)

16 Without receiving a clear instruction that SHAO may file a Rejection to Magistrate Judge
17 from the District Court as required by Anderson v. Wood Creek Venture, Ltd., 351 F.3d 911 at
18 914-915 (9th Circuit 2003), without knowing ECF24 on 3/2/2022, on 3/6/2022, SHAO filed a
19 motion to recuse both Judge John A. Mendez and Magistrate Judge Claire (ECF 27) which was
20 amended on 3/7/2022 (ECF 29) and, after discovery of ECF24 order to show cause, SHAO filed
21 the Second Amended Motion to Disqualify both Claire and Mendez on 3/8/2022.

22 SHAO overlooked existence of ECF 24 as she spent significant time in filing her third TRO
23 motion on 3/4/2022 (ECF26) to release her daughter Lydia from being confined in the unlawful
24 and dangerous child custody as conspired by Tani and McManis and key judges at Santa Clara
25 County Superior Court (Judge Theodore Zaynor, Judge Patricia Lucas, Judge Rise Pichon and
26 Judge Maureen Folan), per Tani's concession as a matter of law on 8/25/2021 in S269711.

1 In overlapping with SHAO's Second Amended Motion to Disqualify Claire and Mendez
2 (ECF32), on 3/8/2022, Claire filed an Order and Recommendation to deny recusal of both Judge
3 Mendez and herself as contained in ECF 29 (amended motion from ECF27). (ECF 31) She cited
4 *Liteky v. U.S.*, 510 U.S. 540, 555 (1994) but *Liteky* does not support her position. The Supreme
5 Court stated in *Liteky* a "pervasive" bias that is not out of extrajudicial source:

6
7 It is wrong in theory, though it may not be too far off the mark as a practical matter, to
8 suggest, as many opinions have, that "extrajudicial source" is the *only* basis for
9 establishing disqualifying bias or prejudice. It is the *only common* basis, but not the
10 exclusive one, since it is not the *exclusive* reason a predisposition can be wrongful or
11 inappropriate. A favorable or unfavorable predisposition can also deserve to be
12 characterized as "bias" or "prejudice" because, even though it springs from the facts
13 adduced or the events occurring at trial, it is so extreme as to display clear inability to
14 render fair judgment. (That explains what some courts have called the "pervasive bias"
15 exception to the "extrajudicial source" doctrine. See, e. g., *Davis v. Board of School*
16 *Comm'rs of Mobile County*, 517 F. 2d 1044, 1051 (CA5 1975), cert. denied, 425 U. S. 944
17 (1976).)

18
19 On 3/9/2022, SHAO filed ECF 32 titled: " AMENDED MOTION TO DISQUALIFY
20 JUDGE JOHN A. MENDEZ AND MAGISTRATE JUDGE ALLISON
21 CLAIRE UNDER 28 U.S.C. §144 AND 28 U.S.C. §455(a) AND/OR 28 U.S.C.
22 §455(b)(5)(i) INCLUDING PLAINTIFF'S RESPONSE TO THE 3/2/2022 ORDER TO
23 SHOW CAUSE

24 And
25 MOTION TO SET ASIDE OR REHEARING OF THE 3/2/2022 ORDER AND ORDER
26 TO SHOW CAUSE AND THE 3/7/2022 MINUTE ORDER,
27 CERTIFICATE OF GOOD FAITH".

28
29 On 3/12/2022, SHAO filed ECF 33 as her Objection to Claire's Orders in ECF 24 and 28
30 where Claire acknowledged that she summarily denied SHAO's 4 TRO motion WITHOUT
31 TAKING TIME TO READ any of them, and Objection to Claire's denial of recusal for both
32 Claire herself and Mendez in ECF 31, which is also SHAO's Supplement to ECF 32's Second
33 Amended Motion to Disqualify Claire and Mendez, response to OSC as well as motion to
34 vacate ECF 24, 28, 31.

35 Beyond 10 days, 14 days later, then on 3/29/2022, Claire filed ECF 35 Recommendations
36 denying recusal of herself and Mendez in ECF 32 and ECF 33. Claire failed to decide SHAO's
37 motion to vacate ECF 24, 28, 31.

1 5 days following ECF 35 where Claire and Mendez persisted on not recusing themselves, and
2 failed to lay out all relevant facts regarding the accused conflicts of interest pursuant to Moran v.
3 Clarke (8th Cir. 2002) 309 F.3d 516, 517 with the case law stated in P.10 in ECF32, on 4/4/2022,
4 **SHAO filed "DECLINE of U.S. Magistrate Judge Jurisdiction pursuant to**
5 **Fed.R.Civ.P.73(b)(1)" via ECF 51.**

6 On or about 4/6/2022, the Clerk issued blanket subpoena and SHAO served upon Supreme
7 Court appellees for depositions to take place on April 24 through 26. The US Supreme Court
8 defendants (Justices and Clerk and deputy clerks, including Emergency Application Attorney
9 Robert Meek) were properly served scheduled for deposition since April 25, 2022. They
10 returned the checks for witness fees but was informed the need to file a motion for protective
11 order to stop depositions from taking place.

12 On 4/18/2022, Judge John A. Mendez was promoted to be Senior Judge at the U.S.D.C. for
13 E.C.

14 On 4/19/2022, Defendant/Appellee Commission for Judicial Performance filed an
15 Answer(ECF 78), when a day earlier it filed an ex parte application for extension of time to file
16 response to the complaint. Disregard of ECF 51 rejection, Claire continued issuing an order to
17 granting Commission for Judicial Performance's ex parte Application on 4/19/2022 (ECF79).
18 SHAO immediately filed an Objection to the ECF 79 contesting Claire's jurisdiction. SHAO
19 wrote in ECF 79:

20 In willful violation of due process, Magistrate Judge Allison Claire who had been
21 dissented to be in this case, and further tacitly admitted to her conflicts of interest, persisted on
22 issuing order in this case, without any jurisdiction.

23 Claire failed to reply nor decide on Plaintiff's Motion to vacate all of her orders in ECF
24 24, 28, 31 as contained in ECF 33. Based on the fact of Magistrate Judge Claire's tacit
25 admission to her conflicts of interest with defendant California Chief Justice Tani Cantil-
26 Sakauye and the fact that it is undisputed for her "pervasive bias" and acted without
27 jurisdiction, Claire has a duty to disqualify herself pursuant to 28 U.S.C. 455(a).
28 Plaintiff moves to strike the Order of ECF 79 for being made without jurisdiction.

On 4/19/2022, the first motion to dismiss was filed by State Bar defendants (ECF 81, 82).
Claire continued issuing a minute order to set the hearing to be on 5/25/2022 (ECF 83).

Signed at the night of 4/19/2022 which was filed on 4/20/2022, Judge Mendez issued his
orders (ECF 84 and 85) to adopt Claire's recommendation in ECF 31 and 35 **without discussing**
SHAO's rejection of Claire's jurisdiction, as required by Anderson v. Wood Creek Venture,

1 Ltd. 351 F.3d 911 at 914-915 (9th Circuit 2003)., without even discussing the issues for
2 accusations on his own disqualifications. The order was short, appearing like being made in a
3 rush to block SHAO from deposing the US Supreme Court defendants/justices.

4 At the time of this abrupt dismissal, which is nothing less than to block SHAO's reasonable
5 access to the Court, 9 defendants were at default, one motion was just filed, one answer filed and
6 great majority of defendants not yet responded. At no time, any of the defendants ever
7 responded to SHAO's objections.

8 **38+ defendants had not responded**

9 **A. 9 in Supreme Court**

10 9 defendants at US Supreme Court including present 5 Justices (Roberts, Thomas, Alito,
11 Kagan and Sotomayor, Scott Harris, Jeff Atkins, Jordan Danny Bickell (ECF 36-43) were
12 served on March 21, 2022

13 **B. 5 in DC Circuit Court of Appeal**

14 Judge Karen LeCraft (ECF 45), Judge Patricia Millett (ECF47), Judge Cornell T.L.
15 Pillard (ECF 48), Judge David Tatel (ECF 49), Scott Atchue, Operation manager at D.C.
16 Circuit (ECF 74)

17 **C. 3 in U.S.D.C. for the D.C.**

18 Judge Beryl A. Howell (ECF 46), Rudolph Contreras (ECF 43), Jackie Francis (ECF44)

19 **D. 23 other defendants**

20 **James McManis (ECF 76, 87), Michael Reedy, McManis Faulkner (ECF 87)**

21 **Rob Bonta, California Attorney General was served on 3/25/2022.(ECF 67)**

22 **American Inns of Court Foundation was served on 4/13/2022 (ECF 71, 72)**

23 **Edward Coke Appellate American Inn of Court in Washington, District of**
24 **Columbia served on 4/13/2022 (ECF 73)**

25 **Joel Looten served on 4/13/2022.(ECF 70)**

26 **16 at Santa Clara County Superior Court:**

1 Judge Theodore Zayner, Judge Patricia Lucas, Judge Christopher Rudy, Lisa Herrick,
2 Judge Mary Ann Grilli, Judge Peter Kirwan, Judge Rise Pichon, Susan Walker, Alex
3 Rodriguez, Judge Christopher Rudy, Judge Gregory Saldivar, Judge Maureen Folan,
4 Judge Sunil Kulkarni, Jill Sardeson, Sarah Scofield, Rebecca Delgado who were served
5 on April 14, 2022 (ECF 87)

6 **9 DEFENDANTS IN CALIFORNIA ARE AT DEFAULT**

7 **Anthony M. Kennedy and Anthony M. Kennedy Inn of Court Foundation** were
8 served on 3/12/2022 with due date on 4/12/2022 (ECF 58)

9 **California Chief Justice Tani Cantil-Sakauye and Clerk Jorge Navarrete** were
10 served on 3/28/2022 with due date to respond on April 18, 2022.(ECF 53)

11 **Michael Fox and Sean Patterson** were served on 3/28/2022 with due date on April 18,
12 2022 (ECF 54)

13 **James Lassert, Suzie Tagliere and Janet Everson** served on 3/28/2022, answer due
14 4/18/2022. (ECF 60 & ECF 62)

15 **1 defendant filed an Answer on 4/18/2022 (ECF 78)**

16 Commission for Judicial Performance filed answer on 4/18/2022 (ECF 79)

17 **1 defendant filed a Motion to Dismiss on 4/19/2022 (ECF 81, 82)**

18 **State Bar of California** (Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim, Vanessa Lara.

19 Attorney Shapp, Marc Aaron) **filed a motion to dismiss which Magistrate Judge**

20 **Allisson Claire, despite rejected jurisdiction by Plaintiff (ECF 51), on 4/19/2022, set**

21 **the State Bar motion to be on 5/25/2022**

22 **III. LAW AND ARGUMENTS**

23 CIRCUIT RULE 3-6. SUMMARY DISPOSITION OF CIVIL APPEALS states, in relevant
24 part that:

25 (a)At any time prior to the completion of briefing in a civil appeal or petition for review, if
26 the Court determines:(1)that clear error or an intervening court decision or recent legislation
27 requires affirmance, reversal or vacation of the judgment or order appealed from, the grant or
28 denial of a petition for review, or a remand for additional proceedings; or(2)that it is manifest
that the questions on which the decision in the appeal or petition for review depends are so

insubstantial as not to justify further proceedings; the Court may, upon motion of a party, or after affording the parties an opportunity to show cause, issue an appropriate dispositive order.

A. Clear error that the order and judgment of Judge Mendez must be reversed for conflicts of interest under 28 U.S.C. Sections 445 (a) and 445(b)(5)(i) when he never complied with the standard of response that requires to lay out all relevant facts as required by *Moran v. Clark* which was in P.10 of ECF 32.

As stated above, this is structural due process violation under *Turney v. Ohio*, that according to *Aetna Life, supra*, and *Liljeberg, supra*, when judicial recusal is not properly handled, the order and judgment must be reversed.

B. Clear error as Magistrate Judge Allison Claire's recommendations must not be adopted such that remand is required as a matter of law.

Rule 73. Magistrate Judges: Trial by Consent; Appeal states:

(a) Trial by Consent. When authorized under 28 U.S.C. §636(c), a magistrate judge may, if all parties consent, conduct a civil action or proceeding, including a jury or nonjury trial. A record must be made in accordance with 28 U.S.C. §636(c)(5).

(b) Consent Procedure.

(1) *In General*. When a magistrate judge has been designated to conduct civil actions or proceedings, the clerk must give the parties written notice of their opportunity to consent under 28 U.S.C. §636(c). To signify their consent, the parties must jointly or separately file a statement consenting to the referral. A district judge or magistrate judge may be informed of a party's response to the clerk's notice only if all parties have consented to the referral.

(2) *Reminding the Parties About Consenting*. A district judge, magistrate judge, or other court official may remind the parties of the magistrate judge's availability, but must also advise them that they are free to withhold consent without adverse substantive consequences.

(3) *Vacating a Referral*. On its own for good cause—or when a party shows extraordinary circumstances—the district judge may vacate a referral to a magistrate judge under this rule.

28 U.S. CODE § 636 - JURISDICTION, POWERS, AND TEMPORARY ASSIGNMENT

States in relevant part that

(a) Each United States magistrate judge serving under this chapter shall have within the district in which sessions are held by the court that appointed the magistrate judge, at other places where that court may function, and elsewhere as authorized by law—

(1) all powers and duties conferred or imposed upon United States commissioners by law or by the Rules of Criminal Procedure for the United States District Courts;

....

(b)

(1) Notwithstanding any provision of law to the contrary—

(A)

a judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action. A judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.

(B)

a judge may also designate a magistrate judge to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any motion excepted in subparagraph (A), of applications for posttrial [1] relief made by individuals convicted of criminal offenses and of prisoner petitions challenging conditions of confinement.

(C)

the magistrate judge shall file his proposed findings and recommendations under subparagraph (B) with the court and a copy shall forthwith be mailed to all parties. Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

(2)

A judge may designate a magistrate judge to serve as a special master pursuant to the applicable provisions of this title and the Federal Rules of Civil Procedure for the United States district courts. A judge may designate a magistrate judge to serve as a special master in any civil case, upon consent of the parties, without regard to the provisions of rule 53(b) of the Federal Rules of Civil Procedure for the United States district courts.

(3)

A magistrate judge may be assigned such additional duties as are not inconsistent with the Constitution and laws of the United States.

....

(c) Notwithstanding any provision of law to the contrary—

(1)

Upon the consent of the parties, a full-time United States magistrate judge or a part-time United States magistrate judge who serves as a full-time judicial officer may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves. Upon

1 the consent of the parties, pursuant to their specific written request, any other part-time
2 magistrate judge may exercise such jurisdiction, if such magistrate judge meets the bar
3 membership requirements set forth in section 631(b)(1) and the chief judge of the district court
4 certifies that a full-time magistrate judge is not reasonably available in accordance with
5 guidelines established by the judicial council of the circuit. When there is more than one judge of
6 a district court, designation under this paragraph shall be by the concurrence of a majority of all
7 the judges of such district court, and when there is no such concurrence, then by the chief judge.

8 (2)

9 If a magistrate judge is designated to exercise civil jurisdiction under paragraph (1) of this
10 subsection, the clerk of court shall, at the time the action is filed, notify the parties of the
11 availability of a magistrate judge to exercise such jurisdiction. The decision of the parties shall
12 be communicated to the clerk of court. Thereafter, either the district court judge or the magistrate
13 judge may again advise the parties of the availability of the magistrate judge, but in so doing,
14 shall also advise the parties that they are free to withhold consent without adverse substantive
15 consequences. Rules of court for the reference of civil matters to magistrate judges shall include
16 procedures to protect the voluntariness of the parties' consent.

17 (3)

18 Upon entry of judgment in any case referred under paragraph (1) of this subsection, an aggrieved
19 party may appeal directly to the appropriate United States court of appeals from the judgment of
20 the magistrate judge in the same manner as an appeal from any other judgment of a district court.
21 The consent of the parties allows a magistrate judge designated to exercise civil jurisdiction
22 under paragraph (1) of this subsection to direct the entry of a judgment of the district court in
23 accordance with the Federal Rules of Civil Procedure. Nothing in this paragraph shall be
24 construed as a limitation of any party's right to seek review by the Supreme Court of the United
25 States.

26 (4)

27 The court may, for good cause shown on its own motion, or under extraordinary circumstances
28 shown by any party, vacate a reference of a civil matter to a magistrate judge under this
subsection.

(5)

The magistrate judge shall, subject to guidelines of the Judicial Conference, determine whether
the record taken pursuant to this section shall be taken by electronic sound recording, by a court
reporter, or by other means.

(d)

The practice and procedure for the trial of cases before officers serving under this chapter shall
conform to rules promulgated by the Supreme Court pursuant to section 2072 of this title.

(e) Contempt Authority.—

(1) In general.—

A United States magistrate judge serving under this chapter shall have within the territorial
jurisdiction prescribed by the appointment of such magistrate judge the power to exercise
contempt authority as set forth in this subsection.

In *Anderson v. Wood Creek Venture, Ltd.* 351 F.3d 911 at 914-915 (9th Circuit 2003), In this
case, Anderson and Wills signed the "consent to Magistrate Judge Form" but later stated in their

pleading in part "Plaintiffs Deny Magistrates Jurisdiction," and they stated in the text that "Plaintiffs Wills and Anderson do hereby deny Magistrates [sic] jurisdiction." Like in this case, "The magistrate judge's referral of the motion to the district court and the district court's corresponding denial are not responsive to this nuance." The 9th Circuit in its opinion stated that "Both fail to specify whether the orders simply permit the magistrate judge to continue considering nondispositive matters (i.e., those covered by Rule 72 and 28 U.S.C. § 636(b)(1)) or whether the magistrate judge is being given a green light to conduct a full-fledged trial and order entry of the corresponding judgment (i.e., proceedings governed by 28 U.S.C. § 636(c) and Rule 73)." i.d., at p.918. The 9th Circuit held that even though they signed the consent to Magistrate Judge Form, "It is apparent that the district judge had before him a Rule 73 challenge to the magistrate judge's jurisdiction to enter a final judgment without party consent."

The 9th Circuit held that "magistrate judge cannot, on mere designation by the district court, issue a dispositive order, 28 U.S.C. § 636(b)(1)(A), an "order [for the entry of judgment]" on either motion would require the parties' prior consent.] *Id.* § 636(c)(1)." and ordered:

We therefore remand to the district court to determine whether Anderson voluntarily consented to proceed to judgment before the magistrate judge as section 636 requires in order to provide the magistrate judge, and hence us, with jurisdiction. Accompanying our remand is the instruction that should the district court find that the purported consent does not satisfy the voluntariness threshold imposed by Congress in section 636(c), the judgment entered by the magistrate judge is to be vacated. If not vacated, Anderson may proceed with her appeal. And Accompanying our remand is the instruction that should the district court find that the purported consent does not satisfy the voluntariness threshold imposed by Congress in section 636(c), the judgment entered by the magistrate judge is to be vacated. (i.d., at p.918)

Judge J. Craig Wallace delivered the following opinion (see, i.d. at p.915-917)

Our appellate jurisdiction therefore depends on the magistrate judge's lawful exercise of jurisdiction, Nasca v. Peoplesoft (In re Marriage of Nasca), 160 F.3d 578, 580 (9th Cir.1998) (holding that the magistrate judge's "lack of jurisdiction *a fortiori* deprives this court of appellate jurisdiction"), which in turn depends on proper district court designation and the voluntary consent of the parties to entry of judgment by the magistrate judge, Estate of Conners by Meredith v. O'Connor, 6 F.3d 656, 659 (9th Cir.1993) (holding that "because the magistrate did not [obtain party consent] to enter a final order, the defendants' notice of appeal from that order was a nullity"); see also Roell v. Withrow, 538 U.S. 580, 123 S.Ct. 1696, 1707, 155 L.Ed.2d 775 (2003) (Thomas, J., dissenting) ("Absence of consent means absence of 'judgment,' which, in turn, means absence of appellate jurisdiction.").

1 Consent thus emerges from the statute as the touchstone of magistrate judge jurisdiction.
2 Subsection (c)(3), in addition to referring to subsection (c)(1), expressly reinforces its
3 insistence on consensual designation of a case to a magistrate judge for disposition. This
4 statutory structure was designed by members of Congress who explicitly considered
5 voluntary consent imperative. For example, the Senate Committee on the Judiciary stated
6 when recommending passage of the Federal Magistrate Act of 1979 (the bill enacting
7 most of 28 U.S.C. § 636(c)'s current text) that

8 Consent thus emerges from the statute as the touchstone of magistrate judge jurisdiction.
9 Subsection (c)(3), in addition to referring to subsection (c)(1), expressly reinforces its
10 insistence on consensual designation of a case to a magistrate judge for disposition. This
11 statutory structure was designed by members of Congress who explicitly considered
12 voluntary consent imperative. For example, the Senate Committee on the Judiciary stated
13 when recommending passage of the Federal Magistrate Act of 1979 (the bill enacting
14 most of 28 U.S.C. § 636(c)'s current text) that

15 some ... have expressed concern that the designation of certain classes of cases for trial before
16 magistrates ... might subtly coerce litigants into consenting in those cases. The bill clearly
17 requires the voluntary consent of the parties as a prerequisite to a magistrate's exercise of the new
18 jurisdiction. The committee firmly believes that no pressure, tacit or expressed, should be applied
19 to the litigants to induce them to consent to trial before the magistrates.

20 S. REP. No. 96-74, at 13 (1979), *reprinted in* 1979 U.S.C.C.A.N. 1469, 1481; *see also*
21 H.R. REP. No. 96-287, at 13 (1979) ("The bill makes clear that the knowing and
22 voluntary consent of the parties is required before any civil action may be referred to a
23 magistrate; no coercion will be tolerated."); H.R. CONF. REP. No. 96-444, at 7-8 (1979),
24 *reprinted in* 1979 U.S.C.C.A.N. 1487, 1488-89 ("[T]he voluntary consent of the parties is
25 required before a civil action may be referred to a magistrate for a final decision."); S.
26 CONF. REP. No. 96-322, at 7-8 (1979) (same).

27 The voluntary consent requirement was designed to assuage constitutional concerns, as
28 Congress did not want to erode a litigant's right to insist on a trial before an Article III
judge. *See Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir.1993) ("A party to a federal civil
case has, subject to some exceptions, a constitutional right to proceed before an Article
III judge."), *citing Pacemaker Diagnostic Clinic of Am., Inc. v. Instromedix, Inc.*, 725
F.2d 537, 541 (9th Cir.1984) (*en banc*). The House of Representatives Committee on the
Judiciary reported that consent to both the magistrate judge and his or her entry of final
judgment was a primary factor of "a solid constitutional foundation for creation of the
Federal magistrates system." H.R. REP. No. 96-287, at 8; *see also* S. REP. No. 96-74, at
4, *reprinted in* 1979 915*915 U.S.C.C.A.N. at 1473 ("In light of this requirement of
consent, no witness at the hearings on the bill found any constitutional question that
could be raised against the provision."); 125 CONG. REC. 26822 (1979) (statement of
Rep. Robert Kastenmeier) (rebuffing a constitutional challenge to the bill by arguing in
part that "the magistrates' jurisdiction is entirely consensual. If any party ... does not care
to have his or her case heard by a magistrate, there is no compulsion to do so."); H.R.
REP. No. 96-287, at 31 (dissenting views of Rep. Elizabeth Holtzman) (opining that the
legislation fosters too great a risk of coerced consent for it to pass constitutional muster).
Congress's wise decision to include a robust voluntary consent prerequisite resulted in

1 judicial approval of the legislation. We held that "in light of the statutory precondition of
2 voluntary litigant consent and the provisions for the appointment and control of the
3 magistrates by Article III courts, the conduct of civil trials by magistrates is
4 constitutional." Pacemaker Diagnostic Clinic of Am., 725 F.2d at 540.

5 The statutory backdrop described above has prompted us to pronounce "that a clear and
6 unambiguous expression of consent is required to vest the magistrate with authority under
7 subsection (c)," Alaniz v. Cal. Processors, Inc., 690 F.2d 717, 720 (9th Cir.1982) (per
8 curiam), and that such consent be "explicit." In re San Vicente Med. Partners, 865 F.2d
9 1128, 1131 (9th Cir.1989); see also Kofoed v. Int'l Bhd. of Elec. Workers, Local 48, 237
10 F.3d 1001, 1004 (9th Cir.2001) ("Where the magistrate judge has not received the full
11 consent of the parties, he has no authority to enter judgment in the case....").
12 The Supreme Court's recent decision in Roell v. Withrow, 538 U.S. 580, 123 S.Ct. 1696,
13 155 L.Ed.2d 775 (2003), does little (at least in a case such as this) to diminish our
14 precedent's stringent requirement that litigants clearly indicate their consent and that such
15 consent be voluntary. Roell held that voluntary consent could be implied in limited,
16 exceptional circumstances. Id. at 1703 n. 7. In Roell, the parties' behavior "clearly
17 implied their consent"; "the record shows that [they] voluntarily participated in the entire
18 course of proceedings before the Magistrate Judge[] and voiced no objection when, at
19 several points, the Magistrate Judge made it clear that she believed they had consented."
20 Id. at 1700.

21 We review de novo whether a magistrate judge has jurisdiction. United States v. 5145 N. Golden
22 State Boulevard, 135 F.3d 1312, 1314 (9th Cir.1998). Anderson is confronted initially by the fact
23 she signed the Consent Form.

24 **C. VENUE SHOULD BE CHANGED**

25 See ECF 19 in this Appeal that this Ninth Circuit as well as pacer.gov had concealed twice of the
26 case docket from accessible by SHAO. Clear conflicts of interest requires change of venue.

27 The undersigned swear under the penalty of perjury under the laws of the State of
28 California that the foregoing is true and accurate.

Dated: May 23, 2023

/s/ Yi Tai Shao
Yi Tai Shao, Petitioner

1 YI TAI SHAO (PENDING APPEAL ON BARLICENSE)
 SHAO LAW FIRM,PC
 2 MAILINGADDRESS:P.O.BOX300;BIGPOOL,MD
 21711
 3 E-mail:attorneyshao@outlook.com
In pro per, for Appellant
 4
 5
 6
 7

8 U.S. COURT OF APPEAL
 NINTHCIRCUIT
 9

10 YI TAISHAO,

No. 22-15857

11

Appellant/Plaintiff,

D.C. 2:22-CV-00325-JAM-AC

12

v.

USDC for Eastern California, Sacramento

Dispositive Motion to change venue to Second
 Circuit Court of Appeal

13 CHIEF JUSTICE JOHN G.ROBERTS, JR.,

14 et. al.,

15

Appellees/Defendants.

16

Table of authorities

Cases

United States v. Will, 449 U.S.200 (1950).....4

Statutes

18 U.S.C. § §1506, 1512(c), 2701, 1001.4

28 U.S.C. §455(b)(5)(i) and/or 455(a).4

Rules

Circuit Rule 3.1.....4

Constitution provisions

Fifth Amendment of the Constitution.....4

the First Amendment of the Constitution.....4

The hackers of James McManis, including William Faulkner, Esq. and Kevin L. Warnock have made the format for this motion to be weird. With discovery on May 29, 2023 of the D.C. Circuit's physically blocking Appellant SHAO from access to the Court, Appellant moves for a dispositive motion to change venue to Second District Court of Appeal based on the following evidence:

EXHIBIT A: Pacer.gov's email dated May 25, 2023 (due to Shavuot festival according to Leviticus Chapter 23, Appellant was back to work on May 29, 2023) indicates that notification of filing and activities in Appeal No.22-15857 has been within the sole control of the Ninth Circuit. According to pacer.gov's disclosure, Appellant discovered that the Ninth Circuit altered her email notification profile from attorneyshao@outlook.com to attorneylindashao@gmail.com, when this email had been blocked by SHAO's opponent Google, Inc. since 2018 and is in the same systematic common scheme of James McManis, William Faulkner, McManis Faulkner to use this extinct email to forge notices having been given to SHAO.

Google had blocked SHAO's access to attorneylindashao@gmail.com since 2018. The identical technique of blocking SHAO's access to the court by sending the court's fraudulent notices to this email of attorneylindashao@gmail.com was done by Presiding Justice Mary J. Greenwood, a member of McManis's Inn of the American Inns of Court at least twice, which are subjects for Petition Nos.18-569¹ and 18-800². It is also an issue for Petition No.21-881³; there, at Santa Clara County Superior Court, while SHAO was overseas for missionary work, James McManis's attorney rushed using this email address to forge notice being given to SHAO for their fraudulent motion to dismiss in Shao v. McManis Faulkner, James McManis, Michael Reedy, Catherine Bechtel (2012-1-cv-220571), and further forged the efilng stamps. Up to present, already 1.5 years, Santa Clara County Superior Court, that is James McManis's client, still refused to set a hearing for the duly filed motion to set aside dismissal order and judgment of McManis' American Inns of Court member Judge Christopher Rudy, as well as all orders (including Prefiling Order) of Judge Maureen A. Folan, McManis's attorney of record for 2.5+ years in that case. In Petition No.21-881, the Justices/Respondents at the US Supreme Court concealed the names of James McManis and his partners as being Respondents and concealed 8 filings.

The reason why McManis is so influential is because he is the initial founder of the American Inns of Court, closely connected to Justice Anthony M. Kennedy, and prior Chief Judge of this Circuit, J. Craig Wallace, the designer of the function of the American Inns of Court.

EXHIBIT B shows evidence that for the first time both pacer.gov and Ninth Circuit blocked the Appeal No.22-15857 and underlying USDC for E.C. case No. 22-cv000325 from access by SHAO was discovered on July 28, 2022. In July 28, 2022 email from the Ninth Circuit, this Circuit lied to

¹ See pp.4,5,28 and 30 in Petition for Writ of Certiorari in Petition No.18-569.

² See pp.2, 23-25 in Petition for Writ of Certiorari in Petition No.18-800.

³ See p.27 in Petition for Writ of Certiorari in Petition No.21-881.
Motion to change venue to Second Circuit Court of Appeal

Case: 22-15857, 05/29/2023, ID: 12723967, DktEntry: 22, Page 3 of 16
 SHAO that only pacer.gov could help SHAO in solving the issue of unable to have access the court's docket for Appeal No.22-15857; it turned out on May 29, 2023 that it was due to Ninth Circuit's alteration of the profile, email notification from attorneyshao@outlook.com to the extinct email of attorneylindashao@gmail.com. Thus, any reasonable person seeing this will believe that SHAO is impossible to have a fair hearing in front of the U.S.D.C. for E.C.

At **Page 3 of Exhibit B**, in the email of July 28, 2022 at 12:54 p.m., the Ninth Circuit misrepresented that SHAO would have to file through prose_pleadings@ca9.uscourts.gov. Yet after SHAO filed through that email, SHAO was blocked filing, then the Ninth Circuit instructed SHAO to file through CM/ECF system as an attorney. See **Exhibit C**, for a true copy of Ninth Circuit's email dated December 20, 2022 at 2:02 p.m. **This Circuit Court of Appeal consistently concealed the fact that they altered the profile of SHAO to have the extinct email which caused SHAO unable to receive any case activity notification.**

See in **Exhibit D** that the case docket for Appeal No.22-15857 was discovered on May 15, 2023 to have been disappeared and concealed by the Ninth Circuit and Pacer.gov; the Supreme Court was informed of this irregularity. See the third page, that both the underlying case as well as this appeal docket case were concealed from accessible by the public. Later with Appellant SHAO's complaint then the dockets were retrieved on pacer.gov and Ninth Circuit.

This physical blockage of SHAO's access to the court justified change of venue, when the designer of American Inns of Court, Judge J. Craig Wallace, was a Presiding Judge of this Circuit and a defendant of SHAO's Shao v. Roberts, et al. case and Judge Lucy Koh who conspired with James McManis and Michael Reedy, without disclosing her conflicts of interest, dismissed the civil case of Shao v. McManis Faulkner, James McManis, Michael Reedy and Catherine Bechtel, is a present judge at the Ninth Circuit. Because the designer of the American Inns of Court is working as a leading judge at this Circuit, it is unlikely that any judge at this Circuit can be impartial and should be recused either under 28 U.S.C. Section 455(b)(5)(i) or 455(a). Moreover, Guide to Judiciary Policy Vol.II, requires the entire court to be changed when a judge is a defendant. Now that there are a few American Inns of Court parent and children organizations are Appellees, and this Court is fully sponsoring the Appellees, as well as retired Justice Anthony M. Kennedy, and this Court even set up a library in the name of Appellee Kennedy, any reasonable person knowing these facts would believe that SHAO is impossible to have a fair appeal decision by this Circuit.

James McManis as the initial founder together with then Presiding Judge J. Craig Wallace, and retired Justice Anthony M. Kennedy, has close relationship with the Ninth Circuit through American Inns of Court.

This Circuit is now proven to have actual prejudice--- it surreptitiously concealed their crimes in altering the court record to alter Appellant's email notification with the same systematic common scheme as James McManis, and McManis Faulkner and had blocked SHAO from getting any docket entry **notification, which, according to pacer.gov as shown in EXHIBIT A, is the sole responsibility**

Motion to change venue to Second Circuit Court of Appeal

Case: 22-15857, 05/29/2023, ID: 12723967, DktEntry: 22, Page 4 of 16
of the Ninth Circuit.

2

This physical blocking access to the court including twice complete disappearance of this appeal case and underlying case. This proves that both U.S.D.C. for the E.C. and Ninth Circuit had been conspired together to suppress this case and block SHAO from any access to the Court, in violation of the fundamental rights of SHAO in accessing the court, as guaranteed by the First Amendment of the Constitution, which also violated SHAO's Due Process as guaranteed by the Fifth Amendment of the Constitution. Moreover, such acts further constitute multiple criminal acts and felonies of 18 U.S.C. § §1506, 1512(c), 2701, 1001.

When SHAO complained to the Ninth Circuit why that she never received any notice for case activities of Appeal No.22-15857, **Ninth Circuit NEVER responded and concealed the truth that the contacting email address was fraudulently altered to be attorneylindashao@gmail.com**. Thus, clearly, Ninth Circuit, has proactively blocked this appeal and joined with the plots of James McManis, Santa Clara County Court, as well as Sixth District Court of Appeal of California. This Circuit Court of Appeal is impossible to be impartial for Appeal No.22-15857. See also the evidence of case disappearance in ECF 18 and ECF 8 filed in Appeal No.22-15857.

A meaningful appeal is a must public policy pursuant to United States v. Will, 449 U.S.200 (1950). The Ninth Circuit's handling of this Appeal has and will continue conflicting with 28 U.S.C. §455(b)(5)(i) and/or 455(a).

WHEREFOR, this Ninth Circuit has direct conflicts of interests in handling this Appeal, pursuant to Circuit Rule 3.1, SHAO hereby moves this dispositive motion to change venue to the Second Circuit Court of Appeal. Such requests were never opposed by any Defendants in Shao v. Roberts, et al., in the proceeding at the U.S.D.C. for the D.C., when then-Presiding Judge J. Craig Wallace as well as present judge Lucy Koh failed to oppose.

The undersigned swear under the penalty of perjury under the laws of the United States that the foregoing and all Exhibits are true and accurate.

Dated: May 29, 2023

/s/ Yi Tai SHAO

Yi Tai Shao

RE: filed motoin and docket 22-15857

PACERMAIL/SAT/AO/USCOURTS <pacер@psc.uscourts.gov>

Thu 5/25/2023 11:01 AM

To: Yi Tai SHAO <attorneyshao@outlook.com>

Good afternoon,

The courts email ECF notifications, not the PACER Service Center, but to update the email addresses that receive notices:

North Coast altered

my email profile!

For Appellate (primary and secondary), bankruptcy & district (primary)

- Log in at <https://pacer.psc.uscourts.gov/pscof/login.jsf> with the PACER username and password.
- Click the Maintenance tab.
- Click Update E-Filed Email Noticing and Frequency. Enter changes and apply them to the appropriate courts. Then click the "Submit" button.

For bankruptcy & district (secondary email & specific cases)

- Log in to the court's ECF site with the login ID and password
- Click Utilities
- Click Maintain Your Account and Email Information. Here, you may add, change, or remove email addresses or case numbers.

If no option exists or if you require further information, please contact the ECF help desk for the court in which you are filing.

For court ECF helpdesk contact information, please go to <http://www.pacer.gov>, and then click "File A Case" link. Then click "Court CM/ECF Lookup" and pick the desired court.

Thank you,

Matthew

PACER Service Center
Enterprise Operation Center
Administrative Office of the U.S. Courts
Phone: 800-676-6856
pacер@psc.uscourts.gov
Changing the way we serve the Judiciary

From: Yi Tai SHAO <attorneyshao@outlook.com>
Sent: Thursday, May 25, 2023 12:02 PM

"A"

To: PACERMAIL/SAT/AO/USCOURTS <pacер@psc.uscourts.gov>

Subject: Fw: filed motoin and docket 22-15857

CAUTION - EXTERNAL:

I have never received a courtesy copy of all records of this case, would u please email me?

May I know why?

From: Yi Tai SHAO <attorneyshao@outlook.com>

Sent: Tuesday, May 16, 2023 4:46 PM

To: Yi Tai SHAO <ATTORNEYSHAO@OUTLOOK.COM>

Subject: filed motoin and docket 22-15857

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

An official website of the United States government. Here's how you know. ✓

Log In to PACER Systems

Account Number 2707632
Username shaolawfirm
Account Balance \$0.00
Case Search Status Active
Account Type Upgraded PACER Account

Update E-File Email Noticing and Frequency

Use the fields below to update your primary email address and preferences for receiving case notifications.

Note: If you want any of your preferences (i.e., email, frequency, email format) to vary from court to court, you will need to do so individually by selecting the court, performing your updates, and then clicking Submit.

You will then need to re-enter this page and follow the same steps for the next court.

Apply Updates to Selected Courts**U.S. Circuit Courts Of Appeals****U.S. Court Of Appeals, D.C. Circuit**☐ Click to apply changes to this court

Load your e-file email noticing and frequency preferences for this court below

Email attorneyshao@aol.com

Email Frequency At The Time of Filing (One Email per Filing)

Email Format TEXT

U.S. Court Of Appeals, Ninth Circuit☐ Click to apply changes to this court

Load your e-file email noticing and frequency preferences for this court below

Email attorneylindashao@gmail.com

Email Frequency Once Per Day (Daily Summary)

Email Format HTML

→ Ninth
Circuit changed

U.S. District Courts

email, the
same scheme as McMans

California Eastern District Court☐ Click to apply changes to this court

Load your e-file email noticing and frequency preferences for this court below

Email attorneyshao@outlook.com *should be this*

Email Frequency *one* At The Time of Filing (One Email per Filing)

Email Format TEXT

Additional email addresses for district and bankruptcy e-filers must be added through the CM/ECF Maintain Your Account utility.

District Of Columbia District Court☐ Click to apply changes to this court

Load your e-file email noticing and frequency preferences for this court below

Email attorneyshao@aol.com

Email Frequency At The Time of Filing (One Email per Filing)

Email Format HTML

Additional email addresses for district and bankruptcy e-filers must be added through the CM/ECF Maintain Your Account utility.

*** Required Information**

Primary Email *



Confirm Email *



Email Frequency *

Select Email Frequency ▼

Email Format *

Select Email Format ▼

Additional Email
AddressesConfirm Additional
Email Addresses

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the U.S. Courts on behalf of the Federal Judiciary.

PACER Service Center
(800) 676-6856
pacer@psc.uscourts.gov

5/17/23, 4:01 PM

Case: 22-15857, 05/29/2023, ID: 12733967, Doc Entry: 22, Page 10 of 16

From: Questions CA09Operation <questions@ca9.uscourts.gov>
 Sent: Thursday, October 6, 2022 11:11 AM
 To: Yi Tai SHAO <attorneyshao@outlook.com>
 Subject: RE: unable to access case 22-15857 at the Ninth Circuit

Attached is a copy of the docket sheet where it states everything that has been filed in your case

From: Yi Tai SHAO <attorneyshao@outlook.com>
 Sent: Thursday, October 6, 2022 11:04 AM
 To: Questions CA09Operation <questions@ca9.uscourts.gov>
 Subject: Re: unable to access case 22-15857 at the Ninth Circuit

CAUTION - EXTERNAL:

Is there an order yet?

From: Questions CA09Operation <questions@ca9.uscourts.gov>
 Sent: Thursday, July 28, 2022 1:26 PM
 To: Yi Tai SHAO <attorneyshao@outlook.com>
 Subject: RE: unable to access case 22-15857 at the Ninth Circuit

Hello,

We are unable to assist with access to your account, PACER is the one that can assist with this.

According to the Docket, the opening brief is due 08/08/2022. Attach you can find a copy of the Docket for this case.

From: Yi Tai SHAO <attorneyshao@outlook.com>
 Sent: Thursday, July 28, 2022 1:11 PM
 To: Questions CA09Operation <questions@ca9.uscourts.gov>
 Cc: PACERMAIL/SAT/AO/USCOURTS <pacer@psc.uscourts.gov>
 Subject: Re: unable to access case 22-15857 at the Ninth Circuit

CAUTION - EXTERNAL:

I just called the Clerk's Office of the Ninth Circuit as I cannot find out any information of the case from Pacer, as shown in the attachments to the first email sent at 12:58 p.m. of July 28, 2022.

I asked the deputy clerk who answered my phone (he would not tell me his name) that there is a due date of 8/8/2022 to file an Opening Brief. May I know if there is any other due date for any paper filing?

I hope the Pacer.gov may work on this issue immediately. Yet, it might take a while for them to figure out why I was blocked from accessing the case of 22-15857 and how to reset my account to ensure I could access my appeal case.

CB11

5/17/23, 4:01 PM

Case: 22-15857, 05/29/2023, ID: 12723967, DktEntry: 22, Page 11 of 16

App.040

Mail - Yi Tai SHAO - Outlook

4c

RE: unable to access case 22-15857 at the Ninth Circuit

Questions CA09Operation <questions@ca9.uscourts.gov>

Mon 5/15/2023 2:58 PM

To: Yi Tai SHAO <attorneyshao@outlook.com>

Hello,

Below are the last 3 docket entries in 22-15857

- 04/05/2023 15 Filed order (Appellate Commissioner): Appellant's motion (Docket Entry No. [13]) for an extension of time to file the opening brief is granted. The opening brief is due May 12, 2023. In light of the lengthy extensions previously granted, no further motions for an extension of time to file the opening brief will be granted absent extraordinary and compelling circumstances. The answering brief is due June 12, 2023. The optional reply brief is due within 21 days after service of the answering brief. Appellees' motion (included in Docket Entry No. [14]) to dismiss for failure to prosecute is denied. [12689904] (ABT) [Entered: 04/05/2023 03:26 PM]
- 05/01/2023 16 Filed (ECF) notice of appearance of Nicole J. Kau (California Attorney General's Office, Department of Justice, 300 S. Spring Street, Suite 1702, Los Angeles, CA 90013) for Appellee Commission for Judicial Performance. Substitution for Attorney Mr. Jose Zelidon-Zepeda for Appellee Commission for Judicial Performance. Date of service: 05/01/2023. (Party was previously proceeding with counsel.) [12706118] [22-15857] (Kau, Nicole) [Entered: 05/01/2023 12:38 PM]
- 05/01/2023 17 Attorney Jose Zelidon-Zepeda substituted by Attorney Nicole Juliet Kau. [12706207] (RL) [Entered: 05/01/2023 01:36 PM]

From: Yi Tai SHAO <attorneyshao@outlook.com>

Sent: Monday, May 15, 2023 2:53 PM

To: Questions CA09Operation <questions@ca9.uscourts.gov>; PACERMAIL/SAT/AO/USCOURTS <pacerc@psc.uscourts.gov>

Subject: Re: unable to access case 22-15857 at the Ninth Circuit

CAUTION - EXTERNAL:

this is the second time I am unable to access 22-15857

I have no idea of the case status, nor whether the 9th circuit granted my request for extension. I received no notification from the Court's CM/ECF system. I have been blocked access. Please advise the case status. Thanks.

On July 27, 2022, the same issue came up. Now, repeated situation occurs.

5/17/23, 4:01 PM

Case: 22-15857, 05/29/2023, ID: 12723967, DktEntry: 22, Page 12 of 16

Therefore, would you, Operation Manager at 9th Circuit please either email me any orders of the 9th Circuit about due dates in appeal 22-15857 or inform me via this email? My request is in conformity with the First Amendment fundamental right to access the court guaranteed by the Constitution. Many thanks.

From: Questions CA09Operation <questions@ca9.uscourts.gov>

Sent: Thursday, July 28, 2022 12:54 PM

To: Yi Tai SHAO <attorneyshao@outlook.com>

Subject: Automatic reply: unable to access case 22-15857 at the Ninth Circuit

Thank you for sending your inquiry to the U.S. Court of Appeals for the Ninth Circuit. This email box is for inquiries about pending court of appeals cases only. This email box is not for filing pleadings with the court of appeals. If you are an attorney, you must file pleadings using CM/ECF or ACMS. If you are a pro se litigant who is not registered for CM/ECF and wish to file a pleading, you must email the pleading as a PDF attachment to prose_pleadings@ca9.uscourts.gov.

→ I was blocked via that email too

This email box is monitored during the hours of 8:30 a.m. – 5:00 p.m, and court staff will respond to you promptly during those times. Please make sure that you included your case number (if applicable), name, and phone number should court staff need to contact you.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

RE: I did not see the filing on the docket. I just was able to enter the docket and saw my mistake

Questions CA09Operation <questions@ca9.uscourts.gov>

Tue 12/20/2022 2:02 PM

To: Yi Tai SHAO <attorneyshao@outlook.com>

Hello,

Although you are proceeding pro se, it appears that you are registered for electronic filing in the Ninth Circuit, so you must file your pleading electronically via CM/ECF.

From: Yi Tai SHAO <attorneyshao@outlook.com>

Sent: Tuesday, December 20, 2022 1:57 PM

To: Questions CA09Operation <questions@ca9.uscourts.gov>

Subject: I did not see the filing on the docket. I just was able to enter the docket and saw my mistake

CAUTION - EXTERNAL:

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

“C”

Re: WRONGFUL RETURN OF APPLICATION

From: Attorney Shao, Yi-Tai <attomevshao@aol.com>

To: mmeek@supremecourt.gov <mmeek@supremecourt.gov>; jroberts@supremecourt.gov <jroberts@supremecourt.gov>; sharris@supremecourt.gov <sharris@supremecourt.gov>; nlonney@supremecourt.gov <nlonney@supremecourt.gov>; ewalker@supremecourt.gov <ewalker@supremecourt.gov>; lwood@supremecourt.gov <lwood@supremecourt.gov>

Date: Mon, May 16, 2023 5:56 pm

No case found for 22...pdf (63 KB) Screenshot 2023-05-1...png (136 KB)

For your information, for the second time, the Ninth Circuit and the Paper concealed the case of 22-15857 and I cannot have access to. That is the reason why 28 USC 2245(b) applies that I may bypass 9th Circuit, if any of my 14 requests are applicable.

Attorney Yi-Tai Shao
SHAO LAW FIRM, PC
4900 Hopyard Road, Ste. 100
Pleasanton, CA 94588
Telephone: (408) 873-3888
attomevshao@aol.com

-----Original Message-----

From: Attorney Shao, Yi-Tai <attomevshao@aol.com>

To: mmeek@supremecourt.gov <mmeek@supremecourt.gov>; jroberts@supremecourt.gov <jroberts@supremecourt.gov>; sharris@supremecourt.gov <sharris@supremecourt.gov>; nlonney@supremecourt.gov <nlonney@supremecourt.gov>; ewalker@supremecourt.gov <ewalker@supremecourt.gov>; lwood@supremecourt.gov <lwood@supremecourt.gov>

Sent: Mon, May 16, 2023 8:52 am

Subject: WRONGFUL RETURN OF APPLICATION

Hi Mr. Meek and all named recipients

You returned the fifth time in this case my application to Justice Amy Connie Barrett, which was your 16th felonious act in violation of 18 USC sections 1506, 1512(c), 2701(b), 1001 and 371, paragraph 1.

You have acted BEYOND YOUR JURISDICTION where you predetermined my Application in place of a Justice, in 16 violation of Rule 22.1.

You have no authority to examine the substance or veracity of my Application. None of the thousands of Application filed by litigants was treated this way. These are no doubt a violation of my First Amendment and Due Process Clause of the Fifth Amendment of the US Constitution that you swore to abide by.

I satisfied your requirement in your March 28, and put the USDC for EC's orders there. Then you created another frivolous ground BEYOND YOUR JURISDICTION IN APRIL 10's Letter.

Please see attached 3 pages in my Application to see my emergency relief. My requests were added on later to include Wisconsin Bar license, as shown in the Second Amendment to Application and Amendment to Petition for Writ of Habeas Corpus.

None of my request involves a stay of the USDC for EC proceeding, as I am asserting the exception in 28 USC 2245(b) that no court can provide adequate relief.

My first emergency relief is based on your felonious blockage of the proceedings to release my poor daughter Lydia from the oppression of the unlawful and dangerous child custody; there, all of you conspired to generate fraudulent return notices to block 8 times of filing of my Application to Justice Barrett, the only neutral Justice in my Petition 22-28 where each of the named 8 justices officers of the American Inns of court.

The statute allows no need to get through all courts when there is proof of malfunctioning. Yet, this is NOT FOR THE CLERK's office to examine. All you need to do is to follow Rule 22.1, or you violated the penal code statutes listed above as the Clerk's office does not make judgment but only check on formality if an Application.

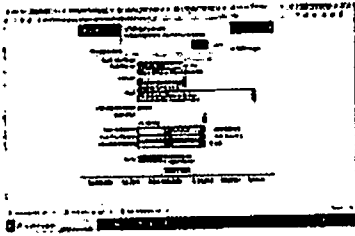
Even though you were informed by me many times and very familiar with the law, on my re-filing last night, Mother's Day, I gave you a pack of 400 felonious acts of Chief Justice and his 17+ co-conspirators including you. See page 10 for the laws that mandate your immediate transfer to Justice Barrett. I attached a photo of the page 10. I also hand wrote my comments on your May 9's letter.

Please do not commit the crimes any more and follow Rule 22.1 to let Justice Barrett decide.

Attorney Yi-Tai Shao
SHAO LAW FIRM, PC
4900 Hopyard Road, Ste. 100
Pleasanton, CA 94588
Telephone: (408) 873-3888
attomevshao@aol.com

cc D

1 Attached Images



5/15/23, 5:55 PM

Case: 22-15857, 05/29/2023, ID: 12723967, DktEntry: 22, Page 16 of 16

Case Selection Table

4

No case found with the search criteria:

Case: 22-15857, Case type: cv, Originating Case: 22-00350, Filed: 05/15/2023 and earlier

PACER Service Center			
Transaction Receipt			
U.S. Court of Appeals for the 9th Circuit - 05/15/2023 14:54:41			
PACER Login:	shaolawfirm	Client Code:	
Description:	Case Selection Table	Search Criteria:	Case: 22-15857, Case type: cv, Originating Case: 22-00350, Filed: 05/15/2023 and earlier
Billable Pages:	1	Cost:	0.10

Re: unable to access to the case 22-15857

Yi Tai SHAO <attorneyshao@outlook.com>

Wed 6/7/2023 11:30 AM

To: Questions CA09Operation <questions@ca9.uscourts.gov>

Operation Manager and Chief Judge Mary Murquía:

Since last July 2022, I made numerous inquiries as to why I never received case activities or notifications of the court orders, then I was informed eventually on May 30, 2023 by pacer.gov that my account shows an email that was altered from this email to attorneylindashao@gmail.com that had been inaccessible by me since 2018, which constitutes a systematic blockage of access to the court as played by James McManis and his client courts, with judges being in his club, American Inns of Court.

Your Operation Manager has concealed this material fact from me, or the altered email could have been corrected.

Please send me all copies. In addition, please advise the name of the person in charge at the Ninth Circuit on concealing this material fact from me for two years. I need to know the name and position of the individuals in charge.

As of today, I asked Ninth Circuit to send me courtesy copies of all activities that I had been blocked from getting one in violation of the First Amendment and Due Process. Please send me all files without any delay.

Based on this Circuit's outrageous blockage of my access to the court physically by 2 years, I moved to change venue. Notably, prior Presiding Judge J. Craig Wallace and Judge Lucy Koh are all defendants in this action or related action and thus have direct conflicts of interest. Notably, the Presiding Judge Mary Murquía is also a member of James McManis's club, American Inns of Court. Pursuant to 28 U.S.C. 455(a) and 455(b)(5)(i), and Guide to Judiciary Policy, I respectfully request Chief Judge Murquía to change venue of this Appeal to the Second Circuit Court of Appeal or if the Court would grant summary reversal based on violation of 28 U.S.C. 455(b)(5)(i) and Due Process (I objected to Magistrate Judge), and remand to the USDC, please transfer venue to the U.S.D.C. for the Southern District of New York. Many thanks.

From: Questions CA09Operation <questions@ca9.uscourts.gov>

Sent: Wednesday, May 31, 2023 1:21 PM

To: Yi Tai SHAO <attorneyshao@outlook.com>

Subject: RE: unable to access to the case 22-15857

Hello,

The email address the court currently has on file for you is attorneyshao@outlook.com. Please note that email addresses are updated by electronic filers using the [Manage My Account](#) at PACER. If the email address we have on file for you is incorrect, you may update your email address by following the instructions below.

To update the primary email address linked to a CM/ECF account::

1. Go to Manage My Account.
2. Enter your PACER username and password and click the Login button.
The Manage My Account page opens. This page has four tabs: Settings, Maintenance, Payments, and Usage.
3. Under Maintenance, click Update E-Filer Email Noticing and Frequency.
4. At the next screen, choose the Courts you would like to apply the updates to.
5. Make your changes in the Primary Email and Confirm Email fields.
6. Select the Email Frequency of the emails and the Email Format using the drop down menu.
7. Click the Submit button.

To add or update additional email addresses linked to a CM/ECF account:

1. Go to Manage My Account.
2. Enter your PACER username and password and click the Login button.
The Manage My Account page opens. This page has four tabs: Settings, Maintenance, Payments, and Usage.
3. Under Maintenance, click Update E-Filer Email Noticing and Frequency.
4. In the next screen, choose the Courts you would like to apply the updates to.
5. Select the Email Frequency of the emails and the Email Format using the drop down menu.
6. Make your changes in the Additional Email Addresses and Confirm Additional Email Addresses fields.
Tip: To enter more than one email address, use a comma to separate the entries.
7. Click the Submit button.

From: Yi Tai SHAO <attorneyshao@outlook.com>
Sent: Wednesday, May 31, 2023 1:09 PM
To: Questions CA09Operation <questions@ca9.uscourts.gov>
Subject: Re: unable to access to the case 22-15857

*Ninth Circuit blod
access and disallor
SHAO to fix the email
issue.*

CAUTION - EXTERNAL:

Pacer.com disclosed that someone at your office altered my email address from this one to attorneylindashao@gmail.com. Please advise who did this and when?

I asked to change email notification to this email address on May 29, 2023, after discovered the crime/fraud of your office. Thus far, end of Mayu 31, 2023, I was not approved for such change of email. What is wrong with you!!

Please email to me a courtesy copy of ALL files filed by ANY person as due to your mischief, I never received a FREE copy.

From: Questions CA09Operation <questions@ca9.uscourts.gov>
Sent: Monday, May 15, 2023 2:54 PM
To: Yi Tai SHAO <attorneyshao@outlook.com>
Subject: Automatic reply: unable to access to the case 22-15857

False reply

Thank you for sending your inquiry to the U.S. Court of Appeals for the Ninth Circuit. This email box is for inquiries about pending court of appeals cases only. This email box is not for filing pleadings with the court of appeals. If you are an attorney, you must file pleadings using CM/ECF or ACMS. If you are a pro se litigant who is not registered for CM/ECF and wish to file a pleading, you must submit your pleadings via the Electronic Document Submission System, available here: <https://www.ca9.uscourts.gov/forms/pro-se-litigants/>.

48

This email box is monitored during the hours of 8:30 a.m. – 5:00 p.m, and court staff will respond to you promptly during those times. Please make sure that you included your case number (if applicable), name, and phone number should court staff need to contact you.

As a reminder, the court is closed on all federal holidays: <https://www.ca9.uscourts.gov/information/holidays/>

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

1 YI TAI SHAO (SBN 182768, illegally
 2 suspended bar license without notice by
 3 California Chief Justice Tani Cantil-Sakauye,
 4 in conspiracy with State Bar of California,
 5 James Mcmanis and Director and attorneys
 6 at Santa Clara County Child Support Agency
 7 and/or Director of Department of Child
 8 Support Agency of the State, and Presiding
 9 Judge Beth McGowan and Theodore Zaynor
 10 at Santa Clara County Court)
 11 PO Box 300; Big Pool, MD 21711
 12 Tel.: (408) 873-3888
 13 attorneyshao@outlook.com

8
 9 IN U.S. COURT OF APPEAL, NINTH CIRCUIT

10 Yi Tai Shao

) No. 22-15857

11 Appellant

) APPELLANT'S FIRST SUPPLEMENT
 12 TO Circuit Rule 3.1

13 v.

) MOTION TO CHANGE VENUE (ECF22)

14 Chief Justice John G. Roberts, Jr.
 15 et al.

16 Appellees
 17
 18
 19
 20

21 On June 7, 2023, Appellant SHAO filed an email letter to Chief Judge of this
 22 Circuit asking her to exercise her duty as the Chief Judge to change venue when
 23 American Inns of Court Foundation, where the designer J. Craig Wallace is a prior
 24 Chief Judge of this Court and closely connected with many Appellees in this case
 25 who are members of the American Inns of Court when Wallace personally had
 26 operated two children under the tax exempt code of Appellee American Inns of
 27 Court.. (ECF 23) Immediately thereafter, SHAO discovered another docket
 28 alteration of this Appeal in that all dockets were concealed. See in **EXHIBIT E** for

1 the docket that concealed all docket entries. This has been a recurrent issue
2 as that in Appeal No.21-5210 with the D.C. Circuit when the D.C. Circuit's
3 Operation Manager Scott Atchue was attempting to alter the docket of Appeal
4 No.21-5210.

5 Moreover, not only the Ninth Circuit refused to give SHAO a filed copy of all that
6 SHAO had been blocked from receipt in the past two years, SHAO was further
7 blocked from downloading her filed ECF22. See the snip taken on June 8, 2023, at
8 the bottom it showed network error.

9 As SHAO had been physically barred from access to the Ninth Circuit, this
10 appeal must be changed venue.

11 The Operational supervisor Stephanie lied in her email that SHAO had used
12 attorneylindashao@gmail.com in 2015 to cover up the Ninth Circuit's alteration of
13 email in SHAO's profile. This fact contradicts with the Ninth Circuit's email dated
14 May 24, 2022 which proves the current account was opened on May 24, 2022 with
15 the email of attorneyshao@outlook.com, not taking the 2015 old account.

16 ECF 23 is also attached hereto as part of the motion.

17 When almost all judges, if not all, are members or officers of the American Inns
18 of Court Foundation, and the Ninth Circuit especially constructed a library in the
19 name of Appellee Justice Anthony M. Kennedy, any reasonable person will believe
20 that SHAO is impossible to have a fair appeal with the Ninth Circuit, especially
21 with repeated physical blockage of SHAO's access to this Circuit for this Appeal.

22 To sum up, besides the clear conflicts of interest, evidence shows:

- 23 1. SHAO had been blocked physically from access to the court including twice
24 disappearance from the Ninth Circuit and pacer.gov the underlying District
25 Court case docket as well as this appeal docket in the past year;
- 26 2. This Circuit concealed the reason of why SHAO was unable to receive
27 notification through CM/ECF for already a year until after the motion
28 (ECF22) was filed, despite repeated inquiries from SHAO.
3. The Ninth Circuit could have informed SHAO to correct the altered account
regarding email notification but never did, until this was exposed by

1 Pacer.gov. On June 7, 2023, the appeal docket was further altered in being
2 removed all docket entries. (Exhibit E)

3 4. Operational supervisor Stephanie tried to cover up the felony of alteration
4 with an excuse that the same email was used to open the old account in 2015.
5 Yet, evidence shows that this account is NEWLY opened on May 24, 2022.
6 (Exhibit F)

7 5. Emails with the Ninth Circuit since May 24, 2022 indicated the only
8 operational email for Shao's account created in May 2022 is
9 attorneyshao@hotmail.com. (Exhibit G) The 12/21/2022 email "saw my
10 mistake" was added by the hacker (Appellees Kevin L. Warnock and William
11 Faulkner), which does not make any sense at all.

12 6. On June 8, 2023, SHAO was blocked from downloading the court record of
13 ECF 22. See EXHIBIT H.

14 7. So far, the Ninth Circuit refused to give SHAO a set of the court files that
15 SHAO would have received but for the alteration of receiving email and
16 further blocked SHAO from downloading ECF 22 with money paid through
17 pacer.gov.

18 The undersigned swear under the penalty of perjury under the laws of the State of
19 California that the foregoing is true and accurate.

20 Dated: June 8, 2023

21 /s/ Yi Tai Shao
22 Yi Tai Shao, Petitioner
23
24
25
26
27
28

EXHIBIT E

CM/ECF Case Query

22-15857 Yi Shao v. John Roberts, Jr., et al

Associated Case		Short Title		Type	Start	End	Status
Originating Case	Lead Case	Filed	Execution Date	Judgment	NOA	Originating Judge	Court Reporter
2:22-cv-00325-JAM-AC		02/22/2022		04/20/2022	06/01/2022	Mendez, John A.	

Party	Party Type	Terminated from Case	Attorney
Shao, Yi Tai	Plaintiff-Appellant		
Roberts, John G. Jr.	Defendant-Appellee		
Kennedy, Anthony M.	Defendant-Appellee		
Breyer, Stephen G.	Defendant-Appellee		
Alito, Samuel Anthony Jr.	Defendant-Appellee		
Kagan, Elena	Defendant-Appellee		
Sotomeyer, Sonia	Defendant-Appellee		
Harris, Scott S.	Defendant-Appellee		
Bickell, Jordan Danny	Defendant-Appellee		
Atkins, Jeff	Defendant-Appellee		
Garland, Merrick B.	Defendant-Appellee		
Millett, Patricia Ann	Defendant-Appellee		
Pillard, Cornelia T.L.	Defendant-Appellee		
Atchue, Scott	Defendant-Appellee		
Contreras, Rudolph	Defendant-Appellee		
Howell, Beryl A.	Defendant-Appellee		
Francis, Jackie	Defendant-Appellee		
Cantil-Sakauye, Tani	Defendant-Appellee		
Navarre, Jorge	Defendant-Appellee		
McManis, James	Defendant-Appellee		
Reedy, Michael	Defendant-Appellee		
McManis Faulkner, PC	Defendant-Appellee		
DiLoreto, Dina	Defendant-Appellee		Shapp, Marc Aaron Himes, Rita Kathryn
Buteyn, Jay	Defendant-Appellee		Shapp, Marc Aaron Himes, Rita Kathryn
Kim, Roy	Defendant-Appellee		Shapp, Marc Aaron Himes, Rita Kathryn
Lara, Vanessa	Defendant-Appellee		
Chin, Ryan	Defendant-Appellee		Shapp, Marc Aaron Himes, Rita Kathryn
Charles, Gregory J.	Defendant-Appellee		
Phillips, David	Defendant-Appellee		
Kilgore, David	Defendant-Appellee		
Lassett, James	Defendant-Appellee		
Everson, Janet L.	Defendant-Appellee		
Tagliere, Suzie	Defendant-Appellee		
Greenwood, Mary J.	Defendant-Appellee		
Elia, Franklin D.	Defendant-Appellee		

<u>Bamatre-Manoukian, Patricia</u>	Defendant-Appellee		
<u>Grover, Adrienne M.</u>	Defendant-Appellee		
<u>Danner, Allison Marston</u>	Defendant-Appellee		
<u>Rushing, Conrad</u>	Defendant-Appellee		
<u>Zayner, Theodore C.</u>	Defendant-Appellee		
<u>Rodriguez, Alex</u>	Defendant-Appellee		
<u>Rudy, Christopher</u>	Defendant-Appellee		
<u>Folan, Maureen</u>	Defendant-Appellee		
<u>Kulkarni, Sunil Ravindra</u>	Defendant-Appellee		
<u>Lucas, Patricia M.</u>	Defendant-Appellee		
<u>Pichon, Rice</u>	Defendant-Appellee		
<u>Grilli, Mary Ann</u>	Defendant-Appellee		
<u>Weinstein, Joshua</u>	Defendant-Appellee		
<u>Kirwan, Peter H.</u>	Defendant-Appellee		
<u>Saldivar, Gregory</u>	Defendant-Appellee		
<u>Walker, Susan</u>	Defendant-Appellee		
<u>Herrick, Lisa</u>	Defendant-Appellee		
<u>Delgado, Rebecca</u>	Defendant-Appellee		
<u>Sardeson, Jill</u>	Defendant-Appellee		
<u>Scofield, Sarah</u>	Defendant-Appellee		
<u>Yamasaki, David</u>	Defendant-Appellee		
<u>Fadem, B. J.</u>	Defendant-Appellee		
<u>American Inns of Court Foundation</u>	Defendant-Appellee		
<u>Fox, Michael L.</u>	Defendant-Appellee		
<u>Patterson, Sean P.</u>	Defendant-Appellee		
<u>Wang, Tsan-Kuen</u>	Defendant-Appellee		
<u>DeCosta, Tasha</u>	Defendant-Appellee		
<u>Footen, Joel</u>	Defendant-Appellee		
<u>Ward, Bryan</u>	Defendant-Appellee		
<u>Price</u>	Defendant-Appellee		
<u>Thomas, Clarence</u>	Defendant-Appellee		
<u>Davila, Edward J.</u>	Defendant-Appellee		
<u>Google, Inc.</u>	Defendant-Appellee		
<u>Warnock, Kevin L.</u>	Defendant-Appellee		
<u>Kim, Jayne</u>	Defendant-Appellee		
<u>Henderson, Karen LeCraft</u>	Defendant-Appellee		
<u>Tatel, David S.</u>	Defendant-Appellee		
<u>Srinivasan, Sri</u>	Defendant-Appellee		
<u>Commission for Judicial Performance</u>	Defendant-Appellee		Bosworth, Rita B. Zelidon-Zepeda, Jose Kau, Nicole Juliet
<u>Looten, Joel</u>	Defendant-Appellee		
<u>Lara, Vanessa</u>	Defendant-Appellee		Shapp, Marc Aaron Himes, Rita Kathryn

Attorney	Party Type(s) Represented	Representation End
<u>Zelidon-Zepeda, Jose</u>	Defendant-Appellee	05/01/2023
<u>Bosworth, Rita B.</u>	Defendant-Appellee	09/16/2022

Shapp, Marc Aaron	Defendant-Appellee	06/08/2022
Kau, Nicole Juliet	Defendant-Appellee	
Himes, Rita Kathryn	Defendant-Appellee	

PACER Service Center			
Transaction Receipt			
U.S. Court of Appeals for the 9th Circuit - 06/07/2023 11:37:41			
PACER Login:	shaolawfirm	Client Code:	22-15857
Description:	Case Query	Search Criteria:	22-15857
Billable Pages:	1	Cost:	0.10

EXHIBIT F

NextGen CM/ECF Account Update Status

do_not_reply@psc.uscourts.gov <do_not_reply@psc.uscourts.gov>

Tue 5/24/2022 1:15 PM

To:attorneyshao@outlook.com <attorneyshao@outlook.com>

This email is notification that the change you requested to your NextGen CM/ECF account has been processed. The status is listed below.

Account Number: 2707632

Court: U.S. COURT OF APPEALS, NINTH CIRCUIT

Date/Time Submitted: 05/24/2022 15:11:00 CDT

Transaction ID: 160317

Request: Username

Transaction Status: Processed

NOTE: Please do not reply to this message. This is an automated message sent from an unmonitored mailbox. If you have questions or comments, please email them to cmecf_ca9help@ca9.uscourts.gov.

EXHIBIT G

Re: unable to access to the case 22-15857

Yi Tai SHAO <attorneyshao@outlook.com>

Thu 6/8/2023 12:15 PM

To: Questions CA09Operation <questions@ca9.uscourts.gov>

1 attachments (84 KB)

2022-524.pdf;

You did not tell the truth. Tell me who is manipulating you? See the attached evidence of your false response; my account was new in 2022, not in 2015. I sent numerous emails asking why I never received a courtesy copy but you had concealed the fact of attorneylindashao@gmail.com alteration from me.

Please tell me your complete name and whether you are in charge, as stated by Pacer.gov

From: Questions CA09Operation <questions@ca9.uscourts.gov>

Sent: Wednesday, June 7, 2023 12:19 PM

To: Yi Tai SHAO <attorneyshao@outlook.com>

Subject: RE: unable to access to the case 22-15857

In 2015, when you submitted your request for electronic case filing, you used the email address attorneylindashao@gmail.com. If that email address was no longer available to you, it is your responsibility to update the email. Did you submit an email update request to the court prior to May 29, 2023? } 112

On May 31, 2023, per your email update request, the court updated your email address to be: attorneyshao@outlook.com

Stephanie
Operations Supervisor

From: Yi Tai SHAO <attorneyshao@outlook.com>

Sent: Wednesday, June 7, 2023 11:31 AM

To: Questions CA09Operation <questions@ca9.uscourts.gov>

Subject: Re: unable to access to the case 22-15857

CAUTION - EXTERNAL:

Operation Manager and Chief Judge Mary Murquia:

Since last July 2022, I made numerous inquiries as to why I never received case activities or notifications of the court orders, then I was informed eventually on May 30, 2023 by pacer.gov that my account shows an email that was altered from this email to attorneylindashao@gmail.com that had been inaccessible by me since 2018, which constitutes a systematic blockage of access to the court as played by James McManis and his client courts, with judges being in his club, American Inns of Court.

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Sent: Wednesday, May 31, 2023 1:21 PM

To: Yi Tai SHAO <attorneyshao@outlook.com>

Subject: RE: unable to access to the case 22-15857

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2. Enter your PACER username and password and click the Login button.
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3. Under Maintenance, click Update E-Filer Email Noticing and Frequency.
4. At the next screen, choose the Courts you would like to apply the updates to.
5. Make your changes in the Primary Email and Confirm Email fields.
6. Select the Email Frequency of the emails and the Email Format using the drop down menu.
7. Click the Submit button.

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6. Make your changes in the Additional Email Addresses and Confirm Additional Email Addresses fields.
Tip: To enter more than one email address, use a comma to separate the entries.
7. Click the Submit button.

From: Yi Tai SHAO <attorneyshao@outlook.com>

Sent: Wednesday, May 31, 2023 1:09 PM

6/8/23, 3:16 PM

Case: 22-15857, 06/08/2023, ID: 12781842, Date Filed: May 24, Page 13 of 19 App.061

To: Questions CA09Operation <questions@ca9.uscourts.gov>
Subject: Re: unable to access to the case 22-15857

CAUTION - EXTERNAL:

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From: Questions CA09Operation <questions@ca9.uscourts.gov>
Sent: Monday, May 15, 2023 2:54 PM
To: Yi Tai SHAO <attorneyshao@outlook.com>
Subject: Automatic reply: unable to access to the case 22-15857

Thank you for sending your inquiry to the U.S. Court of Appeals for the Ninth Circuit. This email box is for inquiries about pending court of appeals cases only. This email box is not for filing pleadings with the court of appeals. If you are an attorney, you must file pleadings using CM/ECF or ACMS. If you are a pro se litigant who is not registered for CM/ECF and wish to file a pleading, you must submit your pleadings via the Electronic Document Submission System, available here: <https://www.ca9.uscourts.gov/forms/pro-se-litigants/>.

This email box is monitored during the hours of 8:30 a.m. – 5:00 p.m, and court staff will respond to you promptly during those times. Please make sure that you included your case number (if applicable), name, and phone number should court staff need to contact you.

As a reminder, the court is closed on all federal holidays: <https://www.ca9.uscourts.gov/information/holidays/>

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

RE: 22-15875

Questions CA09Operation <questions@ca9.uscourts.gov>

Thu 10/6/2022 11:03 AM

To: Yi Tai SHAO <attorneyshao@outlook.com>

You can mail a request for copies or submit through pacer

Effective Monday, August 15, 2022, the Ninth Circuit will no longer be accepting pro se submissions via this email box. Starting Monday, August 15, 2022, if an unregistered pro se litigant wishes to submit a filing to the court, the document must be submitted using the Electronic Document Submission System, available here:

<https://www.ca9.uscourts.gov/forms/pro-se-litigants/>.

From: Yi Tai SHAO <attorneyshao@outlook.com>

Sent: Thursday, October 6, 2022 11:01 AM

To: Questions CA09Operation <questions@ca9.uscourts.gov>

Subject: Re: 22-15875

CAUTION - EXTERNAL:

I never got a copy of ECF 4, 5, 6, 7, 8. Would you please help?

From: Questions CA09Operation <questions@ca9.uscourts.gov>

Sent: Tuesday, October 4, 2022 2:45 PM

To: Yi Tai SHAO <attorneyshao@outlook.com>

Subject: RE: 22-15875

I think you mean case No. 22-15857 (and not 22-15875).

Please find attached the docket report for 22-15857, Yi Shao v. John Roberts, Jr., et al. Notices of docket activities in the case should be sent to your email at attorneylindashao@gmail.com.

From: Yi Tai SHAO <attorneyshao@outlook.com>

Sent: Tuesday, October 4, 2022 2:24 PM

To: Questions CA09Operation <questions@ca9.uscourts.gov>

Subject: Re: 22-15875

CAUTION - EXTERNAL:

Dear Sir or Madam

I have been unable to receive any free CM/ECF notices since June 10, 2022. Would you please email me a free copy of the filed court record since then? I have paid the filing but not receiving a free copy. Many thanks

From: Questions CA09Operation <questions@ca9.uscourts.gov>

Sent: Monday, August 8, 2022 7:59 AM

To: Yi Tai SHAO <attorneyshao@outlook.com>

Subject: RE: 22-15875

6/8/23, 3:08 PM

Case: 22-15857, 06/08/2023, ID: 12781842, DktEntry: 24, Page 15 of 19

App.063

6

Hello,

The case number you provided is for the case named Gary Bettencourt v. Ballesteros, et al. There is no motion for extension filed in that case. If that is not the correct case number you are asking about, please reply with the correct case number and the case name.

Thank you.

From: Yi Tai SHAO <attorneyshao@outlook.com>

Sent: Sunday, August 7, 2022 10:20 AM

To: Questions CA09Operation <questions@ca9.uscourts.gov>

Subject: 22-15875

CAUTION - EXTERNAL:

I did not receive my filed motion for extension which I filed on 7/28/2022.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

6/8/23, 3:10 PM

Case: 22-15857, 06/08/2023, ID: 1273-1842, Date Filed: 06/24/2023, Page 16 of 19

App.064

64

RE: New Response Notification

Prose-Pleadings CA09Operation <prose-pleadings@ca9.uscourts.gov>

Tue 12/20/2022 3:31 PM

To:attorneylindashao@gmail.com <attorneylindashao@gmail.com>

Cc:attorneyshao@outlook.com <attorneyshao@outlook.com>

You attempted to file documents using the Ninth Circuit's EDSS. However, you are registered for electronic case filing with CM/ECF. As stated on the court's website, if you are registered for CM/ECF, you must file all documents via CM/ECF. The court will not file the document that you submitted via EDSS because you must file using CM/ECF.

As a reminder, your username in CM/ECF is shaolawfirm. For information on how to navigate/use CM/ECF, please check out our User Guide at <http://cdn.ca9.uscourts.gov/datastore/uploads/cmecf/ecf-user-guide.pdf>

Please contact the CM/ECF Help Desk at cmecf_ca9help@ca9.uscourts.gov with any questions.

Automatic reply: I did not see the filing on the docket. I just was able to enter the docket and saw my mistake

Questions CA09Operation <questions@ca9.uscourts.gov>

Wed 12/21/2022 4:57 PM

To: Yi Tai SHAO <attorneyshao@outlook.com>

Thank you for sending your inquiry to the U.S. Court of Appeals for the Ninth Circuit. This email box is for inquiries about pending court of appeals cases only. This email box is not for filing pleadings with the court of appeals. If you are an attorney, you must file pleadings using CM/ECF or ACMS. If you are a pro se litigant who is not registered for CM/ECF and wish to file a pleading, you must submit your pleadings via the Electronic Document Submission System, available here: <https://www.ca9.uscourts.gov/forms/pro-se-litigants/>.

This email box is monitored during the hours of 8:30 a.m. – 5:00 p.m., and court staff will respond to you promptly during those times. Please make sure that you included your case number (if applicable), name, and phone number should court staff need to contact you.

As a reminder, the court is closed on all federal holidays: <https://www.ca9.uscourts.gov/information/holidays/>

EXHIBIT H

1 YI TAI SHAO (SBN 182768, illegally
2 suspended bar license without notice by then-
3 California Chief Justice Tani Cantil-Sakauye,
4 in conspiracy with State Bar of California,
5 James Mcmanis and Director and attorneys
6 at Santa Clara County Child Support Agency
7 and/or Director of Department of Child
8 Support Agency of the State, and Presiding
9 Judge Beth McGowan and Theodore Zaynor
10 at Santa Clara County Court)
11 PO Box 300; Big Pool, MD 21711
12 Tel.: (408) 873-3888
13 attorneyshao@outlook.com

8
9 IN U.S. COURT OF APPEAL, NINTH CIRCUIT

10 Yi Tai Shao

No. 22-15857

11 Appellant

12 v.

13 Chief Justice John G. Roberts, Jr.
14 et al.

15 Appellees

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**APPELLANT'S REPLY TO STATE
BAR'S OPPOSITION (ECF20) TO
MOTION TO BE RELIEVED FROM
DEFAULT**

21 Objection that State Bar's Opposition is fraught with hearsay speculation without
22 supported by any evidence, such that the entire Opposition should be stricken. It is
23 funny that State Bar of California would know the email communication issue 6
24 days prior to disclosure by pacer.gov. and 11 days prior to discovery of Plaintiff.
25 Who provided information of the email problem to Ms. Rita Hime? Only until May
26 30, 2023, when Appellant was able to open the email of pacer.gov at a library and
27 learned about the email alteration issue. Ms. Hime's Opposition was only to
28 SHAO's motion for relief from default.

1 It is UNDISPUTED that SHAO was not served with the scheduling order and
2 had complained throughout the entire year since May of 2022 that she did not
3 receive case activities and the Ninth Circuit kept giving her wrong direction—file
4 through prose filing email, then eventually allowed SHAO to use CM/ECF system
5 when was December 21, 2022. Why that Ninth Circuit had failed to inform SHAO
6 about the email issue for the account when SHAO kept asking and the
7 communications had been through attorneyshao@outlook.com.

8 Now Rita Himes eventually sent SHAO her filing dated May 18, 2023, which
9 revealed a shocking fact that Rita already knew email issue, 11 days before SHAO
10 learned from pacer.gov!!!

11 **Who told her this? The only explanation was she conspired with James**
12 **McManis, Ninth Circuit to file this opposition based on HEARSAY.**

13 The screenshots were what were shown. Appellant never entered into
14 Bankruptcy site but the evidence Appellant got was what the Ninth Circuit
15 provided for me—the Ninth Circuit switched it to Bap. Rita did not know, did not
16 ask Appellant but frivolously making objections.

17 Based on evidence that Rita Hime knew before even SHAO discovered the
18 problem of email communication, it is obvious that State Bar's Opposition was made
19 in conspiracy—willfully provided frivolous pleading with the court in violation of
20 Rule 11.

21 If the email issue was so obvious, why that the Ninth Circuit would withheld this
22 information from knowledge of SHAO after she sent at least 7 emails via
23 attorneyshao@outlook.com in the past 12 months keeping asking the Ninth Circuit
24 CM/ECF help line why SHAO had not received any case activity.

25 As the order was undisputedly not served upon SHAO, the scheduling order is
26 void.

27 Ninth Circuit had not been able to explain the disappearance of the entire case
28 docket of this appeal twice. In ECF 24, SHAO also had presented evidence that the
Ninth Circuit blocked SHAO from downloading her filed ECF 22.

1 Not only this appeal's docket was disappeared but the U.S.D.C. for E.C. case of
2 22-cv-00325 also was concealed simultaneously.

3 Rita Himes failed to explain these disappearances but making arguments based
4 on her imagination and speculation, without any supporting evidence and is
5 frivolous.

6 SHAO's ECF 22 which is supplemented by ECF 24 is not opposed.

7 In making this Reply, SHAO respectfully requests the court to take
8 judicial notice of ECF 22, ECF 23 and ECF 24. The only CM/ECF activities
9 SHAO had received from CM/ECF system were ECF 23 and ECF 24. Immediately
10 upon notification by pacer.gov about the source of issue—alteration of email
11 communication, SHAO immediately changed the email back to
12 attorneyshao@outlook.com.

13 ECF 20 only proves Rita Himes is one of the co-conspirators in blocking SHAO
14 from seeking grievance at all agencies and courts as she had known the fact of
15 wrong email 6 days prior to pacer.gov's email and 11 days prior to SHAO's
16 discovery. She withheld her Opposition paper from giving to SHAO until May 30,
17 2023, having been made known the issue of SHAO's inability to receive CM/ECF
18 notification.

19 Again, it is UNDISPUTED that SHAO was not able to get access to the court as
20 the dockets were concealed twice and that the Ninth Circuit had NO EXCUSE in
21 failing to inform SHAO why she did not receive any case notification. Thus far, the
22 NINTH Circuit has refused to give SHAO the courtesy copy she paid for and even
23 proactively blocked SHAO from downloading the filed ECF 22. The last scheduling
24 order of April 2023 therefore cannot be enforced and is void for lack of service.
25 The undersigned swear under the penalty of perjury under the laws of the State of
26 California that the foregoing is true and accurate.

27 Dated: June 9, 2023

28 /s/ Yi Tai Shao
Yi Tai Shao, Petitioner

1 YI TAI SHAO (SBN 182768, illegally suspended bar license without notice by California Chief
2 Justice Tani Cantil-Sakauye, in conspiracy with State Bar of California, James Mcmanis and
3 Director and attorneys at Santa Clara County Child Support Agency and/or Director of
4 Department of Child Support Agency of the State, and Presiding Judge Beth McGowan and
5 Theodore Zaynor at Santa Clara County Court)
6 PO Box 300; Big Pool, MD 21711
7 Tel.: (408) 873-3888
8 attorneyshao@outlook.com

9 In U.S. court of appeal for the
10 Ninth Circuit

11 Yi Tai Shao, Appellant

12 v.

13 Chief Justice John G. Roberts, Jr., et al.
14 Appellees.

15 Appeal Case No.22-15857

16 NOTICE OF NON-OPPOSITION BY ANY
17 APPELLEES IN RESPONSE TO
18 "APPELLANT'S Circuit Rule 3.1
19 MOTION FOR SUMMARY
20 REVERSAL BASED ON
21 UNDISPUTED CLEAR ERROR IN
22 VIOLATION OF 28 U.S.C.§455(a),
23 §455(b)(5)(i), §636 and Rule 73, AND
24 REMAND TO U.S.D.C. FOR
25 SOUTHERN DISTRICT OF NEW
26 YORK, AND/OR MOTION TO
27 CERTIFY TRANSFER VENUE TO
28 SECOND CIRCUIT COURT OF
APPEAL TO FORM A NEUTRAL
PANEL THAT IS NOT COMPOSED
OF AMERICAN INNS OF COURT
JUDGE MEMBERS PURSUANT TO
United States v. District Court for
Southern Dist. Of New York, 334 U.S.
258 (1948)." (ECF 21)
And Appellant's "Motion to Change
Venue"(ECF 22, supplemented by
ECF 23, 24)

TO THE NINTH CIRCUIT COURT OF APPEAL AS WELL AS ALL
APPELLEES AND THEIR ATTORNEYS OF RECORD:

Please take notice that none of the Appellees had filed an Opposition to
Appellant's dispositive motion of

1 **"APPELLANT'S Circuit Rule 3.1**
2 **MOTION FOR SUMMARY REVERSAL BASED ON UNDISPUTED**
3 **CLEAR ERROR IN VIOLATION OF 28 U.S.C. §455(a), §455(b)(5)(i),**
4 **§636 and Rule 73, AND REMAND TO U.S.D.C. FOR SOUTHERN**
5 **DISTRICT OF NEW YORK, AND/OR MOTION TO CERTIFY**
6 **TRANSFER VENUE TO SECOND CIRCUIT COURT OF APPEAL**
7 **TO FORM A NEUTRAL PANEL THAT IS NOT COMPOSED OF**
8 **AMERICAN INNS OF COURT JUDGE MEMBERS PURSUANT TO**
9 **United States v. District Court for Southern Dist. Of New York, 334 U.S.**
10 **258 (1948)." Which is ECF 21, filed and served on May 23, 2023.**

11 **And**

12 **"MOTION TO CHANGE VENUE" (ECF 22, which was**
13 **supplemented by ECF 23 and ECF 24), filed and served on May 29,**
14 **2023**

15 Based on the undisputed and indisputable 5 grounds stated in the above
16 motion (ECF 21), as a matter of law, this appeal must be reversed, and
17 remanded to the District Court based on undisputed/indisputable case
18 precedent and excellent analysis done by Judge J. Craig Wallace in
19 *Anderson v. Woodcreek Venture, Ltd.*, 351 F.3d 911 (2003).

20 The *Anderson* case is a reversal of jurisdiction even when the parties filed the
21 CONSENT Form; here, Appellant did file a REJECTION of Magistrate Judge's
22 Jurisdiction (ECF 51 in 22-cv-00325). Besides the precedent of *Anderson*, numerous
23 case laws requires reversal and mandate to a District Court. E.g., *Williams v. King*, 875
24 F. 3d 500 (9th Circuit 2017) (Because consent was not obtained from the defendants in
25 this case, we vacate the magistrate judge's dismissal and remand)

26 Moreover, from the beginning when Judge John A. Mendez assigned the motions for
27 Injunctive Relief to Magistrate Judge Allison Claire, such act violated 28 U.S.C.
28 §636(b)(1)(A)-(B). In *Mitchell v. Valenzuela*, 791 F. 3d 1166 (9th Circuit 2015), this
29 Circuit held that "When it is dispositive, a magistrate judge is without authority to "hear
30 and determine" such a motion, but rather must submit a report and recommendation to the
31 district court. 28 U.S.C. § 636(b)(1)(A)-(B)."

1 It is obvious that Mendez's abrupt dismissal on April 19, 2022, one day following
2 receiving a promotion to the Senior Judge, was a conspiracy. It is obvious that such
3 promotion was a reward from Chief Justice John G. Roberts, Jr. and the dismissal by
4 Mendez was a fruit of conspiracies among Roberts, then California Chief Justice Tani
5 Cantil-Sakauye conspired with James McManis, her attorney, and the Ninth Circuit when
6 all of McManis defendants, their attorneys, Tani and her Clerk Jorge Navarrett and their
7 attorneys Michael Fox and Sean Patterson who did not bother to be at default.

8 As presented in ECF25 filed on June 9, 2023, Rita Himes (attorney of record for State
9 Bar of California) and State Bar of California also participated in the conspiracies at the
10 appeal stage in that Rita Himes willfully would not serve SHAO her ECF 20's
11 Opposition paper until May 30, 2023 (See Exhibit 1 attached) after she saw SHAO's
12 filings of ECF 22 that SHAO was made known on May 29, 2023 of the problem of her
13 account alteration, or old email issue, as being informed by pacer.gov, which the Ninth
14 Circuit Operational Supervisor knew but willfully concealed a good one year to let
15 SHAO know the issue but kept giving wrong answers in response to SHAO's repeated
16 inquiries why she did not receive any activities notification before May 30, 2023.

17 Appellant believes Rita Himes's willful failure to serve SHAO her ECF 20 was to
18 conceal the conspiracies. How would State Bar of California knew the email for
19 CM/ECF for the new account of appeal would use SHAO's old email address, unless it
20 was disclosed and discussed among them with the Ninth Circuit! See what Rita Himes
21 wrote (she failed to provide a pleading form):

22 **ECF 20**

23 **PAGE 1: "she apparently failed to update her email address for electronic service."**

24 **PAGE 6:**

25 **"First, shao has not shown that she was not properly served with the april 5, 2023 order.
26 Instead, it appears that shao never updated her contact information on the e-filing system,
27 as she is required to do."**

28 **PAGES 3-4:**

**"a comparison of her contact information in pacer and the contact information she lists on
her motions provides a possible explanation: she apparently never updated her pacer**

1 account with a change in address, including case: 22-15857, 05/19/2023, id: 12718974,
2 dktentry: 20, page 4 of 10 a change in her email address for electronic service"

3 Appellant had no idea what Himes mentioned "including case: 22-15857, 05/19/2023, id:
4 12718974, dktentry: 20, page 4 of 10 a change in her email address for electronic service" but
5 only know that all dockets from the beginning to present has been showing consistently the email
6 for Appellant being attorneyshao@outlook.com, such that the "old email" issue or alteration of
7 docket issue, is impossible to be known by Appellant nor Ms. Himes, without a conspiracy for
8 her to file ECF 20. Disregarded Rita Himes' arguments, she did not dispute that on June 7, 2023,
9 this case docket disappeared from pacer.gov and this court's website. How the undersigned's
10 searching on Ninth Circuit would go to BAP was entirely the work of the hackers, William
11 Faulkner and/or Kevin L. Warnock.

12 WHEREFOR, Appellant urges this Court to immediately issue an Order to reverse,
13 vacate Judge John A. Mendez's order and judgment filed on April 20, 2022, and remand the case
14 to the U.S.D.C. in Southern District of New York, according to undisputed laws cited in both
15 motions filed in May 2023 (ECF 21 through 24).

16 Dated: June 22, 2023

Respectfully submitted,

17 /s/ Yi Tai Shao

18 Yi Tai Shao
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EXHIBIT 1

RE: 22-15857 Yi Shao v. John Roberts, Jr., et al "Response to Motion/Form"

Himes, Rita <Rita.Himes@calbar.ca.gov>

Tue 5/30/2023 10:01 AM

To: Yi Tai SHAO <attorneyshao@outlook.com>

1 attachments (143 KB)

Dkt 20 Oppo to Dkt 18, 19 & MTD.pdf;

Here is the attachment.

Rita K. Himes, SBN 194926 (she/her/hers)
Assistant General Counsel
The State Bar of California
180 Howard Street
San Francisco, CA 94105-1617
rita.himes@calbar.ca.gov
415-538-2012

This message may contain confidential information. Unless you are the intended recipient or are authorized to receive information for the intended recipient, you may not use, copy, or disclose this message in whole or in part. If you have received this message in error, please advise the sender by reply email and delete all copies of the message. Thank you.

From: Yi Tai SHAO <attorneyshao@outlook.com>
Sent: Sunday, May 28, 2023 1:09 PM
To: Himes, Rita <Rita.Himes@calbar.ca.gov>
Subject: Re: 22-15857 Yi Shao v. John Roberts, Jr., et al "Response to Motion/Form"

unable to see the document. I have not been served. Please serve me with your filed Opposition

From: Himes, Rita <Rita.Himes@calbar.ca.gov>
Sent: Saturday, May 20, 2023 6:50 AM
To: Yi Tai SHAO <attorneyshao@outlook.com>
Subject: FW: 22-15857 Yi Shao v. John Roberts, Jr., et al "Response to Motion/Form"

FYI: Attaching a courtesy copy.

Rita K. Himes, SBN 194926 (she/her/hers)
Assistant General Counsel
The State Bar of California
180 Howard Street
San Francisco, CA 94105-1617
rita.himes@calbar.ca.gov
415-538-2012

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6/22/23, 4:44 PM

Case: 22-15857, 06/22/2023, ID: 12718974, DktEntry: 26, Page 7 of 7 App.077

7

From: ca9_ecfnoticing@ca9.uscourts.gov <ca9_ecfnoticing@ca9.uscourts.gov>
Sent: Friday, May 19, 2023 9:06 AM
To: Himes, Rita <Rita.Himes@calbar.ca.gov>
Subject: 22-15857 Yi Shao v. John Roberts, Jr., et al "Response to Motion/Form"

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 05/19/2023 at 9:05:37 AM Pacific Daylight Time and filed on 05/19/2023

Case Name: Yi Shao v. John Roberts, Jr., et al

Case Number: 22-15857

Document(s): Document(s)

Docket Text:

Filed (ECF) Appellees Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim and Vanessa Lara response opposing motion ([19] Motion (ECF Filing), [19] Motion (ECF Filing), [19] Motion (ECF Filing), [18] Motion (ECF Filing), [18] Motion (ECF Filing)). Date of service: 05/19/2023. [12718974] [22-15857] (Himes, Rita)

Notice will be electronically mailed to:

Nicole Juliet Kau, Deputy Assistant Attorney General: nicole.kau@doj.ca.gov

Ms. Rita Kathryn Himes: rita.himes@calbar.ca.gov, joan.randolph@calbar.ca.gov

Yi Tai Shao: attorneylindashao@gmail.com (daily summary)

The following document(s) are associated with this transaction:

Document Description: Main Document

Original Filename: Opposition to Motion to Extend Time.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=05/19/2023] [FileNumber=12718974-0]
[523448e81d60f5a6c3d810841005996abea776c5a0e56a329fe32320f4c2c86c1f6ec11529b8145b52801
19929a87dfead22639d4a13c7822c05f7106374963b]]

ECF 27 (the court altered the

Search docket entry
for ECF 26

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Inbox 873

Junk Email 18

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v

Focused Other

Other: New messages (1)
Tello.comca9_ecfnoticing@ca9.uscourts.gov
22-15857 Yi Shao v. John R... 2:08 PM
***NOTE TO PUBLIC ACCESS USERS**...C ca9_ecfnoticing@ca9.uscourts.gov
22-15857 Yi Shao v. John R... 2:05 PM
***NOTE TO PUBLIC ACCESS USERS**...

This month

> CP Chris Paulsen
2020A2062 Wed 6/14
I am out of the office the week of Jun...C ca9_ecfnoticing@ca9.uscourts.gov
22-15857 Yi Shao v. John Rob... Fri 6/9
***NOTE TO PUBLIC ACCESS USERS**...> YS Yi Tai SHAO
(No subject) Fri 6/9
No preview is available.
Reply to ECF 20... +1> QC Questions CA09Operation
unable to access to the case ... Fri 6/9
To the extent that you are seeking reli...
2022-524.pdfC ca9_ecfnoticing@ca9.uscourts.gov
Re-send: 22-15857 Yi Shao v... Thu 6/8
***NOTE TO PUBLIC ACCESS USERS**...C ca9_ecfnoticing@ca9.uscourts.gov
22-15857 Yi Shao v. John Ro... Thu 6/8
***NOTE TO PUBLIC ACCESS USERS**...C ca9_ecfnoticing@ca9.uscourts.gov
22-15857 Yi Shao v. John R... Wed 6/7
***NOTE TO PUBLIC ACCESS USERS**...P Pleasanton.Center@regus.com
Regus Invoice Number 102... Thu 6/1
Yi Tai Shao Your Regus invoice 1020-3...
invoice.pdfB. blast@ca9.uscourts.gov
CORRECTION TO DATE: CM... Thu 6/1
CM/ECF and ACMS in the 9th Circuit ...22-15857 Yi Shao v. John
Roberts, Jr., et al "Non-
Opposition to Motion/Form
/Notice" vC ca9_ecfnoticing@ca...
To: You Thu 6/22/2023 2:08 PM***NOTE TO PUBLIC ACCESS USERS***
Judicial Conference of the United
States policy permits attorneys of
record and parties in a case (including
pro se litigants) to receive one free
electronic copy of all documents filed
electronically, if receipt is required by
law or directed by the filer. PACER
access fees apply to all other users. To
avoid later charges, download a copy
of each document during this first
viewing.United States Court of Appeals for the
Ninth Circuit

Notice of Docket Activity

The following transaction was entered on
06/22/2023 at 2:07:51 PM Pacific
Daylight Time and filed on 06/22/2023Case Name: Yi Shao v. John Roberts,
Jr., et alCase
Number: 22-15857Docket Text:
Filed (ECF) Appellant Yi Tai Shao
response non-opposing motion/form
/notice at [24] Motion (ECF Filing), [24]
Motion (ECF Filing), [21] Motion (ECF
Filing), [21] Motion (ECF Filing), [22]
Motion (ECF Filing), [22] Motion (ECF
Filing). Date of service: 06/22/2023. I
certify that I have separately notified all
parties not registered for Appellate
Electronic Filing in this case with notice
of this non-opposition. [12741252]
[22-15857] (Shao, Yi)

Notice will be electronically mailed to:

Nicole Juliet Kau, Deputy Assistant
Attorney General: nicole.kau@doj.ca.gov
Ms. Rita Kathryn Himes:
rita.himes@calbar.ca.gov,
joan.randolph@calbar.ca.gov
Yi Tai Shao: attorneyshao@outlook.com

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 29 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

YI TAI SHAO, AKA Linda Yi Tai Shao,

Plaintiff-Appellant,

v.

JOHN G. ROBERTS, Jr.; et al.,

Defendants-Appellees.

No. 22-15857

D.C. No. 2:22-cv-00325-JAM-AC
Eastern District of California,
Sacramento

ORDER

Before: SILVERMAN, R. NELSON, and BUMATAY, Circuit Judges.

Appellant's motion to change venue (Docket Entry Nos. 22, 24) is denied.

No motions for reconsideration, clarification, or modification of this denial shall be filed or entertained.

Appellant's motion for summary reversal (Docket Entry No. 21) is denied.

The motions for an extension of time to file the opening brief (Docket Entry Nos. 18, 19) are denied as unnecessary and moot. *See* 9th Cir. R. 27-11. The request to dismiss this appeal for failure to prosecute (included in Docket Entry No. 20) is denied without prejudice.

The opening brief is now due August 2, 2023. The answering briefs are due September 1, 2023. The optional reply brief is due within 21 days after service of the last-served answering brief.

No further motions for an extension of time to file the opening brief will be

granted. Failure to file the opening brief by August 2, 2023 may result in dismissal of this case for failure to prosecute. *See* 9th Cir. R. 42-1.

1 YI TAI SHAO (SBN 182768, illegally
2 suspended bar license without notice by
3 California Chief Justice Tani Cantil-Sakauye,
4 in conspiracy with State Bar of California,
5 James Mcmanis and Director and attorneys
6 at Santa Clara County Child Support Agency
7 and/or Director of Department of Child
8 Support Agency of the State, and Presiding
9 Judge Beth McGowan and Theodore Zaynor
10 at Santa Clara County Court)
11 PO Box 300; Big Pool, MD 21711
12 Tel.: (408) 873-3888
13 attorneyshao@outlook.com

8 IN U.S. COURT OF APPEAL, NINTH CIRCUIT

10 Yi Tai Shao

11 Appellant

12 v.

13 Chief Justice John G. Roberts,
14 Jr. et al.

15 Appellees

) No. 22-15857

) **APPELLANT'S**

) **(1) OBJECTION TO ECF 28 FOR**
) **VIOLATION OF DUE PROCESS AS**
) **WELL AS THE FIRST AMENDMENT**
) **RIGHT TO ACCESS THE COURT; AND**

) **DISCOVERY OF NEW FACT/NEW**
) **CONSPIRACIES**

) **(2) REQUEST FOR DISCLOSURE OF**
) **CONFLICTS OF INTEREST OF THE**
) **APPELLATE PANEL JUDGES**
) **REQUESTS FOR STATEMENTS OF**
) **DECISION FOR JUNE 29, 2023 ORDER IN**

) **ECF 28**

) **(3) MOTION TO DISQUALIFY EACH JUDGE**
) **IN THIS PANEL BASED ON THEIR**
) **PERVASIVE BIAS THAT MANDATES**
) **RECUSAL UNDER 28 U.S.C. §455(a)**

) **(4) 60(B) MOTION TO VACATE JUNE 29, 2023**
) **ORDER**

) **(5) RENEWED MOTION TO CHANGE**
) **VENUE INCLUDING STAYED THE**
) **BRIEFING SCHEDULE PENDING**
) **RESOLUTION OF THE ISSUES AND**
) **REQUESTS PRESENTED HEREIN**

) **(6) REQUEST FOR EN BANC DECISION**
) **THIS PAPER INCLUDING MULTIPLE**
) **OBJECTIONS AND MOTIONS**

) **(7) MOTION FOR CERTIFICATION FOR**

8

APPEAL

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Seven (7) days following Appellant SHAO's filing of

"NOTICE OF NON-OPPOSITION BY APPELLEES IN RESPONSE TO
"APPELLEE'S CIRCUIT 3.1 MOTION FOR SUMMARY REVERSAL BASED
ON UNDISPUTED CLEAR ERROR IN VIOLATION OF 28 U.S.C. §455(a),
§455(b)(5)(i), §636 and Rule 73, AND REMAND TO U.S.D.C. FOR SOUTHERN
DISTRICT OF NEW YORK, AND/OR MOTION TO CERTIFY TRANSFER
VENUE TO SECOND CIRCUIT COURT OF APPEAL TO FORM A NEUTRAL
PANEL THAT IS NOT COMPOSED OF AMERICAN INNS OF COURT JUDGE
MEMBERS PURSUANT TO *United States v. District Court for Southern Dist.
Of New York*, 334 U.S. 258 (1948)." (ECF 21) And Appellant's "Motion to
Change Venue"(ECF 22, supplemented by ECF 23, 24)" (ECF 26),

the new appellate panel showed up the first time, without notice, as usual, issued
an order on June 29, 2023.(ECF 28)

The order did not state any grounds of denial of two unopposed motions. It failed
to state any ground of denial of changing venue, which conflicts with *Moran v.
Clarke*(8th Cir. 2002) 309 F.3d 516, 517 where the Eight Circuit stated the law
on how the disqualified judges should respond to a motion for judicial
disqualification based on 28 U.S.C. §455 – The Court is required by
28 U.S.C. §455 to lay out all relevant facts on accused matters that wre
made under oath.

Moreover the order is nothing but a bully, with harassment in nature
in that, in violation of FRAP Circuit Rule 27-10, the order states: "No
motions for reconsideration, clarification, or modification of this denial shall
be filed or entertained."

In *Henry v. Ryan*, 766 F.3d 1059, 1060, this Ninth Circuit noted that
Ninth Circuit Rule 27-10 "applies to any motion seeking review of a
motions panel order." When SHAO had presented evidence of Ninth Circuit's
physical blockage of her from access this appeal, this June 29, 2023 Order blocking
SHAO from filing a Rule 27-10 motion adds on this Circuit's extreme prejudice
against SHAO.

**OBJECTIONS TO JUNE 29, 2023 ORDER AND DISCOVERY OF NEW FACT/NEW
CONSPIRACIES**

1 SHAO hereby OBJECTS that June 29, 2023 order in ECF 28 violates her
2 due process and fundamental right to access the court. Based on the
3 evidence presented in ECF 22 through 26, as well as ECF 28 (order), the Ninth
4 Circuit has committed the following "acts" to block SHAO physically from accessing
5 the court:

- 6 1. This Court concealed this case from both the Ninth Circuit and pacer.gov
7 twice in the past 13 months and altered the docket on or about June 7, 2023.
- 8 2. This Circuit concealed the reason of why SHAO was unable to receive
9 notification through CM/ECF for 13 months until after the motion (ECF22)
10 was filed, despite repeated inquiries from SHAO.
- 11 3. The Ninth Circuit could have informed SHAO to correct the altered account
12 regarding email notification but never did, until this was exposed by
13 Pacer.gov. On June 7, 2023, the appeal docket was further altered in being
14 removed all docket entries.
- 15 4. Operational supervisor Stephanie tried to cover up the felony of alteration
16 with an excuse that the same email was used to open the old account in
17 2015. Yet, evidence shows that this account is NEWLY opened on May 24,
18 2022. (Exhibit F) Moreover, SHAO did not use
19 attorneylindashao@gmail.com in 2015 at all. The files filed during that
20 period of time showed a different email address.
- 21 5. Emails with the Ninth Circuit since May 24, 2022 indicated the only
22 operational email for Shao's account created in May 2022 is
23 attorneyshao@hotmail.com, which had been used three times systematically
24 by McManis appellees and Appellee Presiding Judge Mary J. Greenwood,
25 California Sixth District Court of Appeal in forging notice in 2018 and 2019.
- 26 6. On June 8, 2023, SHAO was blocked from downloading the court record of
27 ECF 22.
- 28 7. Through Rita Himes's unusual waiting until May 30, 2023 to serve her ECF
29 20 paper that was filed on May 19, 2023, State Bar of California, Tani
30 Cantil-Sakauye and this Court had conspired to block SHAO's access to this

1 case by altering her email in her profile registered with the Ninth Circuit in
2 2022.

3 8. Chief Judge as well as Stephanie at the Ninth Circuit have refused to give
4 SHAO a set of the court files that SHAO would have received but for the
5 alteration of receiving email and further blocked SHAO from downloading
6 ECF 22 with money paid through pacer.gov.

7 9. New panel, without disclosure of conflicts of interest, blocked SHAO from
8 filing a Rule 27-10 motion.

9 10. No reasonable judge would have denied SHAO's motion for summary
10 reversal but the panel denied, without stating a ground, when the motion
11 was unopposed by ANY appellees.

12 11. No reasonable judge would have ordered that "no motions for
13 reconsideration, clarification, or modification of this denial shall be filed or
14 entertained."

15 12. It was newly discovered on July 6, 2023 that Ninth Circuit had
16 concealed this case docket from sending to Westlaw and that the
17 U.S. Supreme Court administration also concealed Petition No.22-
18 350 from being docketed into the national case registry such that
19 Westlaw has NO information on Petition No.22-350. 22-350 is the
20 second appeal from the first case of Shao v. Roberts, et al. And this
21 appeal is from the second case of Shao v. Roberts, et al. Therefore, the
22 Ninth Circuit's concealment of this appeal appears to be in conspiracies with
23 the U.S. Supreme Court appellees Chief Judge John G. Roberts, Scott
24 Harris, Jeff Atkins, Jordan Bickell, Emily Walker, Robert Meek and Nathan
25 Torrey.

26 **REQUESTS FOR STATEMENTS OF DECISION FOR JUNE 29, 2023 ORDER IN**
27 **ECF 28**

28 Pursuant to *Moran v. Clarke* standard, *supra*, SHAO respectfully requests a
statement of all relevant facts to the accusations contained in SHAO's motion to
change venue (ECF 22-26) be laid out.

1 **REQUEST FOR DISCLOSURE OF CONFLICTS OF INTEREST**

2 SHAO respectfully requests the new panel, which is composed of
3 Judge Barry Silverman (who has demonstrated his bias and prejudice in 15-16817
4 proceeding in 2016), Judge Ryan D. Nelson (prior law clerk to Appellee Judge Karen
5 Henderson), and Judge Patrick Butamay.

6 **MOTION TO DISQUALIFY EACH JUDGE IN THIS PANEL BASED ON THEIR**
7 **PERVASIVE BIAS THAT MANDATES RECUSAL UNDER 28 U.S.C. §455(a)**

8 The "pervasive bias" which was defined by the Supreme Court in *Liteky v. U.S.*, 510
9 U.S. 540, 555 (1994), does not require to be from "extrajudicial resources"; it is an exception to
10 the general rule of extrajudicial source.

11 In *Liteky v. U.S.*, 510 U.S. 540, 555, 556 (1994), the Supreme Court stated:

12 "even in cases in which the "source" of the bias or prejudice was clearly the
13 proceedings themselves (for example, testimony introduced or an event occurring at
14 trial which produced unsuppressible judicial animosity), the supposed doctrine would
15 not necessarily be applied. See, e.g., *Davis v. Board of School Comm'rs of Mobile*
 County, 517 F.2d 1044, 1051 (CA5 1975) (doctrine has "pervasive bias " exception) ,
 cert. denied, 425 U.S. 944 (1976); *Rice v. McKenzie*, 581 F.2d 1114, 1118 (CA4 1978)
 (doctrine "has always had limitations").

16 The "supposed doctrine" quoted above was referring to extrajudicial source doctrine. The
17 *Rice v. McKenzie*, 581 F.2d 1114, 1118 (CA4 1978) case which was cited in *Liteky* is
18 applicable to this case, as the judge in *Rice* denied petition without an evidentiary hearing
19 caused an objective view that this judge has pervasive bias.

20 Here, NO reasonable judge would have denied SHAO's motion for summary reversal as it is
21 undisputed that the District Court in Eastern California did fail to obtain SHAO's consent, but
22 only an unambiguous "REJECTION" of Magistrate Judge Allison Clare's jurisdiction with a
23 filing of ECF 51 in the District Court case (22-cv-00325) that Judge John A. Mendez's
24 unqualified dismissal MUST BE REVERSED and REMANDED. SHAO cited a very strong
25 precedent of Appellee Judge J. Craig Wallace, who was the Chief Judge of this Circuit---
26 *Anderson v. Woodcreek Venture, Ltd.*, 351 F.3d 911 (2003). Yet the panel denied without
27 stating a ground at all.

28 NO reasonable judge would have ordered that "no motions for reconsideration,
clarification, or modification of this denial shall be filed or entertained." As this

2

1 sentence is placed immediately under the summary denial of motion to change
2 venue, this blockage of access to the court is likely for changing venue, if it were
3 interpreted more favorably to the panel.

4 The above facts constituted "pervasive bias" that any reasonable person will
5 believe that SHAO is impossible to have a fair appeal at this Circuit, especially
6 when the key issue for this appeal is the same as the ground for SHAO's motion for
7 summary reversal.

8 Therefore, SHAO respectfully moves that three judges be recused from handling
9 this case.

10 **60(B) MOTION TO VACATE JUNE 29, 2023 ORDER**

11 The panel's order of ECF 28, should therefore be vacated for violation of Rule
12 60(b) for conspiracies in willful blockage of SHAO's access to the Court and due
13 process. *Liljeberg v. Health Serv. Acquisition Corp.* 486 US 847 (1988); *Tumey*
14 *v. Ohio* 273 US 510 (1927).

15
16 **RENEWED MOTION TO CHANGE VENUE INCLUDING STAYED THE**
17 **BRIEFING SCHEDULE PENDING RESOLUTION OF THE ISSUES AND**
18 **REQUESTS PRESENTED HEREIN.**

19 Under the circumstances presented above, June 29, 2023 order must be vacated,
20 briefing schedule should be stayed pending this Court's resolution of the issues
21 presented in this paper. Based on the aforementioned 12 actual prejudices, as well
22 as the fact that this Circuit is so closely related to Defendant/Appellee Anthony M.
23 Kennedy every year, including name the court's library after Kennedy's name, with
24 almost every judge being a member of the American Inns of Court who is appellee
25 in this case, any reasonable person will believe that SHAO is unable to receive a
26 fair appeal in this Circuit. When no appellees filed an Opposition to SHAO's Motion
27 to Change Venue to Second Circuit Court of Appeal or Remand to South District of
28 New York, and this is the 12th time that no appellees objected to SHAO's

1 **motion to change venue**, the Court should transfer venue to New York without
2 any further delay.

3 **The 12 times include:**

4 Twice in 1:18-cv-01233 in 2018; 4 times (3 petitions for rehearing) in 19-5014,
5 once in Petition 20-524; once in 1:18-cv-01233 in 2021, at least twice in Appeal
6 No.21-5210 (D.C. Circuit), 1 time in 22-cv-00325, 1 time in this appeal (ECF 22-25).
7 None of the appellees or defendants in all cases ever filed an opposition.

8 The Supreme Court states the public policy in a requirement to
9 have meaningful appellate review in *United States v. Will* (1980)
10 449 U.S. 200. Granting SHAO's motion to be transferred to New
11 York conforms to the stated Congressional intent in dealing with
12 lack of quota at the U.S. Supreme Court and specific procedure to
13 transfer to a neutral senior Judge to form a neutral appellate panel
14 that were stated by the Supreme Court in *United States v. District Court*
15 of Southern New York, 334 U.S.258 (1948)

16 **REQUEST FOR EN BANC DECISION ON THIS PAPER INCLUDING**
17 **MULTIPLE OBJECTIONS AND MOTIONS**

18 The June 29, 2023 order (ECF 28) conflicts with prevailing law and practice, when
19 the new facts suggest this Circuit's concealments twice of this appeal case docket
20 and blockage of SHAO from reasonable access are part of a conspiracy with at least
21 the US Supreme Court defendants when both courts did the same act--- conceal the
22 case from reporting to Westlaw and the subject matters for the two acts by two
23 courts are related, both are for *Shao v. Roberts*, et al.

24 Therefore pursuant to Rule 35 and 40, SHAO moves to have En Banc decision on
25 the objections and motions stated herein.

26 **MOTION TO CERTIFY APPEAL**

27 As the subjects of the above motions are key issues to this appeal, pursuant to 28
28 U.S.C. §2101 and §2106, SHAO would seek the immediate relief from the US
Supreme Court and respectfully requests a certification of appeal. See, *New Haven*
Inclusion Cases, 90 S.Ct. 2054, 399 US 392 (1970) [certiorari was granted before

1 judgment in court of appeals]; In re Equitable Office Bldg. Corp., 72 S Ct 1096
2 (1946) (even a stay is justified pending appeal).

3 The undersigned swear under the penalty of perjury under the laws of the United
4 States of America that the foregoing is true and accurate.

5 Dated: July 7, 2023

6 /s/ Yi Tai Shao
Yi Tai Shao, Petitioner

7 **CERTIFICATE OF GOOD FAITH**

8 Appellant SHAO declares under the penalty of perjury under the laws of the United
9 States of America that the foregoing requests and motions were made in good faith
10 and not for delay. Dated: July 7, 2023

11 /s/ Yi Tai Shao
12 Yi Tai Shao, Petitioner

No. 22-15857

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

YI TAI SHAO, Appellant

v.

JOHN G. ROBERTS, JR. et.al., Appellees

**On Appeal from the United States District Court for the Eastern District of
California, Case No. 22-cv-00325-JAM
The Honorable John A. Mendez, United States District Judge**

APPELLANT'S OPENING BRIEF

**YI TAI SHAO, ESQ. (Illegally Suspended Bar License Without Notice Nor
Hearing By Tani Cantil-Sakauye In Conspiracies With Us Supreme Court
Defendants, California Supreme Court Defendants, Mcmanis Defendants,
California State Bar, California Department Of Child Support Services In Santa
Clara County, California Franchise Tax Board, et al.)
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STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. Whether the appeal must be dismissed and remanded to a neutral District Court when the dismissal order has no jurisdiction as being made based upon a magistrate judge's recommendation when the referral to the magistrate judge violates 28 U.S.C. §636, and the District Court failed to get consent from Appellant for considering the Magistrate Judge's recommendation?
2. Whether the dismissal must be reversed as Judge John A. Mendez violated Due Process and the First Amendment Right to Access the Court by willfully violating 28 U.S.C. §455(b)(5)(i) and §455(a) in illegally using his judge's office to do favor to the defendants including Anthony M. Kennedy Inn of Court where Mendez is a long term officer, and many judges/justices who are his friends through the American Inns of Court Foundation?
3. Whether Magistrate Judge Allison Claire's recommendation is void as she had no jurisdiction to rule on injunctive motions under 28 U.S.C. §636 and has improperly acted as an attorney to sua sponte dismiss a case without any party filing a motion?
4. Whether the U.S.D.C. for Eastern California has appearance of conflicts of interest that the case should be remanded to Southern District of New York, as requested by Appellant and never been contested by any defendants/appellees?
5. Whether this Circuit Court of Appeal must be changed to Second Circuit Court of Appeal in view of the direct conflicts of interest in handling this appeal, as presented by Appellant under the section of "direct conflicts of interest of the Ninth Circuit" in this brief?

STATEMENT OF JURISDICTION

The district court had original jurisdiction over the federal claims under 28 U.S.C. §§ 1331 and 1343, and supplemental jurisdiction over the state claims under 28 U.S.C. § 1367. The district court sua sponte dismissed this case by adopting the recommendation of Magistrate Judge Allison Claire who had acted as an attorney for the appellees and issued recommendations before any appellees filed a motion, when the court failed to obtain Appellant's consent, and Appellant had explicitly rejected a Magistrate Judge's jurisdiction (ECF 51), when the assignment conflicts with 28 U.S.C. 636 in that the court has no jurisdiction to assign a motion for injunctive relief to a magistrate judge from the very beginning.

Judge Mendez knowingly refused to obey the mandatory disqualification statute of 28 U.S.C. 455(b)(5)(i) when he has been a long term officer of Defendant American Inns of Court Foundation- 30048 Anthony M. Kennedy Chapter, in order to retain his judicial power to illegally use his judge's office to render favor for his friends who are defendants in the case through the giant corruptive and power secret club of American inns of Court Foundation. Mendez signed an order of dismissal of this case abruptly in violation of Due Process, one day following his being promoted by Chief Judge and/or Chief Justice to be a Senior Judge.

Appellant timely filed the Notice of Appeal. This Court has jurisdiction under 28 U.S.C. § 1291,

DIRECT CONFLICTS OF INTEREST OF THE NINTH CIRCUIT COURT OF APPEAL IN HANDLING THIS APPEAL: PENDING THIS COURT'S CERTIFICATION OF APPEAL AND/OR CHANGE VENUE TO THE SECOND CIRCUIT COURT OF APPEAL REGARDING APPELLANT'S

REQUESTS IN ECF 29 THAT WAS FILED ON 7/7/2023, AND ECF 30 AND ECF 31 THAT WERE FILED ON 8/1/2023.

This Circuit Court of Appeal and its present Appellate Panel have direct conflicts of interest with Appellant based on prima facie, undisputed evidence of the following ten facts:

1. The Ninth Circuit willfully did not docket the appeal until 7 days later (see ECF 88 in the underlying case that the Notice of Appeal was filed on June 1, 2022, but the Ninth Circuit did not docket this Appeal until June 8, 2022 until repeated inquiries by Appellant).
2. The Ninth Circuit physically blocked Appellant from knowing the case activities in this Appeal for 13 months and kept misrepresenting to Appellant why she had not been able to receive CM/ECF notification by various reasons, until May 25, 2023 when pacer.gov, not this Court, answered Appellant's question that it was entirely the Ninth Circuit's administration that controls notification of the CM/ECF activities, by way of the email of Appellant's account, then Appellant discovered that Stephanie the person in charge or another agent of the Ninth Circuit had hacked into Appellant's user account for CM/ECF and altered the email notification from attorneyshao@outlook.com to attorneylindashao@gmail.com when the court knew or had reason to know that Google Inc. had blocked Appellant from access to this email since 2018 (ECF 22, 23 of this Appeal Case), which reasonably appeared to be in conspiracies, as McManis appellees (James Mcmanis, Michael Reedy and McManis Faulkner) and their attorney Janet Everson had used the same attorneylindashao@gmail.com to forge notice of their quiet speed motion to dismiss filed illegally behind the back of Appellant was given, and the same systematic fraud on court also was used by Mary J. Greenwood, the Presiding Justice of the Sixth District Court of

Appeal to forge notices given in causing dismissal of appeal Nos. H040395 (child custody appeal) and H042531 (Prefiling Vexatious Litigant Order appeal). Please see U.S. Supreme Court website, Petitions for Writ of Certiorari in Petition Nos. 18-569 and 18-800.

3. For twice in July 2022 and June 2023, this Appeal Case docket was concealed from being posted on pacer.gov.
4. As of July 5, 2023, this Ninth Circuit concealed this appeal case from Westlaw. Also, the U.S. Supreme Court concealed the related appeal of Petition No.22-350 from reporting to the Westlaw.
5. Ninth Circuit conspired with Attorney Rita Himes and State Bar of California defendants about this Court's altering Appellant's email contact in order to physically block Appellant's access to the court and Himes filed an opposition to Appellant's motion to extend time to file Opening Brief which is ECF 20 on May 19, 2023.

ECF 20 filed by Rita Himes in 22-15857 proves existence of these conspiracies as Rita made hearsay arguments in ECF 20 that SHAO did not update her email was the reason why SHAO was unable to receive CM/ECF notice, which was **the answer that Stephanie at Ninth Circuit had willfully concealed 13 months from informing Appellant despite many inquiries** and pacer.gov just revealed on or about May 26, 2023, which is one week following the filing of Rita's ECF 20, May 19, 2023. In continuing concealing this email alteration issue, Rita willfully delayed 10+ days in serving her paper upon SHAO until May 30, 2023, when SHAO filed her motion to change venue discussing pacer.gov's disclosure of email issue(ECF 22, 23, 24). Clearly, **Ninth Circuit hacked into her account**

9.

profile to use attorneylindashao@gmail.com to block SHAO's physical access to the case activities.

6. Ninth Circuit altered the docket of Appeal No.14-17400, which is a related appeal from Shao v. Wang, et al., case no. 3:14-cv-01912, in purging the Respondents' names of Judge Edward Davila, Judge Theodore Zayner, Judge Mary Ann Grilli and Judge Patricia Lucas, who contributed significantly on the judicial kidnapping and permanent parental deprivation of Appellant. (ECF 30 and 31 filed in this appeal) This is a prima facie evidence that this Circuit conspired with at the minimum the defendants/respondents who names were concealed, and they all are defendants and appellees of this Appeal (22-15857). As the Ninth Circuit committed the felonies in violation of 18 U.S.C. §1506 and §241, there is direct conflicts of interest for this Circuit to handle this appeal as Appellant is the victim and this Circuit is the criminal.

In addition, this concealment of names of Respondents has been a systematic scheme of frauds on court manipulated by Appellees James McManis, Michael Reedy and McManis Faulkner where they influenced at least fourteen (14) similar incidents in the past:

- (a) They influenced Chief Justice John G. Roberts, Jr. and his co-conspirators, including all Justice/appellees in this appeals, at the Supreme Court, as well as Clerk's Offices of the US Supreme Court (Clerk Scott Harris, Deputy Clerk Denny Jordan Bickell, Deputy Clerk Jeff Atkins, case workers) to purge or conceal the names of James McManis and his partners from at least all of these Petitions that were derived from Shao v. McManis Faulkner, LLP, James Mcmanis, Michael Reedy, and Catherine Bechtel (case no.2012-1-cv-220571 at Santa Clara

County Superior Court). The Petitions that wiped out their names include Petition Nos. 17-82, 17-256, 18-344, 18-800, 21-881. The Supreme Court actively “purged” their names from 17-82 and 17-256 and unlisted their names in 18-344, 18-800, and 21-881. The conspiracies and removal took place on or about October 25, 2018, on the ensuring date of docketing Petition No. 17-613 with the story stated in Supplement to Petition for Writ of Certiorari, as directed by then deputy clerk Mike Duggan who informed Appellant what was just instructed by Jeff Atkins as an excitement of utterance.

(b) They influenced the US Supreme Court to conceal 4 California Judges’ names from being listed as Respondents for Appellant’s Petition for Writ of Certiorari by persisting on hiding unposted “page v.” for Petition No.22-28 (appeal from California Supreme court’s suppression from filing of Appellant’s Petition for Writ of Habeas Corpus to release the minor Lydia from long term oppressive confinement to unlawful child custody with imminent risk of harm. The four California judges that were concealed their names include **Judge Theodore Zayner, Judge Patricia Lucas, Judge Rise Pichon and Judge Maureen A. Folan.**

(c) They influenced then Chief Justice Tani Cantil-Sakauye as well as Presiding Justices of the Sixth District Court of Appeal of California (retired Justice Conrad Rushing and present Justice Mary J. Greenwood, wife to Judge Edward Davila) to conceal the same from all appeal cases from Shao v. McManis Faulkner, LLP, James Mcmanis, Michael Reedy, and Catherine Bechtel (case no.2012-1-cv-220571 at Santa Clara County Superior Court).

Chief Justice John G. Roberts, Jr. has conceded to his leading the court crimes in (a) and (b) and conspired with Tani Cantil-Sakauye in purging or concealing the names of Respondents. This frauds of concealment of names of Respondent thus are a giant conspiracies of frauds on court among three courts--- US Supreme Court, California Supreme Court and California Sixth District Court of Appeals.

Tani Cantil Sakauye and McManis defendants, their attorneys admitted 20+ times in the proceeding at the U.S. Court of Appeal D.C. Circuit in Appeal No.21-5210 to the fact that on August 25, 2021, Tani cantil Sakauye admitted to 8 facts¹ by operation of law. Among the 8 matters, she admitted that she conspired with James Mcmanis and Justice Anthony M. Kennedy to commit frauds on court at the

¹ (1) California Chief Justice is Appellee McManis' client;

(2) California Chief Justice was a President of Associate Justice Anthony M. Kennedy American Inn of Court, having failed to disclose her regular social relationship with Appellee McManis through the American Inns of Court

(3) California Chief Justice knowingly refused to investigate the severe conflicts of interest suffered by Appellant PLAINTIFF after she was made known to such conflicts

(4) California Chief Justice assisted Appellees (McManis) in blindly denying reviews of all Petitions filed by Appellant PLAINTIFF in order to secure permanent parental deprivation of Appellant Plaintiff which is the sole defense of Appellees to PLAINTIFF's legal malpractice civil lawsuit pending at Santa Clara County court in the case of Shao v. McManis, et al., 2012-1-cv-220571;

(5) California Chief Justice conspired with Appellee James McManis to stay a State Bar enforcement case of 15-O-15200 for three years and close the case on 9/25/2019 (a complaint by PLAINTIFF about McManis's admission during his deposition on 7/20/2015 that he gave fee legal services to judges at Santa Clara County Court, to an unidentified Justice at California Sixth District Court of Appeal, and unidentified Justice at California Supreme Court in violation of Rule 5-300(a) of California Rules of Professional Conduct) and removed Rule 5300(a) from California Rules of Professional Conduct in 2018 such that there is no law in California to ban an attorney to provide gift to the judiciary (It was put back in December 2021 with different section);

(6) Regarding PLAINTIFF's complaint against James McManis, Janet Everson and Suzie Tagliere regarding their conspiracy with Santa Clara County Court to file their motion without compliance with Civil Local Rule 8(c) which required reservation for all motions and the moving party to clear hearing date before reservation, and further conspired with Santa Clara County Court to alter the e-filing stamps of their motion to dismiss and alter the docket about the filing date of their motion to dismiss, California Chief Justice conspired with Appellee James McManis to purge State Bar complaint case of 20-O-07258 against McManis such that the case number could not be found at California State Bar against McManis, and to promptly close State Bar complaints against McManis's attorneys, Suzie Tagliere and Janet Everson; these issues are the same issue for Petition No. S269711;

(7) California Chief Justice conspired with Appellee James McManis in issuing a premature order in September 2020 and creating a case at California Supreme Court with case number of S263527 to prematurely suspend the bar license of PLAINTIFF, and

(8) California Chief Justice conspired with Appellee James McManis to cause State Bar of California to send letters to California Franchise Tax Board to impute income against Appellant PLAINTIFF, and to cause CFT to garnish imputed tax from PLAINTIFF's law firm account, having harassed PLAINTIFF for the tax years of 2017 until present.

U.S. Supreme Court in order to achieve the common scheme of James Mcmanis--- permanent judicial kidnapping of Lydia, permanent parental deprivation of Appellant, and misuse of the judicial offices to block Appellant's seeking all grievances.

Now that with the recent new discovery of the Ninth Circuit's purging court record to remove the four Respondents in Appeal No. 14-17400 caused a public view that this Ninth Circuit Court of Appeal participated in the conspiracies of dismissing appeals with McManis defendants, Tani Cantil-Sakauye, Anthony M. Kennedy, the US Supreme Court², California Supreme Court, and California Sixth District Court of Appeal, and the four judges--- Zayner, Lucas, Grilli and Davila.

Moreover, this discovery indicates that the underlying civil right case's dismissal by Judge William Shubb should be a conspiracy with McManis, Tani, Kennedy, and at least the four concealed judges, Judge Theodore Zayner, Judge Patricia Lucas, Judge Edward Davila and Judge Mary Ann Grilli.

Moreover, the dismissal of related case of Shao v. Wang, et al., 3:14-cv-01912 (underlying case for Appeal No.14-17400) was recently discovered to be a conspiracy involving Kamala Harris's irregular motion for judgment on the pleading filed when Judge William illegally acted as an attorney for Kamala Harris to create arguments in his Opinion of dismissal with prejudice that were **beyond the scope** of Kamala Harris's motion for judgment on the pleading, which proves unambiguously that Shubb was using his judge's office to accomplish his concealed friends' requests for dismissal with prejudice, and willfully turn a blind

² At U.S. Supreme Court alone, Chief Justice John G. Roberts, Jr. and each of his 17+ co-conspirators, had committed 412+ felonious acts with 2,000+ felonies, causing 34,000+ felonies at the US Supreme Court that were all beyond the jurisdiction of the courts and constituted cognizable misconducts. And these crimes are undisputed/admitted by all appellees in Petition No.22-350, who are also the majority of defendants in this First Amended Complaint. See in Appendix, Exhibit 9, explanation, Table of the 400+ crimes² as of May 5, 2023, and selective documentary evidence; see also in https://1drv.ms/b/s!AqQw7ZHQH2MOg2W63ZTXI_W-SDN4?e=aiScrg.

Appellant's Opening Brief (maybe amended as the Court had not issued decision on her ECF 30 application for emergency relief---to extend the due date of briefing to August 8 in view of McManis hackers' deterrence from drafting papers)

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eye on the statutory duty of California Attorney General³, and corruptive practice of the family court at Santa Clara County Court and the fact that Lydia was placed

³ Judge William Shubb and Kamala Harris joined the conspiracy of Tani, McManis and Kennedy to block SHAO's access to the court by a dismissal with prejudice the entire case of Shao v. Wang, et al., turning a blind eye on attorney general's statutory duty to enjoin unconstitutional statutes from enforcement under California constitution article 5, §13³, government code §12511³, §12519³, §11180.5³, code of civil procedure §902.1³

Additional conspiracy involving Kamala Harris was discovered in July 2023 where Judge William Shubb proactively acted as Kamala Harris's attorneys on Kamala Harris's proactive motion for judgment on the pleading which unreasonably abandoned her duty as Attorney General to conspired with Shubb to ignore the discriminative practice of Family Court on child's wishes in Shao v. Wang, et al, a civil right lawsuit filed with the U.S.D.C. for Northern California with case number of 3:14-01912, for the apparent purpose to achieve the common goal of blocking SHAO from seeking grievance with a dismissal with prejudice of that lawsuit.

Such dismissal conspiracy in 3:14-01912 further was discovered to be involved with the Ninth circuit defendants because its interim appeal No.14-17400's docket at the Ninth Circuit was altered in concealing the names of McManis's favorable co-conspirators—Judge Theodore Zayner, Judge Patricia Lucas, Judge Edward Davila, and Judge Mary Ann Grilli who have been actively participated in child kidnapping of Lydia and permanent parental deprivation of SHAO. Such concealment of Respondents' names have been systematically taken place in California Supreme Court, California Sixth District Court of Appeal, and U.S. Supreme Court of at least 14 cases and unambiguously led by McManis defendants. See ¶2, (28), supra.

While all courts violated judicial disqualification statutes, SHAO discovered days ago about the U.S.D.C. for Northern California in this very same case (3:14-01912) had altered ECF 30, to make it illegible the Guide to Judiciary Policy §3.6-6[1] while Chief Justice Roberts and Google had concealed the same law from being searchable on the website of U.S. judicial Council and internet. The Doctrine of Spoliation of Evidence thus presume the conspiracies among all judicial defendants to suppress SHAO's seeking grievance by blocking her from having an impartial tribunal on her cases since the judicial kidnapping in 2010 until present.

The aforementioned exposure of undisputed conspiracies of Tani, McManis and Kennedy that involved many government agencies shed lights on Judge William Shubb's irregular dismissal with prejudice of Shao v. Wang, et al. (3:14-cv-01912WBS) in 2015, with new crimes discovered which are systematic occurred wherever McManis defendants were involved:

(A) Shubb failed to disclose his conflicts of interest that he was closely related to Tani, McManis and Kennedy as a long term officer at Anthony M. Kennedy Inn of Court of the American Inns of Court.

(B) In dismissing the entire case with prejudice, Shubb proactively and improperly acted as an attorney for Kamala Harris to present new arguments in his order of 7/7/2015 (ECF 245) that were not raised by Kamala Harris's motion for judgment on the pleading. Kamala Harris's motion (Appendix, Exh.2) only raised the issue that "Plaintiff did not allege" Kamala Harris's connection with law enforcement. When Harris's motion did not argue whether Kamala Harris has connection with law enforcement, if Harris's arguments have merits, that would entitle the complaint to be amended, with the worst result of dismissal without prejudice.

Yet, Shubb created pages of NEW factual arguments to argue the factual issue for Kamala Harris motion regarding why Kamala Harris factually had no connection with law enforcement, which is beyond Harris's motion, beyond the jurisdiction for Rule 12b motion, and beyond the court's jurisdiction, to support his 7/7/2015 order to "dismiss with prejudice". In raising new issues on order, Shubb did not afford SHAO a chance to rebut his new argument raised the first time in the order. A reasonable judge would not do so without a conspiracy.

(C) New facts of joint spoliation of the policy in "the Guide to Judiciary Policy Judicial Conference of the United States Committee on Code of Conduct for United States Judges, Compendium of Selected Opinions § 3.6-6[1] (Apr. 2013)" ["§3.6-6[1]"] that was quoted by Judge Tigar's Order of June 2014 in ECF 30, in the case of Shao v. Wang where Judge William Shubb was presiding. It reasonably appears a conspiracy with Google, agents at the U.S.D.C., Chief Justice John G. Roberts, McManis defendants and/or all courts that had violated "§3.6-6[1]" in summarily denying SHAO's motions to change venue:

- (i) Judge Tigar, in recusing himself in June 2014 from handling the case, recommended in his Order (ECF30 in 14-3-cv-01912) that the Administration of Northern District of California District Court to change District based on §3.6-6[1] and he quoted the language (see, App.115-116³) in his order. The Northern California District Court did not change District as required by §3.6-6[1], and stated in ECF

- 30, but specifically arranged Judge William Shubb from Eastern District of California to handle the case, who failed to disclose his conflicts of interest and dismissed the entire case with prejudice including creating argument for Kamala Harris.
- (ii) SHAO has cited/quoted Tigar's order and his quoted § 3.6-6[1] as a major legal basis for her motions to change venue that were filed at the U.S.D.C. for D.C., U.S.D.C. for E.C., U.S.D.C. for D.C., 9th Circuit Court of Appeal, D.C. Circuit Court of Appeal and U.S. Supreme Court.
 - (iii) In July 2023, SHAO discovered that the § 3.6-6[1] quoted by Judge Tigar in his order (ECF 30) was altered to become blurred and illegible;
 - (iv) SHAO further discovered in July 2023 that Google concealed § 3.6-6[1].
 - (v) SHAO discovered the U.S. Judicial Council where Chief Justice John G. Roberts is in charge also concealed § 3.6-6[1].
 - (vi) All courts involved have violated the § 3.6-6[1] policy and 28 U.S.C. § 455(a) and/or 28 U.S.C. § 455 (b)(5)(i);
 - (vii) Such concealment of § 3.6-6[1] from the courts and internet appears to be a systematic common scheme of alteration or purging the laws in order to cover up McManis defendants' crimes such that the purging § 3.6-6[1] from the world reasonably appears to be a conspiracy among McManis defendants, Google, Chief Justice John G. Roberts, unknown agents at the U.S.D.C. for Northern California, as well as all courts involved who have persisted on refusing to change venue in order to cover up the crimes involved, including the most recent June 29, 2023 order—including Judge Silverman, Nelson, and Butamay.
 - (viii) As McManis defendants' hackers were aware of the above discovery by SHAO as they had hacked and deterred SHAO from filing the First Amended Complaint, they recovered Judge Tigar's order in late July 2023.

Prior similar incidents include

- (i) Spoliation of Rule 5-300 by Tani:

SHAO made a complaint to the State Bar against James McManis in August 2015 based on McManis's admitted violation of Rule 5-300 of California Rules of Professional Conduct during his deposition on July 20, 2015. Over his own attorney's objections, McManis admitted unambiguously that he is an attorney for Santa Clara County Superior Court on one unidentified matter, and he provided free legal consultation to many judges/justices in Santa Clara County Court, Sixth District Court of Appeal and California Supreme Court, regarding which McManis's attorney Janet Everson disclosed that these are long term consultation to unidentified judges/justices by McManis.

After making inquiries upon McManis, State Bar of California elevated SHAO's complaint against James McManis from Investigation Stage to Enforcement Stage with a new case number of 15-O-15200 in October 2015. In 2018, Tani caused the entire Rules of Professional Conduct to be re-organized with new number for the Rules and concealed the original Rule 5-300. The language of Rule 5-300 was later added back sometimes in 2020 in view of SHAO's criticism of Tani's crimes in covering up McManis's crimes in Appeal No. 19-5014 at the D.C. Circuit (Petition No. 20-524 at the US Supreme Court).

- (ii) Spoliation of Civil Local Rule 8(c) in 2021 by Presiding Judge Theodore Zayner, which was the direct evidence of Santa Clara County Court defendants's conspiracies with McManis defendants, to dismiss Shao v. McManis Faulkner, LLP, James McManis, Michael Reedy, and Catherine Bechtel (2012-1-cv-220571):

On November 19, 2019, immediately after SHAO received notice of case dismissal after her returning from the Middle East, SHAO made an ex parte application in front of Judge Sunil Kulkarni to reopen discovery in order to depose Janet Everson and Suzie Tagliere on how they were able to file the motion behind her back as Civil Local Rule 8(c) required reservation; the Law and Motion clerk's office responded that there was no reservation for McManis defendants' October 8, 2019 hearing on their motion to dismiss, and Civil Local Rule 8(c) had been strictly enforced by Law and Motion department that they would not allow filing of a motion without a reservation on hearing date. Following Civil Local Rule 8(c) will frustrate McManis's plot for quiet dismissal.

Judge Sunil Kulkarni stipulated on the record on November 19, 2019 that McManis defendants did not do such reservation but denied SHAO's ex parte application to reopen discovery to depose Janet Everson and Suzie Tagliere. Civil Clerk Alex Rodriguez admitted to SHAO on or about March 2, 2020 that she was the person allowing McManis defendants to file the motion to dismiss and further allowing e-filing date to be antedated to September 12, 2019.

in a dangerous and illegal child custody that has posed threat of imminent risk of harm. Shubb's misusing his judge's office to suppress lawful seeking of legal grievance fostered the foreseeable harms on **continuous judicial kidnapping, parental deprival and child endangerment to continue from 2015 until present.**

7. Ninth Circuit's most senior judge, Judge J. Craig Wallace, is the designer of American Inns of Court and a defendant/Appellee in this appeal such that it is impossible for Ninth Circuit to be neutral. Guide to Judiciary Policy Composium of Selected Opinion §3.3-6[1] quoted in ECF 30 for the related case of 3:14-01912WBS, which is Judge Tigar's order of recusal, mandates this Circuit to change the Circuit for this appeal when Judge J. Craig Wallace, the most senior judge in this Circuit, and Judge Lucy H. Koh are defendants and appellees of this case.
8. Ninth Circuit used Appellee Anthony M. Kennedy's name for its law library, and has had frequently invited Kennedy to visit the Ninth Circuit in various activities in the past two decades that there is a public view that this Ninth Circuit can decide this case fairly when Justice Kennedy, and his Inn of Court are Appellees in this Appeal .

As encouraged by then-Chief Justice William Burger, Appellee Judge J. Craig Wallace designed American Inns of Court Foundation's function, in collaboration with Appellee James Mcmanis, which founded the giant secret club of American inns of Court Foundation. The first member of this secret club that was sponsored by this club, including Mcmanis defendants, to enter the US

Just like Tani's purging Rule 5-300, Judge Theodore Zayner changed the local civil rule and removed the reservation/pre-notice requirement in Civil Local Rule 8(c) to cover up McManis defendants' crimes.

Supreme Court was Anthony M. Kennedy, whose name is shown constantly at the Ninth Circuit as the Ninth Circuit established a "Anthony M. Kennedy Learning Center". The judges/justices may establish "children" to American Inns of Court Foundation to get their tax exempt status. Wallace established two children under his name. Chief Justice Burger, Justices Kennedy, Ginsburg, Kagan all established a child to American Inns of Court Foundation." They influenced the governors of all 50 States to appoint judges who are their members. With tax exempt status, they receive donations from attorney members who appear in front of them, and the attorney members got tax deduction benefits.

9. The June 29, 2023 order issued by Judges Silverman, Nelson and Butamay presents the pattern of **willful refusal in cooperating in investigating the complained crimes and avoiding decision on the issues**. Any reasonable person seeing this order would believe June 29, 2023 order is but **another systematic scheme** of the conspiracies among all defendants to block SHAO's First Amendment right to seek grievances, as was already admitted by the great majority of defendants in the related Petition No.22-350 proceeding.

The Appellate panel's refusing to decide is systematic patterns of defendants/appellees. The US Supreme Court Justices defendants conspired in each not deciding 12 Requests for Recusal duly filed by SHAO, and deliberately refusing to decide Petition Nos. 20-524 and 22-350 with a false excuse of "lack of quorum" which is inconsistent with the precedent in Petition NO.12-8660 where Justice Kagan alone may decide a Petition for Writ of Certiorari, and inconsistent with Congress-designed procedure⁴ to certify transfer to a neutral senior Judge at a Court of Appeal to form a neutral appellate panel to fulfill the Congress's public

⁴ United States v. District Court for Southern District of New York, 334 U.S. 258 (1948).

policy to must allow an appellate review⁵, that the D.C. Circuit refused to cooperate in investigating the crimes complained in Appeal Nos. 19-5014 and 21-5210, and that Judge Rudolph Contreras suppressed his own crimes of ex parte communications with California defendants and refused to cooperate in investigating the crimes involved his own frauds.

10. Judge Silverman was in the same panel led by Senior Judge J. Craig Wallace in suppressing the related appeal No. 15-16817. June 29, 2023 order is similar to what Judge Silverman, Judge J. Craig Wallace and Judge Jay ByBee ordered on December 21, 2017 (ECF 131-1) in Appeal No. 15-16817 – a summary denial in violation of *Moran v. Clarke* standard for 28 U.S.C. § 455 (f.1) and now Wallace is a defendant in 22-15857 and is a Respondent/defendant in Petition No. 22-350. Therefore, any reasonable attorney will believe these judges and courts are all in one conspiracy as led by James McManis, Tani Cantil-Sakauye and Anthony M. Kennedy⁶.

Therefore, the Ninth Circuit must change venue to Second Circuit Court of Appeal as requested by Appellant (ECF 21 through 27, 29 through 31 of this Appeal).

STANDARD OF REVIEW

This Court reviews de novo district court's dismissal for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), *Starr v. Baca*, 652 F.3d 1202, 1205 (9th Cir. 2011), and when there is issue of violation of Due Process as the dismissal order was made beyond the court's jurisdiction when Appellant had

⁵ *United States v. Will*, 449 U.S. 200 (1980).

⁶ This is based on then California Chief Justice Tani Cantil-Sakauye's concession, as a matter of law, on August 25, 2021 in S269711 (California Supreme Court case) to cause a legal effect that all facts in SHAO's verified statement of disqualification/request for recusal of Chief Justice Tani Cantil-Sakauye to be "truth." Among 8 matters Tani conceded, Tani conspired with James McManis, her secret lawyer, and Justice Anthony M. Kennedy, to conspire with US Supreme Court Justices to joint their conspiracies to block all of SHAO's seeking grievances to reach the common goal of permanent parental deprivation of James McManis, and his partners and his law firm. As this is already a truth, this paragraph mentions the conspiracies of the three—Tani, McManis and Kennedy.

rejected the jurisdiction of the Magistrate Judge (ECF51 of underlying case). And in conducting such review, a dismissal is affirmed “only where the complaint lacks a cognizable legal theory or sufficient facts to support a cognizable legal theory.” Hartmann, 707 F.3d at 1122. That is, this Court ascertains whether the complaint alleges “sufficient factual matter, accepted as true, to ‘state a claim to 19relief that is plausible on its face.’” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)).

STATEMENT OF THE CASE

As a matter of law, the order and judgment of Judge John A. Mendez for the underlying case in ECF 84 through 86, that was made within a day following his being promoted to “Senior Judge” status at the U.S.D.C. for the E.C., violated Due Process in undisputedly conflicting with 28 U.S.C. §455(a) and §455(b)(5)(i) that must be reversed when Judge Mendez has direct conflicts of interest as being an officer or leading judge member of Appellee American Inns of Court Foundation, and closely related to Appellees retired Justice Anthony M. Kennedy, Anthony M. Kennedy American Inn of Court, California Chief Justice Tani Cantil-Sakauye, James Mcmanis, Michael Reedy, McManis Faulkner, American Inns of Court Foundation, San Francisco Intellectual Property American Inn of Court Foundation, William A. Ingram American Inn of Court Foundation, Judge Theodore Zaynor, Judge Patricia Lucas, B.J. Fadem, Judge Rise Pichon, Judge Peter Kirwan, Judge Gregory Saldivar at Santa Clara County Superior Court, Judge Edward Davila, Presiding Justice Mary J. Greenwood, Justice Patricia Bamattre-Manoukian at California Sixth District Court of Appeal, who are members of William A. Ingram American Inn of Court, a child of American Inns of Court . Therefore, Judge Mendez’s orders in ECF 84 through 86 must be reversed, and

vacated pursuant to *Aetna Life Ins. Co. v. Loviae* (1986) 475 U.S. 813; *Liljeberg v. Health Serv. Acquisition Corp.* (1988) 486 U.S. 847.

Moreover, Judge John A. Mendez who had acted beyond jurisdiction in failing to recuse himself, had further illegally adopted the recommended orders of Magistrate Judge Allison Claire in violation of 28 U.S.C. §636 and Rule 73 in that Appellant SHAO had unambiguously rejected her jurisdiction (ECF51), and Judge Mendez's order and judgment failed to mention this issue, such that as a matter of law, Judge Mendez's orders and judgment **must be vacated** pursuant to Ninth Circuit's Opinion of Judge J. Craig Wallace in *Anderson v. Woodcreek Venture, Ltd.*, 351 F.3d 911 (2003).

Thirdly, not only in violation of 28 U.S.C. §455(a) as well as Rule 73 and 28 U.S.C. §636, **Magistrate Judge Alison Claire acted beyond her jurisdiction** to dispose the case at the onset of the proceeding, as if she were the attorney of defendants, without any legal basis, which infringed upon Appellant's fundamental right to access the court. Her cited authority to support her being able to dismiss a case at the very beginning of the proceeding, *Reed v. Lieurance*, 863 F.3d 1196 (2017 9th Cir.), actually does not support her disposition. Contrary to her argument/opinion, in *Reed*, the dismissal was made pursuant to a motion for summary judgment, after discovery, not by the court's sua sponte dismissal at the on-set of the proceeding.

Fourthly, **Appellant further moves that in ordering remand the Appeal because of lack of jurisdiction** (Claire's recommendations), the U.S.D.C. for E.C. should be changed venue to the U.S.D.C. for Southern District of New York, unless an impartial appellate panel that is composed of non-members of the American Inns of Court could be found. It is proper to change to New York as the underlying proceeding of Rule 60(b) motion and motion to change venue to

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U.S.D.C. in New York which is in ECF 161, 161-1 through 161-11 filed with the U.S.D.C. for the D.C. in case no.1:18-cv-01233RC was **unopposed by all defendants who are about the same defendants in this second case**, and by analogous to the Congress-designed detailed procedure of certification of appeal as stated by the US Supreme Court in *United States v. District Court for Southern Dist. Of New York*, 334 U.S. 258 (1948). Appellant SHAO moves to change court to a neutral senior judge at U.S.D.C. for Central New York, who has no conflicts of interest and not a member of the American Inns of Court.

Fifthly, alternatively, Appellant respectfully moves certify transfer the venue of this Circuit to the Second Circuit Court of Appeal based on the fact that this Ninth Circuit has direct conflicts of interest as it promotes Appellee American inns of Court Foundation, Anthony M. Kennedy Inn of Court, Appellee Justice Anthony M. Kennedy, when one of its Presiding Judge, J. Craig Wallance, is an Appellee and its Judge Lucy Koh has direct conflicts of interest (involved in Petition No.17-256 at the US Supreme Court).

STATEMENT OF FACTS

This is a second lawsuit of Shao v. Roberts, et al., based on the court crimes occurred after the First Amended Complaint (ECF#16) of Shao v. Roberts, et al., case no. 1:18-cv-01233. Appellant respectfully requests this Court to take judicial notice of the Petition for Writ of Mandamus filed in Petition NO.22-350 that is posted on the Supreme Court's website. See, **Response to US Attorney's Waiver** filed on 11/21/2022, which was concealed by Appellee Supreme Court Chief Justice John G. Roberts, Jr.⁷, converted it in the Supreme Court, never returned,

⁷ Chief Justice Roberts concealed totally 7 filings in Petition 22-350:

(1) Response to US Attorney's Waiver filed on 11/21/2022 (concealed and not returned at all), <https://1drv.ms/b/s!AqQw7ZHOH2MOgS-4PUJ8FhSFzBJU?e=PG7rEA>

(2) **Request for Recusal** filed on 11/24/2022, Thanksgiving (concealed and not returned at all) https://1drv.ms/b/s!AqQw7ZHOH2MOgTFUe_i3y8cQADSq?e=dotJN1

and failed to enter into the docket of 22-350 about “not accepted for filing,” in this document link:

<https://1drv.ms/b/s!AqQw7ZHOH2MOgS-4PUJ8FhSFzBJU?e=PG7rEA>

All Respondents have waived their objections and re-admitted to their conspiracies in permanent parental deprivation and blocking all access to the courts in the proceeding of Petition No.22-350 where Chief Justice John G. Roberts illegally blocked 8 filings, including Request for Recusal and Petition for Rehearing, after there were many significant admissions in the Appeal No.21-5210 proceeding at the D.C. Circuit Court of Appeal.

On 2/21/2022, SHAO filed the second complaint of Shao v. Roberts, et al. which was docketed on 2/22/2022 due to Appellees’ hacker’s interference. In January 2023, SHAO discovered that the hackers include not only Kevin L. Warnock but also William Faulkner, Esq.

SHAO filed the complaint together with a TRO motion (underlying case 22-00325, ECF10-17) against California Chief Justice Tani Cantil-Sakauye, et al. for unlawfully suspending her bar license without notice nor hearing; the ground of suspension was later discovered in January 2023 to be fraudulent—Tani suspended SHAO’s California bar license based on alleged enforcement of child support order of May 3, 2013, where Vice President Kamala Harris illegally supported its

(3) Application for Emergency Stay to Justice Barrett filed on 11/24/2022, Thanksgiving

https://1drv.ms/b/s!AqQw7ZHOH2MOgTB_rBJNIAJJ-6L1?e=GPe7Dh

(4) MOTION TO FILE (1) “Application For Emergency Stay And Other Relief To Associate Justice Amy Coney Barrett [Rule 22] That Was Filed On 11/24/2022, (2) “Request For Recusal Against Chief Justice John G. Roberts, Jr., Associate Justice Clarence Thomas, Associate Justice Samuel Alito, Associate Justice Elena Kagan, Associate Justice Sonia Sotomeyer, Associate Justice Neil Gorsuch, Associate Justice Bret Kavanaugh, Associate Justice Ketanji Brown Jackson” That Was Filed On 11/24/2022, And (3) “Response To Solicitor General’s Waiver” Filed On 11/21/2022

https://1drv.ms/b/s!AqQw7ZHOH2MOgTznsdab0y_Q0j_r?e=SPFs8f

(5) Motion to transfer to Court of Appeal filed on 12/4/2022

<https://1drv.ms/b/s!AqQw7ZHOH2MOgTuDN8JAY5GScy4o?e=XoPMdQ>

(6) motion for summary adjudication/reversal filed on 12/4/2022

https://1drv.ms/b/s!ApQcXu9BWrwphggK13rr_bO8foTt?e=Amo0V5

(7) Petition for Rehearing: <https://1drv.ms/b/s!AqQw7ZHOH2MOgUI-SNTFlpZEO3oN?e=aNCr4k>

affirmance in violation of California Family Code §17407. Such suspension was fraudulent which needs to amend the complaint.⁸ All government agencies and the U.S.D.C. for E.C. failed to respond to SHAO's request to take action to stop the suspension of her bar license. In fact, after California Supreme Court blocked filing of SHAO's motion to vacate Tani's 1/25/2022 order, California Supreme Court conspired with State Bar of California to forge 76 docket entries in S263527 that was in fact already closed on 8/24/2020, to cover up Tani's conspiracies with James Mcmanis that she conceded on 8/25/2021 in the proceeding of Petition for Review S269711. See, Petition for Writ of Mandamus filed in Petition No.22-350 that has been tacitly admitted by all Respondents in Shao v. Roberts, et al., which is the preceding case for this underlying case.

On 2/22/2022, Judge John A. Mendez ordered to assign the TRO motions and the case to Magistrate Judge Allison Claire, without disclosing their conflicts of interest.

On 2/28/2022, SHAO filed the second TRO motion against Presiding Judge SRI SRINIVASAN in his official capacity as Presiding Judge, Judge Karen LaCraft Henderson, Judge David Tatel, Judge Carnelia T.L. Pillard, Judge Patricia Millett, Judge Rudolph Contreras Scott S. Harris, Jeff Atkins, Jordan Danny Bickell, Chief Justice John G. Roberts, Jr. for their second time conspiracies in refusing to transfer court of appeal to the Second Circuit Court of Appeals after Appellee James Lassart, attorney of record

⁸ Tani's order is fraudulent as at the time of her issuance of the 1/25/2022 order, Local Child Support Agency did not do enforcement (did not issue a notice for enforcement until March 10, 2023, a year later) and further had no jurisdiction for enforcement (California Family Code §17400(n)(1) and §17404.2 for already nearly 5 years since April 1, 2017 when SHAO moved out of Santa Clara County to Alameda County and further moved to Maryland in Spring of 2021. In order to cover up and support Tani's fraud, Local Child Support Agency filed a frivolous motion on 11/9/2012 exceeding its jurisdiction stated in F.C. §17520(k) with the court that is improper venue and refused to issue release when the proceeding exceeds 6 months as required by §17520 and further conspired with Santa Clara County Court to issue a fraudulent order to create child support debt in order to continue deprive SHAO of her property California Bar license.

for Appellees James McManis, Michael Reedy, McManis Faulkner, and their California attorney Janet Everson, disclosed and further admitted 20+ times that they conspired with the D.C. Circuit in dismissing the first appeal No. 19-5014, and Appellees American Inns of Court tacitly admitted that they bribed then-Chief Judge Merrick Garland and lead Panel Judge Patricia Millett in dismissing them from 19-5014 appeal.

On 3/2/2022, waited until suspension of SHAO's bar license by California State Bar in conspiracies with Tani, and Local Child Support Agencies, before any defendant making an appearance, Magistrate Judge Allison Claire showed up the first time with an Order to Show Cause of Dismissal of the entire case. Claire's willfulness in waiting until SHAO's bar license suspension was demonstrated by her ECF25 Minute Order on 3/2/2022, where she stated SHAO's bar license was suspended, and ordered that SHAO may continue using CM/ECF. (ECF25)

Without receiving a clear instruction that SHAO may file a Rejection to Magistrate Judge from the District Court as required by *Anderson v. Wood Creek Venture, Ltd.*, 351 F.3d 911 at 914-915 (9th Circuit 2003), without knowing ECF24 on 3/2/2022, on 3/6/2022, SHAO filed a motion to recuse both Judge John A. Mendez and Magistrate Judge Claire (ECF 27) which was amended on 3/7/2022 (ECF 29) and, after discovery of ECF24 order to show cause, SHAO filed the Second Amended Motion to Disqualify both Claire and Mendez on 3/8/2022.

SHAO overlooked existence of ECF 24 as she spent significant time in filing her third TRO motion on 3/4/2022 (ECF26) to release her daughter Lydia from being confined in the unlawful and dangerous child custody as conspired by Tani and McManis and key judges at Santa Clara County Superior Court (Judge Theodore Zaynor, Judge Patricia Lucas, Judge Rise Pichon and Judge Maureen Folan), per Tani's concession as a matter of law on 8/25/2021 in S269711.

In overlapping with SHAO's Second Amended Motion to Disqualify Claire and Mendez (ECF32), on 3/8/2022, Claire filed an Order and Recommendation to deny recusal of both Judge Mendez and herself as contained in ECF 29 (amended motion from ECF27). (ECF 31) She cited *Liteky v. U.S.*, 510 U.S. 540, 555 (1994) but *Liteky* does not support her position. The Supreme Court stated in *Liteky* a "pervasive" bias that is not out of extrajudicial source:

It is wrong in theory, though it may not be too far off the mark as a practical matter, to suggest, as many opinions have, that "extrajudicial source" is the *only* basis for establishing disqualifying bias or prejudice. It is the *only common* basis, but not the *exclusive* one, since it is not the *exclusive* reason a predisposition can be wrongful or inappropriate. A favorable or unfavorable predisposition can also deserve to be characterized as "bias" or "prejudice" because, even though it springs from the facts adduced or the events occurring at trial, it is so extreme as to display clear inability to render fair judgment. (That explains what some courts have called the "pervasive bias" exception to the "extrajudicial source" doctrine. See, e. g., *Davis v. Board of School Comm'rs of Mobile County*, 517 F. 2d 1044, 1051 (CA5 1975), cert. denied, 425 U. S. 944 (1976).)

On 3/9/2022, SHAO filed ECF 32 titled:

" AMENDED MOTION TO DISQUALIFY
JUDGE JOHN A. MENDEZ AND MAGISTRATE JUDGE ALLISON
CLAIRE UNDER 28 U.S.C. §144 AND 28 U.S.C. §455(a) AND/OR 28
U.S.C.
§455(b)(5)(i) INCLUDING PLAINTIFF'S RESPONSE TO THE 3/2/2022
ORDER TO SHOW CAUSE
And
MOTION TO SET ASIDE OR REHEARING OF THE 3/2/2022 ORDER
AND ORDER TO SHOW CAUSE AND THE 3/7/2022 MINUTE ORDER,
CERTIFICATE OF GOOD FAITH".

On 3/12/2022, SHAO filed ECF 33 as her Objection to Claire's Orders in ECF 24 and 28 where Claire acknowledged that she summarily denied SHAO's 4 TRO

motion WITHOUT TAKING TIME TO READ any of them, and Objection to Claire's denial of recusal for both Claire herself and Mendez in ECF 31, which is also SHAO's **Supplement to ECF 32's Second Amended Motion to Disqualify Claire and Mendez**, response to OSC as well as motion to vacate ECF 24, 28, 31.

Beyond 10 days, 14 days later, then on 3/29/2022, Claire filed ECF 35 Recommendations denying recusal of herself and Mendez in ECF 32 and ECF 33. Claire failed to decide SHAO's motion to vacate ECF 24, 28, 31.

5 days following ECF 35 where Claire and Mendez persisted on not recusing themselves, and failed to lay out all relevant facts regarding the accused conflicts of interest pursuant to Moran v. Clarke (8th Cir. 2002) 309 F.3d 516, 517 with the case law stated in P.10 in ECF32, on 4/4/2022, SHAO filed "DECLINE of U.S. Magistrate Judge Jurisdiction pursuant to Fed.R.Civ.P.73(b)(1)" via ECF 51.

On or about 4/6/2022, the Clerk issued blanket subpoena and SHAO served upon Supreme Court appellees for depositions to take place on April 24 through 26. The US Supreme Court defendants (Justices and Clerk and deputy clerks, including Emergency Application Attorney Robert Meek) were properly served scheduled for deposition since April 25, 2022. They returned the checks for witness fees but was informed the need to file a motion for protective order to stop depositions from taking place.

On 4/18/2022, Judge John A. Mendez was promoted to be Senior Judge at the U.S.D.C. for E.C.

On 4/19/2022, Defendant/Appellee Commission for Judicial Performance filed an Answer(ECF 78), when a day earlier it filed an ex parte application for extension of time to file response to the complaint. Disregard of ECF 51 rejection, Claire continued issuing an order to granting Commission for Judicial Performance's ex parte Application on 4/19/2022 (ECF79). SHAO immediately

filed an Objection to the ECF 79 contesting Claire's jurisdiction. SHAO wrote in ECF 79:

In willful violation of due process, Magistrate Judge Allison Claire who had been dissented to be in this case, and further tacitly admitted to her conflicts of interest, persisted on issuing order in this case, without any jurisdiction.

Claire failed to reply nor decide on Plaintiff's Motion to vacate all of her orders in ECF 24, 28, 31 as contained in ECF 33. Based on the fact of Magistrate Judge Claire's tacit admission to her conflicts of interest with defendant California Chief Justice Tani Cantil-Sakauye and the fact that it is undisputed for her "pervasive bias" and acted without jurisdiction, Claire has a duty to disqualify herself pursuant to 28 U.S.C. 455(a).

Plaintiff moves to strike the Order of ECF 79 for being made without jurisdiction.

On 4/19/2022, the first motion to dismiss was filed by State Bar defendants (ECF 81, 82). Claire continued issuing a minute order to set the hearing to be on 5/25/2022 (ECF 83).

Signed at the night of 4/19/2022 which was filed on 4/20/2022, Judge Mendez issued his orders (ECF 84 and 85) to adopt Claire's recommendation in ECF 31 and 35 **without discussing SHAO's rejection of Claire's jurisdiction**, as required by Anderson v. Wood Creek Venture, Ltd. 351 F.3d 911 at 914-915 (9th Circuit 2003), without even discussing the issues for accusations on his own disqualifications. The order was short, appearing like being made in a rush to block SHAO from deposing the US Supreme Court defendants/justices.

At the time of this abrupt dismissal, which is nothing less than to block SHAO's reasonable access to the Court, 9 defendants were at default, one motion was just filed, one answer filed and great majority of defendants not yet responded. At no time, any of the defendants ever responded to SHAO's objections.

38+ defendants had not responded

A. 9 in Supreme Court

9 defendants at US Supreme Court including present 5 Justices (Roberts, Thomas, Alito, Kagan and Sotomayor, Scott Harris, Jeff Atkins, Jordan Danny Bickell (ECF 36-43) were served on March 21, 2022

B. 5 in DC Circuit Court of Appeal

Judge Karen LeCraft (ECF 45), Judge Patricia Millett (ECF47), Judge Cornell T.L. Pillard (ECF 48), Judge David Tatel (ECF 49), Scott Atchue, Operation manager at D.C. Circuit (ECF 74)

C. 3 in U.S.D.C. for the D.C.

Judge Beryl A. Howell (ECF 46), Rudolph Contreras (ECF 43), Jackie Francis (ECF44)

D. 23 other defendants

James McManis (ECF 76, 87), Michael Reedy, McManis Faulkner (ECF 87)

Rob Bonta, California Attorney General was served on 3/25/2022.(ECF 67)

American Inns of Court Foundation was served on 4/13/2022 (ECF 71, 72)

Edward Coke Appellate American Inn of Court in Washington, District of Columbia served on 4/13/2022 (ECF 73)

Joel Looten served on 4/13/2022.(ECF 70)

16 at Santa Clara County Superior Court:

Judge Theodore Zayner, Judge Patricia Lucas, Judge Christopher Rudy, Lisa Herrick, Judge Mary Ann Grilli, Judge Peter Kirwan, Judge Rise Pichon, Susan Walker, Alex Rodriguez, Judge Christopher Rudy, Judge

Gregory Saldivar, Judge Maureen Folan, Judge Sunil Kulkarni, Jill Sardeson, Sarah Scofield, Rebecca Delgado who were served on April 14, 2022 (ECF 87)

9 DEFENDANTS IN CALIFORNIA ARE AT DEFAULT

Anthony M. Kennedy and Anthony M. Kennedy Inn of Court Foundation

were served on 3/12/2022 with due date on 4/12/2022 (ECF 58)

California Chief Justice Tani Cantil-Sakauye and Clerk Jorge Navarrete were served on 3/28/2022 with due date to respond on April 18, 2022.(ECF 53)

Michael Fox and Sean Patterson were served on 3/28/2022 with due date on April 18, 2022 (ECF 54)

James Lassert, Suzie Tagliere and Janet Everson served on 3/28/2022, answer due 4/18/2022. (ECF 60 & ECF 62)

1 defendant filed an Answer on 4/18/2022 (ECF 78)

Commission for Judicial Performance filed answer on 4/18/2022 (ECF 79)

1 defendant filed a Motion to Dismiss on 4/19/2022 (ECF 81, 82)

State Bar of California (Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim, Vanessa Lara. Attorney Shapp, Marc Aaron) **filed a motion to dismiss which Magistrate Judge Allisson Claire, despite rejected jurisdiction by Plaintiff (ECF 51), on 4/19/2022, set the State Bar motion to be on 5/25/2022**

___ In the related appeal Petition No.22-350, all appellees, who are also most of the defendants/appellees in this Appeal, admitted to 177 felonious acts done by all three courts, at all level, at the District of Columbia. As of May 5, 2023, the Supreme Court crimes, not including personal attacks to appellant such as burglaries, attempted murder, hacking, stalking, destruction of Appellant's properties, amounted to more than 400 felonious acts. See the Table of Crimes and key documentary evidence in https://1drv.ms/b/s!AqQw7ZHQH2MOg2W63ZTXI_W-SDN4?e=aiScrg.

ARGUMENTS

A. CLEAR ERROR THAT THE ORDER AND JUDGMENT OF JUDGE MENDEZ MUST BE REVERSED FOR CONFLICTS OF INTEREST UNDER 28 U.S.C. SECTIONS 445 (A) AND 445(B)(5)(I) WHEN HE NEVER COMPLIED WITH THE STANDARD OF RESPONSE THAT REQUIRES TO LAY OUT ALL RELEVANT FACTS AS REQUIRED BY MORAN V. CLARK WHICH WAS IN P.10 OF ECF 32.

As stated above, this is structural due process violation under *Tumey v. Ohio*, that according to *Aetna Life, supra*, and *Liljeberg, supra*, when judicial recusal is not properly handled, the order and judgment must be reversed.

B. CLEAR ERROR AS MAGISTRATE JUDGE ALLISON CLAIRE'S RECOMMENDATIONS MUST NOT BE ADOPTED SUCH THAT REMAND IS REQUIRED AS A MATTER OF LAW.

Rule 73. Magistrate Judges: Trial by Consent; Appeal states:

(a) Trial by Consent. When authorized under 28 U.S.C. §636(c), a magistrate judge may, if all parties consent, conduct a civil action or proceeding, including a jury or nonjury trial. A record must be made in accordance with 28 U.S.C. §636(c)(5).

(b) Consent Procedure.

(1) *In General*. When a magistrate judge has been designated to conduct civil actions or proceedings, the clerk must give the parties written notice of their opportunity to consent under 28 U.S.C. §636(c). To signify their consent, the parties must jointly or separately file a statement consenting to the referral. A district judge or magistrate judge may be informed of a party's response to the clerk's notice only if all parties have consented to the referral.

(2) *Reminding the Parties About Consenting*. A district judge, magistrate judge, or other court official may remind the parties of the magistrate judge's availability, but must also advise them that they are free to withhold consent without adverse substantive consequences.

(3) *Vacating a Referral*. On its own for good cause—or when a party shows extraordinary circumstances—the district judge may vacate a referral to a magistrate judge under this rule.

28 U.S. Code §636 - Jurisdiction, powers, and temporary assignment

States in relevant part that

(a) Each United States magistrate judge serving under this chapter shall have within the district in which sessions are held by the court that appointed the magistrate judge, at other places where that court may function, and elsewhere as authorized by law—

(1)
all powers and duties conferred or imposed upon United States commissioners by law or by the Rules of Criminal Procedure for the United States District Courts;

....
(b)
(1) Notwithstanding any provision of law to the contrary—

(A)
a judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action. A judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.

(B)
a judge may also designate a magistrate judge to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any motion excepted in subparagraph (A), of applications for posttrial [1] relief made by individuals convicted of criminal offenses and of prisoner petitions challenging conditions of confinement.

(C)
the magistrate judge shall file his proposed findings and recommendations under subparagraph (B) with the court and a copy shall forthwith be mailed to all parties. Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

(2)

A judge may designate a magistrate judge to serve as a special master pursuant to the applicable provisions of this title and the Federal Rules of Civil Procedure for the United States district courts. A judge may designate a magistrate judge to serve as a special master in any civil case, upon consent of the parties, without regard to the provisions of rule 53(b) of the Federal Rules of Civil Procedure for the United States district courts.

(3)

A magistrate judge may be assigned such additional duties as are not inconsistent with the Constitution and laws of the United States.

...

(c) Notwithstanding any provision of law to the contrary—

(1)

Upon the consent of the parties, a full-time United States magistrate judge or a part-time United States magistrate judge who serves as a full-time judicial officer may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves. Upon the consent of the parties, pursuant to their specific written request, any other part-time magistrate judge may exercise such jurisdiction, if such magistrate judge meets the bar membership requirements set forth in section 631(b)(1) and the chief judge of the district court certifies that a full-time magistrate judge is not reasonably available in accordance with guidelines established by the judicial council of the circuit. When there is more than one judge of a district court, designation under this paragraph shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge.

(2)

If a magistrate judge is designated to exercise civil jurisdiction under paragraph (1) of this subsection, the clerk of court shall, at the time the action is filed, notify the parties of the availability of a magistrate judge to exercise such jurisdiction. The decision of the parties shall be communicated to the clerk of court. Thereafter, either the district court judge or the magistrate judge may again advise the parties of the availability of the magistrate judge, but in so doing, shall also advise the parties that they are free to withhold consent without adverse substantive consequences. Rules of court for the reference of civil matters to magistrate judges shall include procedures to protect the voluntariness of the parties' consent.

(3)

Upon entry of judgment in any case referred under paragraph (1) of this subsection, an aggrieved party may appeal directly to the appropriate United States court of appeals from the judgment of the magistrate judge in the same manner as an appeal from any other judgment of a district court. The consent of the parties

allows a magistrate judge designated to exercise civil jurisdiction under paragraph (1) of this subsection to direct the entry of a judgment of the district court in accordance with the Federal Rules of Civil Procedure. Nothing in this paragraph shall be construed as a limitation of any party's right to seek review by the Supreme Court of the United States.

(4)

The court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate judge under this subsection.

(5)

The magistrate judge shall, subject to guidelines of the Judicial Conference, determine whether the record taken pursuant to this section shall be taken by electronic sound recording, by a court reporter, or by other means.

(d)

The practice and procedure for the trial of cases before officers serving under this chapter shall conform to rules promulgated by the Supreme Court pursuant to section 2072 of this title.

(e) Contempt Authority.—

(1) In general.—

A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by the appointment of such magistrate judge the power to exercise contempt authority as set forth in this subsection.

In *Anderson v. Wood Creek Venture, Ltd.* 351 F.3d 911 at 914-915 (9th Circuit 2003), Anderson and Wills signed the "consent to Magistrate Judge Form" but later stated in their pleading in part "Plaintiffs Deny Magistrates Jurisdiction," and they stated in the text that "Plaintiffs Wills and Anderson do hereby deny Magistrates [sic] jurisdiction." Like in this case, "The magistrate judge's referral of the motion to the district court and the district court's corresponding denial are not responsive to this nuance." The 9th Circuit in its opinion stated that "Both fail to specify whether the orders simply permit the magistrate judge to continue considering nondispositive matters (i.e., those covered by Rule 72 and 28 U.S.C. § 636(b)(1)) or whether the magistrate judge is being given a green light to conduct a full-fledged trial and order entry of the corresponding judgment (i.e., proceedings

governed by 28 U.S.C. § 636(c) and Rule 73)." i.d., at p.918. The 9th Circuit held that even though they signed the consent to Magistrate Judge Form, "It is apparent that the district judge had before him a Rule 73 challenge to the magistrate judge's jurisdiction to enter a final judgment without party consent."

The 9th Circuit held that "magistrate judge cannot, on mere designation by the district court, issue a dispositive order, 28 U.S.C. § 636(b)(1)(A), an "order [for the entry of judgment" on either motion would require the parties' prior consent.] *Id.* § 636(c)(1)." and ordered:

We therefore remand to the district court to determine whether Anderson voluntarily consented to proceed to judgment before the magistrate judge as section 636 requires in order to provide the magistrate judge, and hence us, with jurisdiction. Accompanying our remand is the instruction that should the district court find that the purported consent does not satisfy the voluntariness threshold imposed by Congress in section 636(c), the judgment entered by the magistrate judge is to be vacated. If not vacated, Anderson may proceed with her appeal. And Accompanying our remand is the instruction that should the district court find that the purported consent does not satisfy the voluntariness threshold imposed by Congress in section 636(c), the judgment entered by the magistrate judge is to be vacated. (i.d., at p.918)

Judge J. Craig Wallace delivered the following opinion (see, i.d. at p.915-917)

Our appellate jurisdiction therefore depends on the magistrate judge's lawful exercise of jurisdiction, *Nasca v. Peoplesoft (In re Marriage of Nasca)*, 160 F.3d 578, 580 (9th Cir.1998) (holding that the magistrate judge's "lack of jurisdiction *a fortiori* deprives this court of appellate jurisdiction"), which in turn depends on proper district court designation and the voluntary consent of the parties to entry of judgment by the magistrate judge, *Estate of Connors by Meredith v. O'Connor*, 6 F.3d 656, 659 (9th Cir.1993) (holding that "because the magistrate did not [obtain party consent] to enter a final order, the defendants' notice of appeal from that order was a nullity"); see also *Roell v. Withrow*, 538 U.S. 580, 123 S.Ct. 1696, 1707, 155 L.Ed.2d 775

(2003) (Thomas, J., dissenting) ("Absence of consent means absence of 'judgment,' which, in turn, means absence of appellate jurisdiction.").

Consent thus emerges from the statute as the touchstone of magistrate judge jurisdiction. Subsection (c)(3), in addition to referring to subsection (c)(1), expressly reinforces its insistence on consensual designation of a case to a magistrate judge for disposition. This statutory structure was designed by members of Congress who explicitly considered voluntary consent imperative. For example, the Senate Committee on the Judiciary stated when recommending passage of the Federal Magistrate Act of 1979 (the bill enacting most of 28 U.S.C. § 636(c)'s current text) that

Consent thus emerges from the statute as the touchstone of magistrate judge jurisdiction. Subsection (c)(3), in addition to referring to subsection (c)(1), expressly reinforces its insistence on consensual designation of a case to a magistrate judge for disposition. This statutory structure was designed by members of Congress who explicitly considered voluntary consent imperative. For example, the Senate Committee on the Judiciary stated when recommending passage of the Federal Magistrate Act of 1979 (the bill enacting most of 28 U.S.C. § 636(c)'s current text) that some ... have expressed concern that the designation of certain classes of cases for trial before magistrates ... might subtly coerce litigants into consenting in those cases. The bill clearly requires the voluntary consent of the parties as a prerequisite to a magistrate's exercise of the new jurisdiction. The committee firmly believes that no pressure, tacit or expressed, should be applied to the litigants to induce them to consent to trial before the magistrates. S. REP. No. 96-74, at 13 (1979), *reprinted in* 1979 U.S.C.C.A.N. 1469, 1481; *see also* H.R. REP. No. 96-287, at 13 (1979) ("The bill makes clear that the knowing and voluntary consent of the parties is required before any civil action may be referred to a magistrate; no coercion will be tolerated."); H.R. CONF. REP. No. 96-444, at 7-8 (1979), *reprinted in* 1979 U.S.C.C.A.N. 1487, 1488-89 ("[T]he voluntary consent of the parties is required before a civil action may be referred to a magistrate for a final decision."); S. CONF. REP. No. 96-322, at 7-8 (1979) (same).

The voluntary consent requirement was designed to assuage constitutional concerns, as Congress did not want to erode a litigant's right to insist on a trial before an Article III judge. *See Dixon v. Ylst*, 990 F.2d 478, 479 (9th Cir.1993) ("A party to a federal civil case has, subject to some exceptions, a constitutional right to proceed before an Article III judge."), *citing Pacemaker Diagnostic Clinic of Am., Inc. v. Instromedix, Inc.*, 725 F.2d 537,

541 (9th Cir.1984) (en banc). The House of Representatives Committee on the Judiciary reported that consent to both the magistrate judge and his or her entry of final judgment was a primary factor of "a solid constitutional foundation for creation of the Federal magistrates system." H.R. REP. No. 96-287, at 8; *see also* S. REP. No. 96-74, at 4, *reprinted in* 1979 915*915 U.S.C.C.A.N. at 1473 ("In light of this requirement of consent, no witness at the hearings on the bill found any constitutional question that could be raised against the provision."); 125 CONG. REC. 26822 (1979) (statement of Rep. Robert Kastenmeier) (rebuffing a constitutional challenge to the bill by arguing in part that "the magistrates' jurisdiction is entirely consensual. If any party ... does not care to have his or her case heard by a magistrate, there is no compulsion to do so."); H.R. REP. No. 96-287, at 31 (dissenting views of Rep. Elizabeth Holtzman) (opining that the legislation fosters too great a risk of coerced consent for it to pass constitutional muster). Congress's wise decision to include a robust voluntary consent prerequisite resulted in judicial approval of the legislation. We held that "in light of the statutory precondition of voluntary litigant consent and the provisions for the appointment and control of the magistrates by Article III courts, the conduct of civil trials by magistrates is constitutional." *Pacemaker Diagnostic Clinic of Am.*, 725 F.2d at 540.

The statutory backdrop described above has prompted us to pronounce "that a clear and unambiguous expression of consent is required to vest the magistrate with authority under subsection (c)," *Alaniz v. Cal. Processors, Inc.*, 690 F.2d 717, 720 (9th Cir.1982) (per curiam), and that such consent be "explicit." *In re San Vicente Med. Partners*, 865 F.2d 1128, 1131 (9th Cir.1989); *see also* *Kofoed v. Int'l Bhd. of Elec. Workers, Local 48*, 237 F.3d 1001, 1004 (9th Cir.2001) ("Where the magistrate judge has not received the full consent of the parties, he has no authority to enter judgment in the case....").

The Supreme Court's recent decision in *Roell v. Withrow*, 538 U.S. 580, 123 S.Ct. 1696, 155 L.Ed.2d 775 (2003), does little (at least in a case such as this) to diminish our precedent's stringent requirement that litigants clearly indicate their consent and that such consent be voluntary. *Roell* held that voluntary consent could be implied in limited, exceptional circumstances. *Id.* at 1703 n. 7. In *Roell*, the parties' behavior "clearly implied their consent"; "the record shows that [they] voluntarily participated in the entire course of proceedings before the Magistrate Judge[] and voiced no objection when, at several points, the Magistrate Judge made it clear that she believed they had consented." *Id.* at 1700.

We review de novo whether a magistrate judge has jurisdiction. United States v. 5145 N. Golden State Boulevard, 135 F.3d 1312, 1314 (9th Cir.1998). Anderson is confronted initially by the fact she signed the Consent Form.

C. VENUE SHOULD BE CHANGED TO THE SECOND CIRCUIT COURT OF APPEAL

Based on the facts stated above in the section of "DIRECT CONFLICTS OF INTEREST OF THE NINTH CIRCUIT COURT OF APPEAL IN HANDLING THIS APPEAL: PENDING THIS COURT'S CERTIFICATION OF APPEAL AND/OR CHANGE VENUE TO THE SECOND CIRCUIT COURT OF APPEAL REGARDING APPELLANT'S REQUESTS IN ECF29 THAT WAS FILED ON 7/7/2023, AND ECF30 AND ECF 31 THAT WERE FILED ON 8/1/2023.", the clear and convincing evidence of conflicts of interest requires change of venue.

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32 (a)(7)(C), and Ninth Circuit Rule 32-1, I certify that the attached reply brief is proportionately spaced, has a typeface of 14 points or more, and contains 11,888 words.

STATEMENT OF RELATED CASES

1. Shao v. Roberts, et al., 1-18-cv-01233 RC filed with the U.S.D.C. for the D.C., which was appealed twice with Appeal Nos.19-5014 and 21-5210 at the D.C. Circuit Court of Appeal, then appealed to the U.S. Supreme Court with Petition No.20-524 and No.22-350.
2. Shao v. Wang, et al, 3:14-cv-01912WBS filed with the U.S.D.C. for Northern California, which was appealed with case 15-16817, and a preceding interim appeal No.14-17400.

3. In re Marriage of Linda Yi Tai Shao and Tsan-Kuen Wang, 2005-1-FL-126882, Santa Clara County Superior Court of California, which was appealed to the US Supreme Court with Petition Nos. 11-11119, 14-7244, 17-613, 18-569, 19-639, 22-28, and two applications. About 12 cases at California Sixth District Court of Appeal and 15 cases at California Supreme Court.
4. Linda Yi Tai Shao v. McManis Faulkner, LLP, James McManis, Michael Reedy, Catherine Bechtel, 2012-1-cv-220571, which was appealed to the U.S. Supreme Court with Petition Nos. 17-82, 17-256, 18-344, 18-800, 21-881. About 5 cases at California Sixth District Court of Appeal and 7 cases at California Supreme Court.

Dated: August 2, 2023

/s/ Yi Tai Shao
Yi Tai Shao, Petitioner

PRO_SE,CIVIL,APPEAL,CLOSED

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:22-cv-00325-JAM-AC**

(PS) Shao v. Roberts, et al.
Assigned to: Senior Judge John A. Mendez
Referred to: Magistrate Judge Allison Claire
Case in other court: 9th Circuit Court of Appeals, 22-15857
Cause: 28:1331 Fed. Question

Date Filed: 02/22/2022
Date Terminated: 04/20/2022
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Yi Tai Shao
also known as
Linda Shao

represented by **Yi Tai Shao**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

John G. Roberts, Jr.

Defendant

Anthony M. Kennedy

Defendant

Stephen Breyer

Defendant

Samuel Alito

Defendant

Elena Kagan

Defendant

Sonia Sotomeyer

Defendant

Scott S. Harris

Defendant

Jordan Danny Bickell

Defendant

Jeff Atkins

Defendant

Merrick B. Garland

Defendant

Patricia Millett

Defendant

Cornelia T.L. Pillard

Defendant

Scott Atchue

Defendant

Rudolph Contreras

Defendant

Beryl A. Howell

Defendant

Jackie Francis

Defendant

Tani Cantil-Sakauye

Defendant

Jorge Navarre

Defendant

James McManis

Defendant

Michael Reedy

Defendant

McManis Faulkner, PC

Defendant

Dina DiLoreto

represented by **Marc Aaron Shapp**
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Defendant

Jay Buteyn

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Defendant

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Defendant

Vanessa Lara

Defendant

Ryan Chin

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Gregory Charles

Defendant

David Phillips

Defendant

David Kilgore

Defendant

James Lassert

Defendant

Janet Everson

Defendant

Suzie Tagliere

Defendant

Mary J. Greenwood

Defendant

Franklin Elia

Defendant

Patricia Bamattre-Manoukian

Defendant

Adrienne M. Grover

Defendant

Allison M. Danner

Defendant

Conrad Rushing

Defendant

Theodore Zayner

Defendant

Alex Rodriguez

Defendant

Christopher Rudy

Defendant

Maureen Folan

Defendant

Sunil Kulkarni

Defendant

Patricia Lucas

Defendant

Rice Pichon

Defendant

Mary Ann Grilli

Defendant

Joshua Weinstein

Defendant

Peter Kirwan

Defendant

Gregory Saldivar

Defendant

Susan Walker

Defendant

Lisa Herrick

Defendant

Rebecca Delgado

Defendant

Jill Sardeson

Defendant

Sarah Scofield

Defendant

David Yamasaki

Defendant

B.J. Fadem

Defendant

American Inns of Court Foundation

Defendant

**American Inns of Court Foundation-
The 30343 Edward Coke Appellate
American Inn of Court in Washington,
District of Columbia**

Defendant

**American Inns of Court Foundation-
30048 Anthony M. Kennedy Chapter**

Defendant

**American Inns of Court Foundation-
30249 Ruth Bader Ginsburg Chapter**

Defendant

**American Inns of Court Foundation-
30070 George Washington Chapter**

Defendant

**American Inns of Court Foundation-
30242 San Francisco Bay Area Chapter
(1986)**

Defendant

Michael L. Fox

Defendant

Sean Patterson

Defendant

Tsan-Kuen Wang

Defendant

Tasha DeCosta

Defendant

Joel Footen

Defendant

Bryan Ward

Defendant

Price

Defendant

Clarence Thomas

Defendant

Edward Davila

Defendant

**American Inns of Court Foundation,
30012 Honorable William A. Ingram
Chapter (1986)**

Defendant

**American Inns of Court
Foundation-30382 Hon J. Clifford
Wallace Chapter (1986)**

Defendant

Google Inc.

Defendant

Kevin L. Warnock

Defendant

Jayne Kim

Defendant

Karen LeCraft Henderson

Defendant

David S. Tatel

Defendant

Sri Srinivasan

Defendant**Commission for Judicial Performance**

represented by **Rita B. Bosworth**
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ATTORNEY TO BE NOTICED

Defendant**Joel Looten****Defendant****Vanessa Lara**

represented by **Marc Aaron Shapp**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/22/2022	<u>1</u>	COMPLAINT against All Defendants by Yi Tai Shao. Attorney Shao, Yi Tai added. (Shao, Yi Tai) (Entered: 02/21/2022)
02/22/2022	<u>2</u>	CIVIL COVER SHEET by Yi Tai Shao. (Shao, Yi Tai) (Entered: 02/21/2022)
02/22/2022	<u>3</u>	MOTION for TEMPORARY RESTRAINING ORDER by Yi Tai Shao. (Attachments: # <u>1</u> TRO Checklist, # <u>2</u> Affidavit, # <u>3</u> Proposed Order, # <u>4</u> Proof of Service)(Shao, Yi Tai) (Entered: 02/21/2022)
02/22/2022	<u>4</u>	SUMMONS ISSUED as to *Samuel Alito, Scott Atchue, Jeff Atkins, Jordan Danny Bickell, Stephen Breyer, Rudolph Contreras, Jackie Francis, Merrick Garland, Scott S. Harris, Beryl A. Howell, Elena Kagan, Anthony M. Kennedy, Patricia Millett, Cornelia T.L. Pillard, John G. Roberts, Jr, Sonia Sotomeyer, Clarence Thomas* with answer to complaint due within *60* days. Attorney *Yi Tai Shao* *Shao Law Firm PC* *4900 Hopyard Road, Ste 100* *Pleasanton, CA 94588*. (Huang, H) (Entered: 02/22/2022)
02/22/2022	<u>5</u>	SUMMONS ISSUED as to *Gregory Charles, Allison M. Danner, B.J. Fadem, Maureen Folan, Michael L. Fox, Sunil Kulkarni, Vanessa Lara, Jorge Navarre, Suzie Tagliere, Tsan-Kuen Wang, American Inns of Court Foundation, American Inns of Court Foundation, 30012 Honorable William A. Ingram Chapter (1986), American Inns of Court Foundation- 30070 George Washington Chapter, American Inns of Court Foundation- 30249 Ruth Bader Ginsburg Chapter, American Inns of Court Foundation- 30048 Anthony M. Kennedy Chapter, American Inns of Court Foundation- 30242 San Francisco Bay Area Chapter (1986), American Inns of Court Foundation-30382 Hon J. Clifford Wallace Chapter (1986), American Inns of Court Foundation-The 30343 Edward Coke Appellate American Inn of Court in Washington, District of Columbia, Patricia Bamattre-Manoukian, Jay Buteyn, Tani Cantil-Sakauye, Ryan Chin, Edward Davila, Tasha DeCosta, Rebecca Delgado, Dina DiLoreto, Franklin Elia, Janet Everson,

		Joel Footen* with answer to complaint due within *21* days. Attorney *Yi Tai Shao* *Shao Law Firm PC* *4900 Hopyard Road, Ste 100* *Pleasanton, CA 94588*. (Huang, H) (Entered: 02/22/2022)
02/22/2022	<u>6</u>	MINUTE ORDER issued by Courtroom Deputy G. Michel for District Judge John A. Mendez on 2/22/2022: On February 21, 2022, Plaintiff Yi Tai Shao, in propia persona, filed a motion for a temporary restraining order. <u>See</u> ECF No. <u>3</u> . Accordingly, this matter is REFERRED to the assigned magistrate judge for all further proceedings. <u>See</u> E.D. Cal. L.R. 302(c)(21). Any pending deadlines and hearings set before District Judge John A. Mendez are VACATED. The parties shall please take note that all documents hereafter filed with the Clerk of the Court shall bear case number: 2:22-cv-00325 JAM AC (PS). IT IS SO ORDERED. [TEXT ONLY ENTRY] (Michel, G.) (Entered: 02/22/2022)
02/22/2022	<u>8</u>	SUMMONS ISSUED as to *Google Inc., Mary J. Greenwood, Mary Ann Grilli, Adrienne M. Grover, Lisa Herrick, Beryl A. Howell, David Kilgore, Jayne Kim, Roy Kim, Peter Kirwan, James Lassert, Patricia Lucas, James McManis, McManis Faulkner, PC, Sean Patterson, David Phillips, Rice Pichon, Price, Michael Reedy, Alex Rodriguez, Christopher Rudy, Conrad Rushing, Gregory Saldivar, Jill Sardeson, Sarah Scofield, Yi Tai Shao, Susan Walker, Bryan Ward, Kevin L. Warnock, Joshua Weinstein, David Yamasaki, Theodore Zayner* with answer to complaint due within *21* days. Attorney *Yi Tai Shao* *Shao Law Firm PC* *4900 Hopyard Road, Ste 100* *Pleasanton, CA 94588*. (Huang, H) (Entered: 02/22/2022)
02/22/2022	<u>9</u>	CIVIL NEW CASE DOCUMENTS ISSUED (Attachments: # <u>1</u> Consent Form, # <u>2</u> Order re Filing Requirements, # <u>3</u> VDRP) (Huang, H) (Entered: 02/22/2022)
02/22/2022	<u>10</u>	MEMORANDUM by Yi Tai Shao in support of <u>3</u> Motion for TRO. (Attachments: # <u>1</u> Proposed Order)(Shao, Yi Tai) Modified on 2/23/2022 (Coll, A). (Entered: 02/22/2022)
02/23/2022	<u>11</u>	DECLARATION of Yi Tai Shao in support of <u>3</u> Motion for TRO. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Shao, Yi Tai) Modified on 2/23/2022 (Coll, A). (Entered: 02/23/2022)
02/23/2022	<u>12</u>	MEMORANDUM by Yi Tai Shao in support of <u>3</u> Motion for TRO. (Shao, Yi Tai) (Entered: 02/23/2022)
02/23/2022	<u>13</u>	REQUEST for JUDICIAL NOTICE by Yi Tai Shao in re <u>3</u> Motion for TRO. (Attachments: # <u>1</u> Exhibit)(Shao, Yi Tai) Modified on 2/23/2022 (Coll, A). (Entered: 02/23/2022)
02/23/2022	<u>14</u>	CHECKLIST to MOTION for TEMPORARY RESTRAINING ORDER by Yi Tai Shao. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Proposed Order)(Shao, Yi Tai) Modified on 4/7/2022 (Reader, L). (Entered: 02/23/2022)
02/24/2022	<u>15</u>	DECLARATION of Yi Tai Shao in support of <u>14</u> Motion for TRO. (Attachments: # <u>1</u> Exhibits A-F)(Shao, Yi Tai) (Entered: 02/24/2022)
02/24/2022	<u>16</u>	REQUEST for JUDICIAL NOTICE by Yi Tai Shao in re <u>14</u> Motion for TRO. (Attachments: # <u>1</u> Exhibit First Vol.: JN-1, JN-2, JN-3, JN-4: (a) Motion to Set Aside 1/25/2022 order (b) App. Vol. IA to the motion, # <u>2</u> Exhibit JN-4 (3) App. Vol. I.B., (4) App. Vol. IC, (5) App. Vol. II)(Shao, Yi Tai) (Entered: 02/24/2022)
02/25/2022	<u>17</u>	STATEMENT of E-SERVICE by Plaintiff Yi Tai Shao re <u>14</u> Motion for TRO. (Shao, Yi Tai) Modified on 2/28/2022 (Mena-Sanchez, L). (Entered: 02/25/2022)

02/25/2022	<u>18</u>	NOTICE of DESIGNATION of defendants Karen LeCraft Henderson and David S. Tatel by Yi Tai Shao. (Shao, Yi Tai) Modified on 2/25/2022 (Coll, A). (Entered: 02/25/2022)
02/25/2022	<u>19</u>	NOTICE of DESIGNATION of defendant Sri Srinivasan by Yi Tai Shao. (Shao, Yi Tai) Modified on 2/25/2022 (Coll, A). (Entered: 02/25/2022)
02/25/2022	<u>20</u>	SUMMONS ISSUED as to *Karen LeCraft Henderson, Sri Srinivasan, David S. Tatel* with answer to complaint due within *60* days. Attorney *Yi Tai Shao* *4900 Hopyard Road* *Ste 100* *Pleasanton, CA 94588*. (Coll, A) (Entered: 02/25/2022)
02/28/2022	<u>21</u>	MOTION for TEMPORARY RESTRAINING ORDER by Yi Tai Shao. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration, # <u>3</u> Exhibit Judge Henderson's membership at American Inns of Court, # <u>4</u> Request for Judicial notice, # <u>5</u> Exhibits JN-1, 2, 3, 4, 5, # <u>6</u> Exhibits JN-6, 7, 8, # <u>7</u> Exhibits JN-9, # <u>8</u> Exhibits JN10, 11, 12)(Shao, Yi Tai) Modified on 3/1/2022 (Benson, A.). (Entered: 02/28/2022)
03/01/2022	<u>22</u>	SUPPLEMENTAL DECLARATION of Yi Tai Shao in support of <u>21</u> Motion for TRO. (Attachments: # <u>1</u> Exhibit e-service, # <u>2</u> Exhibit phone notice of TRO motion on 2/25/2022)(Shao, Yi Tai) Modified on 3/1/2022 (Benson, A.). (Entered: 03/01/2022)
03/01/2022	<u>23</u>	SUPPLEMENTAL DECLARATION of Yi Tai Shao re <u>14</u> Motion for TRO. (Shao, Yi Tai) Modified on 3/2/2022 (Mena-Sanchez, L). (Entered: 03/01/2022)
03/02/2022	<u>24</u>	ORDER signed by Magistrate Judge Allison Claire on 3/2/2022 DIRECTING plaintiff to SHOW CAUSE within 21 days why this case should not be dismissed for failure to state a claim upon which relief can be granted and DENYING <u>3</u> , <u>14</u> , & <u>21</u> Motions for TRO without prejudice. Plaintiff may satisfy this Order by filing an amended complaint that does not include the problems in the current complaint. (Coll, A) (Entered: 03/02/2022)
03/02/2022	<u>25</u>	MINUTE ORDER issued by Courtroom Deputy J. Anderson for Magistrate Judge Allison Claire on 03/02/2022: The court has become aware that plaintiff became ineligible to practice law as of 2/24/2022. Although the Eastern District of California is an electronic management/filing district, unrepresented persons who are not licensed attorneys are required to file and serve paper documents unless the assigned District Judge or Magistrate Judge grants leave to utilize electronic filing. L.R. 133(a), (b)(2). Because plaintiff has already demonstrated her ability to use the e-filing system, the court sua sponte approves her continued use of electronic filing. IT IS SO ORDERED. (Text Only Entry)(Anderson, J) (Entered: 03/02/2022)
03/04/2022	<u>26</u>	MOTION for TEMPORARY RESTRAINING ORDER and TRO CHECKLIST by Yi Tai Shao. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration of Yi Tai Shao, # <u>3</u> Request for Judicial Notice, # <u>4</u> Exhibits JN-1, JN-2, JN-3, # <u>5</u> Exhibits JN-4: App. Vol.IA, # <u>6</u> Exhibits JN-5: App. Vol.IB, # <u>7</u> Exhibits JN-6: App. Vol.C, # <u>8</u> Exhibits JN-7: App.Vol.II, # <u>9</u> Exhibits JN-8: App.Vol.III, # <u>10</u> Exhibits JN-9: App.Vol.III part 2 and Vol.IV, # <u>11</u> Exhibits JN-10, JN-11, JN-12, # <u>12</u> Proposed Order, # <u>13</u> Certificate of Service)(Shao, Yi Tai) Modified on 3/7/2022 (Benson, A.). (Entered: 03/04/2022)
03/06/2022	<u>27</u>	MOTION for RECUSAL of Judge John A. Mendez and Magistrate Judge Allison Claire and Request Chief Judge to re-assign pursuant to Screening Policy of this Court by Yi Tai Shao. (Attachments: # <u>1</u> Proposed Order)(Shao, Yi Tai) Modified on 3/7/2022 (Benson, A.). (Entered: 03/06/2022)

03/07/2022	<u>28</u>	MINUTE ORDER issued by Courtroom Deputy J. Anderson for Magistrate Judge Allison Claire on 03/07/2022. Pursuant to the order at ECF No. <u>24</u> , Plaintiff's motion at ECF No. <u>26</u> is DENIED without prejudice to re-filing. (Text Only Entry)(Anderson, J) (Entered: 03/07/2022)
03/07/2022	<u>29</u>	AMENDED <u>27</u> MOTION for RECUSAL of Judge John A. Mendez and Magistrate Judge Allison Claire and request Chief Judge to re-assign to impartial judge and vacate (#28) 3/7/2022 Order by Yi Tai Shao. (Attachments: # <u>1</u> Amended Proposed Order) (Shao, Yi Tai) Modified on 3/7/2022 (Benson, A.). (Entered: 03/07/2022)
03/07/2022	<u>30</u>	CERTIFICATE of GOOD FAITH by Plaintiff Yi Tai Shao re <u>29</u> Motion for Recusal. (Shao, Yi Tai) Modified on 3/7/2022 (Benson, A.). (Entered: 03/07/2022)
03/08/2022	<u>31</u>	ORDER and FINDINGS and RECOMMENDATIONS signed by Magistrate Judge Allison Claire on 3/7/22 DENYING <u>29</u> plaintiff's motion to recuse the undersigned and RECOMMENDING that <u>29</u> plaintiff's motion to recuse the assigned district judge be denied. Matter REFERRED to District Judge John A. Mendez. Within 21 days after being served with these findings and recommendations, plaintiff may file written objections with the court. (Kastilahn, A) (Entered: 03/08/2022)
03/09/2022	<u>32</u>	AMENDED <u>29</u> MOTION for RECUSAL of Judge John A. Mendez and Magistrate Judge Allison Claire and request Chief Judge to re-assign to impartial judge and SET ASIDE <u>24</u> 03/02/22 OSC and (#28) 3/7/2022 Minute Order by Yi Tai Shao. (Attachments: # <u>1</u> Proposed Order)(Shao, Yi Tai) Modified on 3/10/2022 (Benson, A.). (Entered: 03/09/2022)
03/12/2022	<u>33</u>	OBJECTION to <u>24</u> , <u>28</u> , <u>31</u> Orders and SUPPLEMENT to <u>32</u> Amended Motion for Recusal by Plaintiff Yi Tai Shao. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Shao, Yi Tai) Modified on 3/15/2022 (Huang, H). (Entered: 03/12/2022)
03/28/2022	<u>34</u>	SUMMONS ISSUED as to *James Lassert* with answer to complaint due within *21* days. Attorney *Yi Tai Shao* *Shao Law Firm PC* *4900 Hopyard Road, Suite 100* *Pleasanton, CA 94588*. (Benson, A.) (Entered: 03/28/2022)
03/30/2022	<u>35</u>	ORDER and FINDINGS and RECOMMENDATIONS signed by Magistrate Judge Allison Claire on 3/29/2022 DENYING <u>32</u> Motion to Recuse Judge Claire and RECOMMENDING that <u>32</u> Motion to Recuse Judge Mendez be denied. Referred to District Judge John A. Mendez. Objections due within 21 days after being served with these findings and recommendation. (Huang, H) (Entered: 03/30/2022)
03/31/2022	<u>36</u>	SUMMONS RETURNED EXECUTED: John G. Roberts, Jr served on 3/21/2022. (Shao, Yi Tai) Modified on 4/5/2022 (Mena-Sanchez, L). (Entered: 03/31/2022)
03/31/2022	<u>37</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao: Samuel Alito served on 3/21/2022. (Shao, Yi Tai) Modified on 4/5/2022 (Mena-Sanchez, L). (Entered: 03/31/2022)
03/31/2022	<u>38</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. Jordan Danny Bickell and Stephen Breyer served on 3/21/2022. (Shao, Yi Tai) Modified on 4/5/2022 (Mena-Sanchez, L). (Entered: 03/31/2022)
03/31/2022	<u>39</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. Elena Kagan served on 3/21/2022. (Shao, Yi Tai) Modified on 4/5/2022 (Mena-Sanchez, L). (Entered: 03/31/2022)

03/31/2022	<u>40</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. (Shao, Yi Tai) (Entered: 03/31/2022)
03/31/2022	<u>41</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. Scott S. Harris served on 3/21/2022. (Shao, Yi Tai) Modified on 4/5/2022 (Mena-Sanchez, L). (Entered: 03/31/2022)
03/31/2022	<u>42</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. Sonia Sotomeyer served on 3/21/2022. (Shao, Yi Tai) (Entered: 03/31/2022)
03/31/2022	<u>43</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. Rudolph Contreras served on 3/21/2022. (Shao, Yi Tai) (Entered: 03/31/2022)
03/31/2022	<u>44</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. Jackie Francis served on 3/21/2022. (Shao, Yi Tai) (Entered: 03/31/2022)
03/31/2022	<u>45</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. Karen LeCraft Henderson served on 3/21/2022. (Shao, Yi Tai) (Entered: 03/31/2022)
03/31/2022	<u>46</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. Beryl A. Howell served on 3/21/2022. (Shao, Yi Tai) (Entered: 03/31/2022)
03/31/2022	<u>47</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. Patricia Millett served on 3/21/2022. (Shao, Yi Tai) (Entered: 03/31/2022)
03/31/2022	<u>48</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. Cornelia T.L. Pillard served on 3/21/2022. (Shao, Yi Tai) (Entered: 03/31/2022)
03/31/2022	<u>49</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. Sri Srinivasan and David S. Tatel served on 3/21/2022. (Shao, Yi Tai) Modified on 4/5/2022 (Mena-Sanchez, L). (Entered: 03/31/2022)
03/31/2022	<u>50</u>	CERTIFICATE of SERVICE by Yi Tai Shao. (Shao, Yi Tai) Modified on 4/5/2022 (Mena-Sanchez, L). (Entered: 03/31/2022)
04/04/2022	<u>51</u>	CONSENT/DECLINE of U.S. Magistrate Judge Jurisdiction. Pursuant to Fed. R. Civ. P. 73(b)(1), this document is restricted to attorneys and court staff only. Judges do not have access to view this document and will be informed of a party's response only if all parties have consented to the referral. (Shao, Yi Tai) (Entered: 04/04/2022)
04/06/2022	<u>52</u>	[DISREGARDED - COUNSEL DIRECTED TO SUBMIT BLANK SUBPOENA FOR CLERK TO ISSUE] REQUEST for CLERK to ISSUE SUBPOENAS by Yi Tai Shao. (Attachments: # <u>1</u> Notice Subpoena for Clarence Thomas, # <u>2</u> Notice subpoena for John G. Roberts, Jr., # <u>3</u> Notice subpoena for Sonia Sotomeyer, # <u>4</u> Notice subpoena for Samuel Alito, # <u>5</u> Notice subpoena for Jeff Atkins, # <u>6</u> Notice subpoena for Stephen Breyer, # <u>7</u> Notice subpoena for Elena Kagan, # <u>8</u> Notice subpoena for Jordan Danny Bickell, # <u>9</u> Notice subpoena for Scott S. Harris, # <u>10</u> Notice subpoena for Sri S, # <u>11</u> Notice subpoena for David Tatel, # <u>12</u> Notice subpoena for Pillard, # <u>13</u> Notice subpoena for Jackie Francis, # <u>14</u> Notice subpoena for Merrick Garland, # <u>15</u> Notice subpoena for Rudolph Contreras, # <u>16</u> Notice subpoena for Karen L. Henderson, # <u>17</u> Notice subpeona for Beryl Howell, # <u>18</u> Notice subpoena for Patricia Millett)(Shao, Yi Tai) Modified on 4/6/2022 (Benson, A.). (Entered: 04/06/2022)
04/07/2022	<u>53</u>	SUMMONS RETURNED EXECUTED: Jorge Navarre and Tani Cantil-Sakauye served on 3/28/2022, answer due 4/18/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)

04/07/2022	<u>54</u>	SUMMONS RETURNED EXECUTED: Michael L. Fox and Sean Patterson served on 3/28/2022, answer due 4/18/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)
04/07/2022	<u>55</u>	[DISREGARD - DUPLICATE OF <u>54</u>] SUMMONS RETURNED EXECUTED: Sean Patterson served on 3/28/2022, answer due 4/18/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)
04/07/2022	<u>56</u>	[DISREGARD - DUPLICATE OF <u>53</u>] SUMMONS RETURNED EXECUTED: Jorge Navarre served on 3/28/2022, answer due 4/18/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)
04/07/2022	<u>57</u>	[DISREGARD - DUPLICATE OF <u>53</u>] SUMMONS RETURNED EXECUTED: Tani Cantil-Sakauye served on 3/28/2022, answer due 4/18/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)
04/07/2022	<u>58</u>	SUMMONS RETURNED EXECUTED: Anthony M. Kennedy and American Inns of Court Foundation- 30048 Anthony M. Kennedy Chapter served on 3/22/2022, answer due 4/12/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)
04/07/2022	<u>59</u>	[DISREGARD - DUPLICATE OF <u>58</u>] SUMMONS RETURNED EXECUTED: American Inns of Court Foundation- 30048 Anthony M. Kennedy Chapter served on 3/25/2022, answer due 4/15/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)
04/07/2022	<u>60</u>	SUMMONS RETURNED EXECUTED: James Lassert served on 3/28/2022, answer due 4/18/2022. (Shao, Yi Tai) (Entered: 04/07/2022)
04/07/2022	<u>61</u>	SUMMONS RETURNED EXECUTED: Vanessa Lara, Jay Buteyn, Ryan Chin and Dina DiLoreto served on 3/29/2022, answer due 4/19/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)
04/07/2022	<u>62</u>	SUMMONS RETURNED EXECUTED: Suzie Tagliere and Janet Everson served on 3/28/2022, answer due 4/18/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)
04/07/2022	<u>63</u>	[DISREGARD - DUPLICATE OF <u>62</u>]SUMMONS RETURNED EXECUTED: Janet Everson served on 3/28/2022, answer due 4/18/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)
04/07/2022	<u>64</u>	[DISREGARD - DUPLICATE OF <u>61</u>] SUMMONS RETURNED EXECUTED: Vanessa Lara served on 3/29/2022, answer due 4/19/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)
04/07/2022	<u>65</u>	[DISREGARD - DUPLICATE OF <u>61</u>] SUMMONS RETURNED EXECUTED: Jay Buteyn served on 3/29/2022, answer due 4/19/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)
04/07/2022	<u>66</u>	[DISREGARD - DUPLICATE OF <u>61</u>] SUMMONS RETURNED EXECUTED: Ryan Chin served on 3/29/2022, answer due 4/19/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)
04/07/2022	<u>67</u>	SUMMONS RETURNED EXECUTED: Rob Bonta served on 3/25/2022. (Shao, Yi Tai) Modified on 4/8/2022 (Benson, A.). (Entered: 04/07/2022)

04/12/2022	<u>68</u>	OBJECTIONS to <u>35</u> FINDINGS and RECOMMENDATIONS and MOTION TO STRIKE <u>35</u> Order by Plaintiff Yi Tai Shao . (Shao, Yi Tai) Modified on 4/13/2022 (Benson, A.). (Entered: 04/12/2022)
04/14/2022	<u>69</u>	EX PARTE MOTION by Commission for Judicial Performance for Extension of Time to Respond to Complaint. Attorney Bosworth, Rita B. added. (Attachments: # <u>1</u> Declaration of Rita Bosworth, # <u>2</u> Proposed Order)(Bosworth, Rita) Modified on 4/15/2022 (Kastilahn, A). (Entered: 04/14/2022)
04/17/2022	<u>70</u>	SUMMONS RETURNED EXECUTED: Joel Looten served on 4/13/2022. (Shao, Yi Tai) (Entered: 04/17/2022)
04/17/2022	<u>71</u>	SUMMONS RETURNED EXECUTED: American Inns of Court Foundation served on 4/13/2022. (Shao, Yi Tai) (Entered: 04/17/2022)
04/17/2022	<u>72</u>	SUMMONS RETURNED EXECUTED: American Inns of Court Foundation- 30070 George Washington Chapter served on 4/13/2022. (Shao, Yi Tai) (Entered: 04/17/2022)
04/17/2022	<u>73</u>	SUMMONS RETURNED EXECUTED: American Inns of Court Foundation-The 30343 Edward Coke Appellate American Inn of Court in Washington, District of Columbia served on 4/13/2022. (Shao, Yi Tai) (Entered: 04/17/2022)
04/17/2022	<u>74</u>	SUMMONS RETURNED EXECUTED by Yi Tai Shao. Scott Atchue served on 4/13/2022. (Shao, Yi Tai) (Entered: 04/17/2022)
04/17/2022	<u>75</u>	SUMMONS RETURNED UNEXECUTED as to Bryan Ward. (Shao, Yi Tai) (Entered: 04/17/2022)
04/17/2022	<u>76</u>	SUMMONS RETURNED EXECUTED: James McManis served on 4/14/2022. (Shao, Yi Tai) (Entered: 04/17/2022)
04/17/2022	<u>77</u>	OPPOSITION by Yi Tai Shao to <u>69</u> Ex Parte Application,. (Shao, Yi Tai) (Entered: 04/17/2022)
04/18/2022	<u>78</u>	ANSWER by Commission for Judicial Performance.(Bosworth, Rita) (Entered: 04/18/2022)
04/19/2022	<u>79</u>	ORDER signed by Magistrate Judge Allison Claire on 04/19/2022 GRANTING <u>69</u> Ex Parte Application. Defendant's time to respond to the Complaint is extended by 60 days, to 06/15/2022. (Rodriguez, E) (Entered: 04/19/2022)
04/19/2022	<u>80</u>	OBJECTIONS by Yi Tai Shao to <u>79</u> Order on Ex Parte Application. (Shao, Yi Tai) Modified on 4/19/2022 (Reader, L). (Entered: 04/19/2022)
04/19/2022	<u>81</u>	MOTION to DISMISS by Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim, Vanessa Lara. Attorney Shapp, Marc Aaron added. Motion Hearing set for 5/25/2022 at 10:00 AM in Courtroom 26 (AC) before Magistrate Judge Allison Claire. (Shapp, Marc) (Entered: 04/19/2022)
04/19/2022	<u>82</u>	REQUEST for JUDICIAL NOTICE by Jay Buteyn, Ryan Chin, Dina DiLoreto, Roy Kim, Vanessa Lara in re <u>81</u> Motion to Dismiss. (Shapp, Marc) (Entered: 04/19/2022)
04/19/2022	<u>83</u>	MINUTE ORDER issued by Courtroom Deputy J. Anderson for Magistrate Judge Allison Claire on 04/19/2022 re <u>81</u> Motion to Dismiss. The hearing on the motions now calendared for Wednesday, May 25, 2022 is ordered submitted without appearance and without argument pursuant to Local Rule 230 (g): If the Court subsequently concludes that oral argument is necessary, a hearing will be set and the parties notified

		accordingly. (Text Only Entry) (Anderson, J) (Entered: 04/19/2022)
04/20/2022	<u>84</u>	ORDER signed by District Judge John A. Mendez on 4/19/2022 ADOPTING <u>31</u> Findings and Recommendations in full, DENYING <u>32</u> Motion to Recuse Magistrate Judge. (Coll, A) (Entered: 04/20/2022)
04/20/2022	<u>85</u>	ORDER signed by District Judge John A. Mendez on 4/19/2022 ADOPTING <u>35</u> Findings and Recommendations in full, DENYING <u>32</u> Motion to Recuse Magistrate Judge; and DISMISSING this action with prejudice in its entirety because plaintiff cannot state a claim for which relief can be granted. CASE CLOSED. (Coll, A) (Entered: 04/20/2022)
04/20/2022	<u>86</u>	JUDGMENT dated *4/20/2022* pursuant to order signed by District Judge John A. Mendez on 4/19/2022. (Coll, A) (Entered: 04/20/2022)
04/20/2022	<u>87</u>	DECLARATION of Joseph J. Hussey re <u>8</u> Summons,, <u>1</u> Complaint, <u>5</u> Summons,,,, (Shao, Yi Tai) (Entered: 04/20/2022)
06/01/2022	<u>88</u>	NOTICE of APPEAL by Yi Tai Shao as to <u>85</u> Order Adopting Findings and Recommendations, <u>83</u> Minute Order, <u>31</u> Order, <u>86</u> Judgment, <u>35</u> FINDINGS and RECOMMENDATIONS, <u>25</u> Minute Order, <u>24</u> Order, <u>28</u> Minute Order, <u>84</u> Order Adopting Findings and Recommendations, <u>79</u> Order. (Filing fee \$ 505, receipt number ACAEDC-10256957) (Shao, Yi Tai) Modified on 6/1/2022 (Kaminski, H). (Entered: 06/01/2022)
06/01/2022	<u>89</u>	APPEAL PROCESSED to Ninth Circuit re <u>88</u> Notice of Appeal, filed by Yi Tai Shao. Notice of Appeal filed *6/1/2022*, Complaint filed *2/22/2022* and Appealed Order / Judgment filed *4/20/2022*. ** *Fee Status: Paid on 6/1/2022 in the amount of \$505.00* (Attachments: # <u>1</u> Appeal Information) (Kaminski, H) (Entered: 06/01/2022)
06/09/2022	<u>90</u>	USCA CASE NUMBER 22-15857 for <u>88</u> Notice of Appeal filed by Yi Tai Shao. (Coll, A) (Entered: 06/09/2022)

PACER Service Center			
Transaction Receipt			
05/17/2023 10:18:40			
PACER Login:	shaolawfirm	Client Code:	
Description:	Docket Report	Search Criteria:	2:22-cv-00325-JAM-AC Starting with document: 1 Ending with document: 110
Billable Pages:	10	Cost:	1.00

ECF 30

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YI TAI SHAO (SBN 182768, illegally
suspended bar license without notice by
California Chief Justice Tani Cantil-Sakauye,
in conspiracy with State Bar of California,
James Mcmanis and Director and attorneys
at Santa Clara County Child Support Agency
and/or Director of Department of Child
Support Agency of the State, and Presiding
Judge Beth McGowan and Theodore Zaynor
at Santa Clara County Court)
PO Box 300; Big Pool, MD 21711
Tel.: (408) 873-3888
attorneyshao@outlook.com

IN U.S. COURT OF APPEAL, NINTH CIRCUIT

Yi Tai Shao

No. 22-15857

Appellant

v.

Chief Justice John G. Roberts, Jr.
et al.

Appellees

**APPELLANT'S EX PARTE
MOTION/APPLICATION FOR
EMERGENCY RELIEF IN A SHORT
EXTENSION OF DUE DATE OF FILING
OPENING BRIEF FROM AUGUST 2,
2023 TO AUGUST 8, 2023 or until the
time the Court renders decision on ECF
29 requests, whichever is later (Circuit
Rule 27-10)**

TO THE COURT AND ALL APPELLEES AND THEIR ATTORNEYS OF RECORD:

Appellant applies for an emergency extension for about 6 days from August 2, 2023
to August 6, 2023 with good cause on three grounds:

Firstly, Appellant has experienced crazy stalking and hacking by Appellee
McManis's hackers, who were identified to be William Faulkner, Esq. and Kevin L.
Warnock. See examples in **Exhibit A** attached hereto on their mischief on Appellant's
work, which committed mischief of deleting files, deleting words, alphabets, sentences
and sometimes to alter the words to cause opposite meaning. Such mischiefs
significantly impeded Appellant's moving forward with her briefing. Therefore,

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1 Appellant respectfully requests to extend her time to meet the due date from August 2,
2 2023 to at least August 8, 2023.

3 Secondly, the court had not decided ECF 29 including vacating June 29, 2023 for
4 violation of Due Process such that the due date of August 2, 2023 would be vacated
5 with a new date given.

6 On July 7, 2023, Appellant SHAO filed as ECF 29 with the title of ECF 29
7 shown below, which this Court has not decided, and is relevant to whether to
8 observe the due date of filing Opening Brief as stated in June 29, 2023 order (ECF
9 28) that Appellant is sought to vacate based on Rule 60 for violation of Due Process,
10 the order of "No motions for reconsideration, clarification, or modification of this
11 denial shall be filed or entertained" conflicts with Circuit Rule 27-10 and violates
12 Due Process, when the appellate panel clearly have undisclosed conflicts of interest:

13 **APPELLANT'S**

14 **(1) OBJECTION TO ECF 28 FOR VIOLATION**
15 **OF DUE PROCESS AS WELL AS THE FIRST**
16 **AMENDMENT RIGHT TO ACCESS THE**
17 **COURT; AND DISCOVERY OF NEW FACT/NEW**
18 **CONSPIRACIES**

19 **(2) REQUEST FOR DISCLOSURE OF**
20 **CONFLICTS OF INTEREST OF THE**
21 **APPELLATE PANEL JUDGES**
22 **REQUESTS FOR STATEMENTS OF DECISION FOR**
23 **JUNE 29, 2023 ORDER IN**
24 **ECF 28**

25 **(3) MOTION TO DISQUALIFY EACH JUDGE IN THIS**
26 **PANEL BASED ON THEIR PERVASIVE BIAS THAT**
27 **MANDATES RECUSAL UNDER 28 U.S.C. §455(a)**

28 **(4) 60(B) MOTION TO VACATE JUNE 29, 2023 ORDER**
(5) RENEWED MOTION TO CHANGE VENUE
INCLUDING STAYED THE BRIEFING
SCHEDULE PENDING RESOLUTION OF THE
ISSUES AND REQUESTS PRESENTED
HEREIN

(6) REQUEST FOR EN BANC DECISION ON
THIS PAPER INCLUDING MULTIPLE
OBJECTIONS AND MOTIONS

(7) MOTION FOR CERTIFICATION FOR
APPEAL

1 Thirdly, Appellant further discovered fraud on court in related appeal at
2 this Circuit Court of Appeal, Appeal No.14-17400, where four California
3 appellees/defendants' names were concealed from being
4 defendants/appellees. Please see **EXHIBIT B**. They are, Judge Theodore
5 Zayner, Judge Patricia Lucas, Judge Edward Davila and Judge Mary Ann
6 Grilli, who are also appellees in this case. It is a common sense that no
7 court would conceal a name of a party without conspiracy. Even a
8 presiding judge of a court would not conceal his spouse or children's name
9 from being listed as defendant, as this is an obstruction of administration
10 of justice in violation of 18 U.S.C. §371.

11 This proves that there is direct conflicts of interest of this court to
12 adjudicate this appeal when a prima facie court crime is there that
13 reasonably shows administration or agents of this Circuit has conspiracies
14 with these four judges who are also appellees in this case, such that any
15 reasonable person will believe this Circuit cannot be impartial that this
16 Court must be changed venue pursuant to 28 U.S.C. §455(a) and other
17 related statutes.

18 WHEREFOR, justice mandates the court to grant Appellant's motion as
19 shown in ECF 29, that the venue must be changed in view of justice, and
20 the ECF21 will be reviewed including the law mandating this Circuit
21 Court to remand, and remand to New York, when no appellees filed an
22 opposition to ECF 21. As a result, there is no prejudice to Appellees to
23 have a brief extension until August 8, 2023 or until resolution of ECF 29
24 by this Court.

25 The undersigned declare under the penalty of perjury that the
26 foregoing is true and accurate.

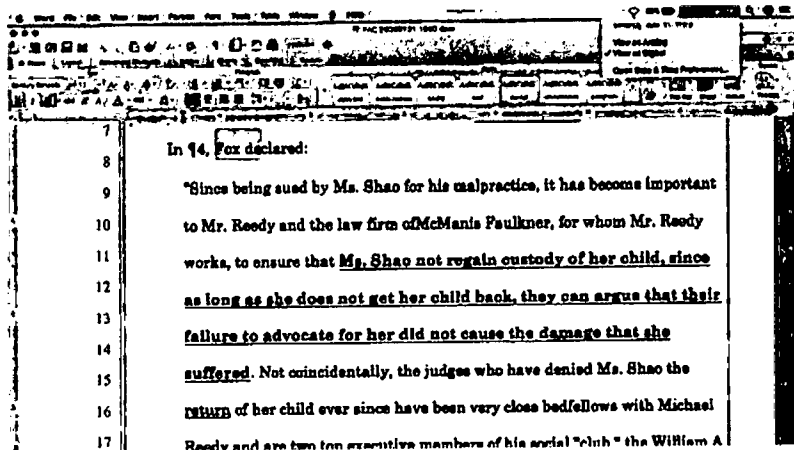
27 Dated: August 1, 2023

28 /s/ Yi Tai Shao

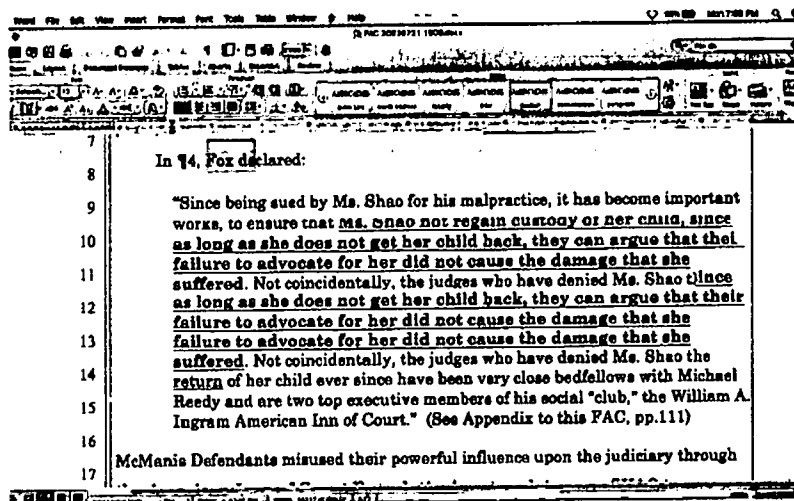
Yi Tai Shao, Appellant in pro per

EXHIBIT A
EXAMPLES OF MCMANIS HACKER'S
MISCHIEFS WHICH SIGNIFICANTLY
DETERRED APPELLANT FROM
WORKING

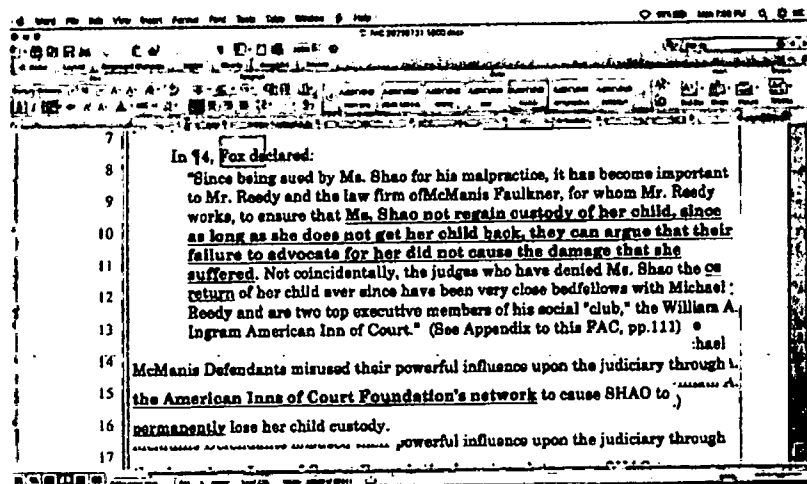
For the same portion of my quote for Attorney Meera Fox's declaration, there were blanket lines on every other line



Then as cursor moving over, some became double lines:

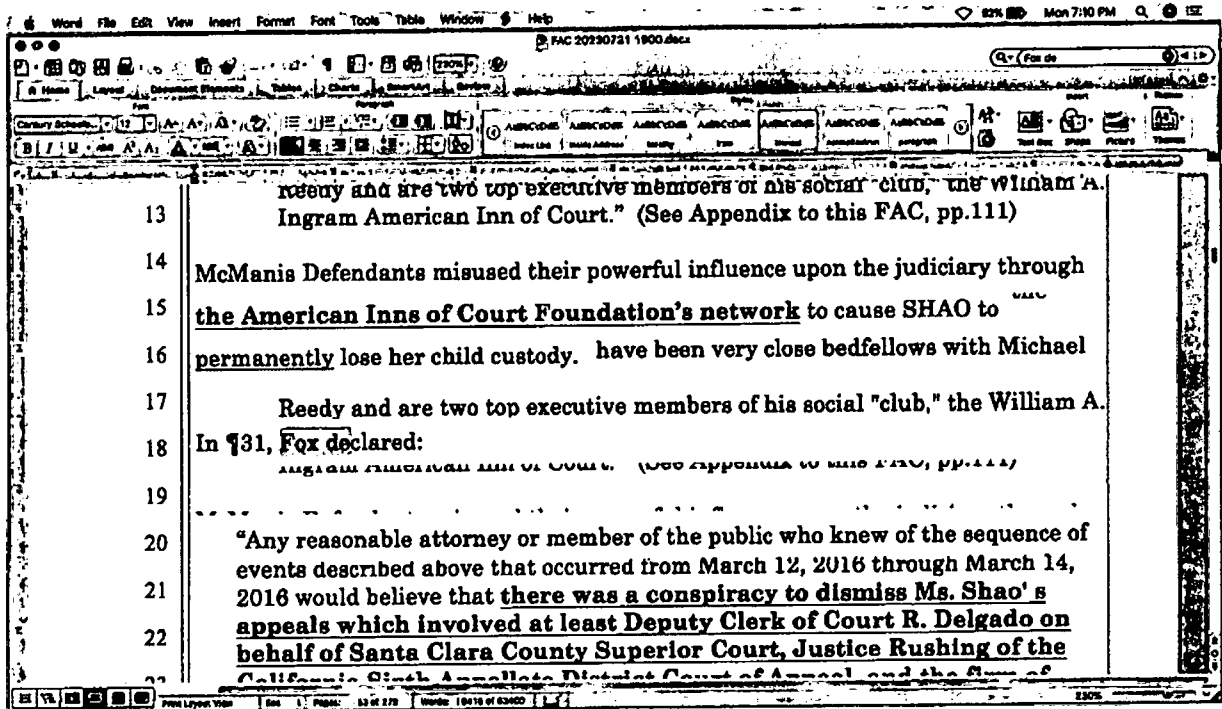


Weird corner



This one is certain lines were wiped out:

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Case: 22-15857, 08/01/2023, ID: 12765845, DktEntry: 31, Page 1 of 10

1 YI TAI SHAO (SBN 182768, illegally
suspended bar license without notice by
2 California Chief Justice Tani Cantil-Sakauye,
in conspiracy with State Bar of California,
3 James Mcmanis and Director and attorneys
at Santa Clara County Child Support Agency
4 and/or Director of Department of Child
Support Agency of the State, and Presiding
5 Judge Beth McGowan and Theodore Zaynor
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6 PO Box 300; Big Pool, MD 21711
Tel.: (408) 873-3888
7 attorneyshao@outlook.com

8
9 IN U.S. COURT OF APPEAL, NINTH CIRCUIT

10 Yi Tai Shao

No. 22-15857

11 Appellant

12 v.

13 Chief Justice John G. Roberts, Jr.
14 et al.

15 Appellees

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**SUPPLEMENT to ECF 29: new
evidence of direct conflicts of interest
of the Ninth Circuit to handle this
Appeal that requires change of venue
when no Appellees opposed to ECF 29**

On July 7, 2023, Appellant SHAO filed as ECF 29 with the title of ECF 29
shown below, which this Court has not decided. F.R.C.P. Rule 60(b) mandates the
June 29, 2023 order (ECF 28) be vacated as the order of "No motions for
reconsideration, clarification, or modification of this denial shall be filed or
entertained" conflicts with Circuit Rule 27-10 and violates Due Process, when the
appellate panel clearly have undisclosed conflicts of interest. The title for ECF 29
is:

Case: 22-15857, 08/01/2023, ID: 12765845, DktEntry: 31, Page 2 of 10

APPELLANT'S

**(1) OBJECTION TO ECF 28 FOR VIOLATION
OF DUE PROCESS AS WELL AS THE FIRST
AMENDMENT RIGHT TO ACCESS THE
COURT; AND DISCOVERY OF NEW FACT/NEW
CONSPIRACIES**

**(2) REQUEST FOR DISCLOSURE OF
CONFLICTS OF INTEREST OF THE
APPELLATE PANEL JUDGES
REQUESTS FOR STATEMENTS OF DECISION FOR
JUNE 29, 2023 ORDER IN
ECF 28**

**(3) MOTION TO DISQUALIFY EACH JUDGE IN THIS
PANEL BASED ON THEIR PERVASIVE BIAS THAT
MANDATES RECUSAL UNDER 28 U.S.C. §455(a)**

(4) 60(B) MOTION TO VACATE JUNE 29, 2023 ORDER

**(5) RENEWED MOTION TO CHANGE VENUE
INCLUDING STAYED THE BRIEFING
SCHEDULE PENDING RESOLUTION OF THE
ISSUES AND REQUESTS PRESENTED
HEREIN**

**(6) REQUEST FOR EN BANC DECISION ON
THIS PAPER INCLUDING MULTIPLE
OBJECTIONS AND MOTIONS**

**(7) MOTION FOR CERTIFICATION FOR
APPEAL**

Recently in July 2023, Appellant discovered a new fraud on court in related appeal at this Circuit Court of Appeal, Appeal No.14-17400, where four California appellees/defendants' names were concealed from being defendants/appellees there and they are also Appellees in this case. Please see EXHIBIT A. They are, Judge Theodore Zayner, Judge Patricia Lucas, Judge Edward Davila and Judge Mary Ann Grilli, who are also appellees in this case.

It is a common sense that no court would conceal a name of a party but for conspiracy. Even a presiding judge of a court would not conceal his spouse or children's name from being listed as defendant, as this is a serious obstruction of administration of justice in violation of 18 U.S.C. §371.

This proves that there is direct conflicts of interest of this court to adjudicate this appeal when a prima facie court crime is here exposed by

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Case: 22-15857, 08/01/2023, ID: 12765845, DktEntry: 31, Page 3 of 10

1 the docket of 14-17400 that reasonably shows administration or agents of
2 this Circuit has conspiracies with these four judges who are also appellees
3 in this case, such that any reasonable person will believe this Circuit
4 cannot be impartial that this Court must be changed venue pursuant to 28
U.S.C. §455(a) and other related statutes.

5 WHEREFOR, justice mandates the court to grant Appellant's motion as
6 shown in ECF 29, that the venue must be changed to Second Circuit Court
7 of Appeal in view of justice, and the uncontested ECF21 will be reviewed
8 including the law mandating this Circuit Court to remand, and remand to
9 New York, when no appellees filed an opposition to ECF 21. No Appellees
10 filed any opposition to ECF 29, either.

11 Under the circumstances, when this ECF 29 is not opposed, with this
12 strong new evidence of direct conflicts of interest that any reasonable
13 person would believe this Circuit as a court itself is biased, prejudicial and
14 corruptive that this appeal must be changed venue, as being uncontested.

15 The undersigned declare under the penalty of perjury that the
16 foregoing is true and accurate.

17 Dated: August 1, 2023

18 /s/ Yi Tai Shao

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Yi Tai Shao, Appellant in pro per

Case: 22-15857, 08/01/2023, ID: 12765845, DktEntry: 31, Page 4 of 10

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EXHIBIT A
NEW FACT OF CONFLICTS OF INTEREST
THAT 4 APPELLEES' NAMES WERE
CONCEALED BY THIS COURT IN A
RELATED APPEAL NO. 14-17400 SUCH
THAT VENUE MUST BE CHANGED

14-17400 Docket

<https://ecf.ca9.uscourts.gov/n/beam/servlet/TransportRoom>

Case: 22-15857, 08/01/2023, ID: 12765845, DktEntry: 31, Page 5 of 10

**General Docket
United States Court of Appeals for the Ninth Circuit**

Court of Appeals Docket #: 14-17400 Nature of Suit: 3440 Other Civil Rights Yi Shao v. Tsan-Kuen Wang, et al Appeal From: U.S. District Court for Northern California, San Francisco Fee Status: IFP		Docketed: 12/03/2014 Termed: 01/13/2015								
Case Type Information: 1) civil 2) private 3) null										
Originating Court Information: District: 0971-3 : 3:14-cv-01912-WBS Court Reporter: Michelle Babbitt Court Reporter: Kimberly Bennett Court Reporter: Jo Ann Bryce Court Reporter: Lydia Radovich Zinn, Official Court Reporter Trial Judge: William B. Shubb, Senior District Judge Date Filed: 04/24/2014 <table border="0"> <tr> <td>Date Order/Judgment:</td> <td>Date Order/Judgment EOD:</td> <td>Date NOA Filed:</td> <td>Date Rec'd COA:</td> </tr> <tr> <td>12/05/2014</td> <td>12/05/2014</td> <td>12/05/2014</td> <td>12/05/2014</td> </tr> </table>			Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:	12/05/2014	12/05/2014	12/05/2014	12/05/2014
Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:							
12/05/2014	12/05/2014	12/05/2014	12/05/2014							
Prior Cases: None										
Current Cases: None										

YI TAI SHAO, as a proxy for classes to be certified under Counts X, XI, XXIV, the class to be certified under Count XI, the class to be certified under Count XXIV, the class to be certified under Count XXVI, AKA Linda Yi Tai Shao
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 Shao Law Firm, PC
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v.

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JOHN ORLANDO

Defendant - Appellee,

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[COR NTC Retained]
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MARGIT DAVID

Defendant - Appellee,

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14-17400 Docket

<https://ecf.ca9.uscourts.gov/n/beam/servlet/TransportRoom>

Case: 22-15857, 08/01/2023, ID: 12765845, DktEntry: 31, Page 7 of 10

SARAH SCOFIELD
Defendant - Appellee,

ATTORNEY GENERAL FOR THE STATE OF CALIFORNIA
Defendant - Appellee,

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14-17400 Docket

<https://ecf.ca9.uscourts.gov/n/beam/servlet/TransportRoom>

Case: 22-15857, 08/01/2023, ID: 12765845, DktEntry: 31, Page 8 of 10

YI TAI SHAO, as a proxy for classes to be certified under Counts X, XI, XXIV, the class to be certified under Count XI, the class to be certified under Count XXIV, the class to be certified under Count XXVI, AKA Linda Yi Tai Shao,

Plaintiff - Appellant,

v.

TSAN-KUEN WANG; DAVID HENRY SUSSMAN; B J FADEM; MISOOK OH; JILL SARDESON; JOHN ORLANDO; MARGIT DAVID;
SANTA CLARA COUNTY BAR ASSOCIATION; SARAH SCOFIELD; ATTORNEY GENERAL FOR THE STATE OF CALIFORNIA,

Defendants - Appellees.

14-17400 Docket

<https://ecf.ca9.uscourts.gov/n/beam/servlet/TransportRoom>

Case: 22-15857, 08/01/2023, ID: 12765845, DktEntry: 31, Page 9 of 10

12/08/2014	<input type="checkbox"/> <u>1</u> 19 pg, 280.35 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL AND PRO SE APPELLANT. SEND MQ: No. The schedule is set as follows: Transcript ordered by 01/05/2015. Transcript due 02/03/2015. Appellant Yi Tai Shao opening brief due 03/16/2015. Appellees Attorney General of the State of California, Margit David, B. J. Fadem, Misook Oh, John Orlando, Santa Clara County Bar Association, Jill Sardeson, Sarah Scofield, David Sussman and Tsan-Kuen Wang answering brief due 04/14/2015. Appellant's optional reply brief is due 14 days after service of the answering brief. [9340141] (IV) [Entered: 12/08/2014 10:47 AM]
12/19/2014	<input type="checkbox"/> <u>2</u> 140 pg, 5.85 MB	Filed (ECF) Appellees Misook Oh and Margit David Motion to dismiss for lack of jurisdiction. Date of service: 12/19/2014. [9357020] [14-17400] (Charles, Gregory) [Entered: 12/19/2014 04:08 PM]
01/13/2015	<input type="checkbox"/> <u>3</u> 1 pg, 50.08 KB	Filed order (SUSAN P. GRABER, CONSUELO M. CALLAHAN and MORGAN B. CHRISTEN) Appellees' motion to dismiss this appeal for lack of jurisdiction is granted. See Fed. R. Civ. P. 54(b); Chacon v. Babcock, 640 F.2d 221, 222 (9th Cir. 1981) (order is not appealable unless it disposes of all claims as to all parties or judgment is entered in compliance with rule). DISMISSED. [9379904] (OC) [Entered: 01/13/2015 10:30 AM]
02/05/2015	<input type="checkbox"/> <u>4</u> 1 pg, 188.91 KB	MANDATE ISSUED. (SPG, CMC and MBC) [9409967] (CW) [Entered: 02/05/2015 08:05 AM]

14-17400 Docket

<https://ecf.ca9.uscourts.gov/n/beam/servlet/TransportRoom>

Case: 22-15857, 08/01/2023, ID: 12765845, DktEntry: 31, Page 10 of 10

- ☒ Documents and Docket Summary
☐ Documents Only

☒ Include Page NumbersSelected Pages: Selected Size:

PACER Service Center			
Transaction Receipt			
U.S. Court of Appeals for the 9th Circuit - 06/28/2023 13:59:06			
PACER Login:	shaolawfirm	Client Code:	22-15857
Description:	Docket Report (filtered)	Search Criteria:	14-17400
Billable Pages:	2	Cost:	0.20

Case: 22-15857, 08/07/2023, ID: 12769224, DktEntry: 36, Page 1 of 2

1 YI TAI SHAO (SBN 182768, illegally
suspended bar license without notice by
2 California Chief Justice Tani Cantil-Sakauye,
in conspiracy with State Bar of California,
3 James Mcmanis and Director and attorneys
at Santa Clara County Child Support Agency
4 and/or Director of Department of Child
Support Agency of the State, and Presiding
5 Judge Beth McGowan and Theodore Zaynor
at Santa Clara County Court)
6 PO Box 300; Big Pool, MD 21711
Tel.: (408) 873-3888
7 attorneyshao@outlook.com

8
9 IN U.S. COURT OF APPEAL, NINTH CIRCUIT

10 Yi Tai Shao

) No. 22-15857

11)
12) Appellant

) APPELLANT YI TAI SHAO'S

13 v.

14 Chief Justice John G. Roberts, Jr.
et al.

15)
16) Appellees

)
)
) OBJECTION TO THE NINTH
) CIRCUIT'S EX PARTE
) COMMUNICATION WITH
) CALIFORNIA ATTORNEY
) GENERAL OFFICE AND
) CALIFORNIA COMMISSION OF
) JUDICIAL CONDUCTS, AND
) FAILURE TO SERVE ECF 33;

17)
18) AND
19) OBJECTION TO THE DOCKET
20) TEXT WHICH IS LIKELY ECF 35;
21)

22
23 TO THE COURT AND APPELLEES AND THEIR ATTORNEY OF RECORD

24 Appellant SHAO hereby make two objections

25 (1) OBJECTION TO EX PARTE COMMUNICATION BETWEEN CALIFORNIA
26 ATTORNEY GENERAL'S OFFICE AND THE NINTH CIRCUIT AS THERE
27
28

Case: 22-15857, 08/07/2023, ID: 12769224, DktEntry: 36, Page 2 of 2

1 WAS NO ECF 33 MOTION OF CALIFORNIA COMMISSION ON JUDICIAL
2 CONDUCT IN EXISTENCE, AND THE PURPORTED MOTION WAS NEVER
3 SERVED UPON A PARTY, BUT THE COURT GRANTED EXTENSION AS
4 SHOWN IN DOCKET LINE 34.
5

6 (2) APPELLANT OBJECTS TO ECF 35 AN EXTENSION TO ALL APPELLEES
7 AS 9 APPELLEES HAD BEEN AT DEFAULT WHO ARE NOT ELIGIBLE
8 TO FILE RESPONDING BRIEF.
9

10 **9 DEFENDANTS IN CALIFORNIA ARE AT DEFAULT WHO ARE:**

11 **Anthony M. Kennedy and Anthony M. Kennedy Inn of Court Foundation**
12 **were served on 3/12/2022 with due date on 4/12/2022 (ECF 58 in 22-00325)**

13 **Tani Cantil-Sakauye and California Supreme Court Clerk Jorge Navarrete**
14 **were served on 3/28/2022 with due date to respond on April 18, 2022.(ECF 53 in**
15 **22-00325)**

16 **Michael Louis Fox and Christopher Sean Patterson were served on 3/28/2022**
17 **with due date on April 18, 2022 (ECF 54 in 22-00325)**

18 **James Lassert, Suzie Tagliere and Janet Everson served on 3/28/2022, answer**
19 **due 4/18/2022. (ECF 60 & ECF 62 in 22-00325)**

20 Dated: August 7, 2023

21 /s/ Yi Tai Shao
22 Yi Tai Shao, Petitioner
23
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25
26
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1 YI TAI SHAO (SBN 182768, illegally
2 suspended bar license without notice by
3 California Chief Justice Tani Cantil-Sakauye,
4 in conspiracy with State Bar of California,
5 James Mcmanis and Director and attorneys
6 at Santa Clara County Child Support Agency
7 and/or Director of Department of Child
8 Support Agency of the State, and Presiding
9 Judge Beth McGowan and Theodore Zaynor
10 at Santa Clara County Court)
11 PO Box 300; Big Pool, MD 21711
12 Tel.: (408) 873-3888
13 attorneyshao@outlook.com

8
9 IN U.S. COURT OF APPEAL, NINTH CIRCUIT

10 Yi Tai Shao

) No. 22-15857

11)
12) Appellant

) **MOTION TO DECIDE ECF 29 FILED**
) **ON JULY 7, 2023**

13 v.

14 Chief Justice John G. Roberts, Jr.
15 et al.

16)
17) Appellees

18 For already 5 weeks, the panel has not decided ECF 29 which was filed on July 7,
19 2023:

20 Appellant's

21 (1) Objection To ECF28 For Violation Of Due Process As Well As The
22 First Amendment Right To Access The Court; And Discovery Of
23 New Fact/New Conspiracies

24 (2) Request For Disclosure Of Conflicts Of Interest Of The
25 Appellate Panel Judges

26 Requests For Statements Of Decision For June 29, 2023 Order In
27 ECF 28

28 (3) Motion To Disqualify Each Judge In This Panel Based On Their
Pervasive Bias That Mandates Recusal Under 28 U.S.C.§455(A)

(4) 60(b) Motion To Vacate June 29, 2023 Order

(5) Renewed Motion To Change Venue Including Stayed The
Briefing Schedule Pending Resolution Of The Issues And Requests
Presented Herein

1 (6) Request For En Banc Decision On This Paper Including
2 Multiple Objections And Motions
3 (7) Motion For Certification For Appeal

4 It is especially critical for certification of appeal on the Court's
5 Order of ECF 28. As there is an obvious direct conflicts of interest for this
6 Circuit to continue handling this Appeal in that this Circuit was discovered
7 to commit obstruction of justice in felonious purging four California judges'
8 names from Appeal No.14-17400 when they are also Appellees in this
9 Appeal. They are: Judge Theodore Zayner, Judge Patricia Lucas, Judge
10 Edward Davila, and Judge Mary Ann Grilli. Appellant has the Due Process
11 right to have her case decided by an impartial tribunal.

12 The contents were not moot because of filing of appellate opening brief.
13 Appellant respectfully requests a ruling, which is fundamental to the issue of venue,
14 jurisdiction as Appellant has the Due Process right to an impartial tribunal and the
15 panel has violated 18 U.S.C. §242, by adding in the language of blocking Appellant
16 from having the right for a motion stated in Circuit Rule 27-10, which constitutes
17 part of the racketeering activities in the past 13 years of the courts' blocking
18 Appellant from reasonable access to the courts, in violation of 18 U.S.C. §1962..

19 The Court has a paramount duty to decide (U.S.v. Southern District Court of
20 N.Y., 334U.S.258 (1948)), that refusal to rule is a clear violation of judicial duty,
21 Mardikian v.Commissions on Judicial Performance (1985)40 Cal.3d 473,477, that
22 the court's duty to decide is "absolute" (Comer v.Murphy Oil USA, 607 F.2d
23 1049,1057 (5thCir.2010)) and is Constitutionally-imposed (National Education
24 Assoc. v. Lee County Board of Public Instruction,467 F.2d 477(5thCir.1972)).

25 Since no one filed an Opposition to ECF 29, Appellant respectfully requests
26 this Court to grant relief requested.

27 Dated: August 15, 2023

28 /s/ Yi Tai Shao
Yi Tai Shao, Petitioner

1 YI TAI SHAO (SBN 182768, illegally
2 suspended bar license without notice by
3 California Chief Justice Tani Cantil-Sakauye,
4 in conspiracy with State Bar of California,
5 James Mcmanis and Director of Santa Clara
6 County Child Support Agency and/or Director
7 of Department of Child Support Agency of the
8 State, and Presiding Judge Beth McGowan
9 and Theodore Zaynor)
10 PO Box 300; Big Pool, MD 21711
11 Tel.: (408) 873-3888
12 attorneyshao@outlook.com

8 IN U.S. COURT OF APPEAL, NINTH CIRCUIT

10 Yi Tai Shao

11 Appellant

12 v.

13 Chief Justice John G. Roberts, Jr.
14 et al.

15 Appellees

No. 22-15857

**MOTION TO DECIDE ECF 29 MOTION
AND ITS SUPPLEMENTS IN ECF 30
AND 31 BY THE APPELLATE PANEL
when APPELLANT'S MOTION IN ECF
29 WAS UNOPPOSED FOR MORE
THAN THREE MONTHS**

17
18 On 7/7/2023, Plaintiff filed ECF 29 with the complete title for the requested relief
19 being:

161

1 APPELLANT'S

2 (1) Objection To ECF 28 For Violation Of Due Process As Well As The First

3 Amendment Right To Access The Court; And Discovery Of New Fact/New Conspiracies

4 (2) Request For Disclosure Of Conflicts Of Interest Of The Appellate Panel Judges

5 Requests For Statements Of Decision For June 29, 2023 Order In

6 Ecf 28

7 (3) Motion To Disqualify Each Judge In This Panel Based On Their Pervasive Bias That

8 Mandates Recusal Under 28 U.S.C. §455(A)

9 (4) 60(B) Motion To Vacate June 29, 2023 Order

10 (5) Renewed Motion To Change Venue Including Stayed The Briefing Schedule

11 Pending Resolution Of The Issues And Requests Presented Herein

12 (6) Request For En Banc Decision On This Paper Including Multiple Objections And

13 (7) Motion For Certification For Certification For Appeal

14 No Appellees filed any objection to this ECF 29 which was later supplemented with

15 ECF 30 and ECF 31.

16 The court has a Constitutionally-mandated duty to decide. It has been more than 3

17 months that this Court has not decided. The ECF 28 irregularly issued by the

18 panel who failed to disclose their conflicts of interest with the Appellees when two of

19 the three panel judges were exposed by ECF 29 for mandatory recusal required by

20 28 U.S.C. 455(a) and (b)(5)(i) that the order must be vacated pursuant to *Liljeberg*

21 *v. Health Serv. Acquisition Corp* (1988) 486 US 847.

22 To decide is the paramount duty of a judge. *United States v. Will*, 449 US 200

23 (1950) Refusing to decide issues in recusal is a serious violation of judicial duty.

24 *Inquiry Concerning Freedman* (Cal.Comm. Jud. Perf. 2007) 49 Cal.4th CJP Supp.

25 223. It is judge's duty to ensure that his or her presence does not taint the process

26 of justice or the integrity of United States Courts. *Obert v. Republic W. Ins. Co.*

27 (2002, DC RI) 190 F. Supp.2d 279, modified (2005, CAI RI) 398 F.3d 138. In many

1 States, the courts have held that the failure to rule on disqualification issues
2 constitutes reversible error. E.g., *Clark v. Dist. No. 89*, 32 P.3d 851 (Okla.2001)

3 When an affidavit of disqualification is filed and is in proper form, its allegations
4 are accepted as true. *Berger v. United States*, 225 US 22, 23, 41 S. Ct. 230 (1921).

5
6 The undersigned swear under the penalty of perjury under the laws of the State of
7 California that the foregoing is true and accurate.

8 Dated: October 11, 2023

9 /s/ Yi Tai Shao
10 Yi Tai Shao, Petitioner
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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED 163

OCT 11 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

YI TAI SHAO, AKA Linda Yi Tai Shao,

Plaintiff-Appellant,

v.

JOHN G. ROBERTS, Jr.; et al.,

Defendants-Appellees.

No. 22-15857

D.C. No.

2:22-cv-00325-JAM-AC

Eastern District of California,

Sacramento

ORDER

Before: SILVERMAN, R. NELSON, and BUMATAY, Circuit Judges.

We treat appellant's filing received on July 7, 2023 as a combined motion for reconsideration and reconsideration en banc (Docket Entry No. 29). The motion for reconsideration is denied and the motion for reconsideration en banc is denied on behalf of the court. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11. All other requests included in Docket Entry No. 29 are also denied.

The motion for an extension of time to file the opening brief (Docket Entry No. 30) and the motions for a decision (Docket Entry Nos. 42, 52) are denied as moot.

The motions for an extension of time to file the reply brief (Docket Entry Nos. 50, 51) are granted. The optional reply brief is due November 22, 2023.

No.

=====

IN THE SUPREME COURT OF THE UNITED STATES

—o0o—

IN RE YI TAI SHAO

LINDA SHAO, AKA YI TAI SHAO

Petitioner - Appellant,

vs.

**Judge Barry G. Silverman, Judge Ryan D. Nelson and Judge Patrick
J. Bumatay, panel judges for Appeal no.22-15857 and Mary Murquia,
Chief Judge at the Ninth Circuit**

Respondents

—o0o—

**Petition for Writ of Mandamus pursuant to 28 U.S.C. §1651 to vacate
orders of June 29, 2023 (ECF 28) and October 11, 2023 (ECF 53) in summary
denial of Petitioner's Motion for Summary Reversal and of Petitioner's motion
to change venue without any analysis and 7 motions in ECF 53 by
Respondents at the Ninth Circuit Court of Appeal (22-15857), an appeal from
Judge John A. Mendez's dismissal in Shao v. Roberts, et al. (2:22-00325) and
grant relief of reversal and remand to New York pursuant to 28 U.S.C. §1253,**

§2101(a), §2016

Rule 20 of the U.S. Supreme Court Rules

Yi Tai Shao, in Pro Per

P.O. Box 300; Big Pool, MD 21711

Telephone No. (408) 873-3888 Email: attorneyshao@outlook.com

YI TAI SHAO, ESQ.
PO Box 300
Big Pool, MD 21711

November 17, 2023

Hand-delivery

Emily Walker and Robert Meek
Clerk's Office
US Supreme Court
Washington, DC 20543

Re: Petition for Writ of Mandate

Dear Ms. Walker

I received your return. I do not think it matters about your letter as title is not decisive, which has been well recognized by all courts.
However, I have modified the cover, to satisfy your request. Please file it. Thanks

I took out the Application as you said that I am not late.

Sincerely Yours,
YI Tai Shao

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Case 2:22-cv-00325-JAM-AC Document 86 Filed 04/20/22 Page 1 of 1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JUDGMENT IN A CIVIL CASE

YI TAI SHAO,

CASE NO: 2:22-CV-00325-JAM-AC

v.

JOHN G. ROBERTS JR., ET AL.,

Decision by the Court. This action came before the Court. The issues have been tried, heard or decided by the judge as follows:

IT IS ORDERED AND ADJUDGED

**THAT JUDGMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE
COURT'S ORDER FILED ON 4/20/2022**

**Keith Holland
Clerk of Court**

ENTERED: April 20, 2022

by: /s/ A. Coll

Deputy Clerk

Case 2:22-cv-00325-JAM-AC Document 84 Filed 04/20/22 Page 1 of 2

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

YI TAI SHAO,

Plaintiff,

v.

JOHN G. ROBERTS, JR. et al.,

Defendants.

No. 2:22-cv-0325 JAM AC PS

ORDER

Plaintiff, proceeding pro se, filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On March 8, 2022, the magistrate judge filed findings and recommendations herein which contained notice that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 31. Plaintiff has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

///

///

///

///

Case 2:22-cv-00325-JAM-AC Document 84 Filed 04/20/22 Page 2 of 2

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations filed March 8, 2022, are adopted in full; and
3 2. Plaintiff's motion to recuse the assigned district judge (ECF No. 29) is denied.
4

5
6 DATED: April 19, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE

Case 2:22-cv-00325-JAM-AC Document 85 Filed 04/20/22 Page 1 of 2

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

YI TAI SHAO,

Plaintiff,

v.

CHIEF JUSTICE JOHN G. ROBERTS, et
al.,

Defendants.

No. 2:22-cv-0325 JAM AC PS

ORDER

Plaintiff proceeds in this action in pro per. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On March 30, 2022, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 35. Plaintiff has filed objections to the findings and recommendations. ECF No. 68.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

////

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////

Case 2:22-cv-00325-JAM-AC Document 85 Filed 04/20/22 Page 2 of 2

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 30, 2022, are adopted in full;

2. Plaintiff's motion to recuse is denied; and

3. This action is dismissed with prejudice in its entirety because plaintiff cannot stat a claim which relief can be granted.

*Magistrate Judge did not order
w/ prejudice (see docket)*

DATED: April 19, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE

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Case 2:22-cv-00325-JAM-AC Document 80 Filed 04/19/22 Page 1 of 1

YI TAI SHAO, ESQ. (California Bar No. 182768)
 SHAO LAW FIRM, PC
 Mailing address:
 PO BOX 280; Big Pool, MD 21711
 [office address: 4900 Hopyard Road, Ste. 100; Pleasanton, CA 94588]
 Tel: (408) 873-3888; Fax: (408) 418-4070
 attorneyshao@outlook.com
 For Plaintiff Yi Tai Shao and in pro per

U.S. District Court
 Eastern California District
 Sacramento Facilities

Yi TAI SHAO, Plaintiff Vs. Chief Justice John G. Roberts, et al. Defendants	Case No. 2:22-cv-0325-JAM-AC OBJECTION TO ECF 79 order of Magistrate Judge Allison Claire And moves to strike the ECF 79 Order as Magistrate Judge Allison Claire has no authority to issue that order, a willful act of disrupting administration of justice.
---	--

In willful violation of due process, Magistrate Judge Allison Claire who had been dissented to be in this case, and further tacitly admitted to her conflicts of interest, persisted on issuing order in this case, without any jurisdiction.

Claire failed to reply nor decide on Plaintiff's Motion to vacate all of her orders in ECF 24, 28, 31 as contained in ECF 33. Based on the fact of Magistrate Judge Claire's tacit admission to her conflicts of interest with defendant California Chief Justice Tani Cantil-Sakauye and the fact that it is undisputed for her "pervasive bias" and acted without jurisdiction, Claire has a duty to disqualify herself pursuant to 28 U.S.C. 455(a).

Plaintiff moves to strike the Order of ECF 79 for being made without jurisdiction.

Dated: April 19, 2022

Shao Law Firm, PC

/s/ Yi Tai Shao

Yi Tai Shao

Case 2:22-cv-00325-JAM-AC Document 1-1 Filed 04/04/22 Page 1 of 1
EASTERN DISTRICT OF CALIFORNIA

Yi Tai Shao

Plaintiff(s)/Petitioner(s),

CASE NO. 2:22-cv-325-JAM-AC

vs.

John G. Roberts, Jr., et. al.

Defendant(s)/Respondent(s).

IMPORTANT

IF YOU CHOOSE TO CONSENT OR DECLINE TO CONSENT TO JURISDICTION OF A UNITED STATES MAGISTRATE JUDGE, CHECK AND SIGN THE APPROPRIATE SECTION OF THIS FORM AND RETURN IT TO THE CLERK'S OFFICE.

☐ **CONSENT TO JURISDICTION OF UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C Sec. 636(c)(1), the undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed.

Date: _____ Signature: _____

Print Name: _____

☒ Plaintiff/Petitioner ☐ Defendant/Respondent
 Counsel
 for _____ *

☒ **DECLINE OF JURISDICTION OF UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, U.S.C. Sec 636(c)(2), the undersigned acknowledges the availability of a United States Magistrate Judge but hereby declines to consent.

Date: 4/4/2022 Signature: 

Print Name: Yi Tai Shao

☒ Plaintiff/Petitioner ☐ Defendant/Respondent
 Counsel
 for _____ *

**If representing more than one party, counsel must indicate the name of each party responding.*

ROB BONTA
Attorney General

App. 171
App. 171
State of California
DEPARTMENT OF JUSTICE



600 WEST BROADWAY, SUITE 1800
SAN DIEGO, CA 92101
P.O. BOX 85266
SAN DIEGO, CA 92186-5266

Public: (619) 738-9000
Telephone: (619) 738-9305
Facsimile: (619) 645-2581
E-Mail: Elizabeth.Lake@doj.ca.gov

October 5, 2023

Yi Tai Shao
P.O. Box 300
Big Pool, MD 21711
attorneyshao@outlook.com

RE: Public Records Act Request 2023-02293

Dear Ms. Shao:

This letter is in response to your correspondence dated September 11, 2023, which was received in the Attorney General's Office on September 21, 2023, in which you sought various records pursuant to the Public Records Act as set forth in Government Code section 6250 et seq.

Specifically, you requested:

*For 3 times' official requests,
Rob Bonta refused to provide.*

1. Any Guidelines for "public interest" for Attorney General to represent California Government agencies in implementing California Family Code section 17407(a)(1)? This is the third request on the same issue. If you do not have any internal rules or regulations please state so.
2. In your letter dated 9/21/2021, you provided two Cost Summaries. Regarding the one for H039823, please advise if there were any funds' distribution. If yes, was there a check issued? Need a copy of the check. For example, 2014-2015 is \$25,967.50. Was the fund distributed to anywhere? Was there a check issued out of the \$25,967.50? Please explain the dates of service for "2014-2015" and "2015-2016" and "216-2017" for attorney and the dates of service for the paralegal for "2013-2014".
3. Please provide a privilege logs for the all of your responses that you asserted being attorney client privilege in your letter dated 9/21/2023. Need to know the identity of the contact points that Attorney General made regarding H039823.
4. like in Request 1 above, please respond with any internal rules, policies or regulations for Attorney General's participation of a lawsuit on pure declarative reliefs.
5. Please provide any communication records for all of my requests which were responded by 9/21/2023 letter.
6. Please provide all documentations about how the Attorney General decided to represent the DCSS in Santa Clara County in H039823 in 2013-2014 as well as the do mutation that caused Notice of Reassignment filed on 6/3/2015.

October 5, 2023
Page 2

App. 172
This "Duverne" was placed by James McMenn.
burglar on to Petitioner's home printer.

App. 172

7. Please provide all documents that Attorney General filed with the asixth District Court of Appeal.

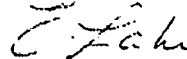
As noted in our prior response dated September 21, 2023, please note that requests made pursuant to the Public Records Act authorize disclosure of records only. Item 4 appears to seek information rather than any specific record. Accordingly, the Department is unable to provide records responsive to the requests.

Subject to the above, the Department has commenced a reasonable search for records that may be responsive to Items 1 through 7. To date, we have identified records that are responsive to Item 5. Some of those records are exempt from disclosure under the PRA because they are protected under the attorney-client privilege and/or the attorney work product doctrine. The PRA incorporates confidentiality privileges set forth elsewhere in law, including the attorney-client privilege contained in Evidence Code section 954 and work product doctrine set out at Code of Civil Procedure section 2018.030. (Gov. Code, § 7927.105; *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.) The attorney-client privilege, which protects communications between attorney and client, applies to Department attorneys' communications with the Attorney General or client agencies for the purpose of providing legal advice. (Evid. Code, § 954; *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176, 1186 [noting that "privileges apply to governmental entities as well as to private parties"].) Similarly, the work product doctrine, which protects against disclosure of an attorney's "impressions, conclusions, opinions, or legal research or theories," protects internal memoranda, drafts, notes, and other records relating to litigation matters. (Code Civ. Proc., § 2018.030; *Tucker Ellis LLP v. Super. Ct.* (2017) 12 Cal.App.5th 1233, 1245.) Attorney-client privileged and work product records will not be provided.

The Department has identified one record that is responsive to Item 5 and is disclosable under the PRA. A copy of that record is attached to the email transmitting this letter. In addition, we are providing, in response to Item 3, a log of privileged communications withheld from disclosure as noted in our correspondence dated September 21, 2023.

This concludes our response to this request.

Sincerely,



ELIZABETH N. LAKE
Deputy Attorney General

For ROB BONTA
Attorney General

←
privilege
log was
produced

ENL:

SF2019200112

11 Days prior to dismissal, Rob. Bonta & U.C.S.S. were aware of the
 Public Records Act Request 2023-02293 coming dismissal by
 Judge John A. Mendes.

Privilege Log

Document Name/Type	Date	Author(s)	Recipient(s)	Request No.	Privilege
E-mail re Shao, Linda v. Wang, Tsan-Kuen (2) (Santa Clara Co. DCSS) (SA2017105242)	1/23/2017	Rosie Miller	Jennevee DeGuzman, Deputy Attorney General	9.21.2023 Correspondence re PRA Request 2023-02182 Item 11	Attorney Work Product Doctrine Code Civ. Proc., § 2018.030; Tucker Ellis LLP v. Super. Ct. (2017) 12 Cal.App.5th 1233, 1245; Gov. Code, § 7927.705; Roberts v. City of Palmdale (1993) 5 Cal.4th 363.
Correspondence re: Request for Representation on Appeal	4/8/2022	California Department of Child Support Services	Gregory D. Brown, Supervising Deputy Attorney General	9.21.2023 Correspondence re PRA Request 2023-02182 Item 14	Attorney-Client Privilege Evid. Code, § 954; Ardon v. City of Los Angeles (2016) 62 Cal.4th 1176, 1186; Gov. Code, § 7927.705; Roberts v. City of Palmdale (1993) 5 Cal.4th 363.
Correspondence re: Shao, Yi Tai v. Roberts, et al., United States District Court, Eastern District of California, Case No. 2:22-CV-00325-JAM-AC	4/12/2022	Angela Atwal, Senior Legal Analyst	California Department of Child Support Services	9.21.2023 Correspondence re PRA Request 2023-02182 Item 14	Attorney-Client Privilege Evid. Code, § 954; Ardon v. City of Los Angeles (2016) 62 Cal.4th 1176, 1186; Gov. Code, § 7927.705; Roberts v. City of Palmdale (1993) 5 Cal.4th 363.
E-mail re: Shao - Order of Dismissal and Judgment	4/21/2022	Charles Antonen, Supervising Deputy Attorney General	California Department of Child Support Services	9.21.2023 Correspondence re PRA Request 2023-02182 Item 14	Attorney-Client Privilege Evid. Code, § 954; Ardon v. City of Los Angeles (2016) 62 Cal.4th 1176, 1186; Gov. Code, § 7927.705; Roberts v. City of Palmdale (1993) 5 Cal.4th 363.
E-mail re: Shao - Order of Dismissal and Judgment	4/21/2022	California Department of Child Support Services	Charles Antonen, Supervising Deputy Attorney General	9.21.2023 Correspondence re PRA Request 2023-02182 Item 14	Attorney-Client Privilege Evid. Code, § 954; Ardon v. City of Los Angeles (2016) 62 Cal.4th 1176, 1186; Gov. Code, § 7927.705; Roberts v. City of Palmdale (1993) 5 Cal.4th 363.

Yi Tai Shao
October 5, 2023
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Response to Request No. 11

After conducting a diligent search, the State Bar has determined it has no records responsive to this request.

Request No. 12

All positions of James Mcmanis with State Bar of California from 2011 until present, whether with wage or no wage.

Response to Request No. 12

After conducting a diligent search, the State Bar has determined it has no records containing information responsive to this request.

←
fraud

Request No. 13

All emails of Tani Cantil-Sakauye about S263527

Response to Request No. 13

The State Bar need only produce documents for copy or inspection upon a request that "reasonably describes an identifiable record." (Gov. Code § 7922.530.) "The request to the agency must itself be focused and specific." (*Rogers v. Superior Court* (1993) 19 Cal.App.4th 469, 481.) Upon receipt of a sufficiently focused and specific request, the State Bar's obligation to disclose non-exempt, responsive records is limited to those records that it can locate through reasonable efforts. "Reasonable efforts do not require that agencies undertake extraordinarily extensive or intrusive searches." (*City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, 627 [citing *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440, 453; *Bertoli v. City of Sebastopol* (2015) 233 Cal.App.4th 353, 371-72].)

A request for the "wholesale production of records" is objectionable as overbroad. (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1345 [public interest in disclosure of five years' worth of governor's calendars was "crushed under the massive weight of the Times's request"].) The State Bar "cannot be subjected to a 'limitless' disclosure obligation." (*Bertoli, supra*, 233 Cal.App.4th at 372 [quoting *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166].) Nor do reasonable efforts require a search of every email sent or received by multiple employees over a substantial period of time. (*Hainey v. U.S. Dept. of the Interior* (D.D.C. 2013) 925 F.Supp.2d 34, 44-45 [agency properly declined to respond to request that would require search of every email sent or received by 25 different employees over a two-year time period].)

Due to the overly broad nature of your request, the State Bar is unable to locate responsive records with reasonable efforts. Your request is not limited by time period. As Justice Cantil-Sakauye is not a State Bar employee or officer, the State Bar would need to search the email accounts of every State Bar employee and officer for responsive records, potentially going back decades. The State Bar cannot do so with reasonable efforts.

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McManis-Faulkner

Roberts is a buddy to James McManis who is an officer of Calif. State Bar.
McManis Faulkner removed this news after my criticism.
MEDIA

James McManis Elected Honorary Benchers

08/13/2012

James McManis, founding partner of leading Northern California trial firm McManis Faulkner, has been elected, by unanimous vote, an honorary benchers of the Honorable Society of King's Inns, Dublin, Ireland.

The oldest institution of legal education in Ireland, the Honorable Society of King's Inns is comprised of benchers, barristers and students. The benchers include all the judges of Ireland's Supreme and High Courts as well as a number of elected barristers. Prior to the election of McManis and two other Fellows of the International Academy of Trial Lawyers (Tom Gherdi and Pat McGroder), the only Americans so honored were U.S. Supreme Court Chief Justice John Roberts and Justice Antonin Scalia. Election as an honorary benchers is the highest accolade that the Inn can confer.

As a member of the trial bar for more than 40 years, McManis represents Silicon Valley companies with commercial, trade secret and intellectual property issues. Listed in the Best Lawyers in America for 13 consecutive years as well as Northern California Super Lawyers for nine consecutive years, he also represents individuals in a wide variety of matters, including civil rights actions, employment disputes, family law and criminal defense. McManis was recently appointed to the newly established Task Force on Admissions Regulation Reform by the California State Bar. He is a Fellow of the American College of Trial Lawyers, Litigation Counsel of America, American Bar Foundation and International Academy of Trial Lawyers. He earned his J.D. from the University of California, Berkeley School of Law (1987) and his B.A. in history, with distinction, Phi Beta Kappa, from Stanford University (1984).

State
Bar
is covering
him