

No. 23-7282

**IN THE
SUPREME COURT OF THE UNITED STATES**

JEFF BAOLIANG ZHANG, PH.D.

Petitioner/Appellant,

v.

*Los Angeles County/Twin Tower Correction Facility
Defendants/Respondents*

On Petitioner for Review from the Ninth Circuit Court

(Case #23-55353)

April 15, 2024

PEPLY TO DEFENDANTS' OPPOSITION

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QUESTIONS PRESENTED

- (A) Respondents/Defendants willfully refused to help a seriously wounded man at county jail, but the US District Court for the Central District of California and the Ninth Circuit all took such violations as frivolous. Why do these federal court judges behave so inhumanly as to take horrible human rights violations as nothing?
- (B) Respondents/Defendants did not allow Petitioner to have a different attorney for the criminal case and blocked all my communication at county jail throughout my detention time. These federal courts also took such violations as frivolous. What kind of bizarre laws do they practice at the federal courts?
- (C) Why can the Central District Court of California and the Ninth Circuit openly violate the Bill of Rights in the US constitution and the Civil Rights Act of 1964 to use double standards in ruling a case based on race, national origin, political belief, social-economic status, and age? Who allowed them so inhumanly to deal with the less advantaged class?

PARTIES TO THE PROCEEDING

Jeff Baoliang Zhang, Ph.D., Petitioner on review, was the Plaintiff-Appellant below.

Los Angeles County/Twin Tower Correctional Facility was the Defendant-Appellee below.

RELATED PROCEEDINGS

The following proceedings are directly related to this petition:

- Jeff Baoliang Zhang, Ph.D. v. County of Los Angeles, et al.

No. 2:22-cv-08365 (U.S. District Court for Central California, Los Angeles)

- Jeff Baoliang Zhang, Ph.D. v. County of Los Angeles, et al.

No. 23-55353 (U.S. Court of Appeals for the Ninth Circuit)

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The Key Issue: The Lawless Respondents Helped the Chinese Communists in Persecution against Petitioner, a China Democracy Advocate, but the U.S. District Court and the Ninth Circuit Willfully Took Such Serious Civil Rights Violations as Frivolous

STATUTORY PROVISIONS INVOLVED

United States Constitution

Amendment I, VIII & XIV

Federal Statutes

42 U.S.C. § 1983 – Civil action for deprivation of rights

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Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, (R.S. §1979; Pub. L. 96-170, §1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104-317, title III, §309 (c), Oct. 19, 1996, 110 Stat. 3853.)

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

President Theodore Roosevelt	14
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No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right, not asked as a favor.

California Rules of Regulations

... misuse of the power of the court; it is an act done in the name of the court and under its authority for the purpose of perpetrating an injustice. [Citation] (S. A. Madison 2014) 229 Cal. App. 4 th 27, 41.)	12
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The Honorable Diego Garcia-Sayan, United Nations Special Rapporteur on the Independence of Judges and Lawyers stated in his writing, "Corruption, Human Rights, and Judicial Independence" 12

Corruption in the Judicial System

Corruption undermines the core of the administration of justice, generating a substantial obstacle to the right to an impartial trial, and severely undermining the population's trust in judiciary.

Illicit interferences with justice can also be violent, particularly when perpetrated directly by members of organized crime. These forays are intended to secure specific objectives, such as the closing of a particular case, or the acquittal of a given individual.

(United Nations, A/72/140.35 July 2017.)

Case Laws

For filing federal civil rights claims, a claim is not required as the law stated:

Not required if the claim falls under 42 U.S.C. § 1983 *Williams v. Horvath*, 16 Cal. 3d 834, 129 Cal. Rptr. 453, 548 P. 2d 1125 (1976). **Filing of a claim in compliance with state law does not toll the statute of limitations for a civil rights claim.** *Boston v. Kitsap County* (2017) 852 F. 3d 1182. (See pp. 10-11.)

Generally, state law immunities do not apply to 42 USC §1983 actions brought in either state or federal court. See *Martinez v. California* (1980) 444 US 277, 284 n8, 62 L Ed 2d 481, 488 n8, 100 S Ct 553. See also §13.11. **Federal law controls.** *Martinez v. California*, supra. See, e.g., *Jenkins v County of Orange* (1989) 212 CA 3d 278, 286, 260 CR 645.

Local governments, municipal corporations, school boards, their special agents acting under color of state law (which may encompass implementation or enforcement of, e.g., a municipal or local law, regulation, policy, or custom) are "persons" subject to liability under 42 USC §1983. *Monell v Department of Soc. Servs.* (1978) 436 US 658, 56 L Ed 2d 611, 98 S Ct 2018.

Reply to Respondents' Opposition to My Petition

Introduction

On May 16, 2024, Petitioner received an electrical mail from Respondents/Defendants, County of Los Angeles/Twin Tower Correctional Facility (TTCF) and DOES. In the Opposition to my Petition, Respondents made many lies and cited some bizarre legal sources as the basis for their willful Opposition. Petitioner NOW gives some examples about their lies for their sham defense as follows:

For INTRODUCTION, Respondents declared,

... the case was untimely filed and was barred by Rooker-Feldman and claim preclusion doctrines. Plaintiff sets forth no proper grounds for review by this court in his 'petition for review.' Plaintiff has not shown a conflict or that the Ninth Circuit has decided an important question of federal law that has not been, but should be, settled by this Court, or that the Ninth Circuit has decided an important federal question in a way that conflicts with relevant decisions of this Court. Plaintiff has made numerous factual and legal misstatements in his petition. ... (see Opposition, p. 1)

To reply such an Opposition with such bizarre statements from the Defendants, Petitioner writes this document with following reasons for the rebuttal.

It Is Bizarre to See These Oppressors Applying 42 U.S.C. § 1983 for Their Sham Defense

Petitioner cannot understand how Defendants who harmed willfully citing 42 U.S.C. in their Opposition. It is an applicable law in Plaintiff's Petition because Defendants tortured an innocent man by all means. Defendants under color of law, subjected Petitioner to the deprivation of many civil rights guaranteed by US constitution during my stay at its Correctional Facility. Defendants should be liable for the willful and serious harms that Petitioner mentioned in the Petition especially the four Causes of Action that are stated in the Petition,

First CAUSE OF ACTION - 42 U.S.C. § 1983 CIVIL RIGHTS VIOLATIONS

A Premeditated Vicious Attack - Intentional Tort and Willful Negligence

Petitioner stated in my Complaint at Central District Court of California about receiving a vicious assault without a cause in Defendants' TTCF in March 2012, and continued.

For such a severe head injury from a premeditated violent attack, Appellant suffered a lot of pain, complained about the rogue inmate, and wanted to see the doctor. But there was no medical assistance. Defendants DOES at the Facility did not let a doctor see Appellant and they did not send Appellant to the outside hospital for emergency

care. It was a violation of Amendment VIII, which prohibits “**cruel and unusual punishment**” to Appellant at the time when Appellant needed medical treatment for the severe pain. It was also **elder abuse** as Appellant was 69 years old when I received such a vicious attack without medical treatment.

Appellant continued to suffer and complained about the head injury but Appellant waited for 50 days before a neurologist had a look and found the serious numbness on Appellant’s head. Such a longtime neglect of checkup or treatment revealed the intentional tort and willful negligence by the Defendants’ Sheriff DOES at the Facility towards an injured senior citizen, the Appellant. It was a continuation of **violation of Amendment VIII**. It was also **elder abuse**.

After the neurologist found serious numbness in my head, Defendants’ Sheriff DOES would not take care of Appellant anymore. Defendants’ staff at the Facility would not let Appellant see the doctor for a second time to check the nerve injury or the serious numbness problem. Appellant requested for further checkups and treatment many times but Defendants’ clinic at the Facility always ignored Appellant while Appellant suffered continuously.

In Complaint, Plaintiff cited **42 U.S.C. § 1983** to tell that Defendants under color of law, subjected Petitioner, an innocent man to the deprivation of the rights, privileges to the serious injury so they should be liable for redress.

However, now Defendants cited this federal law, for what purpose as this law only tells that Defendants are guilty for the immense harm that they brought Petitioner during my time in the Twin Tower Corrcetional Facility (TTCF). This federal law only revealed that Defendants are guilty in this case but Defendants tried all might to cover up and fooled around. It is ridiculous that the oppressors want to use this law to cover up their crime in TTCF.

When a thief or robber is caught on the spot, he did not have any guilt but he yelled “Stop thief” to fool around. These Defendants in this case have played such a game as now represented by some sly and wicked new attorneys to cheat Petitioner in their Opposition to my Petition.

In Petition, Petitioner also mentioned other three Causes of Action,

Second CAUSE OF ACTION - 42 U.S.C. § 1983 CIVIL RIGHTS VIOLATIONS

Illegal Blocking the Appellant’s New Attorney - Deprivation of My Choice for an Attorney

As set forth above, Defendants’ staff at the Facility prevented Appellant’s new attorney from coming to see Appellant. Such an illegal and brutal act violated the basic human rights of an inmate. Appellant lost the chance of hiring a reasonable attorney. As a result, Appellant was unable to get back freedom due to the lack of fair representation.

Defendants' DOES at the Facility violated **Amendment One** for my freedom in choosing a different attorney in my criminal case, and in **Amendment XIV** which prohibits abridging the privilege of a citizen in having a desired attorney for legal assistance.

THIRD CAUSE OF ACTION - 42 U.S.C. § 1983 CIVIL RIGHTS VIOLATIONS

The Willful Blockage of Appellant 's Communication - Deprivation of My Freedom for Communication

Although there was no court restriction order for Appellant's communication, Appellant could not have phone calls and mails in Defendants' jail Facility. Such a blockage of communication seriously violated Appellant 's civil rights. It lasted all the time when Appellant was locked up at Defendants' jail with other torture to Appellant. Such willful conduct violated **Amendment One** for personal freedom and **Amendment XIV** for the privilege of my personal communication.

FOURTH CAUSE OF ACTION - 42 U.S.C. § 1983 CIVIL RIGHTS VIOLATIONS

Elder Abuse – Torture and Maltreatment at Appellant 's Senior Age

All these intentional hardships happened at Appellant 's senior age. Appellant was 67 years when I began to be locked up in Defendants' County jail in 2011. Appellant got extra and immense sufferings. Appellant almost lost hope for life in the face of such continuous torture and maltreatment. It was by luck that Appellant was alive to leave the county jail in Oct. 2015 and then finally got of the mental hospital ASH in July 2020 alive. (Complaint to US District Court, pp. 9-12.)

If anyone has some legal knowledge, he may see all these serious federal civil rights violations . The attorneys are experts in law matters but this new attorney seems ignorant about the laws in civil rights claims. Now, Defendants want to admit nothing while they cannot deny all the above facts. Ridiculously they cited **42 USC § 1983** for their Opposition to a Petition filled with their civil rights violations. It thus insulted this federal law.

Defendants' Big Lies

Defendants declared,

In October 2015, Mr. Zhang accepted a plea bargain deal in the criminal case under which he was convicted of aggravated assault under California Penal Code §245(b) with an enhancement under California Penal Code §12022.5(a), for using a firearm in the commission of a felony. ... He was sentenced to nine years in prison. ... (p. 4.)

It is a big lie about my criminal case. For this case, Respondents mentioned RELATED PROCEEDINGS, Jeff B. Zhang, Ph.D. v. Los Angeles County/Los Angeles Public Defender,

Jonathan Petrak, Rourke Stacy; United States Supreme Court Case Number 23-5165 ... (See Opposition, p. 2.)

Such a case reminds Petitioner of another group of rascals in Los Angeles County Public Defender Office, such as Jonathan Petrak, an evil in attorney' uniform. When the criminal case was set for a trial for April 2012, Jonathan Petrak, following the will of the Chinese communist agents, appeared at the LA County Superior Court on 2/24/2012 accusing a mentally healthy man, the Petitioner of serious mental illness. This rascal and others in the LA Public Defender Office forced Petitioner to go to Patten State Hospital for involuntary antipsychotic medication. They did so to sabotage a well-scheduled jury trial which would expose the vice of the Chinese communist agents and set Petitioner free. To do so, this rascal even made false document with my signature to drive away a good attorney (Kimberly Green) from my case. Such a rascal attorney destroyed the trial for the criminal case. Petitioner in that case pointed out that if rascal Jonathan Petrak did not make such a false accusation, Petitioner would get released via a trial and did not need to serve a nine- year prison term. Thus, the government agencies under the Los Angeles County are usually corrupt. TTCF is another example. Its bad sheriffs, Defendants DOES brought a lot of harm to me during my stay there as Petitioner stated in the Causes of Action, International tort, block my attorneys, block my communication, etc. But all were taken as frivolous by George Wu (GW) and Pedro V. Castillo (PVC) at the California District Court for the Central District of California as such federal court judges wickedly shut their eyes to let Defendants escape from all the serious legal liabilities.

Petitioner must say that this statement by Defendants is a big lie. In October 2015, Plaintiff was not convicted of aggravated assault. It was only another intentional tort by a rascal state bar attorney by the name of Steve Escovar. He got money (5k) from me to serve as a private defense attorney, and he promised to set me free as he knew that Petitioner was innocent in the criminal case. However, after he got money from me, he soon started to work for the Chinese communists. On October 8, 2015, it was sentencing day at the LA Superior Court for the criminal case BA391915. Judge Abzug checked all the facts and came to realize that Petitioner did not make any serious crime, thus he declared that he would set me free with one year for parole. However, at this moment, Escovar stood up yelling hysterically, "No parole! No parole! Never parole!" Under such a bizarre situation, the judge changed to sentence me nine years in state prison. That was all about my criminal conviction. Now, Defendants for this case want to mess up all the facts to delete their legal liabilities, so they gave such a bizarre statement in their Opposition.

So, one may see, these government employees are all willing to serve the Chinese communist regime to persecute a China democracy advocate, the Petitioner in this case because they received money reward from the Chinese communists. Otherwise, how can one explain the cause of why these rascal public employees and private professionals all love to harm an innocent citizen of the United States? Rascal Jonathan Petrak, the rascal sheriffs in TTCF, the rascal state bar attorney Steve Escovar. There are a few others. They all love the

Chinese communists because they can get money reward for their persecution against Petitioner, a China democracy advocate. In Nov. 2022, Petitioner filed Petition for the criminal case (Supreme Court #22-6005). In the Petition, Petitioner listed the vice committed by the public employees and private professionals. There was a detailed account about such a group of rascals working for the Chinese communists including these Defendants for this civil case. California Department of Justice (CDOJ) representing all the defendants, understood what Petitioner said in the Petition was all true. Thus, the Deputy Attorney General only filed WAIVER as the response. When Petitioner filed Petition Zhang v. Los Angeles County/Los Angeles County Public Defender Office, et al. (case No. 23-5165), there was no response from Defendants. It was clear that all Petitioner accused of was true facts. Now, Petitioner filed this case Zhang, v. Los Angeles County/Twin Tower Correctional Facility because the federal courts do not want apply laws for this civil case. Defendants now filed Opposition but it is filled with distorted facts or nonsense.

The Rampant Corruption at California State Courts

Petitioner would remind the United States Supreme Court that the lower courts in California are usually corrupt in dealing Petitioner's cases. The Los Angeles County Superior Court, the California Second Appellate Court are very corrupt as they stood on the side of the government officials or white private professionals.

Defendants declared,

Mr. Zhang filed a Notice of Appeal to the Second Appellate District of the California Court of Appeal. ... His appeal was dismissed on July 7, 2022 ... for failure to comply with court rules. ... Mr. Zhang's petition for relief from the dismissal was denied by the California Supreme Court on September 21, 2022. ... (See p. 6.)

Such an issue of dismissal was willfully caused by its error in dealing with this appeal case. For such a cause, on July 14, 2022, Petitioner wrote a document entitled, "**Appellant's Strong Objection to the Defendant's Deceitful and Absurd Opposition to Motion for Case Reinstatement.**" Petitioner talked about such a problem as follows,

B. This Longtime Delay Problem Was Entirely Caused by the Trial Court

However, after filing the appeal, one thing always bothered me. Appellant found that although the case got dismissed on Feb. 22, 2022 by the trial court, I could not see the dismissal order signed by the Judge. There was only a court Minute Order for it. I believed it was a problem for appeal so I made phone calls to the clerk at Dept. 17, but the clerk told me again and again that the Minute Order issued on Feb. 22, 2022 was the final court order, and that it should be sent to the Appeal Court for appeal, and that the Judge did not need to sign it. The clerks insisted on saying so as one clerk even told me to let the Appeal Court clerk contact her about such an issue. Since the clerks said so resolutely, I had to believe them. After all, they worked as court clerks who should

know such a procedure well. Time went by and then in early May, Appellant was informed by the Appeal Court clerk via a paper notice that according to California court rule, Appellant must get a signed dismissal order from the trial court for appeal. Appellant thus quickly went to the trial court and talked to the clerk in Dept 17. But she gave the excuse that the court was having a trial for a case so I must wait. Such a devastating situation was stated in my **Points and Authorities in Support of the Motion** dated June 16, 2022 as follows:

On March 7, 2022, Appellant Jeff B. Zhang, filed his appeal at California Second District Court of Appeals for the case 21STCV27608 from Dept. 17 of Los Angeles County Superior Court. It is assigned B319713 at your Court. However, due to the excessive delay by the trial court in filing the dismissal order for the case, the Appeal was delayed for a long time.

From the Code Civ. Proc. § 904.1, and California Rule of Court, standard 2.1, the trial court failed to comply with the court rule (see p. 3, Declaration.) Although Appellant finally was able to file the dismissal order on May 18, 2022 in person at Appeal Court, Appellant lost the required time (60 days) for filing this case. From March 7th to May 18th, it took 70 days for the dismissal procedure. During the time, Appellant tried very hard with many phone calls to get the court document but the trial court refused to assist for many days on the ground that the Minute Order was the only and final order for the case. On May 3, 2022, when Appellant got order from the Appellate Court for such a document based on Code Civ. Proc. § 904.1 (see Exhibit A.) Appellant went to the trial court and talked to the court clerk about the problem. Although the clerk agreed to provide the dismissal order, she gave excuse that the court was busy in those days and she told Appellant to wait for more days. Appellant waited for another two weeks before Appellant was finally informed of such a document on May 18, 2022 (see Exhibit B.) When Appellant got it, Appellant quickly filed it with a statement (see Exhibit C) to the Court that same day but learned later that it was out of date for the appeal procedure (see Exhibit D.) Appellant must reinstate the case. Appellant now requests that the Appeal Court understand that the late filing of this important document was caused by the excessive delay by the trial court. Such an act is unacceptable by the court rule (see Declaration and Exhibit E.)

Appellant now respectfully requests this court to consider his motion in light of the standards announced in *People v. Ribero* (1971) 4 Cal.3d 55, 65, that the power of appellate courts to grant relief from default "... is to be liberally construed to protect the right to appeal," especially this delay problem was entirely caused by the trial court while Appellant is still a *pro per* litigant who is unable to get a lawyer for legal assistance due to financial restraint.

The Appellant Court issued order dated June 07, 2022 (see Exhibit D) which allows Appellant to file a motion to reinstate the case within 15 days of the date of the order. As pro per, Appellant did not meet the requirement when he filed it on June 9, 2022. Now, with this Memorandum, Appellant respectfully moves this Court for an order to reinstate this case. (See Exhibit B.)

In the Declaration for the Case Reinstatement Motion dated June 15, 2022, Appellant cited **California Rule of Court, standard 2.1** to tell that it was unacceptable for the trial court to delay such a long time to file the dismissal order after the lapse of 70 days.

(a) Court responsible for the pace of litigation

To enable the just and efficient resolution of cases, the court, not the lawyers or litigants, should control the pace of litigation. ...

Therefore, as mentioned above, **“this long time delay problem was entirely caused by the trial court.”** Appellant had no way to do anything for such a willful delay by the trial court. But California Second Appellate Court refused the delay from the trial court by dismissing my appeal. As the Administrative Presiding Judge for this appeal court, Elwood Lui illegally refused my appeal due to the willful delay caused by the trial court. Simply Elwood Lui did not want to work for laws for this case. Now, Defendants made their statement to cheer for the illegal dismissal at the California Second Appeal Court while shifting all the blame on Petitioner.

After the lower state courts all made illegal verdicts, the California State Supreme Court would always refuse to review the cases of serious federal civil rights violations and filled with terrible judicial corruption at the lower courts. This state supreme court does not do his work to fight against corruption at the lower courts, thus, judicial corruption is rampant in California. All these state courts violated the US constitution Amendment XIV as they refused to provide within their jurisdiction the equal protection of the laws to the less advantaged class. They love to help or defend the officials and rich people by illegal means. They used double standard to treat Petitioner as subhuman for their nonsensical ruling based on race, national origin, color, political affiliation, age, financial status. They violated Civil Rights Act of 1964 which prohibited such illegal practice in the judicial system. In the federal court system, George Wu and Pedro Castillo are as corrupt as can be at the Central District Court for California. Whatever serious cases Petitioner filed, they would impose “frivolous” on them and then quickly dismissed the cases. They are some swindlers in judicial uniforms. This case is only one of the examples of their immense corruption.

Defendants declared, “Throughout his petition, Plaintiff improperly makes factual representation that are unsupported by the record.” (See p. 9.)

This is another big lie. For example, right after the vicious assault on March 10, 2013 at Defendants’ Facility, TTCF, a young sheriff came to the place. Petitioner told him that I was viciously attacked by the rogue inmate. While sending me to the medical clinic, he told me that

he would write a report about the incident. However, Plaintiff never got a copy for his report, and the officer disappeared as he never came back. Thus, there was no record about the incident. However, Petitioner filed many Healthcare Request Form at TTCF for the treatment of the pain and the strong numbness on the head which lasted for a few years. Petitioner still have some copies in hand. If Defendants insist that there is no record to support, Petitioner can show them some copies about the medical forms that I filed upon request.

History Reveals Innocent Petitioner Received Torture and Death Threat All the Time

About the History of Mr. Zhang's claims under the Government Claims Act and Prior Complaint, Respondents/Defendants tried to distort the facts as much as they can.

Defendants stated, "On July 30, 2013, Mr. Zhang submitted a claim to the County under the California Government Claim Act, asserting he had been injured by his cellmate on March 11, 2013."

When Petitioner received the reply letter, the deputy clerk said it was time barred. However, from March 11, 2013 to July 30, 2013, it was only four more months. Therefore, Petitioner's claim was illegally denied in Sept. 2013 when Defendants sent the reply to me. Defendants illegally declared that they were right to deny my claims at that time. They should accept the claim in 2013 but they refused it with a lie for out of claim time.

Thus, Petitioner filed the action. Petitioner stated in the Complaint filed at the District Court,

Being the victim of a terrible assault by a rogue inmate, Plaintiff filed my claim within six months with the facts in the document "Tort Claim" on July 25, 2013. (See the Demurrer Exhibit C. and as Exhibit B for this document.) I made amendment quickly to provide more information but got their second letter as above saying that "the amended claim is not a timely presented amendment." I checked Government Code section 910.6. I don't see why it was not timely at that time.

In 2013, Petitioner filed the claim within six months but Defendants always denied it. Time was not barred at that time. Then Defendants said I filed it eight years later. They ignored the impossible conditions Petitioner faced in those years as Petitioner was completely isolated for legal assistance. Petitioner was tortured and was almost killed during those years because my case was controlled by the Chinese communist agents and the California government officials who worked for the Chinese communists for monetary reward. Petitioner suffered all the time due to the terrible persecution. There was rule that allowed an inmate to file a claim after he got released from the prison for something that happened years ago. Government rule also stated,

Equitable Tolling

(a) Equitable Tolling

The statute of limitations may be equitably tolled (extended, suspended, put on hold) when under certain circumstances:

Impossible: Filing a lawsuit was impossible or virtually impossible [Lewis v. Superior Court (1985) 175 Cal. App. 3d 366.]

When Plaintiff filed the case on July 28, 2021 at the trial court, Plaintiff issued a **Statement** about why I could not file the civil suit earlier. Plaintiff mentioned that the horrible maltreatment in the prison time made it impossible for Plaintiff to do something significant against these Defendants. Petitioner timely filed the claim for the First Cause of intentional tort by assaulting Petitioner in TTCF and then refused to take care of my serious wounds, Besides, if Plaintiff knew the filing of a government tort claim for second and third causes, i.e., blocking my attorney and blocking my communication by TTCF, and dared to file a lawsuit after Defendants denied the first cause in 2013, Plaintiff must get more harm and could not get out of the prison alive. After the release, Plaintiff faced poor conditions for life as mentioned in the **Statement** attached to the Complaint. Such conditions are also given in the different documents filed by Plaintiff for the case. Equitable Tolling thus should help solve such a demand from the Defendants about the timely claim or lawsuit.

Defendants Seriously Violated the US Constitution

In my Complaint to the US district court, Plaintiff stated with many facts that Defendants seriously violated Plaintiff's constitutional rights. Defendants violated Amendment One as they did not allow my attorney to see me in county jail in 2015. Defendants tortured me with premeditated murder plots in 2013 and afterwards refused to give me medical treatment, which were serious violation of Amendment VIII which prohibited "cruel and unusual punishment." Defendants seriously violated Amendment XIV as they deprived me of the privilege as a US citizen, and wanted to deprive me of life and liberty at county jail TTCF with death threat. Such conducts all fall under 42 USC § 1983 because Defendants **under color of state law, subjected Plaintiff to immense torture and maltreatment and "to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, ...** (R.S. §1979; Pub. L. 96-170, §1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104-317, title III, §309 (c), Oct. 19, 1996, 110 Stat. 3853.)"

For filing federal civil rights claims, a claim is not required as the law stated:

Not required if the claim falls under 42 U.S.C. § 1983 *Williams v. Horvath*, 16 Cal. 3d 834, 129 Cal. Rptr. 453, 548 P. 2d 1125 (1976). **Filing of a claim in compliance with state law does not toll the statute of limitations for a civil rights claim.** *Boston v. Kitsap County* (2017) 852 F. 3d 1182. (See pp. 10-11.)

Since Defendants seriously violated **42 U.S.C. § 1983**, Defendants has no right to apply any state statutes such as government tort claim or time barred on this case. Besides, the state statutes they adopted are inapplicable to this case.

Generally, state law immunities do not apply to 42 USC §1983 actions brought in either state or federal court. See *Martinez v. California* (1980) 444 US 277, 284 n8, 62 L Ed 2d 481, 488 n8, 100 S Ct 553. See also §13.11. **Federal law controls.** *Martinez v. California*, supra. See, e.g., *Jenkins v County of Orange* (1989) 212 CA 3d 278, 286, 260 CR 645.

Hence, Defendants' alibi of filing government tort claim cannot be adopted for their serious violations of the civil rights claims for **42 USC §1983**.

Local governments, municipal corporations, school boards, their special agents acting under color of state law (which may encompass implementation or enforcement of, e.g., a municipal or local law, regulation, policy, or custom) are "persons" subject to liability under 42 USC §1983. *Monell v Department of Soc. Servs.* (1978) 436 US 658, 56 L Ed 2d 611, 98 S Ct 2018.

These laws should be applied to refute Defendants' demand or requirement of filing a government tort claim before the civil suit. The key point is that Defendants committed intentional tort against Petitioner, and they seriously violated US constitution during my jail time. Defendants did not let me see a doctor when Petitioner suffered serious pain on the right side of the head, Defendants willfully ignored me for the need of emergency care let alone it was premeditated by these bad sheriffs with the attempt to kill me. A nurse did nothing at that time except providing a small pack of ice for pain relief, it did not work and Petitioner waited for the doctor to come but no doctor appeared. All were planned to make Petitioner suffer more. How can a government tort claim be used to let such a pack of vicious wolves escape from the serious legal liabilities? Defendants should check what is a government tort claim about and what is 42 USC § 1983, they talk two different aspects. Government tort claim is for non-intentional harm from the government agency employees while 42 USC § 1983 is about the deprivation of the civil rights guaranteed by US constitution. In this case, Defendants seriously violated the US constitution and some federal laws including **42 USC §1983**.

However, just because Defendants are some public employees at the county government agency, the district court thus wanted to let them free of their strong legal liabilities by dismissing this case at their will. At the Ninth Circuit, Defendants continued to cheat and oppress Petitioner with such a bogus alibi and other false statements. Defendants committed 100% deception in the civil case.

After the assault in March 2013, Defendants refused to let me have medical treatment when Petitioner suffered all the time with pain and numbness. California Title 15 required timely medical assistance to inmates but Defendants refused to do so. For the head injury, Petitioner repeatedly requested for the medical treatment but Defendants willfully ignored me

because they wanted me to die for this premediated assault. Therefore, the criminal was safe after the vicious attack. Petitioner pressed charge on him but Defendants ignored me. Besides, Petitioner had to wait for 50 days when the first doctor (a neurologist) saw me for the pain. Through checkup, the doctor found serious numbness on the head and it required more follow-up checkups but Defendants never let me see a neurologist again during the jail time when Petitioner left Defendants' TTCF jail in Oct. 2015. It was willful and serious civil rights violations as Petitioner suffered all the time. Defendants seriously violated my civil rights but the court judges at the federal courts all ignored them. George Wu and Pedro Castillo all took such violations as frivolous to deny my *forma pauperis* status, that is, they do not allow me to sue the outlaw DOES at the Defendant TTCF. When it came to appeal at the 9th Circuit, the judges there also picked up such nonsense to deny my *forma pauperis* status. These federal judges only protected the public officials or employees. They followed the wings of power, they used double standard to decide this case, i.e., these judges, like those Defendants, subjected innocent Plaintiff to subhuman while they placed these outlaws above the laws of the United States. That is why up till now, there is no law and justice for this case.

Defendants stated,

... On January 26, 2022, the Superior Court granted ten (10) days leave to amend the second cause of action for civil rights violations and the third cause of action for blockage of communication. However, as of February 18, 2022, Plaintiff had not filed an amended complaint, thus, the County filed an ex parte application seeking dismissal of the entire action ...

However, the fact is, the Superior Court followed the Defendants' will to discard the First Cause of Action, Intentional Tort for this case, which is the most important part for this civil case. When the major accusation was willfully discarded by the corrupt judge, how could Petitioner be silent at such an absurd decision from the Superior Court?

US constitution Amendment One granted Petitioner the right of free speech and petition to the government for redress of grievances. Under such a guidance, Plaintiff thus wrote a document to disagree such a Tentative Ruling. The Defendants immediately filed ex parte to refuse it. If the judge was fair, he should deny such an ex parte application that had no merits. But he quickly accepted it and dismissed the whole case because in his mind, he only had the mission to follow the will of the Defendants, a pack of lawless sheriffs. It was serious violation of Amendment XIV, as the Superior Court refused to provide equal protection of the laws to Petitioner. In my document, Petitioner wrote that it was wrong to discard the first Cause of Action with reason and applicable laws, but the judge refused Petitioner as he wanted to dismiss the case as soon as he could, which was the will of the lawless Defendants. They were guilty to help the Chinese communists in persecution against a China democracy advocate. Defendants only wanted monetary reward by torturing innocent Petitioner in their Facility.

The Corrupt Judges Never Want to Recuse Himself

In my experience with the California Central District Court, Judge George Wu and Magistrate Pedro Castillo always want to harm me with their strong prejudice and rascal attitude. It is clear to Petitioner that they only want to kill all the cases that Petitioner filed at this Court. They love to impose "frivolous" on the serious federal civil rights claims that Petitioner filed. Besides, despite my repeated demand with strong accusation with facts and laws for disqualifying such rascal judges, they never want to quit from my cases.

28 U.S.C. § 455 – Disqualified of Justice, Judge

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

Corrupt judges all willfully ignored this law. They discarded it because they want to continue with their judicial corruption for their own benefits. Although Petitioner repeatedly filed request/demand to disqualify the corrupt judges, they stayed on with the purpose of dismissing all my cases. As federal court judges, their mission is to work for laws and justice. However, they changed their mission to dismiss every case that Petitioner filed at this court regardless the serious violations of the US constitution and federal laws by the defendants listed in my Complaints. Such corrupt judges made lies, distorted the facts, and refused to apply US constitution and federal laws in my cases. They are swindlers in judges' uniforms at this federal court. The corrupt judges love to **"... misuse of the power of the court; it is an act done in the name of the court and under its authority for the purpose of perpetrating an injustice.** [Citation] (S. A. *Madison* 2014) 229 Cal. App. 4th 27, 41.)" It seems to Petitioner that corruption is so rampant in California state courts and in the cases at the Central District Court of California that no one can stop their lawless conduct against an innocent citizen of the United States.

Corruption Is Organized Crime in California

Looking at the government agencies and the court system, corruption is widespread and rampant in some agencies. Defendants' TTCF and the DOES, the state courts in California such as Los Angeles County Superior Court, the California Second Appellate Court, George Wu and Pedro Castillo at the US District Court for the Central District of California are all very corrupt. They are all paid by tax dollars but they only work for the privileged class such as the government officials or employees, and the rich people. They did all kind of illegal things under the name of courts. Such negative reality reigned over all the criminal and my civil cases. Besides, these outlaws can use tax dollars to hire sly and wicked attorneys to make sham defense for them with all kind of tricks and inapplicable laws to fool around the courts and to oppress a pro se litigant. This civil case is only another example.

The Honorable Diego Garcia-Sayan, United Nations Special Rapporteur on the Independence of Judges and Lawyers stated in his writing, "Corruption, Human Rights, and Judicial Independence,"

Corruption in the Judicial System

Corruption undermines the core of the administration of justice, generating a substantial obstacle to the right to an impartial trial, and severely undermining the population's trust in judiciary.

Illicit interferences with justice can also be violent, particularly when perpetrated directly by members of organized crime. These forays are intended to secure specific objectives, such as the closing of a particular case, or the acquittal of a given individual.

(United Nations, A/72/140.35 July 2017.)

Hence, as Honorable Diego Garcia-Sayan stated, "Illicit interferences with justice can also be violent, particularly when perpetrated directly by members of organized crime. These forays are intended to secure specific objectives, such as the closing of a particular case, or the acquittal of a given individual." That was how the case was dismissed at the trial court, and at the California Second Appellate Court. Later, after Plaintiff changed the venue of court, the California Central District Court and the Ninth Circuit all love to help the Defendants, a group of public employees, or in fact a pack of wolves in my criminal case.

Clearly, what these corrupt judges at the federal and state courts have done aimed at the closing of this civil case as soon as possible to meet the wish of the Defendants. Under the name of the courts, what they wrote as order or decision is only a natural product of their strong corruption. Despite of my indisputable facts in the Complaint, these judges love the distorted facts with inapplicable laws and some inapplicable legal sources to dismiss this case. George Wu and Pedro Castillo at the Central District Court of California are very capable of cheating a pro se litigant by all means. That is why Plaintiff repeatedly pointed out in some documents:

Hey, corrupt judges, you can do whatever you want to this case. As a doctor in a life science, Plaintiff has no interest to play with your corruption. You can deny everything from Plaintiff for the case now. But you are forever on the shameful monument for your impudence, wickedness, and corruption in the American judicial system.

In face of such corrupt judges, the Defendants have paid great respect to them as their corruption saved Defendants from the serious liabilities. Meanwhile, the Defendants, assisted by the sly and wicked attorneys, tried to shift all the blame on the Petitioner. They gave all kinds of excuses such as saying, "Moreover, Zhang never filed a substantive opposition to the Motion to Dismiss, further showing why the granting of the motion was appropriate."

As an outstanding example mentioned above, when the judge wrote a Tentative Ruling to dismiss the most important Cause of Action, intentional tort, the essence of this civil lawsuit, Petitioner quickly wrote my different opinion to oppose it strongly. However, the wicked Defendants immediately filed ex parte application to reprimand Petitioner for "failure to amend." Plaintiff wanted to exercise my constitutional right in Amendment One, the freedom to petition the Government for redress of grievances, Defendants illegally stopped Petitioner for "failure to amend." With such an absurd excuse, the judge immediately dismissed the whole case. Such a trick from a law firm and enjoyed by the corrupt judge made Petitioner go nowhere for laws and justice as Petitioner knew that the lower courts all want to help the rich or powerful. In this case, Defendants are a group of public employees working in a law-enforcement agency, i.e., TTCF under County of Los Angeles. With corruption as the guidance at these lower courts, there is no law and justice for this case filled with federal civil rights claims.

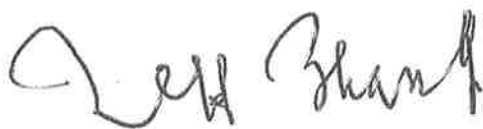
President Theodore Roosevelt pointed out: No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right, not asked for a favor.

As a victim of judicial corruption for this case, Petitioner wished to have some fair judges working for the case at the federal district court and the circuit court. But the reality is the reverse. These corrupt judges only want to make these lawless public employees free of their legal liabilities. They have abused the judicial power to force Plaintiff to stay below the law as a subhuman, or inhuman, the same treatment that Petitioner received when Petitioner was locked up in TTCF for a bogus criminal case. In early Nov. 2023, Petitioner was able to get a copy of my criminal record from the LA County Superior Court, Criminal Justice Center. As expected, almost all the documents were counterfeit about my criminal history for the case BA391915. Petitioner thus could not find the difference for the judicial system between communist China and the United States. Judicial systems for these two countries all work for politics, for the rich and powerful, but not for laws and justice. These judges are all corrupt as they did so based on my race, national origin, political affiliation, age and pro se status. They used double standard in ruling a case. In the United States, these Defendants and the corrupt judges all seriously violated Civil Rights Act of 1964.

Conclusion

Given the Reasons stated in this Reply, Defendants' Opposition is only a piece of trash to my Petition as its main idea is that Defendants can stay above the laws of the United States. Except distorted facts and inapplicable statutes, Defendants have no legal basis to oppose my Petition at all. The United States Supreme Court should review this case filled with federal civil rights claims since such a serious case has been denied by all the lower courts at state and federal levels, which refused to make "liberty and justice for all." Defendants and the corrupt judges have turned this civil case to demonstrate their racism and fascism against the Petitioner.

DATED this 24th day of May 2024

A handwritten signature in black ink, appearing to read "Jeff B. Zhang". The signature is fluid and cursive, with the first name "Jeff" being more prominent than the last name "Zhang".

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