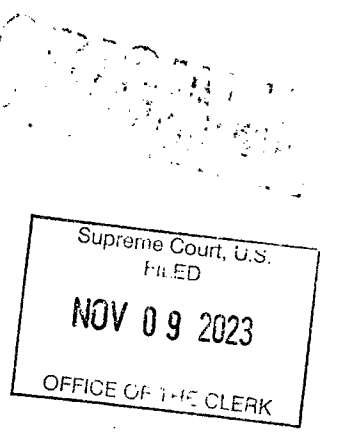
No. 23-6636

IN THE SUPREME COURT OF THE UNITED STATES

THOMAS OLIVER,
Petitioner

v.

KRISTIN TAVIA MIHELIC,
TIFFANY LOUISE CARROLL, and
LOUISE DECARL ADLER,
Respondents



On Petition for Writ of *Certiorari* to
the United States Court of Appeals
for the Ninth Circuit

PETITION FOR WRIT OF *CERTIORARI*

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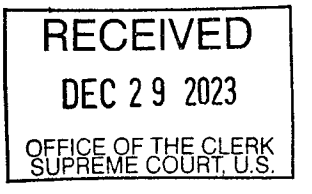

QUESTIONS PRESENTED

1. Should judges or other government personnel in the United States be protected by any form of civil immunity at all for willful crimes they commit while acting in their official duties?

2. Should parties who are pathological liars—or liars of any kind—be allowed to write court orders or rulings in adversarial matters, but if they do, should such lie-riddled documents be valid (not automatically be void)?

The answer to both questions, of course, is a resounding "no," and this court must stand firm with Petitioner and the American people in declaring that answer to the respondents and to other such actors nationwide who are equally nefarious. To the best of Petitioner's knowledge, this court has never answered these questions. Shielding *anyone* from liability because of his or her *intentional* criminal misconduct and allowing falsified records to remain valid in legal matters are just plain wrong.

"The greatest lies are told in the name of truth. The greatest crimes are committed in the name of justice." — **Jim Garrison**

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DECISIONS BELOW

U.S. Bankruptcy Court for the Southern District of California
.....20-01053-CL7, In Re: Thomas Oliver, August 4, 2021

U.S. Bankruptcy Court for the Southern District of California
.....20-90093-CL, Acting United States Trustee v. Thomas Oliver, August 4, 2021

U.S. Court of Appeals for the Ninth Cirtcuit
.....21-60034, In Re: Thomas Oliver, September 17, 2021

U.S. District Court for the Southern District of California.....
.....21-cv-01807-LL-DEB, Thomas Oliver v. Mihelic, et al., February 8, 2022

Bankruptcy Appellate Panel for the Ninth Circuit.....
.....SC-21-1151-SFB, SC-21-1182-SFB, In Re: Thomas Oliver, June 24, 2022

U.S. Court of Appeals for the Ninth Cirtcuit.....
.....22-55229, In Re: Thomas Oliver, May 24, 2023

U.S. Court of Appeals for the Ninth Cirtcuit.....
.....22-55229, Thomas Oliver v. Mihelic, et al., September 8, 2023

JURISDICTION OF THIS COURT

Relevant issues revolve around constitutional and federal law. This court has jurisdiction pursuant to Rule 10(a) when "a United States court of appeals has.....so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power" and (c) "a.....United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court or has decided an important federal question in a way that conflicts with relevant decisions of this Court" (emphasis added).

The judgment was entered on May 24, 2023. The rehearing petition was timely filed on May 30, 2023, and justice was again blocked on September 8, 2023. This petition is brought pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

18 U.S.C. §§ 4, 152, 157, 1001, 1018, 1341, 1349, 1505, 1512, 1519, 1621, 1623, and 3057
28 U.S.C. §§ 1254, 1746
Due Process of the Fifth Amendment to the U.S. Constitution

STATEMENT OF THE CASE

The questions presented in this petition were totally ignored in the lower courts. Such courts have blatantly disregarded Supreme Court precedent, one such example being the unanimously decided *Maness v. Meyers*, 419 U.S. 449 (1975). As much as Petitioner would shout from the rooftops, the facts and evidence have been consistently disregarded in all responses from the court or called "claims of error." He never claimed the lower courts made any mistakes.....but instead did deliberate deeds in a

surreptitious way that contravened the law, rules of procedure, rules of professional conduct, judicial canons, and Constitution. Petitioner *repeatedly* pointed out lies and fraud in court "rulings" and "orders," but the judges below failed to follow Canon 3(B)(6) and instead chose to violate 18 U.S.C. § 4 by trying to hide their comrades' crimes through their bogus orders that ignored the felonies. One such "ruling" is doc. no. 134 in the *off-the-rails corrupt* bankruptcy matter (case no. 20-90093-CL). This little gem contains *no less than ten lies!* These lies/fraudulent statements are clearly violations of 18 U.S.C. §§ 1001, 1018, 1519—and other criminal statutes—with one felony carrying a maximum 20-year prison sentence. Nothing remedial has been done. These criminals are not in prison where they belong.

"The exposure and punishment of public corruption is an honor to a nation, not a disgrace. The shame lies in toleration, not in correction." — **Theodore Roosevelt**

INTRODUCTION

Briefly, this petition is a result of crime and corruption that is rampant throughout the U.S. legal system. The cases necessitating it concern a $30,000+ "debt" that was fraudulently created against Petitioner and a $300,000+ condominium that was stolen from someone else to pay it, while several individuals inside and outside the court system committed heinous transgressions in order to do so. All this happened with Petitioner being blocked several times in violation of his constitutional rights from *ever* having a trial of any kind, a default judgment rightly given to him being illegally ripped out of his hands and converted into a fraudulent judgment for Joseph Leonard Michaud (hereinafter "Michaud"), and countless civil and criminal laws being broken as Petitioner was driven into extreme poverty and the U.S. Constitution was not simply trampled—but instead completely obliterated. Events underlying this petition are the poster child for how to do everything morally wrong, illegally, and unjustly and would be inconceivable in countries with the most corrupt legal systems. Lo and behold, this has happened on our very own doorstep right here in the United States.

This petition does *not* hinge on subtleties of law; it hinges on outright blatant crime—violations of not just Title 18 of the U.S. Code, but of state criminal law as well—by parties who are versed in law

and know better. Everyday people do not like crime and corruption in the U.S. legal system. The corrupt people who are part of it, of course, love it, but John Q. Public does not. Petitioner has been a victim of crime roughly forty times in his life. Only about four of those occasions have *not* been at the hands of the U.S. legal system. This 90 percent criminal offense rate by members of the system is abysmal and appalling. Our legal system should fight *for* justice, not *against* justice. Issuing the writ will be the most important thing the high court has done this century because it will strike at the very root of corruption and go a long way towards restoring *true* justice to those American people who have been—and are still yet to be—victimized by what is now the world's largest crime syndicate. The issue at the heart of this petition has been a long time coming and must be addressed *now*.

Petitioner is sure this court will notice that he signs many court filings "a.k.a. Robert McCall." That's because, like this fictional character, he always give the courts the chance to do the right thing. Inevitably, they don't. Petitioner has litigated about thirty cases—more than half of them caused *by* the legal system—in front of roughly 100 judges in twenty-two courts in seven states. Only about eight to ten times have judges done the right thing and upheld justice. In fact, in a small local court in Rhode Island, Petitioner once went up to the judge and shook his hand afterward, not because he ruled in Petitioner's favor—because he didn't—but because he *followed the law*.

REASONS FOR GRANTING *CERTIORARI*

Why should the U.S. Supreme Court decide this matter? One reason is that a just decision by it will positively affect millions of litigants—those who fight against big business, government, or any favored party—*pro se* or not. A ruling in favor of justice will send a message that committing crimes in order to win an action is not OK. Sadly, doing so is now standard operating procedure in the lower courts across the nation. It happens every day in every court in every state, and it is repulsive. Out of respect for the Framers and the glorious document they created, the U.S. Constitution, this court should hear this case.

The level of crime and corruption in the underlying cases precipitating this petition easily eclipses that in the notorious criminal case that was the genesis of *Fields v. Wharrie,* 740 F.3d 1107 (7th Cir. 2014) in which Judge Posner had the courage ***not*** to "bless a breathtaking injustice." Here, no

judicial actor has yet to have any courage whatsoever. Instead, the crime and corruption has been cultivated, and criminal elements have instead tried to bury the facts and evidence in contravention of 18 U.S.C. § 4.

Addressing the first question presented, immunity itself is broad. Under current doctrine, it covers (1) "judicial acts" that are (2) not undertaken in the "clear absence of all jurisdiction." In other words, so long as a judge does not run afoul of these two conditions, a judge cannot be civilly liable—even if the judge's acts are "done maliciously or corruptly" *Bradley v. Fisher*, 80 U.S. 335 (1871). However, immunity does not extend to criminal prosecutions, as this court explained in *O'Shea v. Littleton*, 414 U.S. 488 (1974) and then reaffirmed in *Imbler v. Pachtman*, 424 U.S. 409 (1976) and *Dennis v. Sparks*, 449 U.S. 24 (1980). But no mention of immunity from *civil* liability exists in U.S. case law regarding a judicial actor behaving *criminally*, with the lone exception, perhaps, of *Ex Parte Virginia*, 100 U.S. 339 (1879). The commission of a crime, and in particular, one committed *intentionally*, can in no way, shape, or form be considered a "judicial act." Furthermore, such behavior has also not been but should be settled by this court.

Addressing the second question presented, respondent Mihelic (hereinafter "Mihelic") essentially wrote all the court orders and tentative rulings and then directly or indirectly gave them to respondent Adler (hereinafter "Adler") for rubber-stamping in the adversarial proceeding (20-90093-CL). This is obvious because they are all brimming with Mihelic's trademark lies. No doubt remains since portions of Mihelic's associated "work product" and such orders and rulings are nearly identical. As already stated, just *one* ruling contained at least *ten* lies. Mihelic lied in every single document she filed with the court—including motions, declarations, and more—and nearly every email she sent to Petitioner. She is unquestionably then a pathological liar. Not only is allowing an adversary to write orders a blatant conflict of interest, but because Adler allowed a compulsive liar to do so, the conflict is even more egregious. The bankruptcy (20-01053-CL7) and the adversarial proceeding (20-90093-CL) were thus steered in the direction Mihelic wanted them to go—which was to block the discharge of the "debt" Michaud fraudulently created—as a result of his phone call to Mihelic or someone else in the Office of the U.S. Trustee, which violated other federal criminal laws that are outside the scope of this

petition.[1] It is abundantly obvious then that the outcomes of the bankruptcy cases were not based on legitimate court orders and rulings whatsoever. If lie-filled fraudulent orders/rulings were void, then 20-90093-CL would rightly crumble and the discharge would have been granted since there would be nothing left on which to build the current illegal outcomes.

Importantly, Petitioner was never afforded due process and never given a shot at justice. The lower courts fear him so much that they've blocked his phone number nationwide in every single federal court except the U.S. Supreme Court, which Petitioner can only guess they forgot to do. Nonetheless, he has already overcome that hurdle and is still able to call the courts every day. Petitioner has spent well over 12,000 hours on this and related matters over the last two-plus decades. He does not enjoy one bit fighting crime 24/7. If this court intercedes as it should, taxpayers will save millions, or perhaps even billions, of dollars over the foreseeable future because litigation caused by the system will not push litigants into poverty who then require taxpayers' support in order to survive. Just from the repercussions of righting the related cases below, they will save a minimum of $123,480 (in today's dollars without inflation) because Petitioner will no longer need Lifeline, SNAP, CARE, and other governmental support. The U.S. legal system will also take an enormous step forward, not further backward, because accountability of bad judicial actors will become a genuine part of it.

Another verifiable reason for granting *certiorari* is the following. Despite the existence of well in excess of *fifty* lies in official court documents and astounding wrongdoing in the courts below, no judicial entity or governmental agency—OIG, OPR, GAO, or FBI—has stepped forward to remedy the massive injustice of stealing a condominium valued at over $300,000 from a *third* party to pay a fraudulently created debt of about $30,000 while more than a dozen federal crimes—never mind state crimes—were committed and the rules of procedure, the rules of professional conduct, judicial canons, civil laws, and the Constitution were violated in order to do so. Throughout it all, incredibly, Petitioner never had a trial of any kind. This paragraph provides a crucial reason this court needs to intervene.

[1] stloiyf.com/complaint/complaint.htm (This file contains extremely important facts and evidence that the staff attorneys and/or judges in the lower courts have tried their damndest to bury in order to protect their criminal colleagues. See especially stloiyf.com/complaint/complaint.htm#10_lies_in_just_1_ruling, which reveals 10 lies in doc. no. 134).

"Father, forgive them; for they know not what they do." Christ Jesus, circa 33 AD, Jerusalem. While this quote may be true about the criminals who murdered Jesus, it is not true about the litigation in the lower courts. There, the criminals knew *exactly* what they were doing.

Small Sampling of Precedents Disregarded

The courts below have "decided an important federal question in a way that conflicts with relevant decisions of this Court" in violation of Rule 10(c). In *Maness Id.*, this court stated that it "has always broadly construed [Fifth Amendment privilege against self-incrimination] protection to assure that an individual is not compelled to produce evidence which later may be used against him as an accused in a criminal action." Continuing in its opinion, it said that "counsel must be appointed for any indigent witness, whether or not he is a party, in any proceeding in which his testimony can be compelled....." (emphasis added). The bankruptcy court refused to appoint Petitioner counsel *after he had been compelled* despite his repeated requests for counsel and therefore flagrantly ignored *Maness*. This court must be perfectly aware its *Maness* decision was unanimous.

Courts nationwide—except below—have ruled that an action should terminate whenever a party has committed egregious wrongdoing, criminal or otherwise. The case should immediately end.....and *not* in the offender's favor! "'[Equitable estoppel] is wholly independent of the limitations period itself and takes its life, not from the language of the statute, but from the equitable principle that *no man will be permitted to profit from his own wrongdoing* in a court of justice.' (*Battuello*, 64 Cal. App. 4th 842, 847-848, 75 Cal. Rptr. 2d 548, quoting *Bomba v. W.L. Belvidere, Inc.* (7th Cir. 1978) 579 F.2d 1067, 1070.)" *Lantzy v. Centex Homes*, 73 P. 3d 517 (Cal. 2003) (strongest emphasis added).

Violations of 18 U.S.C. § 4

The 18 U.S.C. § 4 evidence trail is as follows: Michaud—a state judge who has recently been reprimanded—committed numerous state and federal crimes against Petitioner while creating his fraudulent debt and thereafter. Mihelic knew of these crimes because Petitioner informed her of them on multiple occasions. As the record, Petitioner's website, his partner's blog, and his book *Our American Injustice System* show, Mihelic also violated 18 U.S.C. §§ 152, 157, 1001, 1018, 1341, 1349,

1505, 1512, 1519, 1621, 1623, and 3057. Respondent Carroll (hereinafter "Carroll"), who knew about Mihelic's crimes because Petitioner informed her of them in multiple court filings, failed to address them as is her duty as acting U.S. trustee and—through her lawyers—tried to conceal the crimes, which of course, violates 18 U.S.C. § 4. Adler, who was also repeatedly informed of Mihelic's crimes in court hearings and documents, similarly failed to address them even though doing so is required according to Canon 3(B)(6): "A judge should take appropriate action upon receipt of reliable information indicating the likelihood that.....a lawyer violated applicable rules of professional conduct." Issuing bogus rulings against a party in order to stymie him—while protecting criminal actor colleagues/friends—is not "appropriate action," considering that said rulings have been issued despite Petitioner reporting the crimes in countless pages of documents filed in a plenitude of courts over the past two decades. This is all apparent in the mile-high "record" stretching from coast to coast.

Instead of reporting Michaud, Mihelic covered for him. Instead of Reporting Mihelic, Adler and Carroll covered for her. Instead of reporting Mihelic, Adler, and Carroll, the U.S. District Court for the Southern District of California judge and the Bankruptcy Appellate Panel for the Ninth Circuit judges covered for them. Instead of reporting Mihelic, Adler, Carroll, the U.S. District Court for the Southern District of California judge, and the Bankruptcy Appellate Panel for the Ninth Circuit judges, the U. S. Court of Appeals for the Ninth Circuit judges covered for them. This is completely infuriating and disgusting—and represents multiple deliberate violations of 18 U.S.C. § 4. Case law is crystal clear on this statute. Not only must a person know a felony has been committed, but s/he must take "affirmative steps to conceal the crime."[2] By ruling against Petitioner while completely ignoring the fact that judges in the lower courts and others committed felonies, each of the preceding judges took those "affirmative steps to conceal the crime[s]." Evidence of the cover-up is unmistakable.....if it's not disregarded and/or stricken from the record.

Most Important Reason for Granting *Certiorari*

And now, finally, by far the most important reason for this court to intercede is one not just of fairness, but of economics. *Conservatively*, based on empirical data, the official final judgments, orders, rulings,

[2] *United States v. Olson*, 856 F.3d 1216 (9th Cir. 2017)

and opinions in at least 50 percent of all domestic legal matters do not reflect with complete accuracy what really transpired in order for the case to end with the disposition that it did. Because lawyers are frequently allowed to write the orders and rulings without any real accountability, falsities are so prevalent in them, particularly against *pro se* litigants. Cases are thus driven in a particular direction contrary to what the facts and evidence support. Petitioner has seen this happen on numerous occasions in actions all across the nation—many unrelated to him.

By "disinfecting" the litigation process this way, the number of justifiably unhappy litigants—those who absolutely should have won but didn't for the very reason put forth above—would decline drastically resulting in far less appeals. As such, the caseload would drop not only at the lower appellate levels but also in this court. Taking this logic to its final conclusion, this means that instead of more than 7,000 cases being submitted annually to this court, *significantly* less would be, thereby increasing the efficiency of this court. As a by-product, litigants would then have a much better chance of having their cases heard here. Answering the second question presented in the negative would be truly remarkable because it would satisfy the goals of the court and of the American people.

Three Final Points

1. Petitioner didn't ask for any of this, but is *now* asking for this court to direct the courts below to follow the rules of procedure and laws of this nation—for once in his litigation.

2. Compared to the cases below, certainly, the witch trials of colonial America in the 1600s had more integrity.[3]

3. Petitioner can handle when a street criminal commits a crime against him. He doesn't like it, but he can handle it. What he absolutely *can't handle* is when a member of the legal system commits a crime against him and then not only denies it, but then other members come out of the woodwork to try to hide the facts and evidence and protect the criminals.....and commit misprision in the process. Several offenders should in prison for what they've done in underlying matters, yet no entity has lifted a toxic finger to prosecute them.

[3] Sara Naheedy, Tom Scott, *Stack the Legal Odds in Your Favor* (United States: Smart Play Publishing, 2016), p. 32.

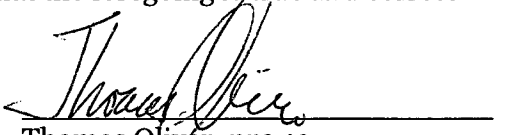
CONCLUSION

Everyday people go to court to be made whole, not to have crimes committed against them. They want true blind justice, not predetermined "justice" à la WWE. Favorable views of this court have fallen to historic lows.[4] The rest of the U.S. legal system doesn't fare any better.[5] Scarier yet, the trend is still worsening.....and accelerating. So many people experience injustice in the U.S. legal system, but wouldn't if judicial actors were held accountable for *deliberate criminal* misconduct and if court orders and rulings containing lies or false information would automatically be void. If the high court wants to improve its reputation, there is no better way to do it than via hearing this case since a favorable ruling will deliver precisely what thousands or millions of Americans need in their legal battles—real justice.

To make Petitioner whole *and* to take a huge step towards restoring public confidence in our system, this court ***must*** take remedial action and either direct the lower court to vacate the bogus judgment and enter a judgment in favor of Petitioner for the relief sought in his original complaint, or, at the very least, vacate and allow the matter to proceed. The first requirement to achieve this lofty but noble goal is to issue the requested writ. This is Petitioner's final shot at actual justice.....in the courts—a theoretical objective so incredibly elusive for decades. If there is any semblance of it remaining in this once great nation, Petitioner implores the high court to step up to the plate and demonstrate it.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 7, 2023



Thomas Oliver, *pro se*

When the legislative or executive functionaries act unconstitutionally, they are responsible to the people in their elective capacity. The exemption of the judges from that is quite dangerous enough. I know no safe depository of the ultimate powers of the society, but the people themselves. — **Thomas Jefferson**

[4] https://www.pewresearch.org/short-reads/2023/07/21/favorable-views-of-supreme-court-fall-to-historic-low/
[5] https://news.gallup.com/poll/402044/supreme-court-trust-job-approval-historical-lows.aspx?utm_source=alert&utm_medium=email&utm_content=morelink&utm_campaign=syndication