

7/29/24

Docket Number: 24-367

In The
Supreme Court of the United States

Scott York, an individual,
Petitioner

v.
United States of America, et al.
Respondents

On Petition for a Writ of Certiorari
To The United States Court of Appeals
For The Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

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Persona
Plaintiff-Appellant-
Petitioner
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QUESTIONS PRESENTED FOR REVIEW

A. DO THE NINTH CIRCUIT COURT OF APPEALS PANELS' (EN BANC) RULING, THE NINTH CIRCUIT COURT OF APPEALS' ORIGINAL RULING, AND THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA'S RULINGS CONFLICT WITH A DECISION(S) OF THE UNITED STATES SUPREME COURT THEREBY CREATING NECESSARY REVIEW BY THE SUPREME COURT TO SECURE AND MAINTAIN UNIFORMITY OF THE COURT'S PRECEDENT?

B. DOES THE COURT'S ACTIVE INVOLVEMENT IN FRAUDULENTLY CONCEALING THE ILLEGAL AND UNCONSTITUTIONAL USE OF BRAIN-COMPUTER INTERFACE ("BCI") DIRECTED ENERGY WEAPONS ("DEW") BY GOVERNMENT DEFENDANTS, IN PROCEEDINGS BROUGHT BY UNITED STATES CITIZEN AND CIVILIAN PLAINTIFF-APPELLANT-PETITIONER, RESULTING IN ONGOING CONTROL AND ATTACKS ON PLAINTIFF-APPELLANT-PETITIONER, 'SHOCK THE CONSCIENCE?'

C. IS IT AN ABUSE OF THE COURT'S SUA SPONTE AUTHORITY PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE, RULE 12(b)(6) AND RULE 15(a) FOR A JUDGE VIA ISSUANCE OF A

SUA SPONTE ORDER(S)/RULING(S) TO INTENTIONALLY FRAUDULENTLY CONCEAL, THEREBY ACTIVELY INVOLVING THE COURTS IN AN ONGOING CONSPIRACY WITH FEDERAL AND STATE GOVERNMENT DEFENDANTS/ACTORS, INTENTIONALLY DONE BY THE COURT(S) TO CONCEAL COMPLETE VIOLATION(S)/DEPRIVATIONS OF SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS ENGAGED IN BY DEFENDANTS TO THE LAWSUIT IN QUESTION, NOT ONLY UPON PLAINTIFF BUT ON A VAST GROUP OF UNCONSENTING CIVILIANS DOMESTICALLY WITHIN THE UNITED STATES, VIA THE CONCEALED BCI DEW PROJECT DOMESTICALLY, IN WHICH THE COURTS ARE ACTIVE PARTICIPANTS, THE DEFENDANTS NAMED TO THE LAWSUIT THEREBY COMMANDERING THE COURT SYSTEM TO COVERTLY IMPLEMENT/FACILITATE THE ILLEGAL/UNCONSTITUTIONAL COMPREHENSIVE BCI DEW SYSTEM WHILE USING THE COURTS TO FALSELY PUT FORTH THE IMAGE THAT A CONSTITUTIONAL FORM OF GOVERNMENT IS STILL CONTROLLING RATHER THAN THE ENTIRE SYSTEM OF GOVERNMENT WITHIN THE UNITED STATES BEING COORDINATED/CONTROLLED VIA THE COMPREHENSIVE, CONCEALED BCI DEW, IN WHICH THE SAME BCI DEW ARE USED TO (VERY LITERALLY) REMOTELY, INTERACTIVELY

CONTROL THE MIND(S) AND BODY/IES (CENTRAL NERVOUS SYSTEM(S)) OF PLAINTIFF AND OTHER UNCONSENTING U.S. CITIZENS/CIVILIANS DOMESTICALLY, THEREBY MAKING THE COURTS AN INSTRUMENTAL PART OF THE CONSPIRACY TO ACTIVELY CONCEAL AND FACILITATE THE ONGOING CONCEALED USE OF SAID BCI DEW TO STAGE/FABRICATE ENTIRELY FAKE TANGIBLE EVENTS IN THE LIVES OF UNITED STATES CITIZENS/CIVILIANS, STAGING 'ARTIFICIAL' REALITIES IN INDIVIDUALS' LIVES, INCLUSIVE OF (STAGED/FABRICATED) LEGAL PROCEEDINGS IN THOSE INDIVIDUALS' LIVES?

**RULE 29.6 CORPORATE DISCLOSURE
STATEMENT**

Pursuant to Rule 29.6 of the Supreme Court Rules, Plaintiff-Appellant-Petitioner Scott York states that he brings this appeal in his individual capacity and is not a non-governmental corporate party.

LIST OF PARTIES

Plaintiff:

1. SCOTT YORK, Plaintiff-Appellant-Petitioner, in Propria Persona;

Defendant(s):

2. UNITED STATES OF AMERICA; MERRICK B. GARLAND, Attorney General;

3. UNITED STATES DEPARTMENT OF DEFENSE, (Unknown Officers, Agents, and Employees Acting Under the Direction Thereof), a department of the federal government of the United States; 4. NATIONAL SECURITY AGENCY, (NSA)(Unknown Officers, Agents, and Employees Acting Under the Direction thereof), a federal agency of the federal government of the United States;

5. CENTRAL INTELLIGENCE AGENCY, (CIA) (Unknown Officers, Agents, and Employees Acting Under the Direction thereof), a federal agency of the federal government of the United States;

6. U.S. DRUG ENFORCEMENT ADMINISTRATION, (DEA)(Unknown Officers, Agents, and Employees Acting Under the Direction Thereof), a federal agency of the federal government of the United States;

DOES:

7. Unknown California State Official Authorizing the Ongoing Use of Directed Energy Technologies/Weapons Against Plaintiff at the California National Guard, a California State Government Official;

8. Unknown Class Representative(s) of Defendant Class Actively Participating (sitting at the controls and/or Participating in the coordination of the Harmful Use of Directed Energy Technologies/Weapons upon Plaintiff, DOES, 1 to 10, inclusive, Defendants - Appellees

TABLE OF CONTENTS

<u>Heading</u>	<u>Page(s)</u>
QUESTIONS PRESENTED FOR REVIEW.....	I-III
RULE 29.6 CORPORATE DISCLOSURE STATEMENT.....	III
LIST OF PARTIES.....	III - IV
TABLE OF CONTENTS.....	V - VII
TABLE OF CITED AUTHORITIES.....	VII - IX
LIST OF PROCEEDINGS.....	1-3
BASIS OF JURISDICTION IN COURT OF FIRST INSTANCE.....	3-4
CITATIONS OF RULINGS/ORDERS ENTERED IN THE CASE.....	4-5
DATE OF JUDGEMENT SOUGHT TO BE REVIEWED.....	5-6
CONSTITUTIONAL PROVISIONS INVOLVED IN THE CASE.....	6-9

STATEMENT OF THE CASE.....	10-17
ARGUMENT FOR ALLOWANCE OF WRIT.....	17-37
LISTING OF COUNSEL.....	37
APPENDIX.....	i-xiii
 <u>I. Judgment [Dimissing Entire Lawsuit Sua Spontel issued by United States District Court for the Central District of California, Ninth Circuit</u>	
<i>York v United States, et al.</i> (C.D. Cal., Feb. 2, 2023, No. 222CV09127JAKSP) 2023 WL 1811236, <u>aff'd</u> (9th Cir., Jan. 24, 2024, No. 23-55122) 2024 WL 260957.....	i-ii
 <u>II. Memorandum and Order [Dimissing Entire Lawsuit Sua Spontel issued by United States District Court for the Centra District of California, Ninth Circuit</u>	
<i>York v United States, et al.</i> (C.D. Cal., Feb. 2, 2023, No. 222CV09127JAKSP) 2023 WL 1811236, <u>aff'd</u> (9th Cir., Jan. 24, 2024, No. 23-55122) 2024 WL 260957.....	ii-ix
 <u>III. Memorandum issued by Ninth Circuit Court of Appeals – Filed January 24, 2024</u>	

York v. United States (9th Cir., Jan. 24, 2024, No. 23-55122) 2024 WL 260957.....ix-xii

**IV. Denial of Plaintiff-Appellant-Petitioner's
Request for Rehearing en banc issued by Ninth
Circuit Court of Appeals – Filed January 24,
2024**

York v. United States, et al. No. 23-55122 (9th Cir.,
Apr. 30, 2024, Rehearing en banc denied.)
(unpublished).....xii-xiii

TABLE OF CITED AUTHORITIES

<u>Case Citation(s)</u>	<u>Page(s)</u>
<i>York v United States, et al.</i> (C.D. Cal., Feb. 2, 2023, No. 222CV09127JAKSP) 2023 WL 1811236, <u>aff'd</u> (9th Cir., Jan. 24, 2024, No. 23-55122) 2024 WL 260957.....1, 4-5, 5-6, i-ix.	
<i>York v. United States</i> (9th Cir., Jan. 24, 2024, No. 23-55122) 2024 WL 260957.....1-3, 5 ix-xii.	
<i>York v. United States, et al.</i> No. 23-55122 (9th Cir., Apr. 30, 2024, Rehearing en banc denied.) (unpublished).....5,	

<i>Rochin v. California</i> (1952) 342 U.S. 165, 175–176 [72 S.Ct. 205, 211, 96 L.Ed. 183].....	7, 24.
<i>Foman v. Davis</i> (1962) 371 U.S. 178, 181-182 [83 S.Ct. 227, 230, 9 L.Ed.2d 222].....	7-9, 23.
<i>U.S. v. Salerno</i> (1987) 481 U.S. 739, 746 [107 S.Ct. 2095, 2101,95 L.Ed.2d 697].....	9 23-24.
<i>Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics</i> (1971) 403 U.S. 388, 392 [91 S.Ct. 1999, 2002, 29 L.Ed.2d 619].....	9, 32, iv.
<i>Fazaga v. F.B.I.</i> (C.D. Cal. 2012) 884 F.Supp.2d 1022, 1040, aff'd in part, rev'd in part and remanded sub nom. <i>Fazaga v. Federal Bureau of Investigation</i> (9th Cir. 2019) 916 F.3d 1202, opinion amended and superseded on denial of reh'g (9th Cir. 2020) 965 F.3d 1015, rev'd and remanded (2022) 595 U.S. 344 [142 S.Ct. 1051], and aff'd in part, rev'd in part and remanded sub nom. <i>Fazaga v. Federal Bureau of Investigation</i> (9th Cir. 2020) 965 F.3d 1015, and rev'd and remanded (2022) 595 U.S. 344 [142 S.Ct. 1051](internal citations and quotations	

omitted).....28-29.

<u>Statutory Citation(s)</u>	<u>Page(s)</u>
28 U.S.C. §1331.....	3
28 U.S.C. §1346.....	3
28 U.S.C. §2674.....	3
28 U.S.C. §1291.....	4
18 U.S.C. §2340.....	16
Cal. Pen. Code §206.....	16
42 U.S.C. §1983.....	iv
42 U.S.C. §1985.....	iv

<u>Rule(s)</u>	<u>Pages</u>
Federal Rules of Civil Procedure (FRCP) Rule 4(i)(2).....	1
Federal Rules of Civil Procedure (FRCP) Rule 15(a).....	8, 18-19, 26-27.
Fed. Rules App. Proc. Rule 40.....	17

LIST OF PROCEEDINGS

On January 11, 2023, personal service of process was effectuated upon the United States Attorney's Office in Los Angeles, California, with copies of the same being served pursuant to Federal Rules of Civil Procedure (FRCP), Rule 4(i)(2), via certified mail to the United States Attorney General's Office in Washington, D.C., and to the other named federal Defendants-Appellees. On January 25, 2023, Plaintiff-Appellant-Petitioner filed "Plaintiff Scott P. Plaintiff-Appellant-Petitioner's Application for Temporary Restraining Order and Preliminary Injunction Against All Defendants" (TRO) in the United States District Court for the Central District of California ("Dist. Ct."), Hon. Judge Kronstadt presiding, where Plaintiff-Appellant-Petitioner's Compl. was filed. On February 02, 2023, the Dist. Ct. filed an Order denying Plaintiff-Appellant-Petitioner's Application for TRO ("Order") and simultaneously filed a Judgement summarily dismissing Plaintiff-Appellant-Petitioner's Complaint "with prejudice and without leave to amend." ("Judgement"). *York v. United States* (C.D. Cal., Feb. 2, 2023, No. 222CV09127JAKSP) 2023 WL 1811236, aff'd (9th Cir., Jan. 24, 2024, No. 23-55122) 2024 WL 260957.

The attacks upon Plaintiff-Appellant-Petitioner continued with the brain-computer interface ("BCI") directed energy weapons ("DEW") continued. On February 05, 2023, Plaintiff-Appellant-Petitioner filed proofs of service with the court, documenting service

of process on the named Defendants-Appellees. On February 05, 2023, Plaintiff filed Plaintiff's Notice of Appeal to the Ninth (9th) Circuit Court of Appeals. On February 27, 2023, Plaintiff-Appellant-Petitioner paid the fee for filing the Appeal with the Ninth Circuit Court of Appeals ("9th Circuit COA"). The attacks upon Plaintiff-Appellant-Petitioner interfered with Plaintiff-Appellant-Petitioner as Plaintiff-Appellant-Petitioner attempted to research law and to draft Plaintiff-Appellant-Petitioner's Opening Brief ("Brief") with the 9th Circuit COA. On March 27, 2023, Plaintiff-Appellant-Petitioner filed Plaintiff-Appellant-Petitioner's Request for Extension of time to File Plaintiff-Appellant-Petitioner's Opening Brief. On March 28, 2023, Plaintiff-Appellant-Petitioner's request to extend time for the filing of Plaintiff-Appellant-Petitioner's opening brief was granted, making the deadline for filing as on-or-before May 08, 2023. On January 24, 2024, the Ninth Circuit Court of Appeals, Hon. Sidney R. Thomas, M. Margaret McKeown, and Andrew D. Hurwitz issued its Memorandum affirming the clearly erroneous ruling of Hon. John A. Kronstadt, District Judge of the United States District Court for the Central District of California which dismissed Plaintiff-Appellant-Petitioner's opening Complaint with prejudice and without leave to amend, despite Plaintiff-Appellant-Petitioner being a Plaintiff in pro se, the court referring to Plaintiff-Appellant-Petitioner's factual allegations about the concealed, remote use of BCI DEW to control and attack Plaintiff-Appellant-

Petitioner as “utterly implausible” and “fantastical” despite the same being documented in scientific publications, historical media coverage, U.S. Patents, and one (1) or more Freedom of Information (FOIA) release(s) from the U.S. Army (declassified) stating the mental and physical affects said BCI DEW are capable of, which precisely comport with those mental and physical affects Plaintiff-Appellant-Petitioner alleges and suffers from. *York v. United States* (9th Cir., Jan. 24, 2024, No. 23-55122) 2024 WL 260957. On March 11, 2024, Plaintiff-Appellant-Petitioner filed a Petition for Rehearing en banc by the entire Ninth Circuit Court of Appeals. On April 30, 2024, the Ninth Circuit Court of Appeals issued its Order denying Plaintiff-Appellant-Petitioner’s Petition for Rehearing en banc, stating that Plaintiff-Appellant-Petitioner’s case is “closed.”

**BASIS OF JURISDICTION IN COURT OF
FIRST INSTANCE**

(A) The United States District Court for the Central District of California has subject matter jurisdiction pursuant to 28 U.S.C. §1331, as federal questions predominate Plaintiff-Appellant-Petitioner’s Complaint; 28 U.S.C. §1346 (Federal Tort Claims Act “FTCA”) as jurisdiction is conferred to the district court within the statutory language of the FTCA; 28 U.S.C. §2674, as Plaintiff-Appellant-Petitioner sufficiently pleaded facts to support that the United States is liable for damages suffered by Plaintiff-Appellant-Petitioner “in the same manner

and to the same extent as a private individual under like circumstances.”

(B) The Ninth Circuit Court of Appeals has jurisdiction pursuant to 28 U.S.C. §1291 from the district court’s final judgements. The district court’s Order and Judgement summarily dismissing Plaintiff-Appellant-Petitioner’s Complaint *with prejudice*, without providing Plaintiff-Appellant-Petitioner an opportunity to amend (even once), are clearly erroneous final judgements issued in Plaintiff-Appellant-Petitioner’s lawsuit.

(C) On July 30, 2024, Justice Kagan extended Plaintiff-Appellant-Petitioner to file this petition for writ of certiorari to and including September 27, 2024.

**CITATIONS OF RULINGS/ORDERS ENTERED
IN THE CASE**

I. Judgment [Dismissing Entire Lawsuit Sua Sponte] issued by United States District Court for the Central District of California, Ninth Circuit – Filed February 02, 2023

York v United States, et al. (C.D. Cal., Feb. 2, 2023, No. 222CV09127JAKSP) 2023 WL 1811236, affd (9th Cir., Jan. 24, 2024, No. 23-55122) 2024 WL 260957

II. Memorandum and Order [Dismissing Entire Lawsuit Sua Sponte] issued by United States District Court for the Central District of

California, Ninth Circuit – Filed February 02, 2023

York v United States, et al. (C.D. Cal., Feb. 2, 2023, No. 222CV09127JAKSP) 2023 WL 1811236, affd (9th Cir., Jan. 24, 2024, No. 23-55122) 2024 WL 260957

III. Memorandum issued by Ninth Circuit Court of Appeals – Filed January 24, 2024

York v. United States
(9th Cir., Jan. 24, 2024, No. 23-55122) 2024 WL 260957

IV. Denial of Plaintiff-Appellant-Petitioner's Request for Rehearing en banc issued by Ninth Circuit Court of Appeals – Filed April 30, 2024

York v. United States, et al. No. 23-55122 (9th Cir., Apr. 30, 2024, Rehearing en banc denied.)(unpublished)

DATE OF JUDGEMENT SOUGHT TO BE REVIEWED

Plaintiff seeks review of the Ninth Circuit Court of Appeals denial of Plaintiff-Appellant-Petitioner's Petition for Rehearing en banc by the Ninth Circuit Court of Appeals, **filed by the Ninth Circuit Court of Appeals on April 30, 2024.** *York v. United States, et al.* No. 23-55122 (9th Cir., Apr. 30, 2024, Rehearing en banc denied.)(unpublished)

Plaintiff seeks review of the Ninth Circuit Court of

Appeals denying Plaintiff-Appellant-Petitioner's appeal of the Dist. Ct.'s ruling, **filed by the Ninth Circuit Court of Appeals on January 24, 2024.**

York v. United States (9th Cir., Jan. 24, 2024, No. 23-55122) 2024 WL 260957

Plaintiff-Appellant-Petitioner seeks review of the United States District Court's ("Dist. Ct.") February 02, 2023, sua sponte dismissal of Plaintiff-Appellant-Petitioner's lawsuit, the Dist. Ct. filed an Order denying Plaintiff-Appellant-Petitioner's Application for TRO and simultaneously filed a Judgement summarily dismissing Plaintiff-Appellant-Petitioner's Complaint "with prejudice and without leave to amend" despite Plaintiff-Appellant-Petitioner being a Plaintiff in pro se. The Dist. Ct. denying Plaintiff-Appellant-Petitioner leave to amend predicated upon the Dist. Ct. referring to Plaintiff-Appellant-Petitioner's allegations of facts related to the concealed, illegal/unconstitutional use of BCI DEW to control and attack Plaintiff-Appellant-Petitioner as "utterly implausible" and "fantastical." **Filed February 02, 2023.** *York v United States, et al.* (C.D. Cal., Feb. 2, 2023, No. 222CV09127JAKSP) 2023 WL 1811236, aff'd (9th Cir., Jan. 24, 2024, No. 23-55122) 2024 WL 260957

**CONSTITUTIONAL PROVISIONS INVOLVED
IN THE CASE**

[T]he Due Process Clause empowers this Court to nullify any state law if its

application 'shocks the conscience', offends 'a sense of justice' or runs counter to the 'decencies of civilized conduct.' The majority emphasize that these statements do not refer to their own consciences or to their senses of justice and decency. For we are told that 'we may not draw on our merely personal and private notions'; our judgment must be grounded on 'considerations deeply rooted in reason and in the compelling traditions of the legal profession.' We are further admonished to measure the validity of state practices, not by our reason, or by the traditions of the legal profession, but by 'the community's sense of fair play and decency'; by the 'traditions and conscience of our people'; or by 'those canons of decency and fairness which express the notions of justice of English-speaking peoples'. These canons are made necessary, it is said, because of 'interests of society pushing in opposite directions.'

Rochin v. California (1952) 342 U.S. 165, 175–176 [72 S.Ct. 205, 211, 96 L.Ed. 183]

The Federal Rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle

that the purpose of pleading is to facilitate a proper decision on the merits.

[. . .]

Rule 15(a) declares that leave to amend 'shall be freely given when justice so requires'; this mandate is to be heeded. See generally, 3 *Moore, Federal Practice* (2d ed. 1948), 15.08, 15.10. If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits. In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be 'freely given.' Of course, the grant or denial of an opportunity to amend is within the discretion of the District Court, but outright refusal to grant the leave without any justifying reason appearing for the denial is not an exercise of discretion; it is merely abuse of that discretion and inconsistent with

the spirit of the Federal Rules.

Foman v. Davis (1962) 371 U.S. 178, 181-182 [83 S.Ct. 227, 230, 9 L.Ed.2d 222]

The Due Process Clause of the Fifth Amendment provides that “No person shall ... be deprived of life, liberty, or property, without due process of law....” This Court has held that the Due Process Clause protects individuals against two types of government action. So-called “substantive due process” prevents the government from engaging in conduct that “shocks the conscience,” or interferes with rights “implicit in the concept of ordered liberty.” When government action depriving a person of life, liberty, or property survives substantive due process scrutiny, it must still be implemented in a fair manner. This requirement has traditionally been referred to as “procedural” due process.

U.S. v. Salerno (1987) 481 U.S. 739, 746 [107 S.Ct. 2095, 2101, 95 L.Ed.2d 697]

“Where federally protected rights have been invaded, it has been the rule from the beginning that courts will be alert to adjust their remedies so as to grant the necessary relief.” *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics* (1971) 403 U.S. 388, 392 [91 S.Ct. 1999, 2002, 29 L.Ed.2d 619]

STATEMENT OF THE CASE

The concealed use of the brain-computer interface (“BCI”) directed energy weapons/technologies (“DEW”) upon Plaintiff-Appellant-Petitioner have been used to attempt to interfere with Plaintiff-Appellant-Petitioner as Plaintiff-Appellant-Petitioner has worked to pursue legal recourse against those defendants operating the same. The interference includes actively interfering with Plaintiff-Appellant-Petitioner’s mind as Plaintiff-Appellant-Petitioner has worked to draft legal documents and/or correspondence in which Plaintiff-Appellant-Petitioner attempts to present and resolve these issues in the appropriate legal forums. The existence, capabilities, and use of said BCI DEW upon Plaintiff-Appellant-Petitioner were revealed to Plaintiff-Appellant-Petitioner, beginning in the year following Plaintiff-Appellant-Petitioner earning his J.D. degree in 2016, from approximately December 2016 through approximately February 2017, at which time it was immediately apparent (“discovery rule”) to Plaintiff-Appellant-Petitioner that the various unexplainable and bizarre events and circumstances that occurred over (very literally) decades in Plaintiff-Appellant-Petitioner’s life were caused by the concealed use of the remote BCI DEW upon Plaintiff-Appellant-Petitioner – the deliberate revealing of the effects/affects capable of being produced by said BCI DEW immediately revealed to Plaintiff-Appellant-Petitioner that conditions Plaintiff-Appellant-Petitioner was experiencing in Plaintiff-Appellant-

Petitioner's life for many years, were directly caused by the effects/affects of said BCI DEW being remotely used upon Plaintiff-Appellant-Petitioner, prevented from Plaintiff-Appellant-Petitioner's discovery both by the actual effect(s) and affect(s) said BCI DEW have upon the brain, which impairs a person from being able to cognitively reason through sets of conditions (outside of those manipulations being imbued to the person's psyche via the BCI DEW – they have a 'blocking' effect, blocking out the person's natural cognition/volition while supplanting it with artificially imbued cognition/volition). It should be noted, due to the stagings/fabrications/orchestrations of those concealing and running said BCI DEW on Plaintiff-Appellant-Petitioner over (very literally) multiple decades, Plaintiff-Appellant-Petitioner did not begin law school until Plaintiff-Appellant-Petitioner was in his late thirties (30's) earning his J.D. in his early forties (40's). Those running said BCI DEW actively coordinate(d) the courts in which Plaintiff-Appellant-Petitioner seeks relief, using the ongoing illegal/unconstitutional use of said BCI DEW, as those participating in the stagings/fabrications/orchestrations in Plaintiff-Appellant-Petitioner's life continue attempting to avoid culpability/liability for their participation in the concealed use of the same to (very literally) attack Plaintiff-Appellant-Petitioner, as well as other civilians, who are simply attempting to go about their day-to-day lives in the United States. Control over Plaintiff-Appellant-Petitioner's mental capabilities

(brain and entire central nervous system) is the predominant function of said BCI DEW. The controls are not done for any legitimate legal purpose. The controls are done to attempt to create a false path through Plaintiff-Appellant-Petitioner's life, coordinating the effects/affects of said BCI DEW with the tangible environments through which Plaintiff-Appellant-Petitioner is moved, with the courts being one (1) of the 'tangible environments' relied upon by the agencies/departments involved in the illegal/unconstitutional use of the same – the courts have been used by those working for/with defendants as a means of creating a tangible record, relying upon the apparent authority and (otherwise) 'good' reputation of the courts, to use the same to attempt to denigrate Plaintiff-Appellant-Petitioner's character, done to attempt to create tangible record(s) (court orders/ruling), which cast Plaintiff-Appellant-Petitioner in false light, intentionally designed to draw the veracity of Plaintiff-Appellant-Petitioner's allegations regarding the stagings/fabrications/orchestrations effectuated via the illegal/unconstitutional use of said BCI DEW into question, which is precisely what continues being done, as evidenced by the District Court's sua sponte dismissal of Plaintiff-Appellant-Petitioner's instant lawsuit, as well as the Appellate Court panel of this court's affirmation of the District Court's order(s)/ruling(s). As the ruling(s) being appealed from each erroneously state Plaintiff-Appellant-Petitioner's pleadings 'fail to allege sufficient facts.'

Yet, Defendants interactively controlling and manipulating Plaintiff-Appellant-Petitioner used said BCI DEW to (very literally) prevent Plaintiff-Appellant-Petitioner from finding a licensed attorney to draft and file Plaintiff-Appellant-Petitioner's Complaint alleging the concealed, illegal/unconstitutional use of said BCI DEW. And, when Plaintiff-Appellant-Petitioner was *allowed* to draft Plaintiff-Appellant-Petitioner's Complaint, the *sua sponte* dismissal of which this Petition for Writ of Certiorari is requesting review of, Plaintiff-Appellant-Petitioner's cognitive and volitional thought processes were impaired, prevented, embellished upon, and/or completely controlled to prevent Plaintiff-Appellant-Petitioner from being capable (due to the attacks) to draft a Complaint Plaintiff-Appellant-Petitioner otherwise would have, but for the remote, concealed, illegal/unconstitutional use of said BCI DEW to attack Plaintiff-Appellant-Petitioner in his own place of residence as Plaintiff-Appellant-Petitioner was attempting to draft the legal complaint that is the subject of this Petition. Despite the foregoing attacks, Plaintiff-Appellant-Petitioner's pleadings are replete with facts about the existence and capabilities, as well as the factual basis of the effects the stagings and coordination of the effects/affects of said BCI DEW with Plaintiff-Appellant-Petitioner's tangible environments, to directly identify the defendants named in Plaintiff-Appellant-Petitioner's pleadings as those actors being responsible for the harms Plaintiff-Appellant-Petitioner alleges, for which Plaintiff-

Appellant-Petitioner seeks both equitable and legal relief. Plaintiff-Appellant-Petitioner will request amendment of Plaintiff-Appellant-Petitioner's Complaint upon remand given that the drafting of Plaintiff-Appellant-Petitioner's Complaint was (very literally) interfered with and controlled (literally causing Plaintiff-Appellant-Petitioner to use certain phrasing and not allowing Plaintiff-Appellant-Petitioner to include the details Plaintiff-Appellant-Petitioner would have but for the direct interactive manipulations of Plaintiff-Appellant-Petitioner as Plaintiff-Appellant-Petitioner was working to draft the same. Plaintiff-Appellant-Petitioner continues being attacked by individuals working for the named defendants, using said BCI DEW coordinated with Plaintiff-Appellant-Petitioner's tangible surroundings to attack, literally attempt to prevent Plaintiff-Appellant-Petitioner from pursuing Plaintiff-Appellant-Petitioner's instant lawsuit, using the mental/cognitive/volitional interference effects/affects of said BCI DEW, and attempting to stage events to intimidate Plaintiff-Appellant-Petitioner, actively obstructing justice, not the least of which was the destruction by fire of a short-term stay motel into which Plaintiff-Appellant-Petitioner was moved by those coordinating Plaintiff-Appellant-Petitioner's tangible surrounding with the mental affects/effects/manipulations of said BCI DEW, which are attempts to stage/fabricate/orchestrated entire (artificial) experiences in Plaintiff-Appellant-Petitioner's life – the coordination of the same had

Plaintiff-Appellant-Petitioner move the remaining items of his personal property into the subject motel, in the weeks prior to its destruction by fire, during which nearly all of Plaintiff-Appellant-Petitioner's remaining items of personal property were destroyed in the fire. While Plaintiff-Appellant-Petitioner's presence at the short-term stay motel may appear to be merely a matter of chance when viewed in isolation, when viewed in the overall ongoing course-of-conduct, Plaintiff-Appellant-Petitioner's presence at, with the items of Plaintiff-Appellant-Petitioner's personal property moved into, the motel at the time of the fire that destroyed the short-term stay motel, when viewed in the totality of the events and circumstances, Plaintiff-Appellant-Petitioner's presence in and the destruction by fire of the motel and the majority of the contents therein very clearly stand out as deliberately staged events. Plaintiff-Appellant-Petitioner's pleadings further establish the nexus of Plaintiff-Appellant-Petitioner's immediate family's various ties to work with the federal government, as well as Plaintiff-Appellant-Petitioner's family being unwilling to communicate with Plaintiff-Appellant-Petitioner regarding the concealed, illegal use of the BCI DEW, all of which is further coordinated with the deliberate manipulations of Plaintiff's lawsuits in state and federal court which are both predicated upon the illegal/unconstitutional use of the BCI DEW coordinated between federal and state government entities, which for the last (approximately) seven (7) years, since the time their existence, capabilities, and

use were deliberately revealed to Plaintiff-Appellant-Petitioner, have been used to (very literally) remotely attack and “torture” (as the term is defined under 18 U.S.C. §2340 and Cal. Penal Code §206) Plaintiff-Appellant-Petitioner twenty-four (24) hours-a-day, seven (7) days a week, as Plaintiff-Appellant-Petitioner attempts to work, go to the gym, sleep, eat, shower, and pursue equitable and legal relief from the same, further being used to prevent Plaintiff-Appellant-Petitioner from having personal relationships while preventing Plaintiff-Appellant-Petitioner from becoming a licensed attorney, as those running said BCI DEW attempt to intimidate Plaintiff-Appellant-Petitioner, stalking, harassing, and attacking Plaintiff-Appellant-Petitioner, while interfering with Plaintiff-Appellant-Petitioner drafting and filing documents in both Plaintiff's federal and state court lawsuits, all of which are attempts to intimidate/force/coerce Plaintiff-Appellant-Petitioner into dismissing and forgoing Plaintiff's instant lawsuit(s) (both state and federal.) The same appear to have been done 100% to stage fake social and political narratives, which broke down some time ago to nothing more than ongoing daily/nightly attacks on Plaintiff-Appellant-Petitioner, who has at all times been a U.S. citizen on U.S. soil, within the jurisdiction of fully functioning federal and state court systems – at no time has martial law been in effect to override the court system. The government and the courts are actively involved in illegal/unconstitutional conduct, working in direct coordination of those

running said BCI DEW, doing so in direct contravention to the Constitution, without legitimate legal authority to do so, and the courts and attorneys involved are actively involved in a scheme to prevent legal recourse for the same – granting Plaintiff-Appellant-Petitioner's Petition for Writ of Certiorari is required as the parameters of these matters are of the utmost importance to the entire nation, as precedent cannot be established which allows U.S. citizens to be attacked with directed energy weapons by U.S. government entities, seemingly with impunity. Those individuals attacking Plaintiff-Appellant-Petitioner (and other civilians) with BCI DEW must pay civil damages and further must be charged and convicted criminally. Plaintiff-Appellant-Petitioner's lawsuit must be permitted to move forward for resolution on its merits, as without being afforded that opportunity, Plaintiff-Appellant-Petitioner is left without recourse against the ongoing attacks and harms being done to Plaintiff-Appellant-Petitioner in all areas (personal and professional) of Plaintiff-Appellant-Petitioner's life. Pursuant to the provisions Fed. Rules App. Proc. Rule 40, petitioner, Plaintiff-Appellant-Petitioner, petitions the justices of this honorable court for a writ of certiorari in this cause.

ARGUMENT FOR ALLOWANCE OF WRIT

A. DO THE NINTH CIRCUIT COURT OF APPEALS PANELS' (EN BANC) RULING, THE NINTH

CIRCUIT COURT OF APPEALS' ORIGINAL RULING, AND THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA'S RULINGS CONFLICT WITH A DECISION(S) OF THE UNITED STATES SUPREME COURT THEREBY CREATING NECESSARY REVIEW BY THE SUPREME COURT TO SECURE AND MAINTAIN UNIFORMITY OF THE COURT'S PRECEDENT?

The Federal Rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits.

[. . .]

Rule 15(a) declares that leave to amend 'shall be freely given when justice so requires'; this mandate is to be heeded. See generally, 3 Moore, Federal Practice (2d ed. 1948), 15.08, 15.10. If the underlying facts or circumstances relied upon by a plaintiff may be a proper subject of relief, he ought to be afforded an opportunity to test his claim on the merits. In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part

of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should, as the rules require, be ‘freely given.’ Of course, the grant or denial of an opportunity to amend is within the discretion of the District Court, but outright refusal to grant the leave without any justifying reason appearing for the denial is not an exercise of discretion; it is merely abuse of that discretion and inconsistent with the spirit of the Federal Rules.

Foman v. Davis (1962) 371 U.S. 178, 181-182 [83 S.Ct. 227, 230, 9 L.Ed.2d 222]

The courts’ rulings/orders coordinated with the courts’ vociferous denial of Plaintiff-Appellant-Petitioner’s factual allegations, the courts referring to Plaintiff-Appellant-Petitioner’s factual allegations relating to concealed, illegal/unconstitutional use of said BCI DEW as (in pertinent part) “fantastical” and “utterly implausible,” corroborate the court’s active involvement in the fraudulent concealment of the illegal/unconstitutional use of the BCI DEW. Without restating all the facts in support thereof, as alleged in Plaintiff-Appellant-Petitioner’s pleadings, the well-pleaded (plausible) facts alleged in Plaintiff-Appellant-Petitioner’s pleadings are supported by

documented foundational scientific, technological, and historical details/timelines, including but not limited to Freedom of Information Act (FOIA) releases, publications of scientific facts (in the form of research, papers, studies, investigations), U.S. Patents, historical mainstream media coverage, and the factual basis of the timeline of events in Plaintiff-Appellant-Petitioner's life over approximately fifty (50) years that corroborate the existence and capabilities of said BCI DEW, with the concealed, past and ongoing, use(s) of the same evident in Plaintiff-Appellant-Petitioner's individual experiences, which further corroborate use of said BCI DEW in Plaintiff-Appellant-Petitioner's instant (underlying) lawsuit and Petition for Writ of Certiorari, for which Plaintiff-Appellant-Petitioner seeks equitable and legal relief. The courts' *sua sponte* dismissal of Plaintiff-Appellant-Petitioner's entire lawsuit with prejudice, without leave to amend (even once) with Plaintiff-Appellant-Petitioner being both a law school graduate and a Plaintiff in *Pro. Per.* before the Court, the district court's *sua sponte* dismissal is improper and must be reversed.

B. DOES THE COURT'S ACTIVE INVOLVEMENT IN FRAUDULENTLY CONCEALING THE ILLEGAL AND UNCONSTITUTIONAL USE OF BRAIN-COMPUTER INTERFACE ("BCI") DIRECTED ENERGY WEAPONS ("DEW") BY GOVERNMENT DEFENDANTS, IN PROCEEDINGS BROUGHT BY UNITED STATES

CITIZEN AND CIVILIAN PLAINTIFF-APPELLANT-PETITIONER, RESULTING IN ONGOING CONTROL AND ATTACKS ON PLAINTIFF-APPELLANT-PETITIONER, 'SHOCK THE CONSCIENCE?'

Plaintiff-Appellant-Petitioner's Third Amended Complaint drafted for Plaintiff-Appellant-Petitioner's related state court action, expressly delineates the factual basis supporting Plaintiff-Appellant-Petitioner's allegations regarding the coordination of the timeline in Plaintiff-Appellant-Petitioner's life, of federal actors using the state court system as a means of creating a tangible record to attempt to hide their illegal/unconstitutional concealed use of BCI DEW while attempting to prevent/avoid legal recourse via their deliberate interplay of the federal and state court systems, as well as the deliberately staged interplay between federal and state government actors, to attempt to obfuscate the system, obstruct justice, and attempt to create so much confusion (not only with the actual effects of the BCI DEW but also) with the jurisdictional interplay (requiring both federal and state lawsuits to fully provide equitable and legal relief, as only one or the other will result in jurisdictional gaps/issues which will be unresolved upon a final ruling of one (federal or state) without the other) but also in the government actors/entities attempting to 'hide' the entire agenda within that deliberately created 'jurisdictional void/morass' the conduct 'shocks the conscience.'

Evidence in Plaintiff-Appellant-Petitioner's lawsuits, including evidence of the ongoing attacks on every aspect of Plaintiff-Appellant-Petitioner's professional and personal lives, twenty-four (24) hours a day, seven (7) days a week, even after such time as Plaintiff-Appellant-Petitioner has sent correspondence directly to each federal and state government agency/entity/department coordinated in the illegal/unconstitutional use of said BCI DEW domestically, done to attempt to obstruct justice in Plaintiff-Appellant-Petitioner's instant litigation, combined with the active manipulations of Plaintiff-Appellant-Petitioner's documents filed with the courts, as well as the courts' active denial of Plaintiff-Appellant-Petitioner's factual allegations regarding the existence, capabilities, and concealed use of said BCI DEW, the court referring to Plaintiff-Appellant-Petitioner's factual allegations regarding said BCI DEW as (in pertinent part) "fantastical" and "utterly implausible" despite the same being supported by documented foundational scientific, technological, and historical details/timelines, including but not limited to Freedom of Information Act (FOIA) releases, publications of scientific facts (in the form of research, papers, studies, investigations), U.S. Patents, historical mainstream media coverage, and the factual basis of the timeline of events in Plaintiff-Appellant-Petitioner's life over approximately fifty (50) years that corroborate the existence and capabilities of said BCI DEW, with the concealed, past

and ongoing, use(s) of the same evident in Plaintiff-Appellant-Petitioner's individual experiences, which further corroborate use of said BCI DEW in Plaintiff-Appellant-Petitioner's instant (underlying) lawsuit and Petition for Writ of Certiorari, as well as evidencing the court's active involvement in working to fraudulently conceal the same.

The decision of the panel of the Ninth Circuit Court of Appeals rendered in these proceedings on January 24, 2024, is in conflict with the decision of the United State Supreme Court in *Foman v. Davis* (1962) 371 U.S. 178, 181-182 [83 S.Ct. 227, 230, 9 L.Ed.2d 222], which holds that "leave sought should, as the rules require, be 'freely given.' [...] outright refusal to grant the leave without any justifying reason appearing for the denial is not an exercise of discretion; it is merely abuse of that discretion and inconsistent with the spirit of the Federal Rules."

The Due Process Clause of the Fifth Amendment provides that "No person shall ... be deprived of life, liberty, or property, without due process of law...." This Court has held that the Due Process Clause protects individuals against two types of government action. So-called "substantive due process" prevents the government from engaging in conduct that "shocks the conscience," or interferes with rights "implicit in the

concept of ordered liberty.” When government action depriving a person of life, liberty, or property survives substantive due process scrutiny, it must still be implemented in a fair manner. This requirement has traditionally been referred to as “procedural” due process.
U.S. v. Salerno (1987) 481 U.S. 739, 746 [107 S.Ct. 2095, 2101, 95 L.Ed.2d 697]

The “justifying reason(s)” offered by the District Court as well as by the panel of judges rendering the ruling from the Ninth Circuit Court of Appeals from which Plaintiff-Appellant-Petitioner now seeks this petition for writ of certiorari, are not “justified” but rather “shocks the conscience”, offends ‘a sense of justice’ or runs counter to the ‘decencies of civilized conduct.’” *Rochin v. California* (1952) 342 U.S. 165, 175 [72 S.Ct. 205, 211, 96 L.Ed. 183]. The courts are actively involved in the fraudulent concealment of the illegal/unconstitutional use of directed energy brain-computer interface weapons being used domestically, to (very literally) control the minds and bodies of persons on U.S. soil, on U.S. civilians attempting to go about their day-to-day lives and being carried out by those government entities/agencies/departments named to Plaintiff-Appellant-Petitioner’s lawsuit, as a matter NOT of ‘national security’ and/or ‘national defense’ but as a matter of working to (very literally) stage/fabricate/orchestrate ‘artificial’ realities directly controlling the minds and lives (tangible experiences)

of individuals to stage/fabricate/orchestrated fake ('artificial') experiences in the lives of those individuals, the same BCI DEW being used to attack (literally psychologically and physically attack/torture) those being controlled who resist and/or refuse the ongoing manipulations via the BCI DEW.

As an additional matter lending significant weight to the court's review of Plaintiff's initial pleading are the affects of the conduct alleged by Plaintiff-Appellant-Petitioner, including, but not limited to, active interference with Plaintiff-Appellant-Petitioner's cognitive and volitional functions as Plaintiff-Appellant-Petitioner worked to draft Plaintiff-Appellant-Petitioner's pleadings – those operating said BCI DEW are using the same to actively manipulate every aspect of the courts as they attempt to avoid facing criminal and civil recourse for their ongoing participation in the same. The conduct of those operating said BCI DEW does not fall under any legitimate claim(s) of government immunity, nor are the precise manners in which the same are being used necessary as a means of national security, conversely presenting an affront thereto. The District Court's involvement in fraudulently concealing and denying Plaintiff-Appellant-Petitioner legitimate access to the courts as a means of obtaining equitable and legal relief absolutely shocks the conscience, offends a sense of justice and/or runs counter to the decencies of civilized conduct. As such, the District Court's

dismissal of Plaintiff-Appellant-Petitioner's lawsuit and denial of Plaintiff-Appellant-Petitioner's factual allegations related to the concealed, illegal use of said BCI DEW, the court calling the same (in pertinent part) "fantastical" and "utterly implausible," must be reversed and Plaintiff-Appellant-Petitioner's lawsuit be allowed to proceed on its full merits.

C. IS IT AN ABUSE OF THE COURT'S SUA SPONTE AUTHORITY PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE, RULE 12(b)(6) AND RULE 15(a) FOR A JUDGE VIA ISSUANCE OF A SUA SPONTE ORDER(S)/RULING(S) TO INTENTIONALLY FRAUDULENTLY CONCEAL, THEREBY ACTIVELY INVOLVING THE COURTS IN AN ONGOING CONSPIRACY WITH FEDERAL AND STATE GOVERNMENT DEFENDANTS/ACTORS, INTENTIONALLY DONE BY THE COURT(S) TO CONCEAL COMPLETE VIOLATION(S)/DEPRIVATIONS OF SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS ENGAGED IN BY DEFENDANTS TO THE LAWSUIT IN QUESTION, NOT ONLY UPON PLAINTIFF BUT ON A VAST GROUP OF UNCONSENTING CIVILIANS DOMESTICALLY WITHIN THE UNITED STATES, VIA THE CONCEALED BCI DEW PROJECT DOMESTICALLY, IN WHICH THE COURTS ARE ACTIVE PARTICIPANTS, THE DEFENDANTS NAMED TO THE LAWSUIT THEREBY COMMANDERING THE COURT SYSTEM TO

COVERTLY IMPLEMENT/FACILITATE THE ILLEGAL/UNCONSTITUTIONAL COMPREHENSIVE BCI DEW SYSTEM WHILE USING THE COURTS TO FALSELY PUT FORTH THE IMAGE THAT A CONSTITUTIONAL FORM OF GOVERNMENT IS STILL CONTROLLING RATHER THAN THE ENTIRE SYSTEM OF GOVERNMENT WITHIN THE UNITED STATES BEING COORDINATED/CONTROLLED VIA THE COMPREHENSIVE, CONCEALED BCI DEW, IN WHICH THE SAME BCI DEW ARE USED TO (VERY LITERALLY) REMOTELY, INTERACTIVELY CONTROL THE MIND(S) AND BODY/IES (CENTRAL NERVOUS SYSTEM(S)) OF PLAINTIFF AND OTHER UNCONSENTING U.S. CITIZENS/CIVILIANS DOMESTICALLY, THEREBY MAKING THE COURTS AN INSTRUMENTAL PART OF THE CONSPIRACY TO ACTIVELY CONCEAL AND FACILITATE THE ONGOING CONCEALED USE OF SAID BCI DEW TO STAGE/FABRICATE ENTIRELY FAKE TANGIBLE EVENTS IN THE LIVES OF UNITED STATES CITIZENS/CIVILIANS, STAGING 'ARTIFICIAL' REALITIES IN INDIVIDUALS' LIVES, INCLUSIVE OF (STAGED/FABRICATED) LEGAL PROCEEDINGS IN THOSE INDIVIDUALS' LIVES?

As stated by previous Attorney General Eric Holder, regarding the invocation of 'state secrets':

The privilege must also be “narrowly tailored,” such that the privilege should be invoked only to the extent necessary to protect against the risk of significant harm to national security. The Policy further sets limitations for invoking the privilege, including not defending an invocation of the privilege to conceal violations of the law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or agency of the United States government; or to prevent or delay the release of information the release of which would not reasonably be expected to cause significant harm to national security. The Policy further outlines the initial procedure for invoking the privilege, which includes sufficient evidentiary support and recommendation from the Assistant Attorney General; evaluation, consultation, and recommendation by a state secrets review committee; and approval by the Attorney General.

Fazaga v. F.B.I. (C.D. Cal. 2012) 884 F.Supp.2d 1022, 1040, aff'd in part, rev'd in part and remanded sub nom. *Fazaga v. Federal Bureau of Investigation* (9th Cir. 2019) 916 F.3d 1202, opinion amended and superseded on denial of

reh'g (9th Cir. 2020) 965 F.3d 1015, rev'd and remanded (2022) 595 U.S. 344 [142 S.Ct. 1051], and aff'd in part, rev'd in part and remanded sub nom. *Fazaga v. Federal Bureau of Investigation* (9th Cir. 2020) 965 F.3d 1015, and rev'd and remanded (2022) 595 U.S. 344 [142 S.Ct. 1051](internal citations and quotations omitted).

Here, Plaintiff-Appellant-Petitioner is a law school graduate who has spent time interacting with and working (with)in the courts and/or with various professionals in the legal field (i.e. judges, attorneys, court staff) in the State of Michigan, the State of New Mexico, and the State of California. In each state, Plaintiff-Appellant-Petitioner has experienced the interactive effects/affects of the BCI DEW upon Plaintiff-Appellant-Petitioner in his interactions with those professionals, the net effect/result of which is the factual reality that the courts are actively participating in the concealed use of the BCI DEW, which are not only being used to coordinate the courts with staged/fabricated/orchestrated tangible scenarios created using said BCI DEW, using the courts to give the appearance of 'legal authority,' deliberately concealing and thereby ratifying the illegal/unconstitutional conduct/actions of those Defendants-Appellees-Respondents running said BCI DEW, which also works to facilitate further, ongoing attacks upon Plaintiff-Appellant-Petitioner by those

running said BCI DEW, as they attempt to use the court's cover to intimidate, harass, and prevent Plaintiff-Appellant-Petitioner from pursuing the litigation from which this Petition for Writ is sought. The courts have vehemently denied facts alleged by Plaintiff-Appellant-Petitioner regarding the existence, capabilities, and use of said BCI DEW, calling Plaintiff-Appellant-Petitioner's factual allegations regarding the same "frivolous," "utterly implausible," and "fantastical." Plaintiff-Appellant-Petitioner's facts are plausible with a sound basis in reality, being documented in scientific publications, U.S. Patents, Freedom of Information Act (FOIA) releases, and mainstream media sources (albeit mainstream media coverage of said BCI DEW from back in the 1960's and 1970's as coverage of the same largely disappeared from mainstream media coverage during the last fiftyish (50ish) years, despite the same being initially publicly disseminated information).

The language the District Court uses regarding Plaintiff-Appellant-Petitioner's factual allegations (i.e. "utterly implausible" and "fantastical") pertaining to the effects/affects of said BCI DEW upon Plaintiff-Appellant-Petitioner, which has a long timeline during which the effects become increasingly apparent the more of which is brought into perspective in Plaintiff-Appellant-Petitioner's instant lawsuit, appear that the court is strongly implying, as denial/nullification of Plaintiff's factual assertions appears to be the court's ultimate purpose in the

orders/rulings issued by the court, without expressly stating as much, the court provides documented evidence (in the rulings/order Plaintiff-Appellant-Petitioner seeks review of in this Petition for Writ) that the courts are actively engaging in outright concealment/improper nullification of factual allegations at the pleadings stage of litigation, which may (or may not) warrant a claim of privilege by government defendants that the same factual information is 'privileged' as a matter of protection of 'state secrets' and/or some other claim(s) of 'privilege'/immunity' which have not been made because the court is actively preventing the issue from being presented. The court's *sua sponte* action (dismissal with prejudice, without leave to amend), prior to the time when the government Defendant-Appellees-Respondents have made an initial appearance in the matter, have forestalled even the possibility of the government defendants being legally required to expressly assert a claim(s) that the subject of Plaintiff-Appellant-Petitioner's factual allegations are the facts underlying some claim, albeit one that DOES NOT have a legitimate legally defensible claim of 'state secrets,' due to the abhorrent human/civil rights violations said BCI DEW project is being used to conceal and actively commit on U.S. citizens/civilians going about their day-to-day lives domestically, all while the U.S. government defendants HIDE and carry on their illegal/unconstitutional control(s)/attack(s) upon Plaintiff and other unconsenting U.S.

citizens/civilians domestically.

“Where federally protected rights have been invaded, it has been the rule from the beginning that courts will be alert to adjust their remedies so as to grant the necessary relief.” *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics* (1971) 403 U.S. 388, 392 [91 S.Ct. 1999, 2002, 29 L.Ed.2d 619]

Plaintiff-Appellant-Petitioners’ well-pleaded, plausible allegation against named government defendants in Plaintiff-Appellant-Petitioners lawsuit clearly implicate the named government defendants in activity designed to intentionally violate constitutional protections of Plaintiff-Appellant-Petitioner (and other U.S. citizens/civilians) while deliberately attempting to illegally/unconstitutionally isolate, (improperly) shield, and prevent legal recourse (criminal and civil) against the government defendant actors and those persons working for/with such government defendant actors. The attacks prior to and since the time of Plaintiff-Appellant-Petitioner filing Plaintiff-Appellant-Petitioner’s lawsuit, from which this Petition for Writ is sought, have been and continue to be very deliberate. The legal standard is NOT to obfuscate investigation into and prevent finding government actors culpable/liable for intentional violations of the U.S. Constitution. The legal standard requires that “Where federally protected rights have been invaded, it has been the rule from the beginning that courts will be alert to

adjust their remedies so as to grant the necessary relief.” *Id.* Government entity defendants named to Plaintiff-Appellant-Petitioner’s lawsuit MUST be required to appear and to make any claim(s) of ‘privilege’ and/or ‘immunity’ in response to Plaintiff-Appellant-Petitioner’s Complaint, as such an invocation of claims of the ‘state secrets’ (and/or any other) privilege would allow such claims to be subjected to review for the propriety of such claims of ‘privilege,’ for which Plaintiff-Appellant-Petitioner can assure this Court, based upon Plaintiff-Appellant-Petitioner’s first hand experiences including, but not limited to, remote attacks upon Plaintiff’s mind and body (central nervous system) amounting to acts of psychological and physical “torture” under the law, the government defendants have no legitimate claim(s) for privilege/immunity for their conduct/actions with said BCI DEW. Rather, prosecutions and repayment of civil damages by those who participate(d) in running and/or facilitating the illegal/unconstitutional BCI DEW project domestically, are necessary. Yet, the courts are not allowing the matter to proceed, issuing instead a *sua sponte* dismissal of Plaintiff-Appellant-Petitioner’s lawsuit, calling Plaintiff-Appellant-Petitioner’s sound, cognizably pleaded legally plausible, well-pleaded factual allegations (in pertinent part) “utterly implausible” and “fantastical.”

Dismissal of Plaintiff-Appellant-Petitioner’s lawsuit MUST be reversed with the entire matter remanded

to the District Court with direction to the lower court to both allow Plaintiff-Appellant-Petitioner leave to amend, and with direction that the District Court to NOT nullify the factual allegations/basis of Plaintiff-Appellant-Petitioner's Complaint to facilitate the District Court dismissing Plaintiff-Appellant-Petitioner's Complaint prior to it being litigated on its merits. A judge issuing a *sua sponte* order/ruling is not the proper means by which claims of the 'state secrets' and/or any other claim(s) of government privilege/immunity are to be invoked.

The issues in Plaintiff-Appellant-Petitioner's lawsuits (very clearly) do not meet the legal requirements for government protection under claims of the 'state secrets' and/or any other form of government privilege/immunity. Yet, the courts are acting as the 'enforcers' of the ongoing, concealed, illegal/unconstitutional use of said BCI DEW and working to actively conceal the concealed illegal/unconstitutional use of the same on Plaintiff-Appellant-Petitioner, as well as more broadly on the population of U.S. citizens domestically, thereby preventing Plaintiff-Appellant-Petitioner, as well as other U.S. citizens, from seeking and obtaining equitable and legal relief from the concealed illegal/unconstitutional use of the same (BCI DEW) through the use of the United State Justice System – such prevention of the use of the court system by U.S. citizens/civilians are acts of seditious conspiracy, treason, obstruction of justice, torture, and numerous

other civil and criminal violations at both the federal and state levels of government, all being engaged in (including but not limited to) by licensed ‘attorneys’ and ‘judges’ acting outside the scope of any legitimate authority to facilitate/effectuate the ongoing concealed use of the same (BCI DEW). The District Court’s *sua sponte* dismissal of Plaintiff’s lawsuit with prejudice, without leave to amend, and simultaneous nullification/denial of Plaintiff-Appellant- Petitioner’s plausible, well-pleaded facts, with a sound basis in reality, being documented in scientific publications, U.S. Patents, Freedom of Information Act (FOIA) releases, and mainstream media sources (albeit mainstream media coverage of said BCI DEW from back in the 1960’s and 1970’s as coverage of the same largely disappeared from mainstream media coverage during the last fiftyish (50ish) years, despite the same being initially publicly disseminated information) are not a proper use of the court’s *sua sponte* authority. The District Court’s *sua sponte* dismissal, when viewed in context of the District Court’s denial/nullification of Plaintiff-Appellant-Petitioner’s factual allegations relating to the concealed, ongoing use of said BCI DEW to control and attack Plaintiff-Appellant-Petitioner are an attempt to forestall the need for the named government defendants to (fraudulently) assert a claim(s) of ‘privilege’/‘immunity’ and/or ‘state secrets and to further then attempt to defend such an invocation of the privilege, which requires the government defendants to actively appear on the record in legal

proceedings and thereby work to conceal violations of the law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or agency of the United States government; and/or to prevent or delay the release of information the release of which would not reasonably be expected to cause significant harm to national security. The government defendants are engaged in illegal/unconstitutional use of BCI DEW for which they have no legitimate legal defense/justification. The government defendants' use of said BCI DEW to commandeer the courts while simultaneously working to stage/fabricate/orchestrate social and political narratives domestically, using (literal) mind/body control Plaintiff as well as other U.S. citizens/civilians domestically to stage/fabricate/orchestrate fake ('artificial') tangible scenarios are NOT a matter of 'national security' and/or 'national defense' but rather a wholesale attempt to circumvent and/or overthrow the U.S. Constitution. As stated by former Attorney General Eric Holder, "[t]he Policy [for invoking the 'state secrets' privilege] further sets limitations for invoking the privilege, including not defending an invocation of the privilege to conceal violations of the law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or agency of the United States government." The District Court has attempted to run interference, obstructing justice, in an attempt to avoid the government defendants from being exposed for their violations of the law, inefficiencies, administrative error(s); and to attempt

to prevent those government defendants from embarrassment to a person, organization, or agency of the United States government. As such the District Court's ruling(s)/order(s) dismissing Plaintiff-Appellant-Petitioner's lawsuit with prejudice, without leave to amend are intended to prevent the named government defendants from being exposed for their violations of the law, inefficiencies, administrative error(s); and/or attempting to prevent those government defendants from embarrassment to a person, organization, or agency of the United States government, meaning that the District Court's sua sponte order(s)/ruling(s) violate policy, are an improper use of the court's sua sponte authority, which must be reversed.

The District Court's dismissal of Plaintiff-Appellant-Petitioner's lawsuit and denial of Plaintiff-Appellant-Petitioner's factual allegations related to the concealed, illegal use of said BCI DEW, the court calling the same (in pertinent part) "fantastical" and "utterly implausible," must be reversed and Plaintiff-Appellant-Petitioner's lawsuit be allowed to proceed on its full merits.

LISTING OF COUNSEL

None of the defendants named to Plaintiff-Appellant-Petitioner's lawsuit made an appearance prior to the District Court's sua sponte dismissal of Plaintiff-Appellant-Petitioner's lawsuit with prejudice and without leave to amend.