

No. 24-299

IN THE
SUPREME COURT OF THE UNITED STATES

KENT KNOX JOHNSON,
Applicant,

v.

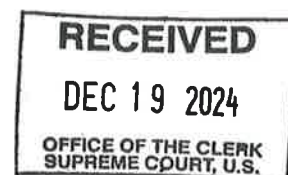
EL DORADO COUNTY SUPERIOR COURT,
et al.,
Respondents.

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

PETITION FOR REHEARING

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December 17, 2024



CORPORATE DISCLOSURE STATEMENT

The Corporate disclosure statement in the
Petition for Writ of Certiorari remains accurate.

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PETITION FOR REHEARING

The Petitioner, Kent Knox Johnson, petitions for rehearing this Court's November 12, 2024 Order denying his Petition for a Writ of Certiorari.

REASONS FOR GRANTING REHEARING

Supreme Court Rule 44.2 authorizes a petition for rehearing based on "intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented."

A. Void Judgments and Violation of Due Process.

The Petitioner filed a Complaint with the Ninth District Court raising numerous claims (103) of fraud upon the Court, racketeering and deprivation of civil rights.

The Petitioner's Complaint sought to reverse void State Court Judgments under F.R.C.P. Rule 60(b)(3). *See*, Petition for Writ of Certiorari, pages 11 – 30.

Through a series of procedural errors, the Federal Courts also deprived the Petitioner of his right to procedural due process, which deprived the right to be heard, having the controlling effect of a void Judgment, compelling F.R.C.P. Rule 60(b)(4) relief.

A fundamental Constitutional 5th and 14th Amendment requirement of due process of law, is: "Notice of the proposed action and the grounds asserted for it". *See*, Strauss, Peter (August 6, 2007), "DUE PROCESS", *Judge Henry Jacob Friendly's* due process list, item 2.

"A judgment rendered in violation of due process is void[...]." *See*, *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286 (1980).

B. Ninth District Court's Defective Summons.

The Ninth District Court, E.D.O.C., herein District Court, at the time of filing the originating Complaint, erred in its production of the Summons. Defendant Ronald D. Alling, one of the twenty-three Defendants named in the Complaint, was omitted from the Summons. (See, Ninth District Court, E.D.O.C. case number 2:23-cv-02843-DJC-CKD, Complaint and Summons.)

The defective Summons precluded service of process notice, to **all** of the named Complaint Defendants.

Though the summons error was detected the day after filing the Complaint, the Ninth District Court had already, errantly, dismissed the case on its own accord, under the *Younger* and *Rooker-feldman* doctrines. See, Petition for Writ of Certiorari, Appendix C – Dismissal Order, Ninth District Court.

Having entered Judgment immediately after dismissal, the District Court Clerk recommended raising the Summons issue in any subsequent appeal in the United States Circuit Court of Appeal for the Ninth Circuit, herein, Ninth Circuit Court. See, Petition for Writ of Certiorari, Appendix B – Entry of Judgment, Ninth District Court.

C. Ninth Circuit Court Denies Writ of Mandamus.

The Plaintiff (Petitioner) appealed the District Court's errant dismissal to the Ninth Circuit Court.

The District Court had disregarded many Complaint claims of material fraud, which is bad faith, that are settled exceptions to the *Younger* and *Rooker-Feldman* doctrines, producing a void judgment under F.R.C.P. Rule 60(b)(3). See, Petition for Writ of Certiorari, Appendix D – Motion for

Reconsideration, App. 15 – 23. (See, Ninth Circuit Court, case 23-4328, docket item 11, Opening Brief, pages 43 – 73.)

Service of process to the Complaint Defendants for purposes of review, became, irrelevant or moot, after the District Court dismissed the Plaintiff's (Petitioner's) case on the District Court's own accord.

Due process was **only** satisfied between the Plaintiff (Petitioner) and the Ninth District Court, E.D.O.C., both of which had notice of the proceeding from the initial filing. There were no other parties to the Ninth Circuit Court review proceeding, case 23-4328.

The original Complaint Defendants were not part of the Appeal, as indicated by attorney Brady Dewar of The California State Bar, herein CalBar:

“My name is Brady Dewar, and I will be representing the State Bar and its employee[...] Please also note that neither the State Bar nor Ms. Velazco have been validly served, nor can they be, as your complaint was dismissed and the district court matter closed via the court's order and judgment dated December 7, 2023. As such, the State Bar and Ms. Velazco are not parties to the Ninth Circuit appeal and will not be responding to your motion in the Ninth Circuit.” See, case 24-299, “Case Caption Statement”,

*page 1, received by the U.S.
Supreme Court on July 23, 2024.*

The Appellant (Petitioner), however, attempted to expediate a settlement by filing a “Motion to Amend Summons and Have U.S. Marshal Serve Process”, with the Ninth Circuit Court. (See, Ninth Circuit Court case 23-4328 docket item 3, Motion Misc. Relief, January 23, 2024.)

The Motion sought to correct the defective Summons and complete service of process by the U.S. Marshal for difficult to serve individuals, including a California appellate Judge whose whereabouts were unknown after the California Commission on Judicial Performance forced his retirement for misconduct.

Correcting the Summons and completing service of process on all twenty-three Defendants, after joinder, would permit the Circuit Court review to both reverse the errant dismissal under the *Younger* and *Rooker-Feldman* doctrines, while simultaneously settling claims of fraud raised in the Appellant Opening Brief, enhancing judicial efficiency. (See, Ninth Circuit Court 23-4328, docket item 11 Opening Brief, pages 43 – 73.)

The Appellant (Petitioner), reasoned if the Ninth Circuit Court found the California State Court proceedings were without authority, under any one of a wide range of Constitutional due process or fraud grounds (F.R.C.P. Rule 60(b)(3) or Rule 60(b)(4)), the parties could be forced back to negotiations for a quick and fair settlement, avoiding a costly and embarrassing trial.

The Circuit Court then chose to hear the “Motion to Amend Summons and Have U.S. Marshal Serve Process”, as a separate Writ of Mandamus under a new case number, 24-438, with a new case caption

KENT KNOX JOHNSON v. UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA. (See, Ninth Circuit Court case 24-438, Writ of Mandamus.)

The Ninth Circuit Court denied the Writ of Mandamus, leaving service of process to the original Defendants, EL DORADO COUNTY SUPERIOR COURT, *et al.*, incomplete as attorney Brady Dewar correctly indicated. *Supra* at page 3.

The Ninth Circuit Court, after denying the Writ of Mandamus in case 24-438, errantly failed to change the case caption and Parties in the related Appeal, case number 23-4328,

From: KENT KNOX JOHNSON v. EL DORADO COUNTY SUPERIOR COURT, *et al.*, which lacked procedural due process notification;

To: KENT KNOX JOHNSON v. UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, which satisfied procedural due process. (See, Ninth Circuit Court 23-4328, docket Parties.)

Having failed to correct the docket title and update the Parties of case 23-4328, to KENT KNOX JOHNSON v. UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, the Ninth Circuit Court again erred, acting without due process, by adding an appearance for the Superior Court Referee, L. Mark Bissonnette, and filing his Motion to Dismiss the Appeal.

Errantly, the Ninth Circuit Court then acted on L. Mark Bissonnette's Motion to Dismiss, summarily affirming the District Court's dismissal without review, without completion of service of process,

denying the Appellant's (Petitioner's) right to be heard. *See*, Petition for Writ of Certiorari, Appendix A – Order Affirming, Ninth Circuit Court of Appeal.

The Ninth Circuit Court denied due process to the Appellant (Petitioner), filing and acting upon a Motion filed by a non-party to the Appeal, who could not be added from a defective summons that was never amended.

The motion to dismiss should have been rejected, as service of process to the original Complaint Defendants remained incomplete, as CalBar attorney Brady Dewar indicated. *See*, U.S. Supreme Court case 24-299, "Case Caption Statement", page 1, received by the U.S. Supreme Court on July 23, 2024.

The summary affirmation made while depriving procedural due process, precluded the Appellant's (Petitioner's) Constitutional right to review and to be heard for his Appellant Opening Brief and the many claims of fraud upon the El Dorado County Superior Court proceedings, under Rule 60(b)(3).

"The right of a litigant to be heard is one of the fundamental rights of due process of law. A denial of the right requires a reversal."
Council Of Federated Organizations v. MIZE, 339 F.2d 901 (5th Cir. 1964).

D. Supreme Court Falsely Presumed Due Process.

The *pro se* Petitioner, having been repeatedly denied procedural due process, then drafted his Petition for Writ of Certiorari, changed the case caption to: KENT KNOX JOHNSON [...] v. UNITED STATES DISTRICT COURT, EASTERN DISTRICT

OF CALIFORNIA, the only proceeding satisfying procedural due process, printed and bound forty copies, included a “Case Caption Statement” and fee, sending it to the U.S. Supreme Court. *See*, “Case Caption Statement”, page 1.

The U.S. Supreme Court received the documents on July 23, 2024 and rejected them. *See*, Appendix 1 – ‘Original Petition’.

In a phone conversation, the Clerk of the U.S. Supreme Court indicated that the case caption should match the (errant) Ninth Circuit Court’s case caption, and the U.S. Supreme Court probably could not file the Petition for Writ of Certiorari without correcting the case caption.

With no other means to be heard, the *pro se* Petitioner then reprinted and bound forty copies with the case caption changed to: KENT KNOX JOHNSON v. EL DORADO COUNTY SUPERIOR COURT, *et al.*. Service of process remained incomplete and would have to be corrected or the case caption would have to be changed, before the U.S. Supreme Court could either grant or deny Certiorari.

The Petitioner also delayed refileing, fixing another perceived deficiency the clerk pointed out, of filing prior to a final entry from the Ninth Circuit Court.

Post final Ninth Circuit Court entry, the U.S. Supreme Court docketed the revised Petition for Writ of Certiorari.

Upon receiving the Notice of Docketing case 24-299, from the U.S. Supreme Court Clerk, the *pro se* Petitioner sent, by U.S. mail, a copy with the Notice and Waiver to each of the General Counsels of the organizations likely to represent the Defendants and

the Ninth District Court and Ninth Circuit Court. *See*, September 30, 2024 proof of service.

The Petitioner hoped that the general counsel for each entity would provide representation for all the individuals on the waiver, completing service of process.

Approximately half of the twenty-three Complaint Defendants responded with a waiver, acknowledging notification of the pending US Supreme Court Petition for Writ of Certiorari.

However, no response was received from the Ninth District Court, Ninth Circuit Court, or the California State Courts. The California Attorney General and California State Bar provided a waiver, but neither acknowledged representation for their officers, as the individuals.

The Petitioner then, via certified mail return receipt requested, re-served the California Courts and Referee, who again failed to respond. The returned receipts indicated the El Dorado County Superior Court, California Third District Court of Appeal and Referee had been served.

However, nine individual Judges and two individual State Officers (AG and CalBar) had failed to respond. The Petitioner and Supreme Court had no proof the individuals were served.

Without proof of service of notification, the U.S. Supreme Court's presumption of jurisdiction was incorrect. Even though the Supreme Court is a Court of original jurisdiction, notice must still be provided to the individuals, and leave to join the proceeding would also have to be granted, which never occurred.

To rectify the lack of Notice to eleven difficult to serve individuals, whose whereabouts are unpublished, and to preclude a void U.S. Supreme

Court order denying or granting the Petition for Certiorari, the Petitioner sent an Emergency Application for Writ of Mandamus to Extend Time and Order the U.S. Marshal to Complete Service, to the Honorable Elena Kagan, Associate Justice of the Supreme Court.

The U.S. Supreme Court Clerk on November 8, 2024 returned the application on the day of the conference, contending:

The Rules of Court make no provision for your "Emergency Application for Writ of Mandamus to Extend Time and Order the U.S. Marshal to Complete Service." See, U.S. Supreme Court Clerk's November 8, 2024 Letter.

The U.S. Supreme Court's presumption of jurisdiction is flawed.

The minimum requirements for Constitutional due process under the case caption, KENT KNOX JOHNSON v. EL DORADO COUNTY SUPERIOR COURT, *et al*, were never met at the time the Supreme Court denied the Petition for Certiorari or in the Ninth Circuit Court or in the Ninth District Court, E.D.O.C..

Procedural due process and the right to be heard were denied by the U.S. Supreme Court, because of confusion over the case caption that was errantly not updated in the related case 23-4328 by the Ninth Circuit Court, when the Writ of Mandamus was denied by the Ninth Circuit Court in case 24-438.

E. Procedural Due Process is a Controlling Effect.

To sustain a judgment, there must be evidence of procedural due process, and valid service of process under F.R.C.P Rule 4.

Service of process must include both the nature of the allegations, usually in the form of the Complaint, and notice of the actions required by the Court for the Defendants, in the form of a summons.

When the District Court dismissed case number 2:23-cv-02843-DJC-CKD on its own accord, the Complaint Defendants were no longer part of the Appeal, and despite extensive efforts by the Petitioner to amend the summons, provide service, and attempt joinder for judicial efficiency, the Defendants were never served process and never joined to the Appeal (case 23-4328).

This left only the Plaintiff (Petitioner) and Ninth District Court, E.D.O.C. as Parties to the Complaint.

Brady Dewar of CalBar, correctly indicated, that the original Complaint Defendants are not parties to the Ninth Circuit appeal. *Supra* at page 3.

L. Mark Bissonnette, however, exploited the Ninth Circuit Court's failure to update the case caption of the Appeal in case number 23-4328 after denying the Writ of Mandamus to complete service of process on the EL DORADO COUNTY SUPERIOR COURT, *et al.* Parties.

The Defendant in the Appeal should have been changed from: EL DORADO COUNTY SUPERIOR COURT, ET AL, to: UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, as was done in the Writ of Mandamus case 24-438, as soon as the Writ of Mandamus was denied, precluding

service of process to the El Dorado County Superior Court, *et al.*.

L. Mark Bissonnette, an attorney presumed to know the Law, abused process, committing a fraud upon the Ninth Circuit Court, purporting to be a Party to the Appeal. Mr. Bissonnette filed a Motion to Dismiss, in a proceeding to which he was not a Party.

L. Mark Bissonnette's actions intentionally deprived the Appellant (Petitioner) of his Constitutional right to be heard.

If the Ninth Circuit Court were to ever hear the Appellant (Petitioner), the undisputed evidence and clear statutory language would quickly prove numerous substantial frauds upon the Court. *See*, Petition for writ of Certiorari, page 13 – 30.

F. Rehearing and Certiorari is Mandatory.

Consequently, the Ninth Circuit Court deprived procedural due process, by failing to update the case caption and filing the Superior Court's Referee L. Mark Bissonnette's Motion to Dismiss, depriving the Petitioner's right to be heard for his claims of void Judgments arising from fraud and racketeering in the El Dorado County Superior Court.

"Certiorari is an appropriate remedy to get rid of a void judgment, one which there is no evidence [of jurisdiction or due process] to sustain." Lake Shore & Michigan So. Railway Co. v. Hunt, 39 Mich 469.

The Ninth Circuit Court's presumption of service of process, essential for procedural due process, being served to all twenty-three defendants is incorrect. The

Ninth Circuit Court's summary affirmation on motion from the Superior Court Referee is void, under F.R.C.P. Rule 60(b)(4).

"Furthermore, when Rule 60(b)(4) is applicable, "relief is not a discretionary matter; it is mandatory." Orner. v. Shalala, 30 F.3d 1310 (Colo. 1994).

CONCLUSION

The U.S. Supreme Court Clerk was incorrect, the proper case caption for the Petition for Writ of Certiorari is: KENT KNOX JOHNSON v. UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA. This is the only Plaintiff and Defendant that meets the Constitutional procedural due process requirement. The initial Petition for Writ of Certiorari should not have been rejected.

The Ninth Circuit Court erred, failing to change the case caption in the related Appeal, and erred summarily affirming, by acting on a Motion to Dismiss from the Superior Court Referee, who is not a Party to the Appeal.

The Referee, an attorney presumed to know the Law, committed a fraud upon the Ninth Circuit Court, filing a motion to dismiss in a case to which he was not a Party.

Procedural due process was lacking in the Ninth Circuit Court's hearing, precluding granting of a motion to dismiss from a non-party to the Appeal proceeding.

The summary affirmation is void and the Petitioner has a right to review and to be heard for the

District Court's errant dismissal Judgment, which is void from many counts of fraud.

"Certiorari is an appropriate remedy to get rid of a void judgment." *Supra* at page 11. Rule 60(b)(3) and Rule 60(b)(4) are applicable, relief is **MANDATORY**. [Much emphasis added.] *See, Orner. v. Shalala.*

Rehearing and Certiorari must be granted.

Dated: December 17, 2024

Respectfully submitted,



Kent K. Johnson pro se

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CERTIFICATE OF GOOD FAITH – RULE 44

Pursuant to Supreme Court Rule 44, the Petitioner to the best of his ability, hereby certifies that this Petition for Rehearing complies with the restrictions of Rule 44 and is presented in good faith and not for delay.

Dated: December 17, 2024

Respectfully submitted,



Kent K. Johnson pro se

//

Appendix 1 – ‘Original Petition’

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No. _____

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individually and on behalf of himself and all others
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Petitioner,

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July 18, 2024

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July 15, 2024

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