

24-5604

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Petitioner, pro per litigant

ORIGINAL

NO: \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

Samreen Riaz  
Petitioner,  
vs.  
County of Tulare et al.  
Defendant

FILED  
JUL 22 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

1. Supreme Court of California  
350 McAllister Street.  
San Francisco, CA 94102-4797.  
415-865-7000.  
2. 5th District Appeal Court  
2424 Ventura St,  
Fresno, CA 93721  
(559) 445-5491 3.  
3. Tulare superior Court,  
Justice Hillman Brett,  
Dept 7 221  
S Mooney Blvd,  
Visalia, CA 93291  
(559) 730-5000  
Respondent

Supreme Court Of California: S284766  
Court of appeal no: F085100  
Tulare Superior Case No: VCU289294

On Petition for Writ Of Certiorari To The California Supreme  
Court Petition for Certiorari

## **Question Presented :**

Did the Supreme court of California in error, abuse discretion and show bias in denying Petition ( S284766 ) and application for stay and left unresolved conflicted issue of law and factual issue?( **Appendix A** )

Did the 5th district appeal court in error, abuse discretion and show biased in denying petition (F085100) (notified to petitioner on March 26 24 regarding Jan 25 24 opinion along with the remittitur notification) from Judgments of dismissals from the Superior Court of Tulare County VCU289294 & left unresolved conflicted issues of law and factual issues based on challenging rulings from the Superior Court of Tulare County VCU289294 ? (-See Exhibit A attached to S284766)

.Did Tulare court in error and abuse discretion in granting judgment of dismissal on Oct 6 22 based on Sustaining the demurrer without leave to amend on the second amended complaint on Sep 27 & 20- 22 ruling and other previous rulings include sustaining demurrer? (dated May 3rd 22, Aug 09th 22, July 12, 2022, and May 17th 22).

. Denying the Motion to file an amended complaint?

. Denying petition to relieve Plaintiff from the Tort act (heard Oct 6 22) ?. ( see Record on appeal of F085100 pgs 877,860,848,845-860,758,484,239,172)(T.H. v. Novartis Pharmaceuticals Corp. (2017) 4 Cal.5th 145, 162.)

Did the lower court incorrectly apply the statute of limitations When injuries described under Section 1983 in this action and purported causes of action are not subject to the claim presentation requirements of the Government Claims Act. (**Williams v. Horvath (1976) 16 Cal.3d 834, 842., Wilson v. Garcia, 471 U.S. 261 (1985), Owens v. Okure, 488 U.S. 235 (1989) ?**

Did lower courts in error accept Tulare superior court false, unreasonable, concealment of facts based factual findings(Insurance Co. of North America v. Workers Comp. Appeals Bd. (1981) 122 Cal. App. 3d 905, 911 [176 Cal.Rptr. 365]), where they do not withstand scrutiny when considered in light of the entire record (**Duke v. Workers Comp. Appeals Bd. (1988) 204 Cal. App. 3d 455, 460 [251 Cal.Rptr. 185]**)?

Did lower courts deprived the petitioner of a fundamental fairness and her due process rights? **Perry v. Coyler (1978, 524 F 2d. 644)**

Did the lower courts fail to permit petitioner ( victim of constitutional violations under 42 U.S.C. § 1983 Civil Rights Act) to remedy deprivation of Constitutional Rights,privileges, and immunities due to Official abuse, **In Ascolese v. Southeastern Turnpike Authority, C 925 F. supp. 351?**

Did the lower courts offer unconstitutional opinions under constitution and failed to make decisions on the actual facts of the case and find hypothetical facts ( by violating separation of power under constitution ) outside the case that enabled the court to reach a wrong or corrupt opinion (**See Shelby County v. Holder and Citizens United v. FEC, the Court's ,See also Knights-Errant?**)

**Suggested Answer: Yes**

### **Certificate of Interested Entities or Persons:**

Certificate of Interested Entities or Persons: Pursuant to Rules 8.208 and 8.488 of the California Rules of Court, the undersigned identifies the following interested entities or persons per rule 8.208. .

### **APPEARANCE FOR Defendant and Respondent :**

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Deputy County Counsel, for Defendant and Respondent County of Tulare.



7/20/24

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# IN THE SUPREME COURT Of THE UNITED STATE PETITION FOR WRIT OF CERTIORARI

**TO THE HONORABLE JUSTICES**, Plaintiff is filing a writ of certiorari (Rule 10(a)) in the SUPREME COURT Of THE UNITED STATES as a matter of right of judicial discretion from the Opinion given by supreme court of California S284766, Denying appeal F085100 (notified to petitioner on March 26 24 regarding Jan 25 24 opinion along with the remittitur notification) from judgment dismissal granted from Tulare Superior Case No VCU289294 on Oct 6 22 based on Sustaining the demurrer without leave to amend on the second amended complaint on Sep 27 & 20- 22 ruling and other previous rulings include sustaining demurrer (dated May 3rd 22, Aug 09th 22, July 12, 2022, and May 17th 22), on Denying the Motion to file an amended complaint , on Denying petition to relieve Plaintiff from the Tort act (heard Oct 6 22) . ( see Record on appeal pg 877,860,848,845-860,758,484,239,172 of F085100 ).Petition is presenting a question of law for the US Supreme court on issues of public, government, constitutional importance and civil rights violations and requesting the US supreme Court to make a decision based on their individualized evaluation, guided by the principles of law.Lower court incorrectly applied statute of limitations when in fact injury based on Section 1983 causes of action are not subject to the claim presentation requirements of the Government Claims Act. (**Williams v. Horvath (1976) 16 Cal.3d 834, 842., Wilson v. Garcia, 471 U.S. 261 (1985), Owens v. Okure, 488 U.S. 235 (1989)** ).The Supreme court of California, 5th district appeal court, The Superior court has decided federal questions in a way or entered a decision in conflict with the other United States court decision in the same important matter. The Entire evidence and record was not examined for fairness, reasonableness and proportionality in the overall scheme of the law.. Here the lower Court's decision is not within the realm of what a reasonable trier of fact could find.Lower courts failed to meet standard when presented **fabricated, disputed, speculative facts and concealed material relevant facts of record to reach (erroneous) decision** . Lower courts departed from the accepted and usual course of judicial proceedings.

# **JURISDICTION**

The date on which the Supreme Court of California (S284766) decided or denied review of petitioner case on July 10 2024 .A Copy of that decision appears at **(Appendix A. )**

The date on which the 5th District Court ( F085100 ) Court served opinion on"(served on March 26 24) .Petitioner was notified on March 26 24 regarding Jan 25 24 opinion along with the remittitur notification . **(Exhibit A of S284766).**

The date on which the Tulare Superior Court granting judgment of dismissal on Oct 6 22 based on Sustaining the demurrer without leave to amend on the second amended complaint on Sep 27 & 20- 22 ruling and other previous rulings include sustaining demurrer (dated May 3rd 22, Aug 09th 22, July 12, 2022, and May 17th 22), based on Denying the Motion to file an amended complaint, based on Denying petition to relieve Plaintiff from the Tort act (heard Oct 6 22) **(see Record on appeal pg 877,860,848,845-860,758,484,239,172).**

**The Jurisdiction of this Court is invoked under 28 U.S.C S 1257(a)**

## **THE SUPREME COURT OF THE UNITED STATES PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully request that writ of certiorari issued to review the judgment below cases From State Courts:

### **OPINION BELOW**

Did the Supreme court of California in error, abuse discretion and show biased in denying Petition and application for stay on July 10 2024 ( S284766 ) based on challenging APPEAL from Denying petition ( F085100 ) based on and tulare superior court rulings VCU289294 ?**(See Appendix/Exhibit A)**

.Did the appeal court in error, abuse discretion and show biased in making Opinion ( F085100 ) (notified to petitioner on March 26 24 regarding Jan 25 24 opinion along with the remittitur notification) which was based on challenging APPEAL from rulings from the Superior Court of Tulare County VCU289294 ? **(See Exhibit A attached to S284766) .**

Did the Tulare court in error, abuse discretion and show bias in the granting dismissal from Tulare Superior Case No VCU289294 on Oct 6 22 based on Sustaining the demurrer without leave to amend on the second amended complaint on Sep 27 & 20- 22 ruling and other previous rulings include sustaining demurrer (dated May 3rd 22, Aug 09th 22, July 12, 2022, and May 17th 22), on Denying the Motion to file an amended complaint , on Denying petition to relieve Plaintiff from the Tort act (heard Oct 6 22) ?**( see Record on appeal of F085100 pgs 877,860,848,845-860,758,484,239,172)**

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED:**

We are not bound to accept the Board's factual findings where they are illogical, unreasonable, or improbable (**Insurance Co. of North America v. Workers Comp. Appeals Bd.** (1981) 122 Cal. App. 3d 905, 911 [176 Cal.Rptr. 365]), where they do not withstand scrutiny when considered in light of the entire record (**Duke v. Workers Comp. Appeals Bd.** (1988) 204 Cal. App. 3d 455, 460 [251 Cal.Rptr. 185]),

**In Pederson v. South Williamsport Area School District**, the courts interpreted due process as "Essentially fundamental fairness is exactly what due process means". Furthermore, the **United States District Courts in Perry v. Coyler** (1978, 524 F 2d. 644) have concluded the following: "Even the probability of unfairness can result in a defendant being deprived of his due process rights."

**CIVIL RIGHTS §1983 Civil Rights Acts and 18 U.S.C.** One of the principal purposes of § 1983 was to give remedy to parties deprived of Constitutional Rights, privileges, and immunities by Official abuse of his or her position, that is to provide remedy against individual officials who violate Constitutional Rights, 42 U.S.C.A. § 1983. **In Ascolese v. Southeastern Turnpike Authority**, C 925 F. supp. 351. Section 1983 claims are best characterized as personal injury actions, and hence the Court of Appeals correctly applied the 3-year statute of limitations applicable to such actions. Pp. 471 U. S. 266-280. **Wilson v. Garcia**, 471 U.S. 261 (1985), **Owens v. Okure**, 488 U.S. 235 (1989) . After exhaustively reviewing the different ways that § 1983 claims have been characterized in every Federal Circuit, the Court of Appeals concluded that the tort action for the recovery of damages for personal injuries is the best alternative available. 731 F.2d at 650-651. **Wilson v. Garcia**, 471 U.S. 261 (1985) 5th district established "Because they are based on federal law, these purported causes of action are not subject to the claim presentation requirements of the Government Claims Act. (**Williams v. Horvath** (1976) 16 Cal.3d 834, 842)

The complaint is liberally construed, with "all material facts properly pleaded"" accepted as true, but no weight is given to "contentions, deductions or conclusions of fact or law"" therein. (**Blank v. Kirwan** (1985) 39 Cal.3d 311, 318.) "In reviewing an order sustaining a demurrer, we examine the operative complaint de novo to determine whether it alleges facts sufficient to state a cause of action under any legal theory." (**T.H. v. Novartis Pharmaceuticals Corp.** (2017) 4 Cal.5th 145, 162.) "Where the demurrer was sustained without leave to amend, we consider whether the plaintiff could cure the defect by an amendment. The plaintiff bears the burden of proving an amendment could cure the defect." (**T.H. v. Novartis Pharmaceuticals Corp.**, *supra*, 4 Cal.5th at p.162.) 'A trial court's order sustaining a demurrer without leave to amend is reviewable for abuse of discretion "even though no request to amend [the] pleading was made." "a plaintiff can make "such a showing . . . for the first time to the reviewing court" [citation]."' (**Mercury Ins. Co. v. Pearson** (2008) 169 Cal.App.4th 1064, 1072.) "If the court sustained the demurrer without leave to amend, as here, we must decide whether there is a reasonable possibility the plaintiff could cure the defect with an amendment. [Citation.] If we find that an amendment could cure the defect, we conclude that the trial court abused its discretion and we reverse; if not, no abuse of discretion has occurred. [Citation.] The plaintiff has the burden of proving that an amendment would cure the defect. [Citation.]" (**Schifando v. City of Los Angeles** (2003) 31 Cal.4th 1074, 1081.

## **STATEMENT OF THE CASE:**

Samreen Riaz, Is an Asian American, 0.4 percent religious Muslim minority serving as a dentist in Tulare, California. Samreen Riaz was harassed, her civil rights violated, terrorized, organized stalked, blacklisted, threatened, and retaliated for over 4 years after plaintiffs participate in testifying in a lawsuit against a federally supported health center (Case no -VCU276991, VCU288720 ) in a matter of recruited patient (potential insurance fraud), Osha and Hippa Violations. (See Record on appeal pgs 565-568). Plaintiff brought this lawsuit after plaintiff got harassed inside the Tulare superior court for participating in court proceedings against " federal reserve centers" by the on-duty Sheriff Rock Holt and Bonilla Victor on July 15 2020( See paragraphs 45-52, 54-59-123-127, 136 on Record on appeal pgs 527- 529,537-539,). Plaintiff, despite registering complaints, was further threatened with eye damage by the Tulare Sheriff's Rock Holt (about July 24, 2020) when Plaintiff reached the court to participate in the court hearing. After Sheriff Rock Holt's threat, the plaintiff often starts getting threatened with eye damage. ( Record on appeal pgs 528-531,Exhibit A - Record on appeal pg 719)). On April 127 21, and may 2021 Plaintiff requested Tulare Sheriff's Department to initiate an investigation against Officer Rock Holt's involvement in the potential use of a firearm( Record on appeal pgs 527-529,537-539, pgs 530-536, 558 563-565, 565-567,559). Plaintiff eye diagnosed with permanent damage and Strabismus, "Esophoria" (Record on appeal pgs 670-690, legible copy on Record on appeal on pgs 43-171) however initially many ophthalmologists declined plaintiff care to plaintiff (. Plaintiff would like to take judicial notice pursuant to section 452 of appellant opening brief in the 5th district court "statement of the facts" paragraph 205 -283 Pgs 30-38) filed april 22 23.) Defendant department covered up the organized violent crime of assault and battery and refused to investigate the use of a firearm and or press charges of assault and battery against Officer Rockholt and Officer Victor Bonilla. Plaintiff suffered from permanent bodily injury with the potential use of a lethal military-grade precision weapon..Other covert Stalking activities inside the Tulare court were reported in 2020 To the Tulare administration (see Record on appeal Second amended complaint pgs 579-581 575-582 , 558-590, Exhibit A- Record on appeal pgs 620-622, legible copy on pgs 72-74,). (see record on appeal pgs 548, paragraphs 203-300 SAC and Exhibit A- Record on appeal pgs 548-549,163-171,64-74). However, after the plaintiffs' written claim was filed to Tulare County Grand jury, Tulare County instead of investigating the claim and remedying plaintiffs' grievances, retaliated with the use of excessive force by utilizing Tulare County employees (Visalia Police Department) on Aug 12. (record on appeal pgs 548- 549,720,721, paragraphs 203-300 of SAC), record on appeal pgs 721-723-, paragraph 203-300 of SAC , 549,721, paragraphs 203-30, pg722, 720,721 SAC ExhibitA) ).For background information related to obstruction of justice, whistleblower retaliation, and a statement from Various sources including Cathy Meadows, Dr. Bhullar, Dr. Aish Amin, Dr. Hoffman, and Manager Reataund from . Family healthcare Network, Russel Ryan's attorney(Altura) can be reviewed on Record on Appeal pgs 540,545,566-568,582-590) .For a summary of injuries suffered by the plaintiff see the section of SAC pg 536-539 paragraph 114-119, record appeal).

## **REASONS FOR GRANTING THE PETITION:**

The Court should grant certiorari as compelling reasons exist for the exercise of the Court's discretionary jurisdiction as the decision of the lower courts not only erroneous but Petitioner's presenting a question of law for the US Supreme court on issues of public, government, constitutional importance and civil rights violations and requesting the US supreme Court to make a decision based on their individualized evaluation, guided by the principles of law. Lower court incorrectly applied the statute of limitations when in fact injury based on Section 1983 causes of action are not subject to the claim presentation requirements of the Government Claims Act. (Williams v. Horvath (1976) 16 Cal.3d 834, 842., Wilson v. Garcia, 471 U.S. 261 (1985), Owens v. Okure, 488 U.S. 235 (1989) , and decided federal questions in a way or entered a decision in conflict with the other United States court decision in the same important matter. The Entire evidence and record was not examined for fairness, reasonableness in the overall scheme of the law..Lower courts failed to meet standard when presented fabricated, disputed, speculative facts and concealed material relevant facts of record to reach (erroneous) decision .Lower courts departed from the accepted and usual course of judicial proceedings.(see Shelby county v holder and citizen united v FEC). Below are the reasons given that decisions of the lower courts were in conflict with the decisions of another appellate court. ( see pg 8 of W certiorari).

### **I: Failure Of Supreme court of Ca to established DISCREPANCIES IN THE "FACTUAL AND PROCEDURAL BACKGROUND" SECTION OF THE Lower court OPINION: (see detail facts and arguments on pg 10 S284766):**

5th district court self admitted their biases that 5th district found Plaintiff "written submissions difficult to follow and at times unintelligible".(pg 2 of opinion ) because Plaintiff "describes herself as a Pakistani-born Asian American and religious Muslim minority.", "nonnative English speaker".and "Plaintiff is a self-represented " litigant .(pg 2 of opinion ). 5th district court is in error, abuse authority and showed bias when took a" Su sponte judicial notice" of the "pending appeals Riaz v. Family HealthCare Network, F085829, and Riaz v. Altura Centers for Health, F085852".(pg 2 of the opinion ), " pleadings, including the exhibits".for the reason to "providing " their own Speculative "understanding" of the " contextual background " instead of considering plaintiff pleaded facts true as pleaded in the SAC for the reason that 5th district found it "difficult to" consider plaintiff pleading true and comprehensible because Plaintiff "describes herself as a Pakistani-born Asian American and religious Muslim minority.", "nonnative English speaker".and "Plaintiff is a self-represented " litigant .(pg 2 of opinion ). 5th district Court further recognised that "General background"" Factual Allegations" of the opinion are based on 5th district "understanding" of the "pleading, including exhibits" from the" pending appeals: Riaz v. Family HealthCare Network, F085829, and Riaz v. Altura Centers for Health, F085852." .(pg 2 of the opinion ) and not based on actual facts pleaded in those "pleading, including exhibits" from the" pending appeals: Riaz v. Family HealthCare Network,F085829, and Riaz v. Altura Centers for Health, F085852."

### **II: Failure Of Supreme court of ca to established Discrepancy In The Background Section Of The 5th District Opinion:( see details on pg 10-25 of S284766 brief)**

5th district in error is in error, abused authority and showed bias when attempting to replace actual fact with fake fact.5th district court presented many of their own speculative opinions as fact, presented inaccurate, partial fact, false fact ,out of context opinion as facts , new facts,speculative facts ,concealed facts from the SAC and Appellant Brief. 5th district is in error, showed bias and abuse discretion when concealed many facts and statements related to Osha and Hippa violations and retaliation relevant to exercising 1st and 7th amendment right opposition to the federally supported health center from the opinion. and instead "provide: " their own Speculative understanding of the contextual background " in the opinion ,5th district failed to considered plaintiff pleaded facts true in the SAC and took su sponte notice of plead and exhibit of different pending appeals for the reason that 5th district found it "difficult to" consider plaintiff pleading comprehensible considering Plaintiff "describes herself as a Pakistani-born Asian American and religious Muslim minority.", "nonnative English speaker".and "Plaintiff is a self-represented " litigant .(pg 2 of opinion ). 5th district court established new facts not all alleged in the Sac and created by the 5th district court by their own Speculative "understanding" of

the “ contextual background” of facts “ by taking su sponte notice of pleading and exhibbit of the” pending appeals: *Riaz v. Family Health Care Network, F085829, and Riaz v. Altura Centers for Health, F085852.*” (pg 2 of opinion ) and by concealing material facts as pleaded in the Sac and exhibits .

. In addition, the Plaintiff statement should be reviewed(if reviewed, as outside SAC) with all the facts that 5th district attempted to conceal from the Background in their opinion , that were presented in above paragraph as well as in the SAC and Appellant Brief. This includes Expert witness Cathy meadow's testimony in court proceedings confirming that the plaintiff is going through covert organized stalking due to blowing the whistle. , Statement of Retaud , Dr. Bhullar( coworker FHCN) statement , .Dental Director At FHCN, Dr. Aisha Amin statement ,Worker Compensation Dr. Hoffman statement (mid of 2020 ), Mr. Ryan Russel's attorney Altura threatening letter and statement of May 11 2018 document ALTURA00205, Mr. Raoul Severo(plaintiff's attorney) statement ( See pgs 48-50 of SAC ) .(see pg 10-25 of S284766 brief)

See also summary ( see pg 25 section In Short of opening brief S284766) that the 5th district court failed to follow the established fact finding process. Neither 5th district remanded the case back to trial court for fact finding which further makes 5th district court ruling dishonest, inefficient and based on hypothetical facts. (See *Shelby County v. Holder and Citizens United v. FEC*, the Court's ,See also Knights-Errant:

**III. Failure Of Supreme court of Ca to established Discrepancies In The Present Case Section Of The Opinion OF THE 5th district court: ( see pg 25-33 of opening brief S284766) :**5th district opinion ( F085100) indicate (mostly New, false, fake, partial , based on concealing fact, out of context, disputed , fabricated , hypothetical and speculative) fact as discussed in S284766 brief are established from outside the pleading of SAC and established based on 5th district believe , perception of the contents by taking su sponte notice of pleading and exhibbit of the” pending appeals: *Riaz v. Family Health Care Network, F085829, and Riaz v. Altura Centers for Health, F085852.*”5th district court action above actions are unconstitutional, erroneous, biased and abuse of authority . The reason for speculation provided in “ FACTUAL AND PROCEDURAL BACKGROUND by the 5th district court is that **5th district found** “difficult to follow” comprehend or understand plaintiff due to plaintiff self describe herself as a “”a nonnative English speaker” “Pakistani-born Asian American and “religious Muslim minority.” 5th district in error considering Sac allegations conflicted with the exhibits and based on concealment of fact. 5th district relies on selective part of the exhibit without presenting any disputing facts and provide their own erroneous speculative understanding of fact form exhibits instead of considering pleaded fact true at the pleading stage. **5th district court present partial, disputed , new fact when not alleged in the SAC** .Due to space limitation, plaintiffs are unable to present all concealed Facts alleged in the Sac and can be reviewed in Sac appeal record on pgs 519-591, and Exhibit A better copy appeal record 290-435.

**IV: Failure Of Supreme court of CA to established Discrepancies In Procedural History Section Of lower Court Opinion: ( see S284766 pgs 33-34):5th district is in error , abuse discretion and showed bias when failed to find that the Tulare superior court failed to enter a default judgment against the Defendants**

5th district established that defendant failed to respond to complaint in a timely manner "On November 1, 2021, plaintiff filed a civil complaint against the County of Tulare, the Tulare County Sheriff's Office, Deputy Rockholt in his individual and official capacities, and Victor Bonilla in his individual and official capacities (collectively defendants). On April 5, 2022, defendants filed a demurrer to the complaint. (pg 7 and 8 of the Opinion).5th district established Plaintiff initial Complain based on "Conspiracy to Interfere With Civil Rights under 42 U.S.C. § 1985; Deprivation of Civil Rights Under 42 U.S.C. § 1983[;] Deprivation of Civil Rights Under State Code §§ 51 (Unruh Act) and 52.1 [¶] 2. **Taxpayer Suit To Prevent The Illegal Expenditure of Funds (Cal. Code Civ. Proc.526A).** [¶] 3. Failure To Take All Reasonable Steps To Prevent Discrimination [¶] 4. Harassment and Hostile Environment [¶] 5. Retaliation [¶] 6. Unlawful Retaliation: Labor Code § 1102.5 (Whistleblower Law); [¶] 7. Battery; [¶] 8. Assault; [¶] 9. Negligence; and Intentional Infliction of Emotional Distress [¶] 10. Racial Discrimination [¶] 11. Injunctive and declaratory relief and receivership (42 U.S.C. §§ 1983, 1985)". 5th district court established that the tulare court " ruling did not explain why the demurrer was sustained as to the federal claims".(pg 7 and 8 of the Opinion) The 5th district court established that Plaintiff filed a claim ""On or about April 25, 2022" with the Tulare County Board of Supervisors using a preprinted "Liability Claim Report" form. "In a box designated for a description of personal injuries suffered, plaintiff wrote, "Racial discrimination, emotional infliction of distress, harassment, [illegible] discrimination violation of civil rights under 42 USC 1983, illegal expenditure of funds, battery, assault not charged or investigated[.] Prevent Samreen Riaz [illegible] brought incident to authorities." (Sic.) Plaintiff stated the amount of her claim was \$1 million."(pg 8 of the opinion) .

**V: Supreme court of CA failed to establish that 5TH DISTRICT COURT IS IN ERROR, ABUSE OF DISCRETION AND SHOWED BIAS IN OPINION F085100 :** (see S284766 Pgs 34-72) Plaintiff Enumerated sufficient facts in the second Amended complaint that demonstrate or establish causes of action.5th district court is in error in determining or expecting to provide at pleading stage evidence instead of testing demurrer only on the face of pleading alone. (see the **record on appeal** pgs 519-591 second amended complaint) .Plaintiff argues 5th district Court Failed to consider many claims exempt from Tort Compliance( Records on appeal Pgs 546-547, paragraph 187-202) such as Civil Rights 1983, Civil rights violations Section 42 USC 1985, and fraud claim exempt from the tort act, not taken into consideration by the Tulare superior court when sustaining the demurrer and issued dismissal judgment ( **Hillary v. Sep of Corrections and Rehabilitation (2016) 246 Ca1. App.4th 40,414-416.**)( see the **record on appeal** pgs 506,556-557 of second amended complaint paragraph 187, pg556,557 paragraph 400-408, pgs 558-570, 572-575, pg 591). Plaintiff argues Claim exemption from the tort act or No **Claim required for declaratory relief** was not taken into consideration by the 5th district

court ( see the record on appeal pgs 506,556-557) (see the record on appeal pgs 506,556-557 of the second amended complaint paragraphs 187, pg 556,557 paragraphs 400-408, pg 591). Plaintiff argues 5th district court made an error when not provide the injunctive relief requested by the plaintiff and its exemption from the tort action. In addition, Court is in error in assessing incidents in SAC are not pled with specificity that would permit the court to issue injunction relief of any future action. (see the record on appeal pgs 506,556-557 of second amended complaint paragraph 187, pg556, 557 paragraph 400-408, pg 591) .Plaintiff argues Equitable relief is exempt from the tort claim requirement. (see the record on appeal pgs 506,556-557, see also paragraph 20 on pg 506 of the petition to the court for an order relieving the plaintiff from the tort act requirement) see the record on appeal pg 546,547 paragraph 187, pg 556,557 paragraph 400-408, pg 591) .Plaintiff argues 5th district court is in error finding compliance with the Tort act is a prerequisite to filling all causes of action presented in this lawsuit( see the record on appeal pg 546,547 paragraph 187, pg 556,557 paragraph 400-408, pg 591) . Plaintiff argues 5th court failed to consider many Claims are not Pre requisite for S 911.2 (see the record on appeal paragraphs 107-117 pg 517-518 Petition to the Court for an order relieving plaintiffs from the Tort Claim requirement-Record on appeal pgs 517- 518,556-557, paragraphs 408, Second amended complaint pgs 551- 557) See *S284766 brief pg 35 for citation Williams v. Horvath (1976) (Estelle v. Gamble (1976) Arce v. Children's Hospital Los Angeles (2012)(California Transport v. Trucking Unlimited (1972) 404 U.S. 508, 513.)*

A:5th district court opinion that the Trial court properly sustained the County demurrer to the SAC without leave to amend as the Appellant failed to file a government tort claim or Present a late claim, Appellant failed to comply with gov code S 905 is erroneous, abuse of discretion and biased. )(see opening brief S284766 pg 36-42) Plaintiff is not repeating the argument presented in the 5th district court regarding Tort claim because of space constraint. However, the Appellant sought the court to consider all the arguments presented at the appellant appeal on brief F085100 pgs 17-23, 26-28, 16-17.

Appellant discussed error in 5th district opinion ( in Section V.(A) of opening brief S284766 pg 36-42 ) where 5th district is in error abused authority and showed bias toward plaintiff when refusing to consider plaintiff Sac or as a matter of fact any pleading and exhibit of plaintiff true as pleaded but continue to speculate facts that plaintiff alleged violent eye injury/eye damage/violence as" her eye problem ", "suspicion of injury", "suspicion wrongdoing by defendants " (pg 16,17 of the opinion) for the reason that 5th district found it "difficult to" consider plaintiff pleading comprehensible and true because Plaintiff "describes herself as a Pakistani-born Asian American and religious Muslim minority.", "nonnative English speaker". and "Plaintiff is a self-represented " litigant (pg 2 of opinion) .

5th district is in error, abused authority and showed bias when determined plaintiff is not in compliance with tort act:( see V:(A) ERROR in finding failure to file a government tort claim or Present a late claim, failure ailed to comply with gov code S 905 in opening brief S284766 pg 36-42) :see pg 505 of appellate record F085100 " (b). Above claims... Requested for

investigation and no dollar amount included in the claim as the amount claimed exceeds ten thousand dollars (\$10,000). "See *S284766 brief pg 36*

Plaintiff claim satisfy two-part test for determining substantial compliance: "Is there *some* compliance with *all* of the statutory requirements; and, if so, is this compliance sufficient to constitute *substantial* compliance?" (*City of San Jose v. Superior Court* (1974) 12 Cal.3d 447, 456–457.) . In Addition Plaintiff claims constitute substantial compliance and not failed for the following reasons: 1- First, The appellant proves to the 5th district and tulare court the burden of ensuring that the claim is presented to the appropriate public entity. (*DiCampli-Mintz v. County of Santa Clara* (2012) 55 Cal.4th 983, 991.) There is no dispute that an appropriate public employee or board receives the claim , and not undelivered or misdirected therefore does not fail to comply with the statute. (*Id.* at p. 992.) 2: There is no doubt that plaintiff claim pursuant to "Government Code section 915" actually received by, the "clerk, secretary, auditor, or board of the local public entity." (*Id.*, subds. (a), (e.)) (pg 15 of the opinion).

5th district court established that Plaintiff "alleges substantial compliance with the requirements of Government Code sections 910 and 911.2 based on the above-quoted e-mails and an additional email to the Tulare County Grand Jury on August 5, 2020. "Pg 15 of the opinion F085100) .5th district court establishes only partial facts and conceal content of the email including many claim related attachments with the emails with detailed information as presented in exhibits and Sac. 1( see V:(A) ERROR in finding failure to file a government tort claim or Present a late claim, failure ailed to comply with gov code S 905 in opening brief S284766 pg 36-42, 37,38). Lower courts failed to apply The doctrine of substantial compliance as there is no omission of an essential element from the claim or remedy a plaintiff's failure to comply meaningfully with the statute and good faith effort made with the intent to comply and the appropriate parties delivered the claim and purpose of requirement was achieved .

5th district court opinion Appellant's failure to file a govt tort claim within six months is erroneous, abuse of discretion and biased. ( see appellant appeal on brief pgs 17-23, 26-28) : ( see complete argument on V:(A) in opening brief S284766 pg 36-42, 38):

Although we discussed above that 5th District Court in error when Found Plaintiff Failed to Meet the Statutory Requirements( see appellant appeal on brief pgs 17-23, 26-28) .Further 5th district reached erroneous opinion based on their own Speculative , New facts finding Outside the SAC or even on facts of the Exhibits and based on Concealment of actual alleged facts, based on facts that were not pleaded in SAC and drawn from the plaintiff e-mails content based on the speculating understanding, believe , perception of the contextual background of the 5th district judges by taking su sponte notice of pleading and exhibit of the" pending appeal". 5th district is in error considering Sac allegations conflicted with the exhibits and based on concealment of fact see argument See *S284766 brief pg 38-39*

5th District court in error, abused authority and showed bias when making an opinion "We are not persuaded." that " presentation of the Government Tort Act was unnecessary" as the "Primary purpose" of her lawsuit "was to press charges against the Sheriff's employee , investigate press charges and bring oversight to the sheriff's department." and damages sought are "incidental to the injunction" (pg 13 of the Opinion)

5th district court in error to not allow Plaintiff to recover costs, including reasonable attorneys' , experts' fee for legal fees as applicable, under the statute 42 U.S.C. § 1988. (record on appeal pg 591)

“Numerous cases hold that a plaintiff who sues under the federal Civil Rights Act (42 U.S.C. S 1983) fn. need not seek remedy under the California Tort Claims Act; thus, the categories listed in section 905 of the Government Code are not exhaustive of the types of claims which are exempt. (See *Williams v. Horvath* (1976) 16 Cal. 3d 834, 842 [129 Cal.Rptr. [145] Cal. App. 3d 869] 453, 548 P.2d 1125]; *Graham v. City of Biggs* (1979) 96 Cal. App. 3d 250, 255 [157 Cal. Rptr. 761]; see also *County of Mendocino v. State of California* (1971) 22 Cal. App. 3d 90, 94-95 [98 Cal. Rptr. 904], holding that the general Tort Claims Act requirements of Government Code section 905.2 do not apply where an act contains its own claims statute within its terms.) fn. 5

.Although plaintiff sues under the federal Civil Rights Act (42 U.S.C. S 1983) fn. Exempt from the California Tort Claims Act requirement (However as we discussed above, Plaintiff was compliant with Government Code section 910 where specifically Requested for investigation and no dollar amount included in the claim for the recovery of the cost as the amount claimed exceeds ten thousand dollars (\$10,000).

However, For the sake of argument if go with the 5 th district logic “In both her government tort claim of April 2022 and subsequent application for leave to file a late claim, plaintiff sought \$ 1 million”. (pg 14 of the opinion) . However, the 5th district court itself established that Plaintiff filed a claim ““On or about April 25, 2022 based on “violation of civil rights under 42 USC 1983”(exempt tort compliance) ,” Plaintiff stated the amount of her claim was \$1 million.”(pg 8 of the opinion) .

.In Addition, Plaintiff's initial complaint was filed in Nov 2021 before plaintiff sought \$1 million in April 2022. 5th district court acknowledged and established the plaintiff's initial written claim did not or “ none asserted a claim or demand for money or damages.”(pg 7 of the opinion). Plaintiff's first amended complaint was filed after April 2022 therefore eligible for cost pleaded in an FAC filed on May 23 2022 along with incidental damages”civil rights under 42 USC 1983”(exempt tort compliance).

Appellant principally seeking injunctive relief( see CT pg 557), therefore not subject to demurrer for failure to comply with the Tort Claims Act as “money and damages” being incidental (liable to happen as a consequence) to the claim for injunction relief. ( see CT, Pg 517, 518 Paragraph 110-117) . : ( see V:(A) injunctive relief discussion in opening brief S284766 pg 40, 36-42). 5th district court acknowledged and established the plaintiff's written claim did not or “ none asserted a claim or demand for money or damages.(pg 7 of the opinion). 5th district established “ In her reply brief, plaintiff contends the “[p]rimary purpose” of her lawsuit “was to press charges against the Sheriff's employee involved in harassment, threat, assault, organized crime, and intimidation of court witnesses to obstruct court proceedings and requested investigate press charges and bring oversight to the sheriff's department.” (pg 13 of the opinion). “ She thus contends the damages sought are “incidental to the injunction” and, therefore, presentation of a government tort claim was unnecessary. “(pg 13 of the opinion F085100)

.The public entity had many opportunities to settle claims without litigation. Defendant Acknowledged on pg 18 of the respondent brief that the appellant put on notice the defendant by providing relevant information but arguing on technicalities of the delivery

method of the claim. ( see also appealing opening brief pgs 10 paragraph 21, pg 11 paragraph 27-30, pg 12 paragraph 41, pgs 17- 23, 26-28) ( see evidence no 16 and 17 CT pgs 63-86, see also evidence no 2-9 CT pgs 44,61-70,74, 77, 5150 welfare code utilization to prevent filing of grievance with public entity excused tort compliance/ exemption ). Snipes vs city of Bakersfield (1983)( see CT 557- 575) ,(Minsky v. City of Los Angeles (1974) 11 Cal. 3d 113, 123 [113 Cal. Rptr. 102, 520 P.2d 726].)

Besides, Defendant acknowledged on pg 18 of the respondent brief f085100 that the appellant put on notice the defendant with relevant information to the county, proper parties, and relevant authorities. However, the defendants retaliated and acted in an outrageous manner to prevent the filing of grievances in the manner prescribed by statute. Although there is a substantial Evidence of tort compliance by the appellant, defendant cannot assert tort compliance defense when actively retaliating (see CT pg 548-550- see Evidence no 14 CT pg 722-723, Evidence no 15 CT pg 721 retaliation by utilizing 5150 to silence appellant) after she filed grievance and approach government entities ( See Evidence no 1, CT pg 60-59 where appellant inform the Clerk of the board of Tulare on July 30. 20 about a conspiracy to intimidate court witnesses by Rock Holt, organized stalking where an African or black girl utilized to harass appellant with the motive to racial discriminate appellant, civil right violation of women minorities, and Tulare sheriff department cover-up of organized crime, requested an investigation. clerkboard@co.tulare.ca.us) in the form of excessive force, and false imprisonment, to silence the appellant for bringing grievances related to Rock Holt (see also Evidence no 2-7 on pg 61- 68,164-167, 69-70, 71,168, 77 that resulted in retaliation -Evidence no, 14 CT pg 722-723, Evidence no 15-721)( principles of equitable estoppel apply here).

See Government Code section 935 and citation. **Pasadena Hotel Development Venture v. City of Pasadena (1981) on pg 41,42 of S284766**

. Appellant filed late petition Only to show due diligence "though unwarranted( See CT pg 506, paragraph 17, pg 512 paragraph 64-66, pg 506-518, pg 556- paragraph 339) , plaintiff comply and show good faith due diligence ( See CT pg 506, paragraph 17, pg 512 paragraph 64-66, pg 506-518, pg 556- paragraph 339) .

. Claims for injury presented timely, and the claimant has two years from the accrual of the cause of action to file a complaint as the claimant failed to provide written notification of rejection: ( see appellant opening brief pgs 18, 19 F085100) If the public entity rejects the claim but does not provide the claimant with written notification of rejection, the claimant has two years from the accrual of the cause of action to file a complaint. Govt. C. §945.6( see appellant opening brief pgs 12 paragraph 41) Appellant alleged facts demonstrating excusing claim filing compliance:( see appellant opening brief F085100 pgs 20-21, pg 27 paragraph 175, pg 27-28, pg 10 paragraph 24-26, pg 11 paragraph 32-33, pg 12 paragraph 34, 37, 38, pg 13 paragraph 42, 43)

**B: 5th district opinion that the “appellant failed to file a late claim within one year of the alleged injury” after the cause of action accrued is erroneous, abuse of discretion and showed bias . ( see appeal on brief F085100,pgs 21-23, pg 26-27)**

.5th district court is in error to account extraordinary circumstances, the Covid pandemic, as well as retaliatory use of excessive force or violence toward the appellant for reaching the county with a grievance ( see CT 832-833 paragraph 70-79, see also **Evidentiary support and discussion in above Section A**), therefore made an erroneous assertion that appellant failed to file a late claim within one year of action accrued.

.5th District court, in this case, is in error, establishing “Plaintiff's Tolling Arguments Fail”, “Plaintiff argues the trial court erred “by not calculating.... (b) mental [c]apacity for tolling.” “We reject both arguments.”(pg 17 of the opinion F085100):( see complete argument at V:(b) not calculatingmental [c]apacity for tolling in opening brief S284766 pg 42-46 )

It is in contrast to the same judge Hillman's own rulings that stayed plaintiff's ( discredited court witness) participation in another court proceeding ( VCu 276991- see **CT record 841-843**) by making a ruling “Court finds a ruling plaintiff, Samreen Riaz, is suffering from a mental disability and a trial would serve no one at this time” Motion stay the proceeding is granted”(see CT pg 841), “ Court finds plaintiff still unable to proceed.” (see CT pg 842). “Court lifts stay” on May 19 22( see CT pg 843). ( see CT 832-833 paragraph 70-79, see evidentiary support mentioned in above section A ).See Toll Application in the record on appeal 508-509,513,515, see appeal brief page 22, paragraph 129).

The 5th district court fails to apply law and facts accurately regardless of whether it is adverse to law enforcement officers involved in violence, Tulare County, or influential government officials. 5th direct court in error when failed to find It is a violation of equal protection of the law when Tulare court is inconsistent in its own ruling on incapacity (see CT 832-833 ) on the same individual for the same time period in different cases.

. 5th district court is in error, abuses discretion when cited (Quoting Hsu v. Mt. Zion Hosp. (1968) 259 Cal.App.2d 562, 572-573.) when both cases are not similarly situated. 5th district belief, perception or speculation (based on circumstantial evidence and conceal actual facts that are pleaded in the sac ) and showing confidence in appellant capability of transacting business and carrying out legal proceedings are speculation when evidence available proves that trial court judge hillman barred appellant to proceed in the court due to mental competency.

5th district logic of mental incompetency tolling not applied is based on speculative facts (outside the sac) by taking su sponte notice fails as this honorable trial judge hillman made the judgment in june 2021 based on Aug 2020 5150 incident that plaintiff unable to proceed due to mental competency of appellant. 5150 based judge hillman stay on Altura proceeding (are not speculative fact) and establish that appellant was unable to proceed with the trial court proceeding in dep 7 under judge hillman of tulare court where Tulare Court case against tulare county and sheriff dept was eventually assigned and tolling applies. ( see complete argument at V:(b) not calculatingmental [c]apacity for tolling in

opening brief S284766 pg 43-45 )

In Addition, There was no one in reasonable mind willing to take Risk of being falsely imprisoned, illegal seizure and willing to create fraudulent medical record on them self by application of unlawful 5150 for filing grievance on behalf of appellant against tulare county which shows pattern of inflicting violence for filing grievance, therefore tulare court is in error , biased and abuse discretion citing " **(Barragan v. County of Los Angeles (2010) 184 Cal.App.4th 1373, 1384.)** as the two cases are not similarly situated due to Tulare county lawless conditions for muslim immigrants and court witnesses.

**5th district court opinion miscalculated deadline to file an application for leave to present the claim:** ( see complete argument at V:(b) miscalculated deadline to file an application for leave to present the claim in opening brief S284766 pg 45 )Although the appellant alleged the appellant is in compliance with the tort act. However, For the sake of argument, if it goes with 5th district opinion of technical difficulties of the claim, equitable doctrine still applies.

**. The purpose of the equitable doctrine is to prevent unfair or unjust results that may arise from technical breaches of legal requirements:** . The equitable doctrine of substantial compliance applies as the appellant had substantially performed its obligation when they made a good faith effort to comply ( substantially performed) with a legal requirement and achieved the essential purpose of the contract or the legal requirement, the deviation from strict compliance in this situation is not material or significant enough to deprive the defendant of the benefits expected under the purpose of the legal requirement(Non-material breach). . 5th district courts abuse discretion when not considering all The facts and circumstances of this case to enforce or consider whether the appellant has complied with its obligations of a tort claim or considered other remedies that are fair and just under the circumstances.

**The NJ Supreme Court recently reviewed the standards of substantial compliance. H.C Equities, LP v. County of Union (A-1/2-20) (084556), argued February 2, 2021 -- Decided on July 19, 2021.( see complete argument at V:(b) for tolling in opening brief S284766 pg 45-46).**

There are exceptions to late claim (946.6) that applied in appellant situations, including:1. Statutory exceptions: such as incapacitated individuals,2. Notice requirements: where the notice was impossible or impractical.3. Equitable estoppel: Equitable estoppel is a legal principle that may be applied when a claimant can demonstrate that the government's actions or representations misled them or caused them to delay filing a claim within the statutory deadline.4. Extraordinary circumstances: claimant established that there were extraordinary circumstances beyond their control that prevented them from filing within the prescribed time limit.

**C: 5th District opinion on that Appellant petition for relief is jurisdictionally barred is in error :** ( See arguments made on Pg 17-20 appellant reply brief filed on july 10 2023 f085100, see also "B-Defendant argument that the "appellant failed to file a late claim

within one year of the alleged injury" after the cause of action accrued has no merit" on reply brief file on july 10 2023 on pg 15-17 , See appeal on brief f085100 filed on april 22 23 pgs 21-23, pg 26-27)

**When excuse compliance and tolling applies correctly, the appellant's request for leave was well within one year after the cause of action accrued. The court was, therefore, not jurisdiction barred from granting relief but in error and abuse discretion. ( See Pgs 17-20 appellant reply brief F085100 filed on july 10 2023, see also "B-Defendant argument that the "appellant failed to file a late claim within one year of the alleged injury" after the cause of action accrued has no merit" on reply brief file on july 10 2023 on pg 15-17 , See appeal on brief filed on april 22 23 pgs 21-23, pg 26-27)**

.The purpose of the claim requirements is to give public entities an opportunity to investigate facts and weigh fiscal implications. (**Cin of Stockton v. Superior Court (2007) 42 Cal.4th 730. 738.**( see Section A(pg 12-14) of the "Appellant's Reply to Respondent Brief F085100 to review public entities" retaliates and tries to discredit and silence appellant by unlawfully applying 5150 welfare code( which provides exemption for. tort compliance )on reaching them With grievances and upon provide them the opportunity to investigate ) .Although the Appellant alleges it was unwarranted to seek relief as compliance was adequate, reasonable, and made in good faith, but appellant filed it to show due diligence effort in good faith to provide notice. therefore there is a lack of prejudice toward the defendant. Doctrine for equitable tolling applied here to "ensure fundamental practicality and fairness." . The doctrine of equitable tolling may also apply to the limitation periods imposed by the claims statutes. **Addison v. State of California (1978) 21 Cal.3d 313 (Addison), see McDonald v. Antelope Valley Community College Dist. (2008) 45 Cal.4th 88, 100.**)

For the sake of Argument if goes with the 5th district court provided date to file a late claim is April 2022. Plaintiff initial complaint based on federal claim filed in Nov 2021. In these circumstances, the period for suing in state court on state action was equitably tolled during the pendency of the federal action. Therefore late claim is not barred when filed on May 19 2022. Addison v. State of California (1978) 21 .( see complete argument, citation at V:(C) equitable tolling , late claim for tolling in opening brief S284766 pg 47-49).

**D. 5th district court in error, Showed bias and when not established Appellant Late claim demonstrates that she was excused from timely presenting a government claim :( see complete argument, citation at V:(D) late claim in opening brief S284766 pg 47-49).**

Appellant already has discussed facts related to her filing a late claim within one year of an accrual.( see appellant 5th district opening brief F085100 pg 26-27).

5th district court opinion that the Appellant did not demonstrate she was entitled to tolling

(see appellant 5th district appeal on brief F085100 pages 22-23, 20-22) is in error ,abuse of discretion and biased .

.5th district court failed to consider Appellant allege an excuse from compliance based on excusable neglect ( see appellant 5th district appeal on brief F085100 pages 20-22, 27-28, 29).

. D-1. 5th district opinion that appellant's claim was not tolled based on emergency rule 9 is in contrast to Tulare's superior court ruling, which amounted covid 19 pandemic (extraordinary circumstances ) for tolling. ( see appellant opening brief pgs 21-23, 26-27,16, paragraph 71, CT 848- 859,504-514) "Plaintiffs correctly note, this Court joins many others in recognizing the applicability of equitable tolling to remedy exigencies created by COVID-19." (see Reply brief F085100 filed on july 10 23 in the 5th district court record on appeal pgs 20-21)

**D-2- 5th district opinion that the appellant failed to support the applicability of mental capacity tolling is in error, abuse authority and biased.**

See above section B- 5th district opinion that the "appellant failed to file a late claim within one year of the alleged injury" after the cause of action accrued is erroneous, abuse of discretion and showed bias . ( see also appeal on brief pgs 21-23, pg 26-27, see CT 832-833 paragraph 70-79, pg 841- 843, 832-833 paragraph 70-79, pg 508- 509,513515, see appeal brief page 22, paragraph 129). "(b) applies here. Gonzalez v county of Merced (1963)214 Cal .app.2d 761,765).(Biancoviso v. City of New York, 285 App.Div. 320 [137 N.Y.S.2d 773]; Rosenberg v. City of New York, 309 N.Y. 304 [130 N.E.2d 629]) (See pg 50,51 V:(D 2) opening brief S284766 pg 50-51), See also Section 7.15 applies .

**D-3:5th district opinion not considering Appellant showed fact demonstrating mistake, inadvertence, or excusable neglect for failing to comply with the government tort claim Act is in error, abuse discretion and showed bias( see appeal on brief F085100 pgs 20-23, 26- 28) :**The appellant showed due diligence in the investigation on pursuing the claim and established necessary elements justifying relief by a preponderance of evidence. The appellant's excusable neglect is comparable to any reasonable person under the same circumstances . Appellant met burden of proof to demonstrate an excuse from Claims presentation requirement based on an executable mistake. (see the appeal on brief Pgs 10 paragraphs 22,24, 25, 26, pg 11 paragraphs 32, 33, pg 12 paragraphs 34, 35,37, 38, pg 13 paragraphs 42, 43, pg 14 paragraphs 56, 57, See also a sections A, B, and C) .

Appellant articulate argument adequately related to filing a claim with tulare county officials ( see also record on appeal F085100 pg 18 paragraph 95-105, pg 20-21, Section A) .

See Standard of review late claim on page pg 51 -52 V:(D 3) opening brief S284766)

**D-4 . 5th district opinion that the Appellant did not show facts demonstrates equitable estoppel for questions related to compliance with the govt tort claim act or from where the court could conclude any employee of the defendant deterred the timely filing of a claim by affirmative action is in error, abuse discretion and showed bias. ( see the record on appeal pg 23 paragraph 133, pg 28 paragraph 179, pg 196, pg 30 paragraph 207,208, pg 31 paragraph 210-221, pg 32 paragraph 217-218,219, 34 paragraph 242-244, see also CT record 841-843) . See citation based on estopped limitations of the claims statute on pg 52-53 V:(D 4) opening brief S284766( See also opening brief S284766Section A and B with evidentiary support )**

Equitable estoppel, also known as estoppel in pais, is a legal principle used to prevent a party from asserting a right or making a claim that contradicts their previous actions, conduct, or representations. It is a doctrine rooted in fairness and preventing injustice. ( see above section B) .See( CT record 841-843) by making a ruling

See retaliatory use of welfare code to silence appellant from bringing grievances. ( see CT 832-833 paragraph 70-79, 721-723; see also Evidentiary support related to a grievance filed and request for investigation and discussion in Section A.

5th district also concealed relevant facts related to 5150 hold and stay trial from the Altura case when took sua sponte notice of the case of Altura vs Riaz -vcu276991. Plaintiff pleaded in SAC sufficient fact and presented sufficient evidence supported equitable estoppel arguments. In Addition 5th district court failed to grant amendment when there is room for explanation or to cure defects (if any) as recognized by the 5th district court. (pg 20 of the opinion F085100 / attached as Exhibit A S284766).

See email 8/5/20, “(see record on appealSac pgs 548,549, S284766 opening brief pg 53-54)

.Defendant Acknowledged on pg 18 of the respondent brief in the 5th district court that the appellant put defendant on notice by providing relevant information but arguing on technicalities of the delivery method of the claim during covid time. ( see also 5th district appeal opening brief F085100 pgs 10 paragraph 21, pg 11 paragraph 27-30, pg 12 paragraph 41, pgs 17- 23, 26-28).

In Addition 5th district court established “Between July 30 and August 5, 2020, ...Request for Oversight on Tulare Sheriff or independent investigation of Tulare Sheriff misconduct”(sent to [clerkoftheboard@co.tulare.ca.us](mailto:clerkoftheboard@co.tulare.ca.us))(Sac paragraph 52 pg 528 record on appeal), “Plaintiff requested from Tulare grand jury to look into Rock Holt and organized covert violent activities inside the court as-well as violent stalking in the City. Grand jury failed to investigate serious crimes. “DA office so far refused to take any actions to investigate corruption, civil rights violations, harassment , violence and supporting illegal activities of the Tulare Sheriff.” (see pg 528-531 of the record on appeal). “ 5th district court further established “. “An e-mail to the sheriff's public information officer did warn, “I may pursue eye damage claims and related events through the judicial branch.”(pg 7 of the opinion ).

. 5th district Court opinion acknowledge, indicate and showed close proximity and connection between “July 30 and August 5, 2020, plaintiff sent e-mails to the Clerk of the Tulare County Board of Supervisors, the Tulare County Grand Jury, and the United States Department of Homeland Security” and application of unlawful “August 12, 2020.. section 5150”. (pg 20 of the opinion F085100 attached as exhibit A **S284766**)

“Appellant was ignorant of the fact that defendant will mislead the court and argue that Plaintiff claim will consider untimely when plaintiff was stopped(retaliated by the county officials ) by a calculated conduct from reaching the Tulare County for filing grievances or claim with the use of force(under color of law ), violence by utilizing police force/HHSA(under color of law) in violation of( 1,4,7 amendment) constitution...m. Therefore doctrine of estoppel prevents the public entity from asserting the defense of noncompliance ”.(see complete argument pg 54 and 55 of **S284766**)

5th district established “Plaintiff argues defendants should be equitably estopped from avoiding litigation based on the claim presentation requirements.”(Pg 20 of the opinion/exhbhit A).

The appellant establish equitable estoppel by specifying the following elements .Public entity made a clear (1)representation, both through words and conduct, tried to silence party or prevent appellant to bring grievance. The appellant had no choice other than reasonably (2) to rely upon the representation and act based on that belief. particularly with court orders (see CT pg 841-843 based on tulare county conduct ( see evidence no 14, 15 CT pg 14,15.)

The appellant now harmed the form of denying the equal chance of trial based on the argument of tort compliance as a result of their reasonable reliance on the court ruling based on tulare county's use of 5150 welfare code action. It is deemed (4) Inequitable, unfair or unjust to assert a different position or claim that contradicts the previous representation ( of county and Tulare court), considering the reliance and resulting harm. . The defendant is liable when county resources and funds are utilized to prevent tort compliance in order to prevent liability on the county regarding the potential unlaw use of tax payer funds for organized stalking and harassment to intimidate court participants.

See citation and discussion regarding the principles governing the application of the doctrine of respondeat superior, employer liability, immunity inapplicable when supervising employees participated in the tort. ( see **Martinez v. Hagopian (1986)**, **(Lockheed Aircraft Corp. v. Ind. Acc. Com. (1946)**,**(Hinman v. Westinghouse Elec. Co. (1970)**,**Dailey v. Los Angeles Unified Sch. Dist pg 56 V:(D 4) of opening brief S284766**).

**E . Plaintiff is entitled to Cost Of the Lawsuit and relief requested is justified : ( See CT PG 557, paragraph 401-408) (see also reply brief filed in 5th district on july 10 23 section E pg 25-26)( see complete argument on pg 56, 57 V:(E) of opening brief S284766).( see above section A, B F085100 opening brief).(See CT PG 557, paragraphs 401-408) (Van Alstyne, supra, 55 8.8-8.9, pp. 363-365.) (Italics added.)**  
See relevant citation on 57 V:(E) of opening brief S284766 **Minsky v. City of Los Angeles (1974)**,**LA. Brick etc. Co. v. City of Los Angeles (1943)** **Otis v. City of Los**

Angeles (1942) 52 Cal. App. 2d 605, 612 [126 P.2d 954].

Appellant has the right of specific recovery incidental to injunctive and declaratory relief. appellant allege facts sufficient to all cause of action (see appellant appeal brief F05100 pages no 16, 17) . 5th district and Tulare Court made an error when fail to consider all material facts pleaded in the complaint, and those arise by reasonable interpretation therefrom. . 5th district generalized assertion finding " difficulty to comprehend "the entire second amendment complaint is not a reasonable reason to uphold tulare court erroneous decision by false fact finding at appellate level. Plaintiff cause is defeated by the false fact finding and error in opinion.

A. 5th district assertion that The second amended complaint failed to state fact sufficient to constitute a cause of action for conspiracy to interfere with civil rights pursuant to 42 us section 1985 is erroneous, abuse discretion and showed error. ( see appellant appeal brief pages no 15 paragraph 61, 62, CT pgs 558-560, 519-581) .

5th district established "Because they are based on federal law, these purported causes of action are not subject to the claim presentation requirements of the Government Claims Act. (*Williams v. Horvath* (1976) 16 Cal.3d 834, 842.) "Federal law differs from the California approach insofar as "a *pro se* complaint, 'however inartfully pleaded,' must be held to 'less stringent standards than formal pleadings drafted by lawyers.' (*Estelle v. Gamble* (1976) 429 U.S. 97, 106.) (pg 23 of the opinion)

5th district court established following facts that "Tulare court failed to consider plaintiff claim based on e 42 United States Code section 1983 (section 1983) and title 42 United States Code section 1985 (section 1985) "(pg 23 of the opinion).5th district established "Plaintiff's theory of liability under section 1983 is retaliation for the exercise of her First Amendment rights"(pg 24 of the opinion).

.5th district court de novo review is in error , abused authority and showed bias when establishing the pleadings fail to state a claim for relief against defendants Rockholt and Bonilla under section 1983." and opinion is based on false fact finding and concealment of actual fact. See also the following evidentiary support along with SAC pleading. 1. See ( CT pg 60-59) , 2. See ( CT pg 67-68, 165) dated July 24, 20, 3See ( CT pg 69-70) dated 7/15/20,4. See ( CT pg 77) dated 7/29/20,(CT pg 71 after 1st complaint ) 5. See ( CT pg 61- 66) dated August 06, 2020, 6. See ( CT pg 62-66) ,7. See ( CT pg 63-66) dated August 05, 2020,8. See ( CT pg 152) dated Aug 23rd 21, 9. See ( CT pg 44) dated May 23rd 21, 10 -. See ( CT pg 49- 53) About April 2021, 11. See ( CT pg 87 -107,112-137, 154,160,161) , 12. See ( CT pg 108-111, 155-160,161,162) ,13. See ( CT pg 54-57) dated Feb 21, 14. See ( CT pg 722-723) dated Aug 12, 2020,15See ( CT pg 721) Aug 12, 2020, 17-See ( CT pg 169, 165-169) 18- See ( CT pgs 138-142,143-151), See 19 ( CTpgs 138-142,143-151), See 20 ( CT pg 725-726,735-736,173-199 ), See 21 ( CT 1841-843) Court ruling in case VCu 276991( see complete argument on pg 58-60 V:(E) of opening brief S284766).

. .In addition, the Appellant alleged sufficient facts in SAC to support a cause of action for conspiracy that the defendants conspired together to deprive, directly and indirectly, the appellant of equal protection of the law, interfered with civil rights under 42 us section 1985, acted in furtherance in conspiracy and appellant injured in person and property and deprived

right privileges of a citizen.

Plaintiff has shown that the plaintiff was seeking oversight of the Sheriff department for intimidation of court witnesses(in violation of 1st,7th amendment rights) and that sheriff department employees involved in obstruction of justice and intimidation of court witness practices of sufficient duration, frequency and consistency.

Plaintiff's claim is not based on minor Indignities and de minimis deprivations of benefits and privileges and any reasonable person can articulate that repeated incidents of tulare sheriff involvement in harassment and giving violent threat of poking eye, permanent eye injury after rock holt threat, harassment and intimidation of court witness, organized crime for the purpose of intimidation of court witness give rise to a 1983 (obstruction of justice) claim.

5th district court is in error,abused discretion and showed bias when erroneously establishing the July 2020 incident as "The isolated incidents" and "plainly insufficient to support a section 1983 claim against the County of Tulare." (pg 26 of the opinion), "Plaintiff's remaining allegations of stalking, harassment, and various other wrongdoing are too conclusory " and not "support a section 1983 claim against any of the defendants".(pg 26 of the opinion F085100) .( see complete argument on pg 61-63 V:(E) of opening brief S284766)

Above .Erroneous opinion is based on new (outside SAc) false speculative fact finding and concealment of actual facts. ( see complete argument on pg 61,62 V:(E) of opening brief S284766)

incident was not an isolated incident and incident is not based on instruction of removal of footwear but harassment and intimidation of court witness(Osha /hippa violation public safety matter in a case of FQHC) for demanding to see her body part. .Iaddition facts of July 24 2020 complaint are relevant and connected to April 27 21 and 1st incident.(See record on appeal Pg 528-530) .(see also fact presented in section A. civil rights pursuant to 42 us section 1985 1-22, see appellant appeal brief F085100 pages no 15 paragraph 61, 62, CT pgs 558-560, 519-581) .Plaintiff was threatened by the Officer Rock Holt, Plaintiff started getting similar threats similar to Officer Rockholt thru physical stalker, internet troll and ads, DA office, and from many jails in Central Valley which invited plaintiff for employment but for a pretextual reason and harass further with a threat of violence and covert stalking tactics(see paragraph 55, 56, 57, 58, 59, 60, 61,62, 63, 64,65,66,67,68,71,72, 76 of SAC/record on appeal 558-560 )

It is also reasonable to consider that a reasonable person would be dissuaded from attending court proceedings or otherwise exercising their right of petition because they were repeatedly harassed by the sheriff at the security such as to show their body part, threatened with poking eye after which the plaintiff eye was permanently damaged or other stalking incidents inside the court under sheriff security .If viewed objectively a person of ordinary firmness would act in a similar manner as plaintiff when 5150 unlawfully applied on the plaintiff by the use of excessive force for filing grievance(exercising her first amendment right ) against Tulare sheriff employees or for beginning a claim against tulare sheriff Rock holt and sheriff department .

5th district based on false finding reached the conclusion Plaintiff is not entitled to relief..Section 1985.

Section 1985(3) prohibits conspiracies "for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws[.]" (*Griffin v. Breckenridge* (1971) 403 U.S. 88, 101-02.) . Whereby person is either injured in his person or property or deprived of any right or privilege of a citizen of the United States." (*Sever u. Alaska Pulp Corp.* (9th Cir. 1992) 978 F.2d 1529, 1536.) "Section 1985 prescribes conspiracies to interfere with civil rights." (*Sanchez v. City of Santa Ana* (9th Cir. 1990) 936 F.2d 1027, 1039.)

**5th district in error and abuse authority when established** " Plaintiff's attempted cause of action under section 1985" failed by basing it on false fact finding of "isolating incidents" when plaintiff alleged in Sac specified sufficient facts of multiple incidents relevant and connected together. Also Citation (*Karim-Panahi v. Los Angeles Police Dept.* (9th Cir. 1988) 839 F.2d 621, 626.) is misplaced as the plaintiff sac alleged a valid claim and consisted of sufficient facts.

**5th district court citing** (*Thornton v. City of St. Helens* (9th Cir. 2005) 425 F.3d 1158, 1168.) is misplaced as in plaintiff case there is underlying violation of rights under § 1983, and a valid § 1985 conspiracy claim based on the same allegations.

As we discussed above, Appellant not failed to plead section 1983 claim (violation or deprivation of protected rights) as not based on one isolated incident and 5th district decision is based on false fact finding , section 1985( conspiracy) claim cannot preclude or fail either as sufficient facts presents for the claim in the Sac and above.

"The basic principles of federal law for pleading a cause of action are similar to California's. Rule 8(a) of the Federal Rules of Civil Procedure (28 U.S.C.) provides that a pleading must contain a short and plain statement of the claim showing the pleader is entitled to relief and a demand for the relief sought.

Section 1983 "provides a cause of action for the deprivation of any rights, privileges, or immunities secured by the Constitution and laws of the United States. To state a claim under [section] 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of State law." (*Long v. County of Los Angeles* (9th Cir. 2006) 442 F.3d 1178, 1185.)

. B:5th district opinion appellant on deprivation of civil rights civil code section51(b)(Unruh Act) is in error, abuse discretion and showed bias:(see reply brief filed on july 10 23 pgs 31-35 F085100)

. Sheriff's department Is an establishment where business is conducted, and services are rendered.(CHAPTER 9. PRISONER INDUSTRIES 5-09-1000 PURPOSE:) ( see complete argument on :B pg 63-64 deprivation of civil rights civil code section51(b)(Unruh Act)of opening brief S284766)

. "the Court of Appeal was correct to conclude that subdivision (f) makes "any violation of the ADA by a business establishment" a violation of the Unruh Civil Rights Act. (*Brennon B ., supra, 57 Cal.App.5th at p. 398.*) . The appellant sac contains sufficient

facts to constitute a violation of unruh. ( see appellant appeal on brief pgs 16-17, CT 560-565, 519-591).

**2: Bane Act: Section 52.1 (Jones v. Kmart Corp. (1998) 17Cl.4th 339, 331.)** See supporting evidentiary facts description no 1-15 in above section A 1985 related to interference with the appellant's right (secured by federal or state law, including the right to petition the government, participate in court proceedings) by threats, intimidation, or coercion.( see facts on pg 58-60 of opening brief S284766).

**C: Appellant state fact sufficient to constitute a cause of action for harassment (UnRUH) ( see CT 563-565, 519-591, see pgs CT 527-530,537,538) appellant opening brief F085100 pg no 16, see discussion in above Section B(1) UnRuh act) and 5th district opinion is in error:**

See supporting evidentiary facts description no 1-15 in above section A 1985 related to hostile and harassing comments and hand gestures that were unwelcome and pervasive by various employees of the sheriff along with establishing a hostile environment( operating well planned organized stalking network) inside the Court and inside the Tulare county to intimidate court witness and discredit court witness.

**D: Defendant assertion that the appellant failed to state fact sufficient to constitute a cause of Retaliation claim under(1983) has no merit ( see CT 565-568, 519-591 appellant appeal opening brief f085100 pgs 30-38, 16) ( see pg 65 of opening brief S284766)**

1. There are particular facts pleaded to support constitutional violation by rock holt and sergeant bonilla and supported by evidence : (see CT 565- 568, 60, 64-66, 67-70, 77 appellant appeal opening brief pgs 30-38, 16)

. See particularized supporting evidentiary facts description no 1-15 in above section A 1985 related to retaliation for filing grievances and participating in court proceedings.( see also pg 58-60 of opening brief S284766).

incident was not an isolated incident and incident is not based on instruction of removal of footwear but harassment and intimidation of court witness(Osha /hippa violation public safety matter in a case of FQHC) for demanding to see her body part. ( see CT Pg 527 paragraph 46, pgs 527-539 paragraphs 45-58, pgs 520-530 paragraphs 59-69, 67-71,168) .

. Plaintiff demonstrate liability under Section 1983 by showing defendant acting under color of state law committed the conduct at issue, and that the conduct deprived the appellant right, privilege, or immunity protected by the Constitution or laws of the United States. (Leer v. Murphy (9th Cir. 1988) 844 F.2d 628, 632-33.)

**2. 5th district opinion that there are insufficient facts to establish that any policy,**

practice, and custom of the County of Tulare caused a deprivation of appellant constitution right is in error , abuse authority and showed bias : (see complete argument on pg 65-69 (V) of opening brief S284766).

.5th district opinion is based on relying on defendant picking and chose a few paragraphs in the reply brief out of the entire SAC to wrongly affirm that the Appellant made a conclusory statement regarding the county of Tulare and Tulare sheriff department involvement in a constitutional violation. when particular facts pleaded to support liability.

.Defendant Tulare County (County of Tulare County or Defendant County) is a municipal entity that operates the Tulare County Sheriff's, which is an agency of the county and not a separate entity ( see CT Pg 526, paragraph 38) .a public entity may be held liable only when its own conduct causes a constitutional violation. (**City of Canton v. Harris (1989)489 U.S. 378, 385.**)

.See particularized supporting evidentiary facts description no 1-15 in above section A 1985 related to customs and practices to cover up constitutional violations involving defendants, by not investigating unconstitutional acts (such as the existence of organized stalking crime network inside the court and persistent and widespread of such system outside the court with the potential utilization of taxpayer money, repeated organized harassment and threats by Tulare sheriff to court participant ), for the purpose to intimidate court participants including cause firearm injury and influence court proceedings outcome, upon receiving of grievance, the official in decision-making position at government silencing appellant for filling petition for grievance to Tulare county with unlawful use of welfare code.( see also appellant opening brief F085100 pgs 30-38)

Although it is not plausible to plead the entire complaint again, the following are a few examples that defendants engaging in the pattern or practice of long history of the conduct of constitutional violation which disproportionately harms minorities.(CT pgs 522-536, paragraphs 15,19,20, 26, 27, 36, 69, 70, 74, 80-83, 84-85, 86-87, 88-89, 93, 97, 98, 99, 100-103,104, 45-59, 62-67, CT pgs 72-74, pg 169, pg 164-167, pgs 582-590, pg 540-542,542-545, 173-198) .

“ The Corrupt Practices and Policies in Tulare Sheriff department led to the Harms of the Plaintiff.” (CT 536-540, 545,548-552, see appeal opening brief pgs 33-38,173-198,557, see evidence no 20 CT Pgs 725-726,735-736,173-199) . See . **Monell v. Department of Soc. Svcs., 436 U.S. 658 (1978)**

Appellant whistleblower cause, court proceedings outcome in other cases greatly affected( include monetary loss) by defendant action to harass and threaten appellant for participating in court proceedings, organized stalking appellant( inside and outside Tulare court ) with the goal to discredit court witness, ability to earn diminished incidental to

cover up of alleged crimes of organized stalking/eye damage, not adequately investigate threats from rock holt resulted in permanent damage to the appellant eye, emotional distress due to not investigating organized stalking network against court participant, and due to further ongoing cover-up of the crime, failure to revoke firearm from the employee involved in threatening appellant with the eye damage, failure to adequately investigate violent crimes. Such will be full negligence and cover up the affected appellants' ability to freely participate in any court proceeding. Therefore appellant requested the court for injunction relief and addressed it through proper investigation and press charges and initiated criminal prosecution, and properly disciplined employees involved in the coverup. ". would be better addressed through other means, such as criminal prosecution or administrative discipline." **Case: State of California v. Superior Court (Bodde)** **Citation: 32 Cal.4th 1234, 1239 (2004)**

- . See some examples of inadequate training, supervision and accountability leading to deprivation of constituted rights ( in paragraph **CT 548-551, 540-545, 532-536, 526-532,557** ) .

The appellant showed particularized facts to support liability to the County ( see **519-590, see also appellant appeal opening brief pgs 30-38, 16).**

. Plaintiff specified many facts in the Complaint related to eye violence after Tulare Sheriff RockHolt threatened the plaintiff with eye violence, denial of treatment by Medical providers after eye violence and insisting on **specifically meeting military Dr. Donald sTrum or Dr. Holt**, internet trolling with gestures like Rockholt with threatening eye violence messages, stalking outside the Court such as on streets of Visalia with stalker making gestures like Officer Rockholt and County jail employment opportunities incident .(see record on appeal **558-560**).

- . See also pretextual reasons for constitutional violation of appellant.Appellant suffered adverse actions by the defendant because of involvement in protective activities (**CT 565 -568** ) .

Plaintiff has presented sufficient facts that there is a pattern of harassing court witnesses in Tulare county by the sheriff department and well organized harassment network running inside the court and incidents were multiple, neither sporadic or isolated incidents. Incidents were reported multiple times by the plaintiff to tulare sheriff and county officials , however tulare county and sheriff department thru there action showed they have implemented policy of cover up and not investigating complaint adequately, showed deliberate indifference and attempted to prohibit plaintiff from filing Petition and claim to government . Plaintiff sac presented sufficient fact of pattern of similar constitutional violations for years (**Connick v. Thompson, supra, 563 U.S. at pp. 61-62.**)

**.5th district court is in error , abused authority and showed bias when comparing plaintiffs with Cf. Kariye v. Mayorkas, supra, 650 F.Supp.3d at p. 901** when two cases are not similarly situated (see complete argument pg 68-69 **of brief S284766**)

**E: Plaintiff state fact sufficient to constitute a cause of action for Assault and**

**Battery ( see CT 568-570,519-557, appellant appeal opening brief pgs 30-38, 16, Reply brief pg 25-26 filied on july 10 23) (see complete argument pg 69 -71 of brief S284766)**

See supporting evidentiary facts description no 1-15 in above section A 1985 related to threatening and will full harassment act committed by Rockholt toward appellant to intimidate court participant, multiple incidents of harassment and threats by officer rock holt, and potential involvement in organized harassment crime reported to sheriff department for disciplinary action and investigation as is create a fear of personal harm for participating court proceeding and safety of appellant. However, the sheriff's department attempted to cover up( pgs 168, 170,171,,169, 733,734, 721-723), not reprimand adequately sheriff involved, including evacuate revoke of fire arms license as required by department policy, lead to an eye injury, and further continued organized effort to prevent health care to protect criminal, threats in similar organized manners as rock holt including utilization of Tulare sheriff vehicle for harassment, further department failure to investigate assault, battery and organized crime network operation and involvement of deputies to intimidate witness. .see also appeal on brief fo85100 pgs 30-38, 16, CT 527-531.

**2. Battery:( See CT 568-570, See supporting evidentiary facts description no 1-15 in above section A 1985, See reply brief pgs 39-40 filed in teh 5th district july 10 23) (see S284766 opening brief pgs 70-71 )**

.Defendants rock holt's actions of giving threat of injuring their eye with the intent, motive, and definite knowledge of forthcoming permanent eye injury is harmful, offensive, not reasonable, and criminal conduct. . (Martinez v. County of Los Angeles (1996),Graham v. Connor (1989) ,Munoz, supra, 120 Cal.App.4th at p. 1102, 16 Cal.Rptr.3d 521.)

The appellant is alleging contact occurred by a potential firearm that caused injury after reporting the threat given by Defendant Rockholt to the sheriff's department by the appellant. ( see CT Pg 529, 527-528, paragraphs 58-60, 50, 51-55, 45, 45-49, pg 568-570).

The coincidence that Defendant rock holt knew that forthcoming eye injury would happen before the eye injury and further referral to Holt, name ophthalmologist, by a specialist confirms and suggest rock hot is directly and indirectly involved in eye injury, use of a firearm and has ties to an organized crime network. ( see section A 1985 supporting evidence 1-15 support pleading).

.Defendant Tulare sheriff department and Tulare county reckless action( such as covering up crime, not investigating permanent eye injury after threat given by their employee rock hot, not investigating the existence of organized operating network of harassment and ties to sheriff employees, failure to revoke fire arm license if officers involved after initial

threat reported by the appellant, not pressing charges against officer involved in violent eye injury, obstruction of court proceeding ) from the beginning and throughout multiple stages of reporting crime were unreasonable. A civil action for battery requires that the defendant intentionally performed an act resulting in harmful or offensive contact with her person; that she did not consent to that contact; and that the harmful or offensive contact caused injury, damage, loss, or harm to her. (See **Brown v. Ransweiler (2009) 171** .

We may not, however, consider the supporting evidence in isolation and disregard any contradictory evidence; rather, we must review the entire record. ( **Kidron v. Movie Acquisition Corp. (1995) 40 Cal.App.4th 1571, 1581 [ 47 Cal.Rptr.2d 752].**) 41

**F. Appellant Second Amended ComplainState Fact Sufficient to Constitute a Cause of Action for Negligence to all the defendant ( see CT 570-572, 575-582, appellant opening brief pgs 30-38, 16,see reply brief F085100 filed on july 10 23 pg 41 )**

**G: Appellant Second Amended Complaint failed to State Fact Sufficient to Constitute a Cause of Action for fraud ( see 572- 575, appellant opening brief pgs 30-38, 16, see reply brief F085100 pg 41,42,See also supporting evidentiary facts description no 1-15 in above section 1985).**

**H: Appellant Second Amended Complaint State Fact Sufficient to Constitute a Cause of Action for negligent and intentional infliction of emotional distress has no merit.(see CT 570-572, 575-582, appellant opening brief pgs 30-38, 16,See evidence description no 1-15 in above section 1985 ( see also pg no CT 54-57 , see reply brief F085100 filed on july 10 23 pg 42-43).**

**2-Appellant states sufficient facts to constitute a cause of action for negligent infection if emotional distress ( see appellant Opening brief pgs 23 -24, paragraphs 134-138, pg 26) affliction of emotional distress ) (see pg 72 of brief S284766)**

Appellant did not exceed authority in regard to the cause of action negligent infliction of emotional distress, and the defendant's assertion is not accurate. (see **appellant Opening brief pgs 23 -24, paragraphs 134-138, pg 26**)

. Appellant Facts are specific and sufficient to constitute a cause of action and are factually supported. **see CT 570-572, 575-582, appellant opening brief pgs 30-38, 16)**  
.See also evidence description no 1-15 in above section 1985 I :

**1:5th district opinion that Sac failed to state sufficient facts to constitute a cause of action for a violation of the code of civil procedure section 526(a) is in error, bause of authority and bias:( see the appeal on brief pgs see pg 24-26, 16, 30-38, CT pgs 582-590) ( see S284766 brief pg 72-73)**

.Second Amended complaint allegations support a cause of action under Section 526a" is a specific and fact base (See also evidence description no 1-15 in above section A 1985, as well CT pgs 582-590) . **Chiatello v. City and County of San Francisco (2010) 189 Cal.App.4th 472, 482-483,(Connerly v. Schwarzenegger (2007) 146 Cal.App.4 739, 749.) 44.**

Sac did not allege taxpayer lawsuit based on disagreements to policies and procedures in Sac but based on specific facts of " **Tulare County taxpayer or public funds are illegally expended on criminal and unlawful activities against the public, particularly minorities [and] immigrants reaching Tulare superior court against County or many other unlawful activities within the County with the goal to obstruct justice."**

Appellant allege specific fact in support of the cause of action based on alleged facts of misappropriation of public funds for fraud, collusion, and failure to investigate (perform a duty) and cover-up of operating organized stalking crime network inside and outside the Tulare court with the use of taxpayers fund resources, in the premises of Visalia city and Tulare county to achieve the objective of discredit court witness and obstruct court proceeding, as well as pattern and pattern of making settlement from taxpayers funds to cover up civil rights violation and other unlawful misconduct. repeated harassment of court witness , negligent issuance of firearm, ( see the appeal, 30-38, see CT 548-551, 582-591, 527-535, 536-540, 540-542, 542-545, 558-591, (See evidence description no 1-15 in above section A 1985,).

5th district court failed to acknowledge that plaintiff is seeking injunction and failed " to issue an injunction"(pg 22 of the opinion) from repeated harassment of court witness from sheriff/court security employee to prevent such conduct in the future when facts were pleaded sufficiently. Tulare court and 5th district negligence led to another incident of (violation of 1 st and 7th amendment rights) obstruction of justice and harassment of a court witness which was reported to Tulare sheriff, clerk of the board and court authorities on Feb 24 23 . Incident involved (on feb 13 24) Tulare sheriff who identify himself as blankenchip at the tulare court security passing( about 8;30 am) area physically touched plaintiff arm with his hand and shouted I will not attend you attend the hearing (plaintiff was in the Tulare court security area for attending the trial in the case vcu291199) . (true copy attached to exhibit B of S284766 ).Plaintiff seeking immediate injunctive relief based on the Sac and ongoing obstruction of justice through intimidation. Plaintiff would request amendment in Sac based on new facts relevant to the SAC and relevant to the legal effect of the pleading.

5th district failed to established when incident was not an isolated incident and incident is not based on instruction of removal of footwear but harassment and intimidation of court witness(Osha /hippa violation public safety matter in a case of FQHC) for demanding to see her body part, when minimizing the second threat of physical violence to the court witness to isolated incidents of "unprofessional conduct (finger pointing)." (pg 22 of the opinion) when the actual facts of July 24 2020 complaint are relevant and connected to April 27 21 and 1st incident. (record on appeal pg 528 of the Sac ) (record on appeal Pg 528-530)

5th district court is in error , abuse authority and showed biased when establish Running well organized covert harassment network within the court building as well in the tulare county, Tulare sheriff/security officers harass and threaten court witness with physical violence to deter resident tulare from testifying in court " do not call into question the legality of funding the Tulare County Sheriff's Office."

The reviewing court failed to give complaint a reasonable interpretation and treats the demurrer as admitting all material facts properly pleaded in error for a trial court to sustain a demurrer when the plaintiff has stated a cause of action without leave to amend if the plaintiff shows there is a reasonable possibility any defect identified by the defendant can be cured by amendment. (**McAllister v. Los Angeles Unified School Dist., supra, 216 Cal. App.4th at p. 1206.)(Shifando v. City of Los Angeles (2003) 31 Cal.4th 1074, 1081.)**

. As relevant to this cause of action. , the appellant has to stand under section 526a involving in Government Code section 8314 for misappropriation of public funds, fraud, collusion, a failure to perform a duty specifically enjoined, along with an action against an individual (i.e. Sheriff's employees ) ( see CT 556-557).

**VI,Supreme court of ca failed to establish that 5th district court Opinion that 5th District Opinion that the appellant cannot cure the defect in the SAC is in error , abuse authority and bias: (see argument on pg 76 of S284766)**

5th district is in error when stated “ plaintiff does not explain how the complaint could be amended to state a cognizable claim under section 1983” and "based opinion (pg 27 of the opinion)on false fact finding.In fact no valid error has been identified by the defendant or 5th district court in the SAC other than based on false fact finding.However plaintiff has identified thru pleadings that defect (if any )can be cure thru amendments.

**VI: Supreme court of ca failed to establish that 5th district court Opinion that “Appellant Pleading unintelligible is in error , abuse authority and showed bias :** The appellant raised the issue on appeal in a cognizable legal argument. Appellant opening brief and reply brief in the 5th district contain a list of citations directly relevant to the appellant's alleged fact.

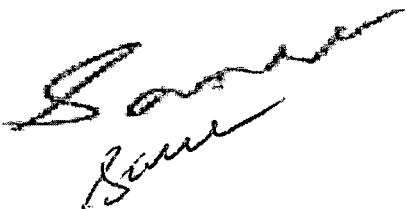
## **VERIFICATION:**

I am Petitioner Samreen Riaz in this case. I have read the above declaration filed with the opening Petition and know its contents. The facts alleged in the Declaration are within my own knowledge, and I know these facts to be true. I declare under penalty of perjury that the foregoing is true and correct and that

This verification was executed on the **20th day of july 2024** in  
**Visalia, California.**

**Samreen Riaz**

**Dated:**

A handwritten signature in black ink, appearing to read "Samreen Riaz", is written in a cursive, flowing style.

## **Conclusion:**

Plaintiff prayer for relief:

Reverse opinion of the Supreme court of California ( S284766 ) denying Petition and application for stay and left unresolved conflicted issue of law and factual issue dated July 10 24.

Reverse Opinion order of 5th district court served on March 26 24 upholding dismissal judgment (notice of entry of judgment dated Oct 6 22 ) of Tulare Superior Court.

. Reverse false fact finding of 5th district and Tulare Superior Court.

. Direct the 5th district and Tulare Superior Court to vacate the order of dismissal judgment (notice of entry of judgment dated Oct 6 22 ).

. Issue a ruling directing the 5th district and Tulare Superior Court to Allow amend the Complaint or Approve the motion to amend, and Petition relief plaintiff from Tort act Specificity.

. Issue a ruling directing 5th district court and Tulare Superior Court for equitable relief as they are exempt from tort claim ( see Record on appeal paragraph 20 pg 506 of petition relieve from Tort claim requirement ) . Issue a ruling directing 5th district court and Tulare Superior Court for injunctive relief as they are exempt from tort claim ) ( see paragraph 20 of 506 of the petition )

. Overturn judgment based on civil rights under 42 US section 1983 due to tort claim Exemption( see paragraph 2, pg 506 of petition relief from Tort claim requirement ) .

Overturn judgment as many claims not pre requisite for S911.2( see paragraph 107-117 pg 517-518 petition relieve from Tort claim requirement )

. Issue a ruling directing 5th district court and Tulare Superior Court to Overturn prior judgment as the plaintiff suffices compliance.

. Issue a ruling directing 5th district and Tulare Superior Court Overturn prior judgment good cause presented suffices excusable compliance

