

**No: 24-575**

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

Zachary Thomas Horton,  
Petitioner;  
v.

Christine N. Donovan,  
Solano County Superior Court Judge,  
Respondent;

FRANCHISE TAX BOARD, and Ashleigh Nelson,  
real parties in interest.

On Petition for Common Law Writ of Certiorari to  
the California Supreme Court.

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**PETITIONER'S PETITION FOR REHEARING**

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Zachary Thomas Horton  
Petitioner, *sui juris*  
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## **Supporting Rule for Rehearing**

I, Zachary Thomas Horton am petitioning the Justices presiding over my Petition for Writ of Certiorari for a “Rehearing” under Supreme Court Rule 44.2.

This petition for rehearing is filed prior to 25 days after my petition was declared by the Clerk of the Court Scott Harris (Scott) to have been denied by “The Court” on January 13, 2025.

This petition for rehearing exposes intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented or consisting of an error of the law.

### **1. A QUESTION REGARDING THE PURPOSE OF THE SUPREME COURT OF THE UNITED STATES (SCOTUS).**

**Question:** The justices on the bench of the SCOTUS are in gross violation of their duty to protect the Bill of Rights pursuant to their judicial and constitutional oath?

**Answer:** The purpose of the oath is to protect and defend the unalienable rights of the people as documented in the Bill of Rights in the US Constitution. The oaths of the justices of the SCOTUS are found on the Supreme Court website in this URL as of February 03, 2025:

<https://www.supremecourt.gov/about/oath/oathsoffice.aspx>

The combined Constitutional and Judicial oath is reproduced herein as follows:

*"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_\_\_\_ under the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."*

Article 1, Sec. 1 of the US Constitution states that:

*All legislative Power herein granted shall be vested in a Congress of the United States<sup>1</sup>...*

The 1<sup>st</sup> Amendment in the Bill of Rights of the US Constitution declares:

*Congress shall make no law...abridging the right of the people to petition the government for a redress of grievances."*

Regardless of whether or not the Marbury v. Madison case is in the District of Columbia, the written opinions pursuant to Marbury v. Madison, 5 U.S. 137 (1803) are completely relevant to this Petition for Review and my original Petition for

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<sup>1</sup> Bouvier's law dictionary 1856 edition the United States: the name of this country, the United States, now 50 [states] in number.

writ of certiorari since the lower courts are administrative courts under the jurisdiction and direction of the SCOTUS: *Marbury v. Madison*, 5 U.S. 166:

*“But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured has a right to resort to the laws of his country for a remedy”.*

In the instances of my appeals to the lower courts, and with my petitions to the justices of this SCOTUS, there can be no act of congress, nor any statutes or man-made legislation, that can deny my right to resort to the laws of my country for a remedy for my injuries and my grievances that I sustained by those government employees, judicial representatives and actors in the lower courts within the districts of UNITED STATES.

Further noted in the case *Marbury v. Madison*, Page 5 U.S. 180 in the conclusion it states:

*“Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written Constitutions, that a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument. The rule must be discharged.”*

The opinions in the case *Marbury v. Madison* by the previous justices on the bench of the US Supreme Court have not been over-ruled, nor can they be. The ruling recognizes that over-reaching statutes, rules, and other man-made legislation by congress, or any legislative authority, cannot re-

lieve a government employee, attorney, magistrate or judge of their duty to uphold the US Constitution and the bill of rights therein, of which rights includes my right to be heard regarding my redress of grievances. Nor is there any authority under the US Constitution that could be construed to deny me of my substantive, unalienable and natural common law right to seek a remedy in a court of competent jurisdiction for the trespass of government employees who acted in their personal capacity by extending their personal actions outside of their delegated duties, and conspired with others to take my private property and did violate my constitutionally protected rights. If any such law or rule is construed to deny my inherent and constitutionally protected right, it has been previously adjudicated that:

**"The rule must be discharged".**

I am therefore seeking the justices on the bench of this US Supreme Court to uphold their oath to support and defend the US Constitution, which includes the Bill of Rights, and to hear my petition for writ of certiorari, and to issue a remedy for the injuries I have sustained as documented therein and herein.

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## **2. ADDITIONAL ARGUMENT AGAINST DENYING MY WRIT OF CERTIORARI.**

There is no evidence or record of a review or hearing having ever taken place, or evidence of an order that was ever entered denying my original petition for writ of certiorari.

My Petition for Writ of Certiorari was declared as denied on January 13, 2025 by Scott S. Harris, Clerk (Scott).

In the letter Scott stated that “The Court” entered the Order.

The Court is a fictitious name or fictitious entity.

It is a physical impossibility for a fictitious name or fictitious entity to enter an order.

A physical person must enter an order onto the records of my case.

There was no accompanying order filed or produced by Scott or ANYONE with authority to deny my appeal petition.

There is no order denying my petition for writ of certiorari available to download and review on the Supreme Court’s website under my case 24-575.

Without an order entered into my case that was signed by any of the Justices presiding on the bench of the US Supreme Court, there appears to be **FRAUD** upon my case and appeal petition by someone pretending that “the Court” had entered an order denying my petition for writ of certiorari.

I therefore **OBJECT** to a fictitious entity called “The Court” to deny my appeal petition since that fictitious entity is just that, a pretend fiction.

There is no authority under the provisions of the US Constitution for my appeal petition, as a redress of my grievances to the Government through the Courts, to be denied by a fiction, or to be denied by anyone or any judicial actor in the courts.

Relevant to this section, it is exposed as written in the 1<sup>st</sup> Amendment in the Bill of Rights

of the US Constitution which declares:

*Congress shall make no law...abridging the right of the people to petition the government for a redress of grievances."*

I am therefore seeking the justices on the bench of this US Supreme Court to hear my petition for writ of certiorari, and to issue a remedy for the injuries I have sustained as documented therein and herein.

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**3. There has been no response by the respondent Christine N. Donovan, Judge of the Solano County Superior Court (Donovan).**

- a. On November 18, 2024, Donovan was served with my petition for writ of certiorari.
- b. On December 5, 2024 at 3:21 pm Donovan was served with the letter from the Clerk of this US Supreme Court that required Donovan to either write a response to the Petition for Writ of Certiorari, or to otherwise file a waiver to respond.
- c. Donovan is the only respondent listed in my Petition for writ of certiorari.
- d. On or around December 02, 2024, Attorney Michael Sapoznikow, filed a waiver that he was not intending to file a response to my petition for a writ of certiorari.
- e. Mr. Sapoznikow filed the waiver on behalf of all respondents, which includes Donovan as the only respondent.
- f. Mr. Sapoznikow attempted to obfuscate his illegal or fraudulent action of conspiring with

Donovan by representing her, a superior court judge, as her counsel by filing an amended waiver on 01/08/2025 (only 5 days prior to my petition being declared as denied by Scott).

- g. Mr. Sapoznikow's amended filing on Jan 08, 2025 declared that he was representing some respondents, whereas Donovan is the only respondent in my petition.
- h. As evidenced in my Petition for Writ of Certiorari, Donovan removed my appointed co-counsel under threat of fine and up to a year in jail, and conspired with Mr. Sapoznikow to deny me of my constitutionally protected rights and caused significant injury to me as evidenced in the records of my writ of certiorari.
- i. The blatant and obvious conspiracy against me and my rights, as well as the fraud clearly entered into the records of this case by Mr. Sapoznikow, must be addressed by the justices on the bench of this US Supreme Court to correct their actions and provide a remedy to me for their actions.

The justices in the US Supreme Court have a duty to not only uphold only the US Constitution and the Bill of Rights therein, but also have a duty to uphold the honor and integrity of this court of record.

Failure of the justices in this SCOTUS to address the violations of my rights or the conspiracy against me, shall be evidence that the 9 justices on the bench of this US Supreme Court are

co-conspirators, or at the very minimum are condoning the actions of the lower courts, judicial actors, and government employees, of the theft of my private property either under “color of law” or without authority or jurisdiction. The unlawful and un-warranted, taking of my private property without due process of law, and the collaboration with Donovan, Mr. Sapoznikow, Ashleigh Nelson, et al., in the unlawful actions to steal the fruits of my labor, and to ignore and to thumb their noses at the rule of law of this country is not only un-American, but a form of dishonor and disgusting disrespect of their own life from nature as a living child of divine creation.

**I am therefore seeking the justices on the bench of this US Supreme Court to hear my petition for writ of certiorari, and to issue a remedy for the injuries I have sustained as documented within my appeal petition for writ of certiorari therein and herein.**

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**4. No man-made act, law, or other form of written law can remove any of the unalienable and natural rights gifted to the people by nature and nature's God.**

The above statement is self evident since we know that all people are endowed by our creator with our right to life, liberty, acquisition and protection of property, and the overall right to pursue happiness in our own unique way on this earth of divine creation.

It is a documented and well-known fact of law

in this country that government is instituted among the people, by the consent of the people, for the primary purpose to secure the unalienable and natural rights of the people.

**I am therefore seeking the justices on the bench of this US Supreme Court to hear my petition for writ of certiorari, and to issue a remedy for the trespass upon my rights and for the injuries I have sustained as documented therein and herein.**

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**5. Denying my Petition for Writ of Certiorari without explanation confuses the people of the several States of the union as to the real purpose of the US Supreme Court.**

The justices of this Supreme Court should review and respond to each of the following statements or questions to draw less confusion to myself and for the people of the several states:

**a.** The current justices presiding over my appeal petition do not have jurisdiction to hear my petition since I am one of the people of California and the US Supreme Court can only act within the jurisdiction of the corporate UNITED STATES as defined as the District of Columbia and other territories of the corporate state, not including the 50 states of the American Union?

**b.** The current justices do not have jurisdiction to address my appeal petition since I am a living sovereign man, or the justices are fearful to make a ruling in favor of a sovereign?

- c. The current justices presiding on the US Supreme Court are without jurisdiction under the common law, or may therefore only be able to adjudicate a petition pursuant to “Administrative” statutory rules, under statutory codes of civil procedures that are mostly foreign to common law?
- d. The current justices do not have any checks and balances for any disciplinary action to reprimand them for failing to perform their duty under the constitution?
- e. The current justices should respect and have interest in supporting The 1776 Report issued by The President’s Advisory 1776 Commission on January 18, 2021, or can otherwise uphold the natural laws that founded this country?

## CONCLUSION

**This Justices presiding on the benches of this Supreme Court of the United States of America is now presented with an over-ripe opportunity, bursting at the glory thereof:**

- 1. to support the declared purpose of the President’s Advisory 1776 Commission, which is to:
 

*“enable a rising generation to understand the history and principles of the founding of the United States in 1776 and to strive to form a more perfect Union.”*
- 2. to hear and rule on my Petition for writ of Certiorari regarding the actions of the judicial actors, government employees and the lower courts that violated my constitutionally protected rights, with the intent that the justices of this Court make such decisions on the merits of my petition to direct

the lower courts on how to best protect the unalienable rights of the people throughout the states, as they perform their administrative duties since we ought to all be united in this country to strive to form a more perfect union of states.

The parties could then begin the process of seeking a remedy for the alleged violations of my constitutionally protected rights, and the actions of Ashleigh Nelson and others employed by the STATE OF CALIFORNIA FRANCHISE TAX BOARD who acted outside and beyond their limited jurisdictional authority thus causing financial harm, emotional distress, and other substantial harm to me.

**Declaration:**

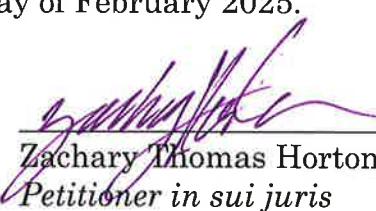
I, Zachary Thomas Horton, am a living sovereign man and one of the people of California. I have prepared this petition document with the full assistance of my appointed co-counsel and father, Ricky Dean Horton.

I do NOT, knowingly or unknowingly, consent to any man-made rules or legislation that would deny me of my inherent and constitutionally protected rights. Nor are there any acts or laws of Congress that shall deny me of my substantive and natural rights, which, among others, includes my right to have my Petition for Writ of Certiorari heard by the justices on the bench of this US Supreme Court and for the merits of my appeal petition to be ruled upon.

With my hand and house seal, I attest that according to the laws of the United States of America, under the pains of the penalty for perjury, that the information contained herein is correct, to the

best of my knowledge, understanding, and ability.

Respectfully submitted, in truth and law on this  
4th Day of February 2025.

  
Zachary Thomas Horton  
*Petitioner in sui juris*

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Fairfield, California 94534  
Phone: 707-249-0227  
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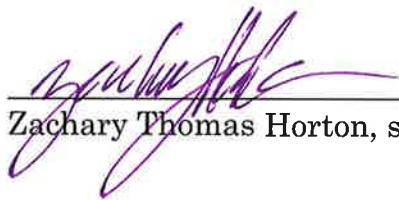


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#### CERTIFICATE OF GOOD FAITH

Pursuant to Supreme Court Rule 44.2, I, Zachary Thomas Horton, with the help of my father and co-counsel Ricky Dean Horton, certify that this petition for rehearing complies with the restrictions of Supreme Court Rule 44 and is presented in good faith and not for delay.

Dated February 04, 2025

  
Zachary Thomas Horton, *sui juris*

**No: 24-575**

**CERTIFICATE OF SERVICE**

Zachary Thomas Horton,  
Petitioner;  
v.

Christine N. Donovan,  
Solano County Superior Court Judge,  
Respondent;

FRANCHISE TAX BOARD, and Ashleigh Nelson,  
real parties in interest.

I hereby certify that on Feb. 05, 2025 I personally delivered to  
the parties named below 3 copies of a true and correct copy of Zachary  
Thomas Horton's Petition for Rehearing in booklet format.

Included was:  
3 copies of Zachary Thomas Horton's Petition for Rehearing, booklet  
format.

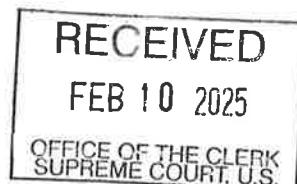
**To:**

Superior Court of California, County of Solano  
ATTN: Judge Christine N. Donovan  
via Clerk of the Court for Service of Process for Christine N. Donovan  
580 Texas Street, Fairfield, CA 94533  
Judicial Assistant to Judge Donovan: 707-207-7310

I declare under penalty of perjury under the laws of the United States of  
America that the foregoing is true and correct.

Executed on February 05, 2025

Ricky Dean Horton  
Ricky Dean Horton  
2401 Waterman Blvd. Ste 4A-242  
Fairfield, CA 94533  
707-249-0227  
rickydhorton@gmail.com



**No: 24-575**

**CERTIFICATE OF SERVICE**

Zachary Thomas Horton,  
Petitioner;  
v.

Christine N. Donovan,  
Solano County Superior Court Judge,  
Respondent;

FRANCHISE TAX BOARD, and Ashleigh Nelson,  
real parties in interest.

I hereby certify that on Feb 05, 2025 I caused to be mailed via Certified mailing with the US Postal Service to the parties named below 3 copies of a true and correct copy of Zachary Thomas Horton's Petition for Rehearing in booklet format.

Included was:

3 copies of Zachary Thomas Horton's Petition for Rehearing, booklet format.

To:

Attorney General of California

ATTN: Michael Sapoznikow

Attorney for FRANCHISE TAX BOARD and Ashleigh Nelson

1300 I Street, Ste 125

Sacramento, CA 95814

Tel: 916-210-7344

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 05, 2025

Ricky Dean Horton

Ricky Dean Horton

2401 Waterman Blvd. Ste 4A-242

Fairfield, CA 94533

707-249-0227

rickydhorton@gmail.com

**No: 24-575**

**CERTIFICATE OF COMPLIANCE  
TO WORD COUNT**

Zachary Thomas Horton,  
Petitioner;  
v.

Christine N. Donovan,  
Solano County Superior Court Judge,  
Respondent;

FRANCHISE TAX BOARD, and Ashleigh Nelson,  
real parties in interest.

As required by Supreme Court Rule 33.1(h), I certify that the Petition for Rehearing contains a total of 2,668 words as relying on the word count of the computer program and excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 04, 2025

Ricky Dean Horton  
Ricky Dean Horton  
Preparer.