

No:

In The  
**Supreme Court of the United States**

Ricky-Dean Horton,

Petitioner

v.

PG&E CORPORATION and  
PACIFIC GAS AND ELECTRIC COMPANY,

Respondents

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

---

**PETITION FOR WRIT OF CERTIORARI**

---

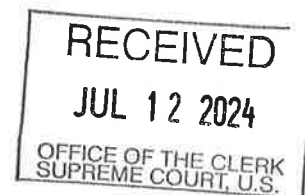
Ricky-Dean Horton

*Petitioner in Pro Se*

2401 Waterman Blvd., Ste 4A-242

Fairfield, California 94534

Phone: 707-249-0227



## QUESTIONS PRESENTED

### **28 US Code § 2072:**

(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of appeals.

(b) Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

### **28 US Code § 2075:**

The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure in cases under title 11.

Such rules shall not abridge, enlarge, or modify any substantive right.

The statement of any question presented is deemed to comprise every subsidiary question fairly included therein.

### **The questions presented are:**

1. Whether the proceedings in the U. S. Bankruptcy Court N.D. Cal. failed to follow the rules and procedures for a fair and just determination of Petitioner's case and claim?
2. Whether the U. S. Bankruptcy Court N.D. Cal., and the U.S. District Court N.D. Cal., and the 9<sup>th</sup> Circuit Court used or abused the statutes, rules or procedures to abridge, enlarge or modify the substantive rights of Petitioner?

### **PARTIES TO THESE PROCEEDINGS**

I, Ricky Dean Horton am the Petitioner. I am, and was at all times, a living sovereign man with my home in Solano County, California.

Respondents are PG&E Corporation and Pacific Gas and Electric Company (Collectively, "PG&E").

### **RULE 29.6 STATEMENT**

Petitioner is not a corporation. There is no parent or publicly held company with 10% or more of a corporation's stock.

### **RELATED PROCEEDINGS**

- A.** United States Bankruptcy Court Northern District of California (Bkr. N.D. Cal.), No. 19-30088(DM). Ricky-Dean Horton, Claimant v. PG&E Corporation and Pacific Gas and Electric Company, Reorganized Debtors. Entry of Judgment July 22, 2021, Motion to reconsider was denied on October 07, 2021;
- B.** United States District Court Northern District of California (N.D. Cal.): No. 22-CV-06367-HSG. Ricky-Dean Horton, Appellant/Plaintiff v. PG&E Corporation and Pacific Gas and Electric Company, Defendant/Appellees. Entry of Judgment March 21, 2023. Motion to Reconsider was denied on April 19, 2023;
- C.** United States Court of Appeals for the Ninth Circuit (9<sup>th</sup> Cir.): No. 23-15716. Ricky-Dean Horton, Appellant/Plaintiff v. PG&E Corporation and Pacific Gas and Electric Company, Defendant/Appellees. Judgment entered on August 16, 2023. Motion to reconsider was denied on February 26, 2024.

## TABLE OF CONTENTS

|  |        |
|--|--------|
| Questions Presented.....                             | i      |
| Parties to these Proceedings.....                    | ii     |
| Rule 29.6 Statement.....                             | ii     |
| Related Proceedings .....                            | ii     |
| Table of Contents.....                               | iii-iv |
| Table of Cited Authorities.....                      | iv     |
| Opinions Below .....                                 | 1      |
| Jurisdiction .....                                   | 1-2    |
| Constitutional and Statutory Provisions .....        | 2-5    |
| Introduction .....                                   | 6-7    |
| Statement of the Case(s) .....                       | 8-19   |
| A. Case 19-30088(DM), Bkr. N.D. Cal.....             | 8-14   |
| B. Case 22-CV-06367-HSG, N.D. Cal.....               | 14-17  |
| C. Case 23-15716, 9 <sup>th</sup> Cir .....          | 17-19  |
| Reasons for Granting this Petition, Conclusion ..... | 20     |

## APPENDIX .....Appendix Page

**Appendix 1:** Disclaimer and reservation of rights  
filed in initial claim with PG&E (Aug 25, 2018).... 1-2

**Appendix 2:** Bkr. N.D. Cal, Initial Order (July 22,  
2021)..... 3-5

**Appendix 3:** Bkr. N.D. Cal, Petitioner's Motion to  
Reconsider (Aug 17, 2021)..... 6-21

**Appendix 4:** Bkr. N.D. Cal Final Order (Oct 07,  
2021) ..... 22-27

**Appendix 5:** Bkr. N.D. Cal, Petitioner's Notice of  
Appeal and Leave to Appeal (Oct 14, 2022).....28-33

**Appendix 6:** N.D. Cal., order granting PG&E's mo-  
tion to dismiss (Mar 21, 2023) ..... 34-36

**Appendix 7:** N.D. Cal., Petitioner's Motion to Re-  
consider (Apr 07, 2023) ..... 37-43

|   |       |
|---|-------|
| <b>Appendix 8:</b> N.D. Cal., Final Order Denying Motion for Reconsideration (Apr 19, 2023) .....                   | 44-45 |
| <b>Appendix 9:</b> N.D. Cal., Petitioner’s Notice of Appeal to Article III Court (May 05, 2023) .....               | 46-49 |
| <b>Appendix 10:</b> 9 <sup>th</sup> Cir., Order of summary affirmance of the N.D. Cal.’s order (Aug 16, 2023) ..... | 50    |
| <b>Appendix 11:</b> 9 <sup>th</sup> Cir., Petitioner’s Motion to Reconsider (Aug 16, 2023) .....                    | 51-54 |
| <b>Appendix 12:</b> 9 <sup>th</sup> Cir., Final Order denying Motion for Reconsideration, (Feb 26, 2023) .....      | 55    |

## TABLE OF CITED AUTHORITIES

### Constitution of the United States

|                               |   |
|-------------------------------|---|
| Preamble .....                | 2 |
| Article III § 1 and § 2 ..... | 2 |
| Article VI .....              | 3 |
| Amendment VII .....           | 3 |
| Amendment IX .....            | 3 |

### Statutes

|                              |                  |
|------------------------------|------------------|
| 28 U.S.C. § 158(c)(1)A ..... | 3, 15            |
| 28 U.S.C. §1254(1) .....     | 2                |
| 28 U.S.C. § 2072 .....       | i, 3, 15, 16, 18 |
| 28 U.S.C. § 2075 .....       | i, 4, 19         |

### Rules

|   |           |
|---|-----------|
| Fed R Civ P Rule 7(b) .....               | 4, 10, 11 |
| N.D. Cal. Civil Local Rule 1-2(b) .....   | 4, 16     |
| Bkr. N.D. Cal. Local Rule 9021-1(a) ..... | 4-5, 14   |

### Cases

|   |    |
|---|----|
| Trinsey v. Pagliaro, 229 F. Supp. 647 (E.D. Pa. 1964) ..... | 12 |
|---|----|

### OPINIONS BELOW

1. The United States Bankruptcy Court's (Bkr. N.D. Cal.) default order is reported in Bkr N.D. Cal. case no. 19-30088(DM) Doc# 10980, 10980-1 and is reproduced herein as Appendix 2.
2. United States District Court's (N.D. Cal.) opinion and order is reported at N.D. Cal. Case No. 22-CV-06367-HSG Document 13 and is reproduced herein as Appendix 6.
3. The 9<sup>th</sup> Circuit Court's (9<sup>th</sup> Cir) opinion and order is reported at 9<sup>th</sup> Cir Case No 23-15716 DktEntry 11 and is reproduced herein as Appendix 10.

### JURISDICTION

This Supreme Court of the United States of America has jurisdiction since the controversies between the United States Bankruptcy Court Northern District of California San Francisco Division, the Respondents PG&E, and myself as Petitioner, arise under the Constitution or the laws of the United States, and:

- a. the United States Court of Appeals for the Ninth Circuit (9<sup>th</sup> Cir.) granted Respondent PG&E's motion for summary affirmance of the N.D. Cal. Court's order to dismiss my Appeal for lack of jurisdiction. Order entered on August 16, 2023. Motion to reconsider denied and the final order entered on February 26, 2024.
- b. this Petition for Writ of Certiorari was originally filed within 90 days of the 9th Circuit court's final order dated February 26, 2024 denying motion for reconsideration and is corrected and returned within 60 days of the Clerk of the Court's letter dated May 28, 2024 to correct the petition so as to comply with the Rules of this court.

- c. the statute conferring jurisdiction is 28 U.S.C. §1254(1).
- 

*this small area is  
intentionally left blank*

---

## CONSTITUTIONAL AND STATUTORY PROVISIONS

**U.S. Const. Preamble:** “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America”.

**U.S. Const. Article III § 1:** The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. . .

**U.S. Const. Article III § 2:** “The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed”.

**U.S. Const. Article VI:** “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

**U.S. Const. Amendment VII:** “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”

**U.S. Const. Amendment IX:** “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

## STATUTES

**28 U. S. Code § 158(c)(1)(A):** “Subject to subsections (b) and (d)(2), each appeal under subsection (a) shall be heard by a 3-judge panel of the bankruptcy appellate panel service established under subsection (b)(1) unless— the appellant elects at the time of filing the appeal.”

**28 USC § 2072(b):** “(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of ap-



peals. (b) Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect."

**28 USC § 2075:** "The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure in cases under title 11. Such rules shall not abridge, enlarge, or modify any substantive right . . ."

## RULES

**Federal Rules of Civil Procedure Rule 7(b):** "Motions and Other Papers. (1) *In General.* A request for a court order must be made by motion. The motion must: (A) be in writing unless made during a hearing or trial; (B) state with particularity the grounds for seeking the order; and (C) state the relief sought."

**Civil Local Rule 1-2(b) United States District Court for the Northern District of California:** "Supplement to Federal Rules. These local rules supplement the applicable Federal Rules. They shall be construed so as to be consistent with the Federal Rules and to promote the just, efficient, speedy, and economical determination of every action and proceeding."

**B.L.R. 9021-1(a): Bankruptcy Local Rules for the Northern District of California:** "Prior to Hearings. Unless authorized by the judge or in the assigned judge's posted policies for submission of

proposed orders through ECF, no proposed forms of orders granting or denying motions shall be submitted with the moving or opposition papers prior to hearing. A copy of a proposed form of order may be attached as an exhibit to a notice or memorandum.”

---

## INTRODUCTION

The original claim that I filed against Respondents PG&E is seeking a remedy for the electrocution to the death of my brother Rory Nelson Horton.

Rory lived in the rural area of unincorporated Solano County, California. On September 5, 2016, Rory was in his neighbor's almond orchard with his two jack russell dogs when he tilted a hollow aluminum irrigation pipe into the upright position to retrieve a squirrel that was hiding inside the pipe. When the top of the pipe was in its most upright position, it contacted an uninsulated high voltage power conductor owned, operated, and energized by PG&E. Certain details of the electrocution and findings by the investigating personnel, records of the incident and among other allegations of PG&E's liability for Rory's electrocution are found in the original claim filed with PG&E Claims Department on August 25, 2018. The exact same claim was filed in the Bkr. N.D. Cal Court case no. 19-30088(DM) as claim no. 87111 on or around October 21, 2019.

As stated in the claim and found in attachment 3 on the last page of the claim is a "DISCLAIMER and reservation of all rights" that has never been opposed by Respondents PG&E. As stated in the terms, I was not waiving any rights or privileges whatsoever in the claim and that the claim would remain open and active until an agreement or settlement would be reached between myself and the representatives of PG&E, or until a judgment and decision by a jury in a court of competent jurisdiction has been reached. **The Disclaimer is reproduced herein as Appendix 1.**

As found in the following court proceedings, I further declared that I did not consent to any statutes or rules that could in any way diminish my inherent and substantive rights.

The allegations against PG&E and several elements of the causes for them to be liable for Rory's electrocution are stated in the original claim. Several of the allegations or elements are as follows:

1. multiple violations of the State of California Public Utilities Commission General Order 95, and more specifically of Rule 34F which requires all energized conductors to be covered with suitable insulation;
2. failure to take corrective action of a known safety hazard;
3. gross negligence resulting in death.

I am filing this petition for writ of certiorari because not only have I been denied a hearing in all of the lower courts, but the answer to the questions are vitally important to the inherent and substantive rights of the living people nationwide.

## STATEMENT OF THE CASE(S)

**Initial Jurisdiction:** Respondents PG&E Filed under Title 11 Bankruptcy Procedures and all claims against PG&E were to be filed in the United States Bankruptcy Court N.D. Cal.

**A. United States Bankruptcy Court (Bkr. N.D. Cal), No. 19-30088(DM).** Ricky-Dean Horton, Claimant v. PG&E Corporation and Pacific Gas and Electric Company, Reorganized Debtors, the Hon. Judge Dennis Montali presiding:

As stated previously in the Introduction, my claim against PG&E was filed on August 25, 2018 and forwarded as a claim on October 21, 2019 in the U.S. Bankruptcy Court. N.D. Cal.

Over a year and a half after my claim was filed, and on the evening of July 27, 2021, I discovered an email from around June 18, 2021 that PG&E counsel filed an Omnibus Objection to my claim. The court documents were seeking to disallow and expunge my claim on the basis that my claim was filed for “personal injury” and it should be disallowed and expunged due to the Government of the STATE OF CALIFORNIA’s own Statute of Limitations that a claim for “personal injury” should be commenced within two years. A hearing on the matter was scheduled the next morning of July 28, 2021.

My claim is NOT based on “personal injury”. However a default order was entered on July 22, 2021 for my failing to object by the date in the omnibus objection, **see Appendix 2 herein, Bkr. N.D. Cal Court ORDER, Doc# 10980,10980-1.**

Early the next morning, I attempted to upload a

written objection to the Omnibus Objection<sup>1</sup>. I also attended the video conferencing hearing that same morning of July 28, 2021, as scheduled in the notice.

Near the end of the hearing, I addressed the court and the presiding Judge Dennis Montali to object to my claim being disallowed and expunged. Judge Montali stated that he could not hear or act on anything on my claim since I was not on calendar to be heard. He stated that the proper procedure for me to be heard is to file a motion with the court. The transcript of the hearing is filed in the court case, *refer to Bkr. N.D. Cal Court Doc# 10993*.

On August 04, 2021 I filed a motion to be heard and a motion to reconsider the default order and it was filed as Doc# 11031<sup>2</sup>.

On August 18, 2021 I filed a more complete motion to reconsider to replace the previous Doc# 11031. I also set a hearing for my motions pursuant to Judge Montali's open calendar procedures. In my filing and Motion to Reconsider, I was providing essential elements to support my motion as well as meritorious defenses and other reasons why Judge Montali and the court should reverse the order that disallowed and expunged my claim. ***see Appendix 3 herein, Motion to Reconsider, Bkr. N.D. Cal Court Doc# 11074.***

Included as an exhibit in the same filing of Doc#

---

<sup>1</sup> The uploading of my written objection on July 28, 2021 was mistakenly filed as a duplicate claim and given a claim number 107857. I had no objection to PG&E correcting that mistake in their future filings.

<sup>2</sup> Bkr. N.D. Cal Court Doc# 11031. The motion was filed in haste for my fear to miss a deadline. It is not included herein since Doc #11074 replaced it completely.

11074 was my declaration and supporting documentation of my sovereignty (*EXHIBIT 1 is in original Bkr. N.D. Cal Court Doc# 11074.*)

**There has never been an objection that I am a living man with inherent sovereignty.**

A few days later, and on August 20, 2021 a surprise order was uploaded to the case, or somehow entered without following the Federal Rules of Civil Procedure (FRCP) Rule 7(b) or the local rules of the Bankruptcy Court. There was no motion for any such order to be entertained by the court and pursuant to the local bankruptcy rules no order can be made granting or denying a motion prior to a hearing.

The order with Judge Montali's stamped mark on it removed my scheduled hearing, changed PG&E's reason for disallowing my claim from "personal injury" to "wrongful death" and stated that the court would issue an order based on any response by PG&E to my previously filed motions, *refer to Bkr. N.D. Cal Court Doc# 11135.*

On August 24, 2021 I sent an *ex parte* letter to Judge Montali's Courtroom Deputy with my concerns that the order disregarded due process by removing my hearing date without following the rules of court, didn't allow a provision for me to provide a response to any response from PG&E, and other factors that could bring into question the integrity of Judge Montali and the court. I stated that the order didn't appear to be authored by Judge Montali and that there appeared to be fraud upon the court. The letter to the court was filed in the case, *refer to letter to the court filed in Bkr. N.D. Cal Court Case Doc# 11150.*

On August 25, 2021 an “order clarifying order” was entered which again appeared to be another order that was not authored by Judge Montali and again failed to follow the Federal Rules of Civil Procedure (FRCP) Rule 7(b). The order also stated that, *“there is no absolute right to an actual hearing on a motion such as this”*, refer to Bkr. N.D. Cal. Court Doc# 11154.

On August 31, 2021 I motioned the court to strike the Orders in Doc# 11135 and in Doc# 11154 since they violated the rules of court and disregarded due process found within FRCP 7(b) as stated previously, refer to Bkr. N.D. Cal. Court Doc# 11174.

Within the same Motion in Doc# 11174, I again brought attention to the court that People are born upon this world of life and creation and are living, breathing people because of creation. Therefore, it is known as a self-evident truth and fact that the living people are gifted by creation with fundamental natural and inherent [substantive] rights.

I alleged that the orders appeared to be frivolous and unlawful since there was no motion for the court to entertain any such orders. In my filing I stated,

*“THERE ARE NO KNOWN Provisions within the Bankruptcy Court’s or Judge Montali’s OPEN CALENDAR PROCEDURES that would allow for a Hearing Date to be taken off Calendar by an opposing party without following due process and/or in accordance with the Rules of the Bankruptcy Court’s Open Calendar Procedures, and among other things.”*

And,

*“BOTH ORDERS found within Dkts. 11135 and 11154 were filed by an UNKNOWN AUTHOR and Placed onto the public record of this PG&E*



*Case No. 19-30088 that could have been uploaded as a malicious act, or by someone that could be abusing/misusing the Stamp of Judge Montali which COULD JEOPARDIZE and undermine the integrity of this UNITED STATES BANKRUPTCY COURT.” (Refer to Bkr. N.D. Cal. 19-30088 Doc 11174 at pgs. 5-6)*

I further stated that I would reserve my right to Defend the Sanctity and Integrity of the Bankruptcy Court, including proposing sanctions against filers of unlawful orders and/or orders made without following the rules or due process. *(Refer to Bkr. N.D. Cal 19-30088 Doc 11174 at p. 12).*

I rescheduled a new hearing date for October 19, 2021 pursuant to Judge Montali’s open calendar procedures that were specific to the PG&E case.

Other disputes and motions were made between myself and PG&E counsel prior to the Hearing scheduled for October 19, 2021. All the while I was confirming the date of hearing as scheduled, attempting to bring attention to my sovereignty and substantive rights, objected to an additional order being uploaded into my claim that failed to follow the rules and procedures, incorrect statements and allegations made by PG&E counsel, and my objections to the statute of limitations being construed to deny my claim. *refer to Bkr. N.D. Cal. Court Doc#s 11240, 11244, 11245, and 11251.*

On October 5, 2021, I made an additional motion to strike opposing counsel’s declarations that are in support of disallowing and expunging my claim for “personal injury”. I stated that pursuant to a previous ruling *(found in case Trinsey v. Pagliaro, 229 F. Supp. 647 (E.D. Pa 1964)*, that statements of counsel in their briefs or arguments are not sufficient for

granting motions to dismiss or for summary judgment, *refer to* Bkr. N.D. Cal. Court Doc# 11377.

On October 07, 2021, 12 days prior to the scheduled hearing, an order was filed with the court denying my motion to reconsider, ordered my previous motion to be stricken from docket, advised that there will be no hearing on Oct 19, 2021, and ordered that I could never have a hearing on any other date. The order falsely claimed that I motioned to strike the previous orders simply because they were entered electronically. The order still claimed that I failed to address why my claim should be time barred when I continuously declared that my claim is not based on personal injury and the STATE OF CALIFORNIA government's statutes of limitations should not be construed to deny or disparage my substantive rights. The order appeared to disregard the rules of the court that restricts an order granting or denying a motion prior to a hearing. The new order again was filed without a motion or a hearing, **see Appendix 4 herein, Order, Bkr. N.D. Cal. Court Doc# 11386.**

On October 19, 2021, I attended the hearing via video teleconference to address the court. My claim was not on calendar to be heard. Pursuant to the local rules regarding the end of a hearing, a party may address the court for any matter. At the end of the hearing, I raised my "electronic hand" and waved into the camera to get attention that I wanted to speak. Judge Montali did not allow me an opportunity to address the court in any regard and he abruptly ended the hearing and briskly left the bench.

**Post Order Note:**

During this time in late 2021 was a very chaotic and trying time for my family and the rest of the Nation.

(Covid Pandemic). My father who was caring for my ill mother with my siblings' help and mine became seriously ill himself. Upon my father's death on November 14, 2021, my mother was more dependent on other family members, including myself, for her care. She too succumbed to her illness on June 6, 2022.

Upon the death of my mother and father, I was able to reassess the prior violations of the rules and procedures of the Bankruptcy Court, orders that were made up out of thin air, and the metaphoric dagger to my family's heart with an order authored (or authorized) by Judge Montali that I could never have a hearing on any other date.

On October 14, 2022, and upon knowing that the PG&E Bankruptcy Case was still on-going, I filed a Notice of Interlocutory Appeal and Motion for Leave of Court. I provided an excuse of reasonable neglect for my delay for granting Leave to Appeal based on the declining health and death of my mother and father. I further stated that there would be no prejudicial effect for granting my Appeal, **see Appendix 5 herein, Notice of Appeal, Bkr. N.D. Cal. Court Doc# 13084, (no exhibits included).**

My Notice of Appeal was providing a summary of my allegations against the Bankruptcy Court that were materially harmful to my case and claim. I also brought attention to the Bankruptcy Local Rules for the Northern District of California (B.L.R.) 9021-1(a), of which rule restricts proposed orders from granting or denying motions prior to a hearing.

---

**B. In the United States District Court Northern District of California Oakland Division, Case No. 22-CV-06367-HSG, Judge Haywood S.**

**Gilliam, Jr. presiding (N.D. Cal.).**

On October 21, 2022 my Notice of Interlocutory Appeal and Motion for Leave to Appeal was subsequently filed in the N.D. Cal., Oakland Division, case No. 22-CV-06367-HSG the Hon. Haywood S. Gilliam, Jr. presiding, **see Appendix 5 herein, Notice of Appeal, Bkr. N.D. Cal. Court Doc# 13084, (no exhibits included).**

My notice of Interlocutory Appeal and Motion for Leave to Appeal clearly stated that, pursuant to 28 USC 158(c)(1)A, I elected to have my appeal heard by the District Court, **see first page of Appendix 5 herein.**

On December 08, 2022 a motion to dismiss my appeal was made by Respondent PG&E. PG&E was claiming that the N.D. Cal. Court lacked jurisdiction to hear my appeal based on a statutory rule in the Bankruptcy Local Rules. A motion to stay all briefings was filed shortly thereafter; *see* N.D. Cal. Court Document 5 and 6.

I filed my reply that the N.D. Cal. Court should have jurisdiction to review the errors in the lower Bankruptcy Court. I brought attention to 28 USC 2072(b) which declares that the rules prescribed by the United States Supreme Court shall not be construed to abridge [or deny] my substantive rights, *refer to* N.D. Cal. Court Documents 8 and 11.

On March 21, 2023, an order was authored (or authorized) by the Hon. Haywood S. Gilliam, Jr. granting Respondent's motion to dismiss my appeal declaring that the N.D. Cal. Court lacked jurisdiction, **see Appendix 6 herein, ORDER, N.D. Cal. Court Document 13.**

On April 7, 2023, I motioned the court to reconsider the order since the order itself was based on incorrect or misleading evidence. The order stated that my claim in the underlying bankruptcy case is asserting damages from the wrongful death of my brother. However the Omnibus Objection and default order was based on the allegations that my claim be disallowed and expunged for “personal injury”<sup>3</sup>.

The order stated that the Bankruptcy Court found that my claim was barred by the statute of limitations, whereas there was no hearing whatsoever for the Bankruptcy Court to make any such finding.

The order stated that I was appealing an order of the Bankruptcy court, however my appeal was for more than just an order, but for the acts and controversies of the court and opposing counsel after the default order was filed, and for other violations of the rules of court that abridged my substantive rights.

I directed attention to 28USC § 2072(b) and N.D. Cal. Civil L.R. 1-2(b) to remind the court of the limitations that the Supreme Court imposed on United States Courts by the rules.

At the end of my Motion to Reconsider, I motioned the court to move forward with my interlocutory appeal, **see Appendix 7 herein, Motion to Reconsider, District Court Document 14.**

On April 19, 2023 a final order was authored (or authorized) by Judge Gilliam, Jr. that denied my motion to reconsider his earlier opinion to dismiss

---

<sup>3</sup> My claim is not based on “personal injury” or “wrongful death”. I previously reserved my right to correct or amend personal injury or wrongful death if incorrectly stated anywhere as the basis of my claim.

my appeal for lack of jurisdiction, **see Appendix 8 herein, ORDER, N.D. Cal. Court Document 16.**

I promptly filed a Notice of Appeal and requested, since the District Court lacked jurisdiction to address my appeal, that the Clerk of the Court forward my appeal to higher appellate court established under the authority of Article III of the United States Constitution, **see Appendix 9 herein, Notice of Appeal, N.D. Cal. Court Document 17 filed May 5, 2023.**

---

**C. United States Court of Appeals for the Ninth Circuit, San Francisco, Case No 23-15716, Circuit Judges Schroeder, Berzon, and Owens presiding (9<sup>th</sup> Circuit Court).**

On May 10, 2023, my Appeal was forwarded to, and received by, the United States Court of Appeals for the Ninth Circuit, San Francisco (9<sup>th</sup> Circuit Court). A timeline for filings were provided by the clerk of the court, *refer to 9<sup>th</sup> Circuit Court DktEntry: 1-1.*

On June 27, 2023, Respondents PG&E filed a motion for summary affirmance of the lower N.D. Cal. Court's order that dismissed my Appeal for lack of jurisdiction based on administrative rules of the Courts, *refer to 9<sup>th</sup> Circuit Court DktEntry: 5-1.*

On June 29, 2023 I filed opposition and objected to PG&E's motion to dismiss my appeal, *refer to 9<sup>th</sup> Circuit Court DktEntry: 6.*

On July 7, 2023, I timely filed my Opening Brief, *refer to 9<sup>th</sup> Circuit Court DktEntry: 8.*

On Aug 16, 2023, 6 days after PG&E was re-

quired to file an answering brief, and before I filed a notice of default by PG&E, an Order was authored (or authorized) by Circuit Judges SHROEDER, BERZON, and OWENS, granting PG&E's motion for summary affirmance of the N.D. Cal. Court's opinion that deprived the N.D. Cal. Appellate Court of jurisdiction. Interestingly, there was no signature on the order and no apparent Circuit Judge claiming to have written the opinion. My opening brief was mentioned in the order as having been reviewed by the Circuit Judges, but declared that my questions in the appeal are insubstantial. Further stating a Bankruptcy Court Local Rule that, "*The provisions of Bankruptcy Rule 8002 are jurisdictional; the untimely filing of a notice of appeal deprives the appellate court of jurisdiction to review the bankruptcy court's order.*", **see Appendix 10 herein, ORDER, 9<sup>th</sup> Circuit Court DktEntry: 11.**

The order, as a summary affirmance of the opinion of Judge Gilliam Jr. in the District Court, appeared to be using a rule of the Bankruptcy Court to dismiss my appeal, but did not address the allegations of misconduct and violations of the rules and procedures in the Bankruptcy Court that were materially harmful to my case and claim.

On August 21, 2023 I motioned the Circuit Judges to reconsider their order and again brought attention that I am not representing any corporate body, nor have I consented to any administrative rules that could in any way be construed to deny my inherent and substantive rights. I asked that the 9<sup>th</sup> Circuit Court of Appeals to uphold USC Section 2072(b) which declares that any rules [of procedures]

shall not abridge, enlarge or modify any substantive right, **see Appendix 11 herein, Motion to Reconsider, 9<sup>th</sup> Circuit Court DktEntry: 12.**

On October 12, 2023 I filed a Procedural Motion for the Clerk of the Court to schedule motions hearing and timeline; *refer to 9<sup>th</sup> Circuit Court DktEntry: 14.*

Respondents and myself continued to file additional motions and oppositions with arguments and disputes regarding briefings, timeliness, Jurisdiction and letters to the Clerk of the Court. In one of my responsive filings (*DktEntry 16 p. 2, par 5*) I stated the rule that pursuant to USC 28 § 2075 Bankruptcy Rules that, “*Such rules shall not abridge, enlarge, or modify any substantive right*”, *see 9<sup>th</sup> Circuit Court DktEntry(ies): 15, 16, 17, and 18.*

On Feb 26, 2024, my request for an oral hearing and motion for reconsideration was denied and all other pending motions were denied, **see Appendix 12 herein, ORDER, 9<sup>th</sup> Circuit Court DktEntry 19.**

On March 12, 2024, I filed a notice of intent to file a petition for Writ of Certiorari in the Supreme Court of the United States, *refer to 9<sup>th</sup> Circuit Court DktEntry: 21.*

---



### REASONS FOR GRANTING THIS PETITION

- I. This case is a prime example of why this Court grants certiorari. The first reason in the Supreme Court Rules for granting petitions is to correct the lower courts when they appear so far departed from the accepted and usual course of judicial proceedings, or sanctioned such departure by a lower court, as to call for an exercise of this Court's supervisory power.
- II. This case reveals an uncomfortable truth that the judicial administrators or other officers of the courts, are using or abusing the statutes, rules and procedures, or straying from them significantly, to abridge, enlarge or modify the substantive rights of non-commercial living people.
- III. The opportunity is now in front of this Supreme Court to issue or reinforce their opinions and orders to bring better clarity that the statutes, rules, regulations, and procedures made pursuant to the United States Constitution shall not be construed to abridge or deny the unalienable, inherent and substantive rights of the people.

**Conclusion:** This Court should grant Certiorari.

Respectfully submitted, in truth and law, this 20th  
Day of May, 2024.

s/ Ricky-Dean Horton  
*Petitioner in Pro Se*  
2401 Waterman Blvd.,  
Ste 4A-242  
Fairfield, California 94534  
Phone: 707-249-0227