No. 23-7017

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Cyrus Hazari

Petitioner and private attorney general

v.

Superior Court et al.

Respondents

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

PETITION FOR WRIT OF CERTIORARI

Cyrus Hazari
Petitioner pro se and
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QUESTIONS PRESENTED

1. Do state and federal jurisprudence systemically eliminate rights and access to legal remedies for self-represented disabled litigants with invisible disabilities?
2. Does the treatment of self-represented litigants with disability by judges and courts, in the course of state and federal jurisprudence, violate a) the Constitution of the United States, b) United States laws, with particular attention to international treaties, c) traditional notions of fair play and substantial justice?
3. Has the Amendment to the Americans with Disabilities Act failed?

LIST OF PARTIES

1. Defendants:

Name: Superior Court of Santa Clara County, California

Address: 191 N. 1st Street, San Jose, CA 95113

Telephone: 408 882 2100

2. Defendants:

Name: California Appeal Court of the Sixth District

Address: 333 W Santa Clara St #1060, San Jose, CA 95113

Telephone: 408 227 1004

3. Defendants:

Name: California Supreme Court

Address: 350 McAllister St Room 1295, San Francisco, CA 94102

Telephone: (408) 865 7000

4. Defendants:

Name: Judicial Council, state of California

Address: 455 Golden Gate Ave, San Francisco, CA 94102

Telephone: (415) 865-4200

5. Defendants:

Name: State of California

Address: Attorney General, 1300 "I" Street, Sacramento, CA 95814-2919

Telephone: (916) 445-9555

6. Defendants:

Name: Mandy Brady et al.

Address: Terra Law LLP, 333 W Santa Clara St #910, San Jose, CA 95113

Telephone: 408) 299-1200

PETITION FOR WRIT OF CERTIORARI

To protect the rights and interests of 25% of our nation who suffer from disabilities recognized by the Americans with Disabilities Act (ADA), and because of the failure of the ADA and its amendment to right the discrimination based on disability committed and promoted by our jurisprudence, this petition serves an important public function. Persons with disabilities must not be subjected to the systemic cruel, inhuman and degrading treatment by judges and courts that rise to the level of crimes which are integral with reflexive discrimination by jurisprudence based on disability.

DECISIONS BELOW

Ninth Circuit Court of Appeals 23-15221 (with reference to 22-16046 and 22-16174 and 19-16291 preceding it), all of which are unpublished.

California Supreme Court decisions S268997, S267318, S267314, S266549, S266540, S266474, S266471, S265717, S263716, S263714, S263711, S263610, S253843, S253843, S253843, and each action in the California Sixth District Appeal Court, all of which are unpublished. Particular notice to recent Sixth District actions evidencing judicial crimes

Judicial notice is requested for the multiple submitted writs of certiorari, and their rejections for filing by this court. The offered writs were rejected by this court because of this applicant's inability to comply with this court's inflexible rules within its prescribed timeframes by reason of unaccommodated disability. Each writ was accompanied by a request for disability accommodation, which this court ignored.

JURISDICTION

Decision 23-15221 by the Ninth Circuit court of Appeal issued on 18 August 2023. Jurisdiction of this court is invoked under 28 USC 1254.

Jurisdiction of this court is also invoked under 28 USC 1257(a), by virtue of the SIX YEARS of stay ordered by district federal judge Beth Freeman (Appendix A) for my incapacity to litigate spanning the time period of the decisions of the California Supreme Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Americans with Disabilities Act (ADA), and its Amendment (AADA). Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). Disability hate crimes. International Covenant on Civil and Political Rights (ICCPR). Convention on the Rights of Persons with Disabilities (CRPD) requires notice and interpretation by this court, and recognition as supplemental to the Universal Declaration of Human Rights (UHR). The Constitution of the United States, with attention to violations of the 1st, 5th, 8th, 11th and 14th Amendments. Civil rights, deprivation of rights under color of authority and conspiracy against rights are implicated, attendant to violations of judicial ethics. Systemic and stealthy subversion of our national laws by our judiciary is demonstrated, and separation of powers is breached. Statutes controlling jurisdiction, and timing eliminate access to legal remedies by self-represented disabled litigants. FRCP, FRAP and California rules of court eliminate access by pro se disabled litigants, with special attention to California Rule 1.100 and *Vesco v. Superior Court (Tawne Michele Newcomb)*, 221 Cal.App.4th 275, & other precedents herein.

STATEMENT OF THE CASE

Judicial propriety and faithfulness to law and fairness are the foundation of our trust in the judiciary, but it is an assumption that is necessarily tested by every legal action, and must be demonstrated without fail to ensure that justice prevails.

The scandalous issues of this case would be unbelievable if not for the facts and their acknowledgement by judiciary of good character creating a schism in jurisprudence. This is not a sophisticated case requiring extreme finesse in legal reasoning, but a field report of age-old blatant and extreme violations of law and ethics readily grasped by the public, but which stand unrecognized by our jurisprudence and thereby ensure the oppression of persons with disability. Its source is traced to this court.

The perspective of persons with disability emphasized by corrective legislation in the AADA protesting the refusal of this court to obey the sovereign mandate is long overdue for recognition by jurisprudence, and must no more cost the life, liberty, property and rights of victims of judicial discrimination based on disability. Legal errors do not bring me to this court, but instead I chronicle deliberate acts of cruelty, inhumanity and degradation of the human being by judges whose authority lies in the public trust which they betray through discrimination.

This case demonstrates that there is no judicial forum available to an invisibly disabled pro se litigant wherein he may not be subject to discrimination based on disability when accessing legal remedies through our federal and California courts. Furthermore it is well demonstrated that the cost of accessing legal remedies is the guarantee of serious and permanent injury that may be life threatening. Multiple victims concur and testify.

In 2002, I sued a recidivist, Mandy Brady, for theft of real property and easements, and won resoundingly. Despite a written agreement, she committed the same theft and more while I was traveling overseas to grow a valuable technology business, and prospering despite my diagnosis of Multiple Sclerosis (MS) in 2007. In 2016 I sued her for the same wrongs again and more, and became pro se when my attorney retired. By then she had already caused the loss of my business.

The California trial court refused my request for disability accommodation pro se, and the record of that court, the Sixth District Appeal court, and the California Supreme court became filled between 2018 and 2024 with my petitions for disability rights against the courts, because of cruel, inhuman, and degrading treatment that was attendant to increasing bias and retaliation for my protests, and invidious discrimination demonstrating hatred.

Two trial judges watched me descend into severe disability and illness following their inducement of a catastrophic MS relapse (an active destruction of irreparable brain and spine) in July 2018. After I had suffered a car crash and thereafter developed three end stage symptoms of MS, two judges begrudgingly reconsidered in 2019, while continuing to cause me serious and permanent injuries through deprivation of essential medical care.

Applying an unconstitutional California precedent (*Vesco*) embodied in an unconstitutional and irrational Rule 1.100 without a valid grievance process acknowledged by the Judicial Council of California as a deficiency in the courts' processes, these judges persisted in discrimination while offering scraps of accommodation outstripped by the needs of my serious illness and increasing disability.

The lack of the courts' provisions and mindset for reception and proper treatment of invisibly disabled litigants, who are distinguished by them from visibly disabled litigants for discrimination, was stunning and offensive to public expectations of justice.

The exploitative adversaries, who were the defendants and their treacherous attorneys in 16cv295730 and 18cv337311, were educated by the court through unconstitutional piercing of my privacy and *Vesco*, and learned through practice, the principle by which to keep me incapacitated and cause serious and permanent injuries to me on a schedule which they refined over time for exceptional success. They apply their refined expertize in injuring me to the present day and believe that it is their litigation privilege to do so.

The mechanism that guarantees my permanent injuries through MS became the focus of scientific study by virtue of my scientific interest, and resulted in an international peer-reviewed publication (hoajonline.com/journals/pdf/2053-7662-11-1.pdf) by third parties, now accepted as medical authority. It confirmed the medical record and the validity of my requests for accommodation. Distress traps me in MS relapse (Appendix B). Continuous rest sufficiently long and free of distress is the only medical treatment for remission.

For the past SIX YEARS, I have been incapacitated & mutilated by court-induced distress from systemic discrimination based on disability by state and federal jurisprudence, with profound disabilities resulting, as my attempts to file writs in this court demonstrate. My disabilities include MS, but number many more, each debilitating in its own right, and reducing my lifespan, and curtailing my liberty. My property was lost and I am bankrupt. I have been a prisoner of one room for SIX YEARS, tortured and deprived of life & liberty.

The record of the good federal judge Beth Freeman in the District Court of Northern California 19-cv-04392-BLF, independently evidences my serious illness and substantial incapacity to litigate over the past FIVE YEARS. She has granted me stays totaling now SIX continuous years, in contrast and concurrently to the California court hierarchy which never offered me any proper or predictable disability accommodation, and in majority deprived me of ALL accommodation in perpetuity as a policy. Most recently, the exceptional judge Freeman granted a ONE YEAR stay for my essential medical treatment, contrasted with the California courts which denied ALL accommodation to me as causing undue delay to the administration of justice, all based on the same medical information.

Witnessing the state courts' unmistakable prejudice, confirmed by another witness-victim, in 2019 I petitioned the federal court (19cv1986-LHK) for rights while my state lawsuits 16cv295730, 18cv335914 and 18cv337311 were pending. This consequently revealed the shocking truth that discrimination based on disability is pervasive in jurisprudence, including the federal system. The federal courts were similarly reflexively opposed to

accommodation, with no provision for the ADA in FRCP or FRAP, with higher courts eliminating disability accommodation as an overt policy. The federal courts did not recognize the ADA, and refused to hold jurisdiction over the violation of Title II of the ADA based on comity. The District and Ninth Circuit courts dismissed me as frivolous.

In retaliation for my federal complaint, under the assistance of the federal pro se advocate experienced in prosecution of an ADA case against government who advised transfer to the state court, I was subjected to invidious discrimination and torture by the state courts.

Upon lengthy consideration of their liability, eventually the state trial judiciary condemned me to never again receive any disability accommodation in any state litigation. Gaslighting me through malicious defamation, and unreasonably enforcing ableism by deprivation of essential medical treatment recognized by judge Freeman, the state judges claimed that I have no functions limitations and can and MUST participate like a 'normal' litigant thus confirming ableism as their judicial policy of discrimination.

With multiple lawsuits and a burden of injury worsening by the increasing distress of hostile and punitive courts, and no possibility of remedy pro se and without disability accommodation, I was increasingly forced to REACTIVELY focus limited and diminishing energies subject to profound cognitive impairments and without the essential medical treatment, on petitions for rights in my own litigation, with the understanding that reversal of decisions follows judgment of rights deprivations. I could not purse the lawsuit for rights without disability accommodation against a superior foe and thus remained a captive of self-defense and reckless endangerment controlled at breakneck pace by my exploitative adversaries and the state courts, helplessly suffering injury after injury. The key truth here is that we are captive of a process that excludes us at every single step, and we have no opportunity for voluntary or prepared equal and full participation.

Meanwhile my lawsuits were advanced by judges and exploitative opponents without my court access, and through exclusion of my voluntary and prepared participation, and at the cost of intimidation and coerced injury. These unethical opponents schemed and induced and relied continuously on my substantial incapacity to create fault with discovery and stacked motions to sanction me and order more unequal participation to dismiss my meritorious repeated lawsuit without any test of merits. They similarly interfered and dismissed other lawsuits. The only path for compliance was to cure my disabilities and function as a 'normal' litigant. Ponder this extraordinary truth about jurisprudence.

With appellate actions for rights pending, the presiding judge of the Sixth District court, Mary Greenwood, ordered my submission for her personal examination. Following my over-ruled objection, I appeared on 10/2/2019 due to the physical control of the court over me and my property and rights. Concerned with my condition, the sheriff's deputies at the court insisted they should order me an ambulance and I refused, to ensure the examination proceeds as ordered, and I not be held in contempt. The presiding judge, upon laying eyes on me, immediately assured me of accommodation, granted by stays of 120 days at a time, and abruptly left the courtroom shortly thereafter with emphasis that she did not wish to distress me further.

Within weeks, this judge undermined her own order, and became my worst abuser. By March 2020, she had communicated ex parte with my exploitative adversaries, perverting *Vesco* and excluding me from due process, and sealed the communications from my eyes. Upon their invited fraud, she issued a mandate that since one year before she had even heard of me, I had not been disabled as I claimed and that I should be denied all disability accommodation in perpetuity. She made her order retroactive to the date of my first request for accommodation and date of accrual of cause for the federal action, thus taking an adversarial position as a court for the transferred lawsuit. A recent member of her own court, contradicted her abuse of me some time later in a different case 17cv312522, and confirmed the propriety and correctness of the accommodation by judge Freeman.

It is common knowledge that in general, an invisible disability is a dynamic medical condition, and thus its unique needs for accommodation vary according to time and gravity of functional impairments. The trial and appeal courts therefore treated a human being with disability with the same dignity that they afford a non-human corporation, and discarded the ADA. The California Supreme Court ratified *en banc* every such treachery, while demonstrating its non-compliance with own Rule 1.100. On 1/17/2024 in H051717, judge Greenwood condemned every *en banc* decision by the California Supreme court (listed above), but no mechanism for reversal is available to me in my dilapidated state. *Biscaro* applies to the California Supreme court as it ignored every one of my accommodation requests.

Following the loss of my property and a punitive award that eventually bankrupted me, and a declaration that I am vexation riding on the dismissals of my cases for non-prosecution and induced fault, my abuse and cruel, inhuman and degrading treatment that had risen to hate crimes by our judges, did not end. Most recently the record reveals

judicial fraud, perjury, and perversion of the vexation statute to block my participation in my own pending lawsuit 16cv295730where I am an interested party, with aggravated hate crime by denial of all accommodation despite revelation of 2 heart attacks atop MS relapse and exacerbations of multiple comorbidities each of which is a disability in its own right.

State judges showed extraordinary interest in knowingly and deliberately proliferating my injuries, as H051717, H051766, H051831 and my latest California Supreme courts petitions document. One biased and sadistic trial judge, Socrates Manoukian, recused himself, displaying a guilty mind after tampering with my witness and persecuting her, and then resumed presiding in 16cv295730 upon my petition to the Sixth District court for continuing rights deprivation. This judge openly demonstrates his intent to MULTIPLY my damages and tamper with my witness in 21-cv-04262-JSW, the renewed federal lawsuit for rights violations. California courts consider this acceptable treatment of disabled pro se litigants. Other victims confirm the same judicial sadism in other cases.

These courts proceeded with my lawsuits, and appellate actions, several of them, without my access or equalized opportunity for success, dismissing and denying them because they kept me substantially incapacitated, and stripped me of rights, and ensured my injuries. None of my lawsuits ever reached any test of merit. The unconstitutional process of grievance mandated by Rule 1.100 invariably encouraged trial court judges to discriminate and injure me, proliferating ableism, hate crime and extinguishing the ADA.

Subjectivity of a judge is inappropriate in the determination of disability accommodation, which is treated as a casual discretionary administrative matter prone to extreme variations in outcomes without standards and controls, when the facts of my medical and disability needs are objective, and the corresponding accommodation is predictable and essential if properly considered. The bright line set by judge Freeman confirms the standard and application of the ADA. Yet there is no shred of objectivity or reason in the state courts' denials of my accommodation, which are unsupported by every qualified and reasonable authority and advance perversion of reason. Other victim-witnesses agree.

Entrenched in latent disability-hateful ideologies, and gravitating to a path of impropriety, prejudiced judges resorted to inventions of facts and defamation to support their malevolent acts. This systemic reflex is also common to other victim-witnesses, whose testimony includes their characterization as 'you look ok', or 'you've shown up and filed papers' to justify the judicial ordering and coercing of our involuntary participation

when substantially incapacitated, and prone to injury by distress. Injury is uniformly common to each witness-victim whose testimony in the record supports these truths.

This court may ask how an INVISBLY disabled litigant may be judged as to capacity and functional ability based on appearance, or coerced non-conforming writings. No medical professional, and no member of the public with understanding of the meaning of an invisible disability and common knowledge of how crippling it can be, would dare be so presumptuous and judgmental. Yet our judges are unhesitatingly prejudiced and officiously intent on denying such disabilities. It is the outrageous evidence of discrimination based on ableism and denial of a vast inventory of invisible disabilities that infects our courts, when the ADA requires our judiciary to know and be able to greet and accommodate the full variety of disabled pro se litigants, and be our foremost protectors.

The record of Judge Freeman's court bears the same medical records and requests for accommodation provided concurrently to the state court system from 2019 to the present, with invocation of the same laws, with radically divergent results. Every benefit of the stays provided by judge Freeman was lost in the absence of GLOBAL disability accommodation that is the only scientifically proven means for my recovery under multiple litigation, and only possible through a stay of litigation of sufficient duration.

Even the disability-opposed federal judge in 21-cv-04262-JSW granted me accommodation but not without injuring me and depriving me of its benefits. The conflicts inherent in his decision making are minefields for every judge of good character in the face of this court's deliberate refusal to recognize fundamental truths, including the distinguished beauty of this nation in championing disability rights worldwide, which is shamed by its judiciary.

This federal judge in 21-cv-04262-JSW committed acts that outrage justice, claiming the mandates of law and his office, and you will be blind to see them, unless you look from the proper and just perspective of the person with disability, which you inherently cannot adopt by virtue of your indoctrination by the existing mindset of jurisprudence. Your precedents and inadequate rules and your diminution of the ADA when laws stand in conflict are overdue for reform by precedent based on my case.

JSW's conduct is actionable under the higher perspective, but what satisfaction when yet another judge must account for wrongs, and jurisprudence is again tarnished because another victim-judge was placed in untenable drama created by the failure of jurisprudence, *en banc*, to address persistent discrimination based on disability in carrying

out its function? I wanted such an experienced judge for my case, but I am deprived of him because of his uncorrected course. Even he has accommodated me but not without hostility in limiting my accommodation without regard to how I may fare towards a recovery that is still elusive. In contrast, state courts will not accommodate what the needs dictate, and insist that I am inconvenient to their processes and judicial comforts, and libel me.

I witnessed how the organization of jurisprudence and its fanatical adherence to dogma under an tightly woven complex mesh of rules and policies and statutes places our family, friends, neighbors and fellow citizens in the path of infamy when they intend to serve faithfully and with good character as judges, in the face of a national mandate to recognize the disabled as being equal in society. My friend is a judge. It is crippling to witness unreasonableness and blatant disregard of the obvious by those in power who stray.

When an entire nation was accommodated by THIS court via the relaxation of invariant rules and statutes during a pandemic, not one single day of disability accommodation was provided by it to me. The state courts did not hesitate to discriminate, and treating me as an inhuman object, had no conscience for my very potential fatality immune-impaired. And who can forget the record of the conflicted judge in 21-cv-04262-JSW who dispatched me to hell upon contracting long Covid, immune-impaired and prone to death by the compounding effect of distress that he caused, reducing my weakened ability to repel a deadly virus while already serious ill. His justification was that he tolerated me long enough, when 'long' and 'enough' are both controlled by authorities not recognized by him. Yet, such cruel, inhuman and degrading treatment is endorsed by judicial consensus, even drawing judicial sympathy for his plight, despite the bright line of judge Freeman and my chronologically documented mutilation through distress-induced injuries.

His words that he means me no harm are haunting, and my unfulfilled wish, and serve as a warning to this court of how our judiciary, in the name of blind lady justice, can easily succumb to the minefield of unresolved considerations and the deafening silence of absent precedents that immediately accompany a pro se litigant who must deal with a court disabled. It is the choice that this judge made attendant to the conflict that he faced that defines discrimination, which judicial eyes will not acknowledge. And it is this court that must intercede and forever rid this nation of such impropriety and judicial downfall.

Over a very long period of time, I have pleaded for help and searched with cognitive limitations for precedent to save myself from judicial abuse, and my painful labor resulted

in a void of judicial interest, and a frustrating lack of cases. On 1/17/2024 in H051717, judge Greenwood reminded trial judge Manoukian that *Biscaro v. Stern (2010) 181 Cal.App.4th 702* will make all his rulings reversible if he ignores my request for disability accommodation. Since no precedent exists on how a judge should rule on a request for accommodation, Manoukian therefore proceeded on 1/26/2024 to deny my request offer the most ridiculous 'alternative accommodation' and by simply responding to my request, he mooted a writ with multiple issues and revealed fraud and perjury and willful perversion of law through his response that was INTENDED to harass and injure me. This disqualified judge persists on an unrelenting course of causing me harm.

Judge Manoukian concealed my prior request for accommodation which he had also ignored, for which he is impeached in writing by the ADA Coordinator of the trial court. On 1/31/2024, the judge reversed his sham order on my 'accommodation' revealing that it has been his policy to exclude me using the vexation statue as the plaintiff in my own pending lawsuit where I am being actively damaged by his collusion with my adversaries. Thus, we disabled litigants invoke such extreme prejudice in our judges that discrimination graduates to hate and abandonment of judicial ethics without restraint, while even independent law firms looking on testify to the bias of this judge. A review of H051557, H051717, H051766, H051831 just in 2024 reveals the systemic subversion of the constitution and our laws, especially the ADA, when an invisibly disabled pro se litigant meets the hierarchy of California courts, who ensure that our legal remedies do not exist.

I was disturbed by the discovery in precedent that an appeal court will even apologize to a trial judge for reversal because of the abuse of a disabled litigant, commemorating recognition of how difficult the trial judge finds dealing with a litigant who is seen as a notable imposition to jurisprudence, and necessarily makes judicial responsibilities extremely difficult. And who can forget the terminally ill doctor who was refused a continuance for rest? ADA violations are attendant to UNCAT and ICCPR violations.

When disability accommodation is an administrative matter without due process, judicial courtesy for colleagues and comradery are insurmountable odds to empathy and understanding of the plight of disabled who are prisoners of their broken bodies and minds, and thus requires this court's long overdue bright line on HOW to accommodate.

It may interest this court that through a former congressman and author of the ADA, over 1000 attorneys were asked if they would take on the courts in my case, and none dared,

confirming the common knowledge in the media that judicial discrimination based on disability is unassailable, undersigned by this court. As my case has demonstrated in the state trial court and in the bankruptcy court, even an attorney is not a substitute for disability accommodation. The angelic attorney Ray Schumann who came to my aid in limited scope to thwart the false vexation label the first time I was libeled, was coerced into my representation thereafter by Manoukian without my authorization. Schumann then induced an MS relapse by channeling the court's discrimination unawares, and pressuring me to comply with the court's deadlines and provide him input and information far beyond my capacity, and then rapidly withdrew upon realizing his impact, knowing that I was doomed, but not wishing to be the instrument of my harm. I am eternally grateful for his brief support, in the darkness of my family's pain of suffering. My wife has been a victim of injury and suffering witnessing her husband's mutilation, and Schumann witnessed how this judge will even deny other truths by association to a hated litigant.

In comparing with my treatment and that of another witness-victim's abuse, I noted that precedent is necessarily absent because of the force of hostility and intolerance that we each experienced from judges. It is a normal human response to withdraw, injured, afraid, anxious, reluctant for more suffering, overwhelmed by superior might arrayed to oppress you, and extremely cautious not to offend and draw more abuse. These and other normal reactions are also common to domestic violence, abuse, and similar aggression and crimes including being held hostage. I have been held hostage by courts, as I escalate my petitions to deliver overdue relief for all persons with disability and a betrayed society, without which I continue to have no rights and no justice.

However, one difference is that our judges are trusted to do right and not to harm human beings, while the rest of these villains are expected to harm them. This domestic terrorism is enacted against a disadvantaged and weak minority, historically oppressed, captive of their own impaired bodies and minds, like me, and without authority or effective means to repel such violence. We rely on the goodness of the majority to make room for us to have equal rights. Our judges should be the foremost promoters and exemplars of such goodness, not our foremost persecutors. Thus the importance of this case because of impeccable evidence and voluminous chronological court records detailing persecution.

My record shows that the lack of precedent does not indicate that the issue of discrimination in our judiciary is *de minimis* or resolved. My case is not trivial or inconsequential errors, one after another, with no impact on substantial justice, but is the

opposite. Like an iceberg whose tip misrepresents its impact, the absence of judicial precedent addressing the pre-emption of laws juxtaposed and in conflict with the ADA and treaties waits to sink more judges and more courts. The issues I present have not been deliberated thoughtfully for far too long, and a good judge likely becomes an ogre by the absence of a bright line and the momentum of judicial norms, and commits acts of hatred and intolerance induced by systemic discrimination. Judicial brainwashing and systemic perversion does not make such acts less wrong or criminal.

My record shows that there is an inherent reluctance to incorporate pro se litigants in the abusively rushed course of under-funded, over-crowded and improperly managed jurisprudence. The courts' administrative goals leave no room for the ADA. Statutes that compel the courts' speed undermine the ADA further because of the absence of precedent on HOW to accommodate. H051717, H051766, H051831 show the glaring deficit.

Even this court's own information supports the finding that federal pro se programs have failed. Who can forget the public resignation of federal judge Posner in protest over the unequal treatment of pro se litigants by our jurisprudence? Add to pro se the added disadvantage of disability, and injustice is assured as my case demonstrates. Make the disability invisible, and it is better never to access legal remedies, because injury is inevitable to complement the injustice and crimes. Yet, I ask, how can humanity tolerate discrimination and injustice and maintain and evolve society absent justice?

At the point where corrupted judges became inextricably committed to their abuse of authority and deliberate infliction of cruel, inhuman and degrading treatment resulting in predicted injuries to me, each one of my lawsuits was driven by jurisprudence to dismissal. Not a single one was subjected to any test of merits. I was maliciously defamed and accused of disobedience and wrongdoing. I unrelentingly focused, through narrative, on restoration of rights without which there can be no due process, while kept well outside my capacity with increasingly induced and exacerbated disabilities and illness and permanent injuries including heart attacks, as the record evidences.

A judge's defense advancing alleged exhibition of judicial tolerance and alleged equitable relief applied to a disabled pro se litigant who succumbs to the hostile mindset of a court is disingenuous if the underlying mechanism driving judicial reason is so fundamentally deficient and flawed that justice is hostage to the lottery of reason, ego and preference,

and the fluctuations of reasoning about the interplay of laws and rules, and the mayhem of pre-emption. I ask you, is the record of my lawsuits not proof of this? Compare Freeman.

At each step, the denial of my disability accommodation deprived me of every right, not just disability rights, as I fought the unacknowledged crime that results from the stealthy and compliant subversion by judges who did not relent in denying my disability despite authorities superior to the courts, including the decision of the Social Security Administration (SSA) that I am so severely disabled as of July 2018 that I must be provided with FULL Medicare coverage nine years before I qualify for it. Based on the prejudiced courts' orders that I 'am not disabled', the SSA's decisions should be reversed, but unlike the courts, reason and laws prevail in that institution.

I witnessed my meritorious lawsuits driven out of state courts with prejudice and forfeiture of my substantial damages for my membership of a suspect class, fined and punished unconscionably for succumbing to induced incapacity, and permanently shut out of state courts by its declaration of vexation to ensure that I will never have access to legal remedies pro se and later bankrupt. See perversion of vexation in H051717, H051766.

The revelation that the California Supreme court defrauds the public on its ADA policies, documented in its letters to me meant that the highest California court, which is the only source of relief for my case, cannot provide relief as it is impeached (Appendix C). The ADA turned in its grave, as I petitioned a federal court by 21-cv-04262-JSW with proof of *forum nullus* in state courts. I ask this court where is precedent for *forum nullus*, which is a predictable consequence of systemic discrimination by our judiciary? When such a victim substitutes the federal courts for pursuit of litigation in the state courts based on impeachment of the state's highest court, what relief should be expected from this court as to the derailment of justice in underlying state lawsuits? How does the balancing of fanatical adherence to outdated jurisprudence and its structure weigh against the abatement of discrimination?

When Title II pierces state sovereignty, why is forum so restricted that an efficient and speedy course does not exists in such a blatant case of systemic and hierarchical ADA violations through federal jurisprudence? Imagine if 19cv1986-LHK had been effective.

So trivial is our worth, and so prejudicial is the dogma of 11th Amendment state independence despite a state's membership of a republic that deliberately pierced the sovereignty of each state by the ADA, that there is no chance of reasoning with any court

in the absence of precedent from this court. Discrimination does not disappear in the hearts of judicial actors who hate, so we must not face our abusers twice. Imagine what a federal injunction in 2019 following 19cv1986-LHK would have accomplished, but such an idea is heresy to our judiciary, who insist that a suspect class must endure a far longer and more complex course through jurisprudence that the 'normal' litigant, with dim hopes.

Instead, restrictions on jurisdiction that fundamentally limit the rights of persons with disability in the face of unrelenting discrimination recognized by this nation shuts completely the door of access to legal remedies to me in every court in this nation as it does to the suspect class. So does full faith and credit attributed reflexively to the states who deny any due process for disability rights attendant to court access, when the conduct is inherently subversive, and thus full faith and credit endorses treason. This has been my experience, and today, the only precedent that allows reversal (*Biscaro*) requires me to silently tolerate injustice for right of appeal. Principle and duty will not tolerate silence.

While the Ninth Circuit court trivializes my exigent circumstances by comparison to a prisoner on death row, my cruel and unusual punishment and covert death sentence through execution by means of induced disintegration of my physical and psychological integrity, and violence against my consciousness, is invisible and therefore stealthily justified by jurisprudence. My predicted and induced heart attacks are acceptable costs of litigation say the courts. The Freeman stare decisis is considered irrelevant to hatred.

This court should ask how the morals of a nation are reflected in jurisprudence when such a disadvantaged and resource-deprived member of society has to endure the most complex and oppressive path conceivable through jurisprudence in order to be recognized after eons for his rights, to reset the hijacked course of justice, and to reinstate and litigate his lawsuits in wayward courts, while deprived of life, liberty, property, and criminally deprived of access to legal remedies merely all because he cannot cure his God-given impairments and function like a normal person at the whim of courts. And his abusers await a second chance to stealthily oppress him unless he can deter and repel their hatred.

Where is my quality of life, and my opportunity to pursue happiness? As the same pro se advocate of the federal court told me in 2021, I have a long and hard legal road ahead, while in 2023, my doctor testified that I will not live long. Where is the conscience of jurisprudence? The value of the life and dignity of the disabled is equal to others.

The end result of my meritorious litigation in 16cv295730 has been a DOUBLE loss of property, and bankruptcy, with a death sentence pursuant to torture and hate crimes, while faced with the impossibility of securing rights for persons with disability in the face of judicial subversion. The proof is in the medical records provided to THIS court with motions for disability accommodation, and the detailed records of each of my lawsuits, public and sealed, joined by the medical records and testimonies of other victim-witnesses.

The final nail in the coffin of my meritorious state claims came with the ruling by the Ninth Circuit that I and my petitions are frivolous, confirming that the wrongs done to me in state lawsuits may not be overturned by any straightforward means despite my prospective expiration. This succinctly defines how courts characterize the disabled pro se litigant in general, and how we are acceptable collateral damage to rights and privileges for which this nation fought a War of Independence and upon which the People built a republic that inspired the world. Take notice of CRPD, which internationalized the ADA.

What the courts protect is the familiar tradition of jurisprudence, derived from monarchy and admiralty, and the comforts of navigation through laws and precedents that exclude the diverse and numerous scenarios presented by pro se disability needs that require scrutiny and applied consideration. The ADA mandates our inclusion, but our courts find us unworthy of such inclusion and necessary reform. Let us not forget UHR as courts do.

Overtaxed and under-resourced, and facing increasing public discontent, courts manage the "business" of justice by cutting out the non-essential and the easily suppressed. Justice is not a business and never will be. Yet, courts 'profit' by familiarity and comfort with established norms at the expense of the rights of the disabled. Twenty five percent of a nation as collateral damage is a national security issue, and judicial terrorism.

In view of the Freeman bright line, and key to this action by writ, particular attention should be paid to how The Ninth Circuit court misled a desperate and seriously ill litigant to take the bait of an uncharacterized and indeterminable stay by filing a fee waiver, which I reluctantly did for medical care, just to be able to state my case under constitutional due process. Instead, that court trivialized due process to a judicial review for cause by biased judges who fanatically follow principles that exclude disability rights and censor my speech which can never be provided without proper disability accommodation. There is no fuel for the necessary transformation of jurisprudence to

equalize all persons, absent action by this court. There is no ADA compliance by federal courts of appeal, or the district courts absent process that embodies, not violates, the ADA.

Meanwhile, the state courts continued with my dismissed lawsuits without notice to me, and while barring my access despite the collateral estoppel of federal judges and a pending federal lawsuit for rights and targeting reversal of each dismissal in the state courts. At each step, they continued to eliminate my rights, subject me to cruel, inhuman and degrading treatment, and punishment, making this writ more indispensable. Ask how I am managing to bring this petition, and the cruelty and inhumanity is displayed by my correspondence with this court for the past several years, forcing refinement of speech.

Exploitation of the court's discrimination based on disability is not inevitable, but is controlled by attorney ethics and adversarial interests. In 19-cv-04392-BLF, attorneys Rossi, Williams, and Lopresti displayed exemplary candor and not once interfered or opposed my disability accommodation in the past SIX YEARS. However, the attorneys in 16cv295730 did not hesitate for one moment since 2018 from driving exploitation and their racketeering (pursuant to a scheme by Brady against all adjoining landowners) based on fraud, character assassination and perjury in collusion with the state courts. This is identical to their behavior in federal 21-cv-04262-JSW, and in federal 19-cv-04392-blf (an UNRELATED lawsuit where they have no privilege for malicious defamation) where, again they interfered to deprive me of rights while I could not preparedly and voluntarily participate and adequately defend myself. Their interference with related and unrelated lawsuits in the state courts is documented in the record of the hierarchy of the state courts. Their collusion with state courts is never better evidenced than in the past year.

The failure of this court to establish precedent and deterrence for such conduct is the source of such judicial and exploitative misconduct, which is acknowledged by other witness-victims with similar patterns in their independent lawsuits.

Each speech by me is at the cost of injury. With increasing illness and disabilities, I must induce function at consequences that are increasingly grave and confound medical experts. The rise of artificial intelligence in the very recent past has allowed me to speak more clearly while oppressed by cognitive and functional impairments induced by jurisprudence.

Through psychotherapy, radical acceptance of death has become necessary to overcome the crippling effect of incessant involuntary and inferior participation as I am perpetually

strung along like a puppet by courts and exploitative adversaries. Baha'i principles & love of consciousness motivate my perseverance & service despite public humiliation & injury.

For SIX YEARS, I have not had the medically mandated rest and isolation from stress to ignite my recovery because recidivist judges and collusive criminal adversaries have ensured that no GLOBAL disability accommodation is concurrently achieved by me despite the grant of stays by TWO federal judges in 19-cv-04392-blf and 21-cv-04262-JSW, and continuances in bankruptcy 23-50690 since July 2023. In view of the evolution of my medical record documented in the record of multiple courts with predictions of my injuries which have come true, this is no less that torture and attempted murder.

The Universal Declaration of Human Rights reminds us that all human beings are born free and equal in dignity and rights. It is my experience, and those of other witness-victims of these wrongs, that our jurisprudence disagrees.

THE JUDICIARY ARE ADVERSARIES OF THE PRO SE DISABLED LITIGANT

I acknowledge other victim-witnesses who join me in this speech. Each of us demonstrates serious injuries resulting from our rights violations by judges. While the DOJ and attorneys general allegedly declare war on disability hate crimes, I alone act to thwart the hate crimes of judges and courts on behalf of all of us, because prosecution of crimes fundamentally assumes the integrity and propriety of the judiciary, eliminating our prosecutors from our defense against cruel, inhuman and degrading treatment by courts.

My case demonstrates that my deprivation of all disability accommodation in perpetuity in the state courts was in retaliation for filing suit in federal court 19cv1986-LHK. That federal lawsuit is at the root of this petition for writ of certiorari whose seed is 16cv295730

Just the last one year of six in 16cv295730 demonstrates that a state judge will eliminate a disabled plaintiff from his own litigation and punitively MULTIPLY his damages, and tamper with his witness, even while a federal appeal court considers jurisdiction over the active state lawsuit. The prejudiced state trial judge Socrates Manoukian who conspired with adversaries to dismiss 16cv295730 retained jurisdiction and refused to recuse himself despite criminal wrongdoings flowing from his impropriety. He recused himself in 2023, showing his guilt, but then resumed presiding in his case with malice aforethought to ensure criminal hatred will be unrelentingly inflicted. This judge will collude with the adversaries, continuing to unjustly enrich them, while also colluding with a higher court in which his wife is a justice to ensure deprivation of rights to me. He will evade my

requests for accommodation, and when impeached, he will pretend not to have received any request while impeached by his own staff. Using superior position, he will arbitrary eliminate and grant rights under a fraud, withdrawing his sham ruling only days later. He will defy a stay ordered by a higher court, and will knowingly and deliberately inflict such distress as to ensure mortal injuries to me, without the slightest hesitation or conscience. He will limit participation in my lawsuit to a single party, the adversary, and torture the plaintiff in witnessing injustice without right of expression, participation or self-defense.

Any petition to the Sixth District court is intercepted by Greenwood and results in further obstruction of my rights and no remedy. That court will communicate ex parte with my adversaries to deprive me of disability accommodation. The verdict of the appellate court is that I unduly delay the administration of justice, when the bright line requires a stay.

Once the accommodation is denied, the impaired litigant is in double jeopardy since he must comply with the court's order to appear and participate. If he shows up, the judge's refusal of accommodation is deemed justified. If he doesn't, his case goes forward without him to his prejudice. At best, he participates unequally to his disadvantage. He cannot rely on the impartiality, independence or integrity of the judge who has abused him.

We are identified as an inconvenience to the court and a deterrent to the administration of justice. Deprivation of disability accommodation is proven to lead to injury and to deprivation of legal remedies. California judges and courts will fabricate evidence, coerce and punish their victim, subverting laws and ignoring ethics. Each testifying victim-witness testifies to injury through trauma, cruel, inhuman and degrading treatment leading to stress disorder (PTSD), depression and increased disability. Federal courts have no policy of disability accommodation and we are hostage to the discretion and the perversions of reason by individual judges. We are degraded by being squeezed into alternative 'accommodations' that are a sham and slander national disability laws.

Disability accommodation is treated as a casual administrative process, without due process, and without any precedent to set the standard for what proper accommodation should be, and with no means of redress, as JSW observes when he reminds us of numerous statues of limitations and immunities. Under *Biscaro*, the state judge in H051717 had to merely respond, even if with a recipe for chicken casserole, to moot the writ. In each court, a single judge and no jury controls our rights, and eliminates them with increasing taste for our blood. Our dynamic disability needs are met with the discrimination of the same abuser, who ignores facts and denies us again and again.

We disabled are kept functioning outside our operating bounds, and subject to our impairments under the ableist notion of equal protection. I have involuntarily impeached myself by coerced declarations while cognitively impaired, so what chance do we have of full participation? The 1st Amendment does not exist for us, nor does the 14th Amendment. We are condemned to cruel and unusual punishment as the cost of accessing the courts, without due process. My case demonstrates *mens rea* for *actus rei* that include reckless endangerment, torture and attempted murder. But I will not be silenced.

The ADA was not legislated to be implemented as a proceeding in equity at the expense of due process. No equity is seen in my case. Disability accommodation and its reasonableness is an issue for due process and determination of facts provides for a right to a jury (*Prilliman v. United Air Lines, Inc. (1997) 53 Cal.App.4th 935,954*).

California courts replace the ADA with Rule 1.100 which betrays and creates an undue burden on disabled pro se litigants and is therefore invalid because its effect is to place substantial obstacles in the path of the litigant with disability. *Planned Parenthood of Southeastern Pennsylvania v. Casey (1992)*. What is worse, is that the disabled pro se litigant is coerced into unequal access by order of the court by application of Rule 1.100, inducing involuntary participation at the expense of injury and substantially lowered, even absent, standard of litigation. This coercive activity by the court is the predicate for a finding that involuntary coerced unequal participation violates due process (*Colorado v. Connelly (1986) 479 U.S. 157*). This due process violation biases and suppresses argument, law and motion and evidence by structural discrimination authorized by Rule 1.100, irrespective of the good faith or bad faith of the court. *Brady v. Maryland (1963) 373 U.S. 83*. Once the court has seen the consequences of enforcement of Rule 1.100 but nevertheless continues to enforce it with the same demonstrated outcomes, there is no longer any finding of good faith, and the action evolves to crimes and undermining pre-emptive federal law, as reported by multiple victim-witnesses.

The ADA protects against violations of disability rights by courts, but under Rule 1.100, a conflicted court eliminates due process and administers 'accommodation' frivolously and is solely accountable to itself, violating the principle that government should have no advantage in legal strife (*Sutter Sensible Planning v. Board of Supervisors (1981) 122 Cal.App.3d 813*). There can be no negotiation or bilateral agreement on accommodation as the court holds power one-sidedly, and structural unfairness is the result.

The structural discrimination of courts, and the improper implementation of the ADA deprives the disabled litigant of access to due process even if it were available to him. The court fails the test under *Mathews v. Eldridge (1976) 424 U.S. 319* of the risk of an erroneous deprivation of that interest through the procedures used, and has graduated to willful and knowing deprivation of rights of the disabled pro se litigant by virtue of notice of disability and repeated proof of consequent injuries. Every obstructed attempt by a person with invisible disability in effect results in litigation under Title II, thus enormously inflating the burden and stress of litigation upon the disabled pro se litigant.

When our ADA rights are terminated, so are our property and liberty interests. Our ADA rights qualify for protection under the Due Process Clause and there is no statute to the contrary. *Goldberg v. Kelly (1970) 397 U.S. 254; W. Va. 2002) 212 W. Va. 783; Goss v. Lopez (1975) 419 U.S. 565.*

The invention of "fundamental alteration" of the "nature" of the court service, program or activity may not deprive us of due process, but it is used to do so. The court's interpretation of "fundamental alteration" of the court's service in its denial of the appellant's request for a disability accommodation demonstrates its advantage in legal conflict. The court interprets this concept in accordance with constrictive and offensive criteria that serve its convenience and preexisting rules and practices. The court does not take constitutional correctness into account when it reduces the ADA's status to one of 'fundamental unimportance.' None of the requests for disability accommodation made by me and other victims even come close to "fundamental alteration" of the court's service. Since the court serves as both the judge and the jury, it has the edge in the conflict it causes. It is both judge and jury and the issue of its interpretation of "fundamental alteration" never sees the light of due process. The court thus allows no place for disability rights other than as an afterthought, with no remedy if they are completely disregarded.

The court then punishes the litigant for the consequences of unaccommodated litigation, while expecting her to mitigate her injuries by accommodating herself and withdrawing from the underlying litigation. Although a party cannot be sanctioned for the same conduct twice (*Anka v. Yeager (In re Marriage of Anna M.) (Aug. 19, 2019, 2d Civil B289610) Cal.App.2d*), the court will sanction the disabled litigant repeatedly although each alleged offense is due to repeated obstruction of disability accommodation.

The court retaliates when the victim claims unfair treatment. The refusals to accommodate transmit a message of hostility and abuse that irrefutably harm her mental health and lead her to believe that the court is biased and unfair. She is compelled to confront her attacker frequently, which has predictable and harmful effects. The court's immoral treatment of her severely undermines her ability to litigate due to psychological trauma and damaging indoctrination. The entire process is informal and immaterial to the courts, and evidentiary requirements do not apply. In order to uphold their discriminatory decisions and defend their illegal rulings, judges fabricate evidence to the public record, as well as misrepresent and ignore victim's evidence, and amplify the fraud by adevrsaries.

The courts have caused injury to the disabled pro se litigant by constructively taking custody of her, and interfering with and controlling her medical care, thus interfering with her access to due process. She is ordered to appear and ordered to obey commands, despite her critical health. They practice medicine by over-riding the medical evidence and the medical advice of qualified treating physicians, thereby even starving the disabled litigant of necessary medical treatment. Each denied request for accommodation adds more injury. With constructive custody, the courts have an affirmative duty to protect her. This equates to failing to provide inmates with proper medical care and failing to provide involuntarily committed mental patients with a fair level of safety. Such breach of the affirmative duty to protect the invisibly disabled pro se litigant is a violation of the Due Process Clause. (*Estelle v. Gamble, 429 US 97 (1976), Youngberg v. Romeo, 457 US 307 (1982)*).

The failure to accord a party litigant her constitutional right to due process is reversible per se, and not subject to the harmless error doctrine *In re Marriage of Carlsson (2008) 163 Cal.App.4th 281*. Failing to accord a party litigant her constitutional right to due process by denying that litigant a full and fair hearing is reversible per se, so no prejudice need be demonstrated. (*Kelly v. New West Federal Savings (1996) 49 Cal.App.4th 659, 677; Hoffman Street, LLC v. City of West Hollywood (2009) 179 Cal.App.4th 754, 773; Carlsson at 281, 292, 293*.) Thus, "[d]enying a party the right to testify or to offer evidence is reversible per se." (*Kelly, at p. 677; Carlsson, at p. 291*.) But what use are such precedents when any reversal returns the litigant to the same court and the same systemic discrimination and repetitions of the same abuse? THIS IS NOT A CASE OF LEGAL ERRORS CURABLE BY HIGHER COURT SCRUTINY. SIX YEARS of my mutilation, and years of the mutilation of other victim-witnesses did not yield a single precedent on how to apply the ADA to result in proper disability accommodation.

The prejudice faced by appellant infects the very essence of due process. In effect, the court has created the prejudicial condition of cutting off the presentation of evidence at trial, and the error infects "the integrity of the trial" and requires "reversal without regard to an assessment of actual prejudice." *People v. Mello (2002) 97 Cal.App.4th 511, 519*. The prejudice due to this structural discrimination by the court is certain, especially as her opponent is represented by an attorney who exploits appellant's disability and the courts' ADA violations for unfair advantage and unjust enrichment.

The fact that courts are unable to provide a remedy without jeopardizing the appellant and her case is even more pernicious. A disabled litigant is invariably forced to fight three lawsuits for every one that is filed in her name, the second litigation for disability rights within the appellate process of the court, and the third as a separate lawsuit for ADA violations and injuries in an alternate forum. The appellate route is obstructed by the obstruction of disability accommodation under the systemic discrimination and subversion reported. In the federal court, ADA rights is a lottery. No court will stay a case for the 'wrong accommodation' or denial of accommodation. It takes time for the disabled litigant to establish an abuse of discretion in her primary litigation. Meanwhile, the main case has advanced far or even ended, and a great deal of prejudice and undue burden resulted.

California courts added a second grievance process to that in rule 1.100. There is more vagueness in the court's disability policies and procedures upon introduction of this grievance procedure, and ordinary people cannot understand what procedure applies, or if it authorizes or encourages arbitrary enforcement. *Chicago v. Morales (1999) 527 U.S. 41* Since the judiciary are the authors of both Rule 1.100 and this grievance procedure, which are in conflict, their combined vagueness invalidates all disability rules of court, and the ADA must be followed distinctly, which is not.

Due process has not been followed, therefore a court's ADA-incompliant reasoning of the accommodation denial followed by the court's own finding on the justification of the denial were inconsistent and improper. Due process, including jury trials, are required by the ADA, and the CFR mandates monitoring and oversight to guarantee that courts make reasonable accommodations for people with disabilities in accordance with the ADA, as well as annual record keeping. In these courts, none of these are available. Since the higher courts also discriminate based on disability and Rule 1.100, there is no way to correct the situation by filing a grievance. Thus any appellate path to remedies does not exist in the state courts, when the California Supreme Court *en banc* endorses this and

promotes systemic discrimination based on disability despite 33 years of the ADA. The highest court of the state has been impeached on its disability policy so where else to go?

There is no due process for grievance or redress for disabled litigants other than suing the immune court after it has derailed the underlying lawsuit with miscarriage of justice. This is an impossible burden on the invisibly disabled litigant who is inferior in might and not similarly situated to other disabled litigants (visible vs invisible disability) and injured in this process of discrimination by the court. The outcome is highly unlikely to be favorable, because the court's unregulated power over the discriminatory denials is in effect absolute by design, and receives full faith and credit despite the intentional injuries that it inflicts on the disabled litigant. The Ninth Circuit should not have granted full faith and credit. But foremost, JSW should have provided right to amend before dismissal of 16cv295730 (which he planned to do originally but punitively eliminated), which the Ninth Circuit repeatedly failed to address. Yet the Ninth Circuit's cited cases reduced me to the status of a criminal defendant who is not under exigent circumstances, when even a criminal defendants has substantial protections and procedural safeguards than the disabled who have major national laws legislated for their equalization and protection without serious, permanent and even mortal injuries knowing and deliberately inflicted upon them.

Persons with disability are not "similarly situated" to non-disabled persons. Upon identifying their disability to the court, they must first be accommodated for their disability to be able to access the courts and fully participate in litigation, and only then, be treated equally under the law with the accommodation active, effective and intimately integrated into due process and court rules and procedures. Dynamic needs of accommodation with clear medical needs must not be characterized as "indeterminate".

Congress insists, with the "FULL SWEEP OF CONGRESSIONAL AUTHORITY" that people with disabilities are a suspect class and that they are to be protected. The use of this phrase by Congress requires close attention and interpretation. Persons with disability are expected to be distinguished from 'normal' persons, but courts apply strict equality in the treatment of me and my adversary, and this is not the meaning of the 14th Amendment Equal Protection (*in re Eugene w 29 Cal.App.3d 623 (Cal. Ct. App. 1972)*).

Failing to accommodate a disability is inherently unfair and my case demonstrates violation of the 14th Amendment. Applying conventional judicial practices under the

Equal Protection Clause to persons with disabilities before recognizing and applying the ADA to equalize the access and opportunity for success for the disabled litigant is illegal.

14th Amendment Equal Protection requires that individuals who are similarly situated should be treated similarly under the law (*Purdy & Fitzpatrick v. State of California (1969) 71 Cal.2d 566, 578, 79 ; In re Eric J. (1979) 25 Cal.3d 522, 531*), and that any differences in treatment must be based on legitimate factors and must be justified by a compelling state interest (*People v. Austin (1980) 111 Cal.App.3d 148*). The 14th Amendment binds the State government, yet state courts only accommodate the VISIBLY disabled with rudimentary aids, and do not accommodate the INVISIBLY disabled.

Court rules and decisions have parity with statutes. The constitutional mandate of equal protection may be violated either by a statutory classification which distinguishes between similarly situated persons or by a statutory classification that fails to make a distinction between persons differently situated, thereby causing unequal treatment under relevant equal protection principles." *People v. Callahan (1996) 58 Cal. Rptr. 2d 636*

The court's discriminatory rule and policies constitutes de jure discrimination that is to be treated as discrimination that is mandated by State statute (*Columbus Bd. Of Educ. V. Penick, 443 US 449, 458-61 (1979), Dayton Bd. Of Educ. V. Brinkmar 443 US 526, 534-40 (1979)*) and therefore violative of the 14th Amendment. In effect, the court's structural policy of discrimination based on disability constitutes a challenge to the classification of a suspect class under the equal protection clauses of the US and California Constitutions, but it is impossible to "rationally relate" them to a legitimate state interest (*People v. Austin (1980) 111 Cal.App.3d 148*) as the state constitution sides with the disabled. The critical observation is the court's conflict in dispensing disability laws to disabled pro se litigants, and legislation its own replacement and incompliant disability 'law'. Such courts cannot and must not administer the ADA and preside over due process. Such structural discrimination eliminates the forum for due process entirely (*forum nullus*).

The constitutionality of the ADA is long-established as is its application to the states. "Exact equality is no prerequisite of equal protection of the laws within the meaning of the Fourteenth Amendment. . . . [¶] `The Fourteenth Amendment enjoins "the equal protection of the laws," and laws are not abstract propositions. They do not relate to abstract units A, B, and C, but are expressions of policy arising out of specific difficulties, addressed to the attainment of specific ends by the use of specific remedies. The

Constitution does not require things which are different in fact or opinion to be treated in law as though they were the same. (*Tigner v. Texas, 310 U.S. 141, 147 (1980), Norvell v. Illinois (1963) 373 U.S. 420, 423-424 , People v Trombetta 173 Cal.App.3d 1093 (Cal. Ct. App. 1985).* The ADA addresses specific difficulties, and is addressed to the attainment of specific ends by the use of specific remedies.

In essence, the courts decide to treat those with and without disabilities as being in similar situations, but they then make sure that those with disabilities receive less favorable legal treatment than those without disabilities, all at the expense of undermining a significant substantive and preemptive law (ADA) that gives those with disabilities protections and accommodations that are not available to those without disabilities. This better treatment of the non-disabled is not justified (*People v Higareda F079521 (Cal. Ct. App. Oct. 6, 2020)*) and prejudicial per se.

"The Supreme Court ... has long held that governmental action may violate equal protection rights in two ways — when that action "im-permissibly interferes with the exercise of a fundamental right or operates to the peculiar disadvantage of a suspect class." *Massachusetts Bd. of Retirement v. Mur-gia, 427 U.S. 307, 312, 96 S.Ct. 2562, 2566, 49 L.Ed.2d 520 (1976)*" from *Flood v. O'Grady (N.D. Ill. 1990) 748 F. Supp. 595.*

State law, including structural discrimination by the judicial branch, cannot grant privileges or benefits to some and arbitrarily withhold them from others. (*Estate of Carlson 9 Cal.App.3d 479 (Cal. Ct. App. 1970), Blumenthal v. Medical Examiners, 57 Cal.2d 228, 233 [18 Cal.Rptr. 501, 368 P.2d 101]; Danskin v. San Diego Unified Sch. Dist., 28 Cal.2d 536, 545 [171 P.2d 885]; Watson v. Division of Motor Vehicles, 212 Cal. 279, 284 [298 P. 481].*) The ADA does not distinguish rights for visibly and invisibly disability.

The injuries that are foreseeably suffered by such a litigant who is increasingly impaired in function and suffering serious health consequences are not compensable by damages. The injustice dealt to them is egregious. They are the result of invidious discrimination by the courts, which may be inferred from the totality of the relevant facts (*458 U.S. at 618 (quoting Washington v. Davis, 426 U.S. 229, 242 (1976))*).

Consideration of absolute equality is inapplicable because the safeguard of equal protection is equality not identity of rights and privileges as well as forbidding invidious discrimination that denies equal protection (*People v pearce 8 Cal.App.3d 984 (Cal. Ct. App. 1970)*).

Stated in simple common sense language, equal protection is a pledge of protection of equal laws (*Banks v Housing Authority 120 Cal.App.2d 1 (Cal. Ct. App. 1953)*) applied equally to parties in litigation. However, a major law (the ADA) states that the disabled self-represented litigant is inherently unequal to the non-disabled litigant. The ADA expects the PRIOR equalization of a disadvantaged party (the self-represented person with disability) with the non-disabled party, so that they have equal opportunity of success in litigation at all times. This equalization must be established by action of the court **before** litigation proceeds, and thereafter assured impeccably and without struggle or torment **throughout** the litigation. This case demonstrates that this is not the case.

The mere fact of classification will not void legislation under the Equal Protection Clause (*Atchison, T. & S.F.R.R. v. Matthews, 174 U.S. 96, 106 (1899). From the same period, see also Orient Ins. Co. v. Daggs, 172 U.S. 557 (1869); Bachtel v. Wilson, 204 U.S. 36 (1907); Watson v. Maryland, 218 U.S. 173 (1910). For later cases, see Kotch v. Board of River Port Pilot Comm'rs, 330 U.S. 552 (1947); Goesaert v. Cleary, 335 U.S. 464 (1948); McGowan v. Maryland, 366 U.S. 420 (1961); Schilb v. Kuebel, 404 U.S. 357 (1971); Railroad Retirement Bd. v. Fritz, 449 U.S. 166 (1980); Schweiker v. Wilson, 450 U.S. 221 (1981)*). The courts do not recognize this fact and that it has been well-settled in the case of the ADA. The Constitutionality of the ADA and its applicability to the States by abrogating the State's 11th Amendment immunity has been well established. This is because in the exercise of its powers a legislature has considerable discretion in recognizing the differences between and among persons and situations (*Barrett v. Indiana, 229 U.S. 26 (1913)*). The trial court claims fairness and equal protection in denying requests for accommodation, but in fact violates of the Equal Protection Clause and the ADA.

In particular, "Class legislation, discriminating against some and favoring others, is prohibited; but legislation which, in carrying out a public purpose, is limited in its application, if within the sphere of its operation it affects alike all persons similarly situated, is not within the amendment." (Barrett v. Indiana, 229 U.S. 26 (1913)). Or, more succinctly, "statutes create many classifications which do not deny equal protection; it is only 'invidious discrimination' which offends the Constitution." (*Barbier v. Connolly, 113 U.S. 27, 32 (1885)*). As judge Freeman demonstrates, I should have been granted disability accommodation every time I applied for it. The state courts state that I have NO RIGHTS.

The injury caused by the discrimination is made more severe because the government permits it to occur within the courthouse itself (*Edmonson v. Leesville Concrete Co. (1991)*

500 U.S. 614 at 628). Few places are a more real expression of the constitutional authority of government than a courtroom, where the law itself unfolds. Within the courtroom, the government invokes its laws to determine the rights of those who stand before it. In full view of the public, litigants press their cases, witnesses give testimony, juries render verdicts, and judges must act with the utmost care to ensure that justice is done. Disability discrimination within the courtroom raises serious questions as to the fairness of the proceedings conducted there. Disability bias mars the integrity of the judicial system, and prevents the idea of democratic government from becoming a reality. (*See as applied to "race" in Rose v. Mitchell, 443 U.S. 545, 556 (1979); Smith v. Texas, 311 U.S. 128, 130 (1940)*). A court may not offer argument as in *McLaurin v. Oklahoma State Regents (1950) 339 U.S. 637* that it suffices that it has granted persons with disability access to the court by overcoming barriers to **physical** handicaps and it requires to do no more as it is otherwise treating every litigant equally. It is the findings and purpose of the ADA that is then undermined, especially in the case of invisible disabilities, neither of which are served by the availability of access for such minority of handicaps.

A person with disability who is qualified to receive disability accommodation from the court under the ADA cannot be denied full opportunity and access because of disability, just as a 'person of color' who is qualified to receive professional legal education offered by a state cannot be denied such education because of their color. *Sipuel v. Board of Regents (1948) 332 U.S. 631*. Disability accommodations by courts lies at the same level of impaired legal development and urgently requires precedent.

If the ADA did not exist, the disability policies of the courts can be described as a form of segregation in the same courts based on invisible disabilities, forbidden by *Brown v. Board of Educ. of Topeka (10th Cir. 1993) 978 F.2d 585*. Even though the rules and procedures of the courts are the same for both groups, there is unequal opportunity to access the courts and legal remedies. Add the ADA, and the courts policies are worse than the comparable evils of segregation, because a law that prevents such conduct did not even envisage such impropriety, but covers such discrimination and abhors it.

There can be no access to the courts by persons with invisible disabilities absent disability accommodation appropriate to each disabled person's unique needs, however, such accommodation is withheld by the courts. There is no pressing public necessity for this discrimination. Such discrimination which curtails the rights of this protected class are immediately suspect and must be subjected to the most rigid scrutiny. *Korematsu v.*

United States, 323 U.S. 214 (1944). This is an improper condition for our courts to maintain as it invariably creates more complexity and expense and delays in litigation by the disabled person each time the standard of scrutiny is likely to be invoked in view of the structural discrimination by the courts, and constitutes inefficient administration of courts services, as well as creating more potential for error and escalation of litigation about disability accommodations. It is cruel, inhuman and degrading treatment.

By directly restricting speech in a manner that eliminates due process, the courts prevent and unfairly ignore our speech. The court's restriction has been effected by denying requests for accommodation, causing injury and incapacity, thus eliminating opportunity to prepare, to voluntarily express the case, to participate as an equally protected litigant. They INTERPRET our speech, resulting in punishment of speech for being disabled. The restriction on speech demonstrated by courts is not the least restrictive alternative for ensuring the intent of the court to maintain its rules and policies, despite failure to implement operative laws and Constitutional mandates when facing a disabled litigant.

Each attempted access to due process unaccommodated causes injury and is attendant to inferior preparation and participation in litigation. The direct restrictions on speech by denial of accommodation result in undue burdens and prejudice which invariably compel a pro se litigant to seek representation instead of accommodation. Thus the price of litigation for a disabled pro se litigant includes the coerced surrender of her privilege of litigation that is personal to her. *Simon v. Hartford Life (9th Cir. 2008) 546 F.3d 661.*

Rule 1.100 discrimination against persons with invisible disabilities targets speech requesting accommodations based on its communicative content. California's disability accommodation rules and practices, and de jure discrimination are all examples of content-based laws that discriminate against speech based on the topic and content of what is communicated (see de jure discrimination supra). As a result, it is assumed that Rule 1.100 and the court's rules that also promote disability discrimination are unconstitutional, and they are. *Reed v. Town of Gilbert (2015) 576 U.S. 155*. This rule's discrimination and the court's de jure discrimination cannot be justified since no state interest is served, and the rule is not narrowly tailored, and violates the ADA.

When a disabled pro se litigant challenges the content-based speech restriction, the court has the burden to prove that the proposed alternatives will not be as effective as the challenged statute. *Ashcroft v. ACLU (2004) 542 U.S. 656*. Not only have no alternatives

been provided to this disabled litigant, but more importantly, every decision by the court to deny her disability accommodation has provided absolutely no justification except conclusory statements by the judge who does not follow the law.

The justification for denials of disability accommodation by the courts are that the existing system of rules and policies of the court are the least restrictive means available to meet the objectives of a fair and impartial judicial system that follows the law. In fact, this is quite the opposite, as the law expressly requires recognition and provision of disability rights for invisible disabilities, and thus the rules and policies of the courts undermine and do not advance the court's interests despite its false representations to the contrary.

In addition, included within the "least restrictive alternative" inquiry are the related components (*Taking Offense v. States (2021) 66 Cal.App.5th 696*) that the law must advance the government interest (e.g. *Meyer v. Grant (1988) 486 U.S. 414, 426, 108 S.Ct. 1886, 100 L.Ed.2d 425* ; *FEC v. Massachusetts Citizens for Life, Inc. (1986) 479 U.S. 238, 262, 107 S.Ct. 616, 93 L.Ed.2d 539*), must not be over-inclusive, meaning the law may not restrict speech that does not implicate the government interest (*McCullen , supra , 573 U.S. at p. 495, 134 S.Ct. 2518*), and may not be under-inclusive, meaning it fails to restrict a significant amount of speech harming the government interest to the same degree as the restrictive speech (e.g. *Florida Star v. B.J.F. (1989) 491 U.S. 524, 540, 109 S.Ct. 2603, 105 L.Ed.2d 443*). Examine this in the light of the ADA as incorporated in the Unruh Civil Rights Act, and the courts have subverted not only federal but also state law which forbids the content-based restriction in service of an illegitimate interest.

A violation of the First Amendment is made all the more obvious (*Grossbaum v. Indianapolis-Marion Co. Bldg. A. (7th Cir. 1995) 63 F.3d 581*) and particularly offensive (McGuire v. Reilly (1st Cir. 2001) 260 F.3d 36) when the court targets the speaker's particular point of view rather than the topic at hand. The result of the discrimination is to force the litigant who is impaired to remain silent and refrain from asserting her rights. Any insistence by the disabled litigant results in punishment and prejudice. Since the most common accommodation requested is more time to be able to fully speak in litigation, and "indeterminate" stay is a requirement for my condition, such conduct by the courts (which are public forums) technically does not impose reasonable restrictions on the time, place, or manner of protected speech by the disabled litigant, and the restrictions are unjustifiable as they turn on the content of the regulated speech, and are not narrowly tailored to serve a significant governmental interest.

The main point of my speech is that access to the courts must be made possible for those with disabilities. The ADA supports and promotes this preemptive speech. The ADA requires the court to provide the required accommodations, yet the way the court is set up and functions encourages prejudice in response to such speech and coercion into silence.

The punitive retaliation by the courts, as well a flawed process for relief, closes alternative channels for communication of the information to achieve accommodation, thus constituting a violation of the 1st Amendment. *Ward v. Rock Against Racism (1989) 491 U.S. 781*. No content of speech seeking disability accommodation is prohibited and punishable under the standard of *Chaplinsky v. New Hampshire (1942) 315 U.S. 568*, but punishment is dealt by courts to the disabled litigants who insist on their disability rights. We remain oppressed and abused as the discrimination and cruel, inhuman and degrading treatment by courts coerces anger and fighting words out of affected disabled litigants.

The use, through rule 1.100 of vague or imprecise notions like "fundamental alteration", "nature", "undue delay" and "administration of justice" are used to obstruct requests for disability accommodation. The Supreme Court has acknowledged that rules that on the surface appear to have no bearing on content might be deemed to be content-based restrictions on speech if they cannot be "justified without reference to the content of speech" or were passed "because of disagreement with the message [the speech] conveys." at 791) (*Ward 491 U.S*). It is obvious from the rule's text and the record of proceedings how the content of the speech for requesting accommodation and the discrimination based on it are related. In particular, the court's interpretation of "fundamental alteration" of the court's service as justification of denial of disability rights is suspect. A court more powerful than a litigant, controls entirely the determination of vague notions, e.g. what constitutes "fundamental alteration", without due process, and abuses its position to interpret "fundamental alteration" in its own favor, justifying its discrimination of the disabled litigant through deprivation of disability rights in response to her speech.

As a result of her speech in requesting unique accommodation, she has experienced bias. According to *Wishnatsky v. Rovner (8th Cir. 2006) 433 F.3d 608*, all of this amounts to viewpoint discrimination, a heinous kind of content discrimination that is illegal. Courts must carefully examine any discrimination based on content because of how easily the boundary between subject and viewpoint can be manipulated. According to *Grossbaum v. Indianapolis-Marion County Building Authority, 100 F.3d at 1298*. These courts have never conducted such a review, according to the records.

The right to due process includes the freedom of expression, the right to a fair trial, and the freedom to file a complaint with the government or judiciary. The institutional policies, practices, and regulations of the courts, however, are made to abolish the right to accommodation for those with invisible disabilities. Retaliation is assured. Therefore, the structural policies, practices, and rules of the court are predictably and actually stifling the litigant's free speech in her own litigation through access denial (see above).

The courts incorrectly conclude that the denial of rights, punishment, harms, INJURIES, and sanctions that followed the appellant's speech asking accommodation were reasonable and justified. The appellant's functional incapacity and the court's retaliatory actions also hinder the speech necessary for the representation and prosecution of the litigation. Therefore, there is discrimination based on content. The appellant was oppressed by an excessive burden of her litigation being doubled just for requesting for her rights. Her underlying litigation was hampered by the injury and subsequent functional disability it caused. The lack of a stay of litigation until her petition for her rights is properly formulated and decided in an environment devoid of due process and equal protection denies her speech both for accommodation and for litigation. The judge does nothing to prevent more serious injury, despite the fact that the court is aware of the record of injury and relationship to accommodation denial. As a result, the appellant's speech causes bias, depriving her of law, which protect against abuse and the vulnerability of the litigant.

If a government "bent on frustrating an impending demonstration" passed a law requiring two years' notice before the issuance of parade permits, the Court (in Ward 491 U.S. at 791) noted that such a law, while initially appearing to be content-neutral, would be content-based because its goal was to stifle speech on a specific topic. Denial of our accommodation and its delayed remedy through compounded litigation is comparable.

Denial of stay of the lower court proceedings by the appeal court is pernicious when other cases and situations are remedied with stays. The Appeal courts simply refuses to exercise their jurisdiction when the speech involves grievance about disability rights. See discussion under Fairness. Courts cannot provide any basis for justifying such violation of the 1st Amendment per *R.A.V. v. St. Paul (1992) 505 U.S. 377*, or by any other basis, and the reversed burden of proof (under the ADA) that I am not disabled or do not need the requested accommodation is ignored by the courts when they obstruct accommodation.

Freedom of speech, although not absolute, is protected against censorship or punishment unless it is shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest. *Terminiello v. Chicago (1949) 337 U.S. 1*. Despite this standard, a disabled pro se litigant with an invisible disability whose request for accommodation simply seeks the enforcement by the court of a lawful right excluded by the court without privilege or authority, is censored, ignored and punished by the court, and deprived of Constitutional rights. Courts must ask whether the gravity of the evil, discounted by its improbability, justifies such invasion of free speech as is necessary to avoid the danger. *Dennis v. United States, 341 U.S. 494 (1951)*. The only evil is the denial of Constitutional rights to disabled litigants, not any erosion of the fundamental aspects of jurisprudence that are critical to its integrity and operation.

REASONS FOR GRANTING THE WRIT

It is common knowledge that persons with disability are still subjected to unabated discrimination. If you are a person with invisible disability who dares to access a court self-represented, be prepared for:

- The judiciary's expectation that you cure your disability before you access the court
- Deprivation of equalized opportunity to succeed in litigation
- The systemic practice of ableism and gaslighting by the court to support its deliberate discrimination based on disability, without the requisite adherence to reversal of presumptions and standards of proof, or de novo review
- Deliberate and knowing refusal of any court disability accommodation that no reasonable and law-abiding person would deny
- Purposeful interference by the court with your necessary medical treatment, with the inevitable prospect of injury and induction of incapacity further preventing your court access, and delaying and undermining your litigation
- Judicial and systemic deprivation of your access to the court accompanied by incessant hostility, defamation and punishment for daring to access, that will typically increase to criminal acts by judges, fueled and aided by exploitative adversaries
- Judicial subversive conduct that subordinates the sovereign's rights to judicial legislation, which ensures your deprivation of rights and guarantees your cruel, inhuman and degrading treatment, with the potential of escalating to torture and even your attempted murder without right of defense

- Elimination of your civil, political and constitutional rights, and your human rights
- the likelihood of perpetual deprivation of your access to legal remedies by judges and courts by reason of your disability, with punishment for contempt
- Elimination of your admissible evidence for proving the merits of your case
- Unfair and biased and punitive judgments and orders without any test of merit of your underlying litigation, which shall proceed by exclusion of your participation
- Judicial invention of arbitrary and unsustainable justifications for discrimination based on disability
- Exploitation of disability by adversaries who become aligned with the open and notorious and systemic prejudice of the courts, and collude with increasingly prejudiced judges to eliminate your rights, and easily attain unjust enrichment
- Loss of life (through serious injury and statistical shortening of lifespan), liberty (by increased disability and retaliation and court-ordered restrictions of rights and benefits), property (through judicial impropriety and illegal taking), and damages.
- No legal recourse whatsoever for improprieties and unlawful acts by our judiciary, and defamation that your claims are scandalous and frivolous, accompanied by denial that such injustice could ever happen at the hands of our courts
- No recognition by the courts of state and federal authorities on disabilities
- Enforcement of deadlines and statutes of limitations against you even if you are incapacitated, dying, or would suffer serious and permanent injuries if you have to work on your legal filings to beat the clock

None of these truths are just or fair or tolerated by a nation of high morals undermined by its own government.

A litigant has no choice but to submit to physical control of a court over his person and property in order to access legal remedies through the courts' monopoly. When a judge rules to deny disability and its accommodation, and knowingly enables injuries to be inflicted to such a prone and captive pro se litigant, it is cruel, inhuman and degrading treatment, with the judges' confidence of no accountability and immunity.

When such a judge habitually commits such treachery in the face of proof of consequent serious and irreparable injuries, it is torture. When death is potential and forecast, and the impropriety knowingly or deliberately continues, it is attempted murder. Reckless endangerment is official judicial disability policy. This is the case before this court.

Yet courts and judges in this nation commit such crimes and improprieties in the name of justice and in adherence to rules and policies that did not evolve with the consciousness of a nation that has led the world. They will justify egregious conduct without conscience or demonstration of humanity, and deny any wrongdoing. This is dissonance at its most consequential. Injury is considered irrelevant, and unequalized opportunity for success is considered equal protection despite major legislation. Due process means process due under the circumstances, not a uniform and invariant business policy which excludes attention to discrimination and treats human beings as corporations or chattels.

When the object is litigation under due process and equal protection to determine the merits of the case, such a disabled pro se litigant is deprived of rights and test of merits by systemic judicial discrimination based on disability. He has no civil or political rights in our courts, not even the right to defend himself, except by the lottery of jurisprudence where the good judge Beth Freeman is the exception, with her independence subjected to peer pressure. The Freeman bright line must be cast into top level precedent.

Despite one judge whose good character does not succumb to the conflicts of laws and policies, higher courts will intercept rights and eliminate them, and thus both federal and state courts are *forum nullus* for pro se litigation by the disabled because there is no effective escalation for grievance with attendant respect for individual dignity and rights. But our courts claim *forum nullus* is impossible. Where are specialized courts (compare to Paralympics), or pro bono representation in civil litigation with accommodation for disabled pro se litigants in such a climate of discrimination? When placed on death row merely by daring to access a court for legal remedies, why does a suspect class have less rights and provisions against injustice than a criminal defendant? This is my case.

No Supreme Court of a nation must look the other way when its inaction and inherent hatred of the disabled, discussed in the media, places every judge in the path of conflicted principles and laws. But that is the state of affairs 33 years after a major legislation, the ADA, that ignited and inspired the world. The correction of this court's mindset by the AADA has achieved nothing to *sua sponte* address the systemic wrongs herein reported because today I stand destroyed by judicial conduct that should have been abated long ago and receive no disability accommodation. Every wrong under the 14th Amendment is done.

In 2022, our President celebrated the ADA, again reminding our nation that we stand resolute in affirming and protecting the disabled against age old prejudice. As of October

2023, the ADA has 164 signatories and 188 parties, 187 states and the European Union. In 2023, I stand with life, liberty property and rights lost, having chronicled in the public record over SIX YEARS my torture by the courts and describing cruel, inhuman and degrading treatment corroborated by other victims, because I am disabled.

I continue to defy the ban on my speech, and the continuing abuses being perpetrated against me at the cost of further injury as my life force ebbs. In the absence of resolve by our judiciary to abate discrimination based on disability, the UNCAT and ICCPR have to be invoked by the nature of injuries deliberately inflicted upon a disabled pro se litigant in order to address the stealthy subversion by jurisprudence and its vandalism of the Universal Declaration of Human Rights, without regard to the ADA or notice of CRPD.

December 3rd celebrates the International Day of Persons with Disabilities, while I witnessed my SIXTH YEAR of confinement, mutilation and personal destruction by the subversive courts. In the United States, where again world-changing inspiration originated to champion human rights, the brutal and abusive discrimination in jurisprudence by reason of disability continues, as independent victims have testified in support of my report. Judges, who are forbidden by rules of judicial ethics from serving if disabled, deliberately continue to violate and ignore the rights of the disabled *en masse* and with deliberate impropriety. Even the California canons of judicial ethics still treats the disabled unequally to other protected classes.

The internet readily delivers copious authorities and writings and free press articles abundantly documenting the continuing discrimination faced by persons with (invisible) disability. We as a nation are a long way away from fulfilling the intent and purpose of the ADA, and our judiciary who should be front and foremost in delivering the ADA's promise into reality are the most effective obstructors of the ADA through deliberate and organized promotion of discrimination based on disability, transgression of powers, and persecute us.

Today, again, I come to this court to ask why it has deprived this nation of honor and shamed it. Refer to my previous communications with you reflecting defiance of essential reform. The facts of my case are corroborated by independent disabled pro se litigants in their own litigation, and the victims are 25% of this nation who are disabled, and everyone else. Where is our access to legal remedies of which we are still deprived by judicial policy?

Men and women of good character intending to serve a nation as its judges are transformed into abusers and criminals devoid of long overdue guidance that ends

discrimination by MEANINGFUL reform of jurisprudence. They operate in the confines of disability-defiant ideology. So disability hateful are the systemic practices of our jurisprudence that there is absolutely no room for access to legal remedies by the invisibly disabled when they exercise their right to petition pro se. The outrageous discrimination even places a lifetime ban on pro se access to legal remedies for this suspect class, with perversion of laws to keep us silent and deprived of legal remedies, with continuing court control under threat of contempt. Yet increasing numbers of litigants access courts pro se throughout this nation, and 20% of this nation are the invisibly disabled.

The record, and my over 100 filings on disability accommodation in the courts chronicle that this is not a case of pervasive legal error. A supreme court of a nation and branch of government that must ensure that our national spirit succeeds in reflecting the morality of a nation and the advancement of world society, must first align its understanding with the truth of disability and see from the perspective of the disabled. While this court has shut me out multiple times, my case proves otherwise and for far too long. Courts separate from our national morality and denounce it when disabilities are present.

Alleged mootness or inevitability of outcome based on the rule of law is always seen through the filter of traditional judicial experience and *stare decisis*, which leaves no room for recognition of discrimination. Thus the repeated declarations that I present frivolous claims, while substantial injustice is demonstrated and acknowledged by the common man. But neither experience nor *stare decisis* account for such a case of first impression which the ADA has already considered, and which jurisprudence will not perceive.

The equalization of an unequal suspect class is primal and pre-emptive, and any determination for cause without equalization infringes on this primal and pre-emptive entitlement. This very court invalidates due process in the absence of notice, yet disability rights necessary to commencement of due process are treated as trivial and frivolous. California courts are not readily accessible to and usable by persons with disabilities as fraudulently represented in Rule of Court 1.100(a)(3). There is no integration of the evidence with any thread of logic that proves otherwise.

Rule 1.100(f)(3) which is used to deny accommodation for an invisibly disabled pro se litigant by the only medically indicated method of accommodation, which in general is extra time necessary for recovery and rehabilitation from COURT-INDUCED injuries, is enforced to inflict cruel, inhuman and degrading treatment upon such a victim.

Accountability for induced injuries elevates the duty of proper and timely and non-hostile accommodation. The ADA creates a duty of care which the court deny and violate.

California courts believe that the "nature" of the service, program, or activity that they offer is determinative of disability rights, because in the "business" of justice, the product cannot be tailored to every need, and resource limitations and errors are tolerable despite any discriminatory effect. They argue that their authoritative interpretation of "nature" is controlling, while no bounds or exactness define the use of this word in order to establish its pre-emption over disability legislation. "Nature" cannot over-ride reduction to fundamental expectations and rights, and their dictate. No pre-emptive authority, including the constitution, authorizes the "business" run by courts to pre-empt it. Therefore, no court may employ such arbitrary and imprecise principle, but every use of this concept provides no detailed justification for critique and exposure of abuse. Instead, with superior power and binding authority, courts use this ruse to distract and imply excessive and preferential treatment requested by the disabled.

There can be no "business" of law as this repulsive notion is incompatible with consciousness and the innate divinity of the human being. Approximate justice, or 'justice for most if not for all' is not tenable as it fundamentally alters the meaning and innate understanding of justice. But each one is demonstrated by the evidence.

Thus abuse and discrimination become discretionary and subject to interpretation of a vague notion, "nature", which is subjective. At best, "nature" implies 'business plan' and 'charter'. The ADA left no room for subjective modification of its mandate, or the "business" of justice subjugating its purpose, and discrimination through de-humanization is indicated by the common pattern of facts independently experienced by each victim-witness. But my case proves this evil and declares me to be a "business" inconvenience.

These courts provide no tracking of their effectiveness in abating discrimination or measuring disability accommodations and adherence to the ADA, with record keeping, as required by the DOJ. Reflect on our unimportance and the exclusion this signifies.

The ADA does not burden the already burdened person with disability with expert opinions and expense in order to demonstrate disability. Medical information from authentic care providers has standing equal to expert witness testimony, and reversal of burden of proof is mandated. Respect for this operating principle is not found in any court. Instead, authentic treating care providers are libeled by courts, and the person with

disability is required to provide expert testimony to prove disability. Supplementation with sworn declaration by the victim is opening the door of more prejudice, gaslighting and malicious defamation. This is common to all victim-witnesses herein.

Treating us as paupers without rights, California state courts expect our gratitude and compliance with unconstitutional and subversive rules for accommodation, but do not even conform to their own rules as stated. Federal courts do not even have stated rules, leaving the victim uncertain, with no predictability or expectation, and this at a minimum is sufficient hostility in the face of major legislation that undermines judicial ethics and causes mental torment and injury. The Ninth District, seeing me desperate for rest, substituted a stay for assessing a fee waiver that it extracted from me despite my reluctance, degrading me and insulting the ADA that insists on my protection and equalization. This is reversible error, and such conduct must be punished.

The meaning of "fundamental alteration" espoused improperly by the Department of Justice (DOJ) for the ADA is controlled, not by "nature" invented by state courts, but by prevention of violations of the laws and principles herein identified, and impeccable respect for the equality and dignity and rights of every human being. But each law and the constitution are violated, and equality, dignity and rights are subject to a lottery of good judicial character. This is the "nature" of jurisprudence today.

We the disabled come to be greeted by jurisprudence under fundamental understandings embedded in our nation's founding principles and its laws, and we find a foreign nation controlling government with its own incompatible principles. Is our government not intended to reflect the sovereign reign of the same People?

Hamilton was wrong when he wrote in 1788 that "liberty can have nothing to fear from the judiciary alone". The facts demonstrate that our courts do not do their utmost to honor constitutional limitations and statutory checks on judicial power.

Here is the case, which if put to good use and translated into proper precedent, can inspire modernization of an outdated jurisprudence that can never otherwise abate discrimination as the People have mandated, with events and issues documented in detail over SIX YEARS of pain and suffering and injustice. It is time to abandon roots of monarchy and admiralty, and embrace an ascending society which more exactingly expects justice as a foundational pillar, without discrimination and such inherent conflicts.

The leadership of this court worldwide is cause for its focus and self-application to the glaring defect exposed by SIX YEARS of my mutilation by the courts and evidence of discrimination whose abatement this nation championed in the world. Not one, but multiple victim-witnesses testify to these truths. This court may not look the other way.

While criminal defendants are protected against injustice and cruel and unusual punishment, the disabled who are protected by major national laws that inspired human civilization, are ignored and persecuted by our courts.

Reflect carefully on the SIX YEARS of the bright line set by the good judge Freeman contrasted with the evil of other courts. I ask this court why my punishment by death penalty, evidenced in the multiple submissions of my requests for disability accommodation to this court, is the outcome of attempting to access legal remedies.

CONCLUSION

We are a distinguished nation that holds the hope of the entire world, and it must not be undermined by our jurisprudence. I have traveled the path of state to federal courts to aggrieve rights deprivation by courts by reason of disability, arising from a single lawsuit.

The substantial outcome test of justice fails when a disabled pro se litigant is injured by denial of disability accommodation, kept substantially incapacitated but required to cure his disabilities and tolerate the incessant inducement of injuries and participate in his own litigation while unequal to his adversary and subjected to discrimination by the court. This case flows from 19cv1986-LHK founded in 16cv295730, graduating to 21-cv-04262-JSW and demonstrates how a disabled pro se litigant finds no forum in this nation's jurisprudence for legal remedies, and is guaranteed injustice through the courts.

Using discrimination as the litmus of reform is the catalyst for an overdue change in judicial thinking that can again inspire a just global society by this nation. Resolve is required from this court to expose and confront latent and concealed truths. It is not true, as the clerk of this court writes to me, that this court conforms to federal laws. Drastic reforms must be made to prevent recurrence of such improprieties, including in this court.

It is no longer possible for this court to avoid dealing head on with the integration of legislated protections for a suspect class into jurisprudence proper. There is no room for more litigation to prove the obvious. Precedent is critically due.

This is a case of first impression and distinguished by the evidence that it flushes out for the public benefit and must not be wasted by this court. Other victims of the reported wrongs, current or prospective, must not suffer the same prolonged torture and oppression to justify long-overdue judicial reform. 25% of this nation must be protected. The ADA abolished the discrimination witnessed today, 33 years ago.

Not one but multiple victim-witnesses have testified to these truths. Subversion and judicial gamesmanship must not argue these wrongs into non-existence and thereby maintain discrimination. Substantive justice and traditional fair play must reach new heights. The Freeman bright line must inspire 'HOW TO' accommodate the disabled.

Analysis of discrimination relies upon reasonable indication and the burden of proof shifts to the perpetrator. SIX YEARS of proof is more than a reasonable indication of systemic discrimination, and no judicial adherence to standards is subversion and discrimination.

No court or adversary must obstruct or impede essential medical treatment. No court must fail to first provide proper ADA accommodation before administering justice, and no such accommodation should be deemed a "fundamental alteration" of "nature", vague notions that defy exact definition and opportunity for analysis and opposition, trivializing the rights of persons with disability. No court must ever discriminate based on disability, or persist in systemic subversion as herein evidenced. A duty of judicial care must be acknowledged. Our constitutional and legal rights must be guaranteed not discretionary. No deadline or statute of limitations must preempt disability rights and accommodations. Indeterminate stay is possible as accommodation.

My injuries ae guaranteed as I sacrifice to write and write in the interests of this nation because my case provides the precious data for long-overdue judicial reform. It is time for leadership by this court to set a national mandate for the smooth and MEANINGFUL integration of the ADA and necessarily associated treaties and principles into judicial conduct and the operations of all of our courts. This court must explore all avenues.
I certify under penalty of perjury that the foregoing is true and correct.
Dated: March 11, 2024 (from November 16, 2023)

C. Hazari
Cyrus Hazari

APPENDIX 1

Decisions of the Ninth Circuit Court of Appeal