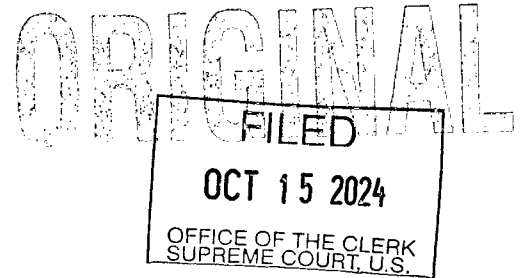


24-5784

Samreen Riaz,  
1534 S Manzanita street  
Visalia, California 93292  
Tel no: 951-373-0239  
Petitioner, pro per litigant

NO: \_\_\_\_\_  
**IN THE SUPREME COURT OF THE UNITED STATE**

Samreen Riaz  
Petitioner,  
vs.  
City of visalia, et al  
Defendant



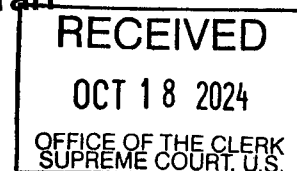
1. Supreme Court of California  
350 McAllister Street.  
San Francisco, CA 94102-4797.  
415-865-7000.

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:** S285953  
**Court of appeal no:** F088202  
**Tulare Superior Case No:** VCU291199

**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 (S285953 ) on sept 18 24 and application for stay and left unresolved conflicted issue of law and factual issue? ( violation of 7th,5th amendment , 4th and 14th amendment) ?

Did the 5th district appeal court in error, abuse discretion and show biased in denying "Writ of Mandate" and stay Requested (F088202)on **June 26 24** based on tulare superior court ORDER **April 11 2024 ruling** (Motion to vacate/Motion to new trial and disqualification judge hillman based on march 18 24 judgment ) and **March 18 24 judgment without Jury Trial OF JUDGE HILLMAN** for the reason "Petitioner challenges different trial court rulings"?

.Did 5th district court judges **Levy APj, Smith J, Snauffer,J** made error, abuse discretion and showed bias when denying writ mandate F088202 on June 26 24 (violation 7th,5th amendment , 4th and 14th amendment rights of petitioner ) ?

.Did Tulare Superior court violate 7th amendment rights , in error and abuse discretion preventing jury trial Feb 13-15 24?

.Did tulare superior court or Judge Hillman Showed Error,abuse authority and Bias in Facts finding in March 18 judgment ?

.Did tulare superior court or Judge Hillman Showed Error,abuse authority and Bias in his March 18 judgment ?

.Did judge Hillman make an error, abuse discretion and showed bias in denying motion to vacate March 18 24 judgment (without jury trial) on April 11 24?

.Did judge Hillman make an error, abuse discretion and show bias in denying motion for a new trial (that occurred without a jury trial)on April 11 24?

**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 :**

City of visalia et al All defendant represented by the attorney HERR PEDERSEN & BERGLUND LLP Visalia Location 100 Willow Plaza, Suite 300 Visalia, California 93291 Phone: (559) 636-0200 ygrijalva@hpblaw.net cc:ccurtiss@hpblaw.net /Caren Curtiss .



10/10 /24

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# IN THE SUPREME COURT OF THE UNITED STATES 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 S285953, Denying appeal F0858202.5th District Court erroneously **Denied on June 26 24** "Writ of Mandate" and stay Requested (transferred to the 5th District court from the Supreme court (S284691) filed June 6 24) based on tulare superior COURT ORDER April 11 2024 **ruling** (Motion to vacate/Motion to new trial and disqualification judge hillman based on March 18 24 judgment ) and March 18 24 judgment without Jury Trial for the reason Petitioner challenges judge hillman different trial court rulings, the petition is succession to prior similar writ petition challenging the judicial officer in case no F086624(Riaz vs superior court(Aug 31 2023)(non published order), /F086922 (Riaz vs Superior Court (Dec 14 2023)(non published order)""F086998" and resulted in violation of 7th, 14th amendment(equal protection violation and due process violations), deprived plaintiff from equal and fair chance of jury trial

. 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. ( violation of 7th amendment , 14th amendment). **SEC v. Jarkesy, People v. Superior Court (Humberto S.), Brady v. Maryland.** 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 without a jury trial** . Lower courts departed from the accepted and usual course of judicial proceedings.

## JURISDICTION:

The date on which the Supreme Court of California (S285953) decided or denied review of petitioner case on Sept 18 2024 .A Copy of that decision appears at (**Appendix A.** )

The date on which the 5th District Court ( F088202 ) Court denied petition **was June 26 24** based on tulare superior COURT ORDER April 11 2024 **ruling** (Motion to vacate/Motion to new trial and disqualification judge Hillman based on March 18 24 judgment ). (**Exhibit B**).

The date on which the Tulare Superior Court granted judgment on March 18 24 based on trial (Feb 13-15 2024) without jury attendance .( **Exhibit C**)

The date on which the Tulare Superior Court denied motion for a new trial (that occurred without a jury trial)was April 11 24. (**Exhibit D**)

**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 Sept 18 2024 ( S285953 ) based on challenging  
APPEAL from Denying petition ( F088202) based on and tulare superior court rulings  
VCU291199 ?(See Appendix/Exhibit A)

.Did the 5th district appeal court in error, abuse discretion and show biased in making  
Opinion ( F088202) denying "Writ of Mandate" and stay Requested on **June 26 24** based  
on tulare superior COURT ORDER vcu291199?(See Appendix/Exhibit B)

Did the Tulare court in error, abuse discretion and show bias in March 18 24 judgment (Feb  
13-15 2024) without jury attendance?:(See Appendix/Exhibit C )

Did the Tulare court in error, abuse discretion and show bias in the April 11 2024 **ruling?**(Motion  
to vacate/Motion to new trial & disqualification judge hillman based on march 18 24 judgment )(See  
Appendix/Exhibit D)

## 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]**), **People v. Johnson**: In this 1980 case, the defendant was convicted of robbery but appealed on the grounds of being denied a speedy trial, **Rodney King Trial (1992)** This high-profile case involved the trial of four LAPD officers accused of beating Rodney King, The officers were acquitted by a predominantly white jury, which led to the Los Angeles riots, highlighting issues of police brutality and racial discrimination<sup>3</sup>.

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. Coyle (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." **Terry v. Ohio (1968)**. Significant Case based on 4th amendment violation..

**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, Welfare and Institutions Code Section 5150: danger to others, or to himself or herself, or gravely disabled, I [144 Cal. App. 3d 287, VIOLATION OF ARTICLE 1§§2,3 OF THE CALIFORNIA CONSTITUTION & CAL. CODE CIV. PRO. § 527.**

**Gravely disabled:** means a condition in which a person as a result of a mental health disorder is unable to provide for his or her basic need for food , clothing and shelter .Section 5008 (h)W&I code, **False imprisonment, California Penal Code 236 PC, First Amendment of the US Constitution:** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. **Fourteenth Amendment:** "nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws". **The Second Amendment:** the right to bear arms. **To satisfy the Fourth Amendment,** a search warrant must describe with particularity the place to be searched and the items to be seized. U.S. Const. amend. IV; **United States v. Sayakhom, 186 F.3d 928, 934 (9th Cir. 1999)** and 5th and 7th amendment violation.

## STATEMENT OF THE CASE:

Samreen Riaz, Is an Asian American, 0.4 percent religious Muslim minority, was serving as a dentist in Tulare, California. Samreen started getting 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 Hipaa Violations after threat was given by ALtura attorney Ryan for filing any legal claim. Visalia police failed to investigate for about 9 months whistleblower retaliation incidents. eventually, July 22 2020 Plaintiff reached Visalia City, Visalia city manager regarding initiating an internal investigation and oversight on Visalia police misconduct for not investing in organized harassment, and whistleblower retaliation. Soon after, on Aug 12 2020 Plaintiff was racially profiled, discriminated against, and subject to hate crime and Defendant Departments as well Luma Fahoum acted with retaliatory motive by using excessive force. (see paragraphs in 3-legal argument Section 1-A(f)-(m), p,q,r,s,v,1(B) in an operative complaint). Instead of investigating the claim and remedying plaintiffs' grievances, City of visalia retaliated with the use of excessive force (code 5150) by utilizing (Visalia Police Department) on Aug 12, 2020. On August 12 2020: After Plaintiff's written complaint Tulare county retaliated with the use of excessive force under Luma Fahoum supervision to seize plaintiffs on 5150 from her house without probable cause for a pretextual reason. to create police record to prevent court testimony, as well as stop interval investigation and cover up potential organized stalking activities. Plaintiff was stopped from reaching any authorities or threatened with violence. Luma fahoum testimony and HSA certification confirm plaintiff was not harm to other or to her self and officer luma fahoum was aware that plaintiff has place to reside and not homeless). In Addition Pursuant to California Rules of Court, rule 8.486(b)(3)(A), plaintiff provided a summary of the hearing to the best of her recollection, see transcript filed in the supreme court california from trial). Officers speculated or form unreasonable believe that plaintiff is mentally disorder because she reported crimes and petition oversight on visalia police department for not investigating crimes and when no emergency situation existed on Aug 12 2020 arrived at plaintiff residence and unlawfully used 5150 code and violated plaintiff constitutional rights, trespass plaintiff private residence and falsely imprisonment plaintiff for many days and influenced (forcefully provided) medical care during false imprisonment. (see pg 82-148). 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 in trial exhibit and operative complaint. (see sac paragraph 214-230 VCU291199)

## 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(violation of 7th,4th, 1st ,2nd,5th and 14th amendment), human rights and civil rights violations ( **Terry v. Ohio (1968)**.)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 law when in fact injury based on Section 1983 causes of action **Malley v. Briggs**, 475 U.S. 335, 341, 106 S.Ct. 1092, 89 L.Ed.2d 271 (1986), **See Butz v. Economou**, 438 U.S. 478, 507, 98 S.Ct. 2894, 57 L.Ed.2d 895 (1978), " **Saucier v. Katz**, 533 U.S. 194, 201, 121 S.Ct. 2151, 150 L.Ed.2d 272 (2001), **Hope v. Pelzer**, \_\_\_ U.S. \_\_\_, 122 S.Ct. 2508, 2511, 153 L.Ed.2d 666 (2002), **Katz v. United States (1967)**, **SEC v. Jarkesy**, **People v. Superior Court (Humberto S.)**, **Brady v. Maryland** 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 and evidence from 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.

### **ERROR IN JUNE 26 24 RULING OF the 5th District Court from the judges Levy APj, Smith J, Snauffer,J:**

1: 5th District Court is in error. abuse discretion and showed bias when denied "Writ of Mandate" and stay Requested (transferred to the 5th District court from the Supreme court (S284691) filed june 6 24) on june 26 24 for the reason "Petitioner challenges different trial court rulings. the petition is succession to prior similar writ petition challenging the judicial officer in case no F086624(Riaz vs superior court(Aug 31 2023)(non published order). /F086922 (Riaz vs Superior Court (Dec 14 2023)(non published order)":

A:Plaintiff would like court to take judicial notice pursuant to evidence code judicial notice 452 of the Petition F086624 filed in the 5th district court on Aug 1st 23 and denied on Aug 31st 23 was based on:1) Tulare Superior Case No: VCU298300 and not from the case vcu291199. 2) The real party of interest or defendant in the case F086624 was State of california et al and not City of visalia. et al Defendant 3. F086624 was a "PETITION FOR WRIT OF REVIEW: based on " 28 U.S. Code § 2101,1067-1077)" where Petitioner requested to Disqualify judge Hillman and stay and vacate Aug 22 23 ruling in the case vcu298300(riaz vs state of ca et al) because judge hillman was named co conspirator with the defendant in that case and has personal interest involved in the controversy of that case.

Reasonable minded person can established F088202 "WRIT OF MANDATE(1084-1097) AND STAY REQUESTED ON ORDER April 11 2024 ruling (based on Motion to vacate/Motion to new trial based on march 18 24 judgment and March 18 24 judgment without Jury Trial OF JUDGE HILLMAN) cannot be the consider successive to prior separate "PETITION FOR WRIT OF REVIEW: based on " 28 U.S. Code § 2101,1067-1077)" filed in the case VCU298300 /F086624

based on stay and vacate Aug 22 23 ruling and both cases have no bearing on each other. Reputable and honorable judges of 5th district court failed to provide any explanation how the writ review F086624 denied in Dec 14 23 (based on Aug 22 order) can be considered successive to new and separate filed F088202/"WRIT OF MANDATE(1084-1097) AND STAY REQUESTED" based on ruling given in 2024, specifically on April 11 2024 ruling (based on Motion to vacate/Motion to new trial based on march 18 24 judgment and March 18 24 judgment without Jury Trial OF JUDGE HILLMAN) .Basically April 11 24, march 18 24 rulings ( without jury trial or sham trial ) given by judge hillman after denial of writ review on. Dec 14 23. Therefore, Writ review F088202 cannot be considered successive to prior filed writ F086624. Therefore 5th District Court is in error, abused discretion and showed bias when denied "F088202 Writ of Mandate and stay Requested" on the basis that in the past Petitioner filed separate "PETITION FOR WRIT OF REVIEW: based on " 28 U.S. Code § 2101,1067-1077) in the case vcu298300 against the separate defendant state of california in separate case F086624 based on altogether different rulings .

B:Plaintiff would like court to take judicial notice pursuant to evidence code judicial notice 452 of the Petition" Writ Mandate: F086922 filed in the 5th district court on Oct 2nd 23 and denied on dec 14 23 . was based on:1) Tulare Superior Case No: VCU298300 and not from the case vcu291199. 2) The real party of interest or defendant in the case F086922 was State of california et al and not City of visalia, et al Defendant 3, F086922 writ was based on " 28 U.S. Code § 2101,1067-1077)" where Petitioner requested to Disqualify judge Hillman and stay and vacate Aug 22 23 ruling in the case vcu298300(riaz vs state of ca et al) because judge hillman was named co conspirator with the defendant in that case and has personal interest involved in the controversy of that case .Reasonable minded person established F088202 "WRIT OF MANDATE(1084-1097) AND STAY REQUESTED ON ORDER April 11 2024 ruling (based on Motion to vacate/Motion to NEW TRIAL based on march 18 24 judgment and March 18 24 judgment without Jury Trial OF JUDGE HILLMAN) cannot be the consider successive to prior separate Writ mandate based on " 28 U.S. Code § 2101,1067-1077)" filed in the case VCU298300 / F086922 based on stay and vacate Aug 22 23 ruling and both cases have no bearing on each other. Reputable and honorable judges of 5th district court failed to provide any explanation how the writ mandate/ F086922 denied on Dec 14 23 (based on Aug 22 order) can be considered successive to new and separate filed F088202/"WRIT OF MANDATE(1084-1097) AND STAY REQUESTED" based on ruling given in 2024, specifically on April 11 2024 ruling (based on Motion to vacate/Motion to new trial based on march 18 24 judgment and March 18 24 judgment without Jury Trial OF JUDGE HILLMAN) .Basically April 11 24, march 18 24 rulings ( without jury trial or sham trial ) given by judge hillman after denial of writ mandate/ F086922 on. Dec 14 23. Therefore, Writ review F088202 cannot be considered successive to prior filed writ F086922 .Therefore 5th District Court is in error, abused discretion and showed bias when denied "F088202 Writ of Mandate and stay Requested" on the basis that in the past Petitioner filed separate WRIT mandate/ F086922 based on " 28 U.S. Code § 2101,1067-1077 from the case vcu298300 against the separate defendant state of california in separate case F086922 based on altogether different rulings .

C::Plaintiff would like court to take judicial notice pursuant to evidence code judicial notice 452 of the Petition F087355" WRIT OF Mandamus AND STAY REQUESTED ON Nov 21st 23 RULING OF JUDGE HILLMAN :(Code of Civil Procedure sections 1084-1097)" "vacate or reverse Nov 21st 23 RULING OF JUDGE HILLMAN that inhibited the discovery process in this

case and requesting the Court to Compel Production of Documents from Defendant and non parties. as requested by the plaintiff at Nov 21st 23 hearing".

**F087355** (Tulare Superior Case No: VCU291199, Riaz vs City of visalia, et al Defendan) filed in the 5th district court on 12/18/23( transferred by the the Supreme Court/ S283028 on 12/ 18/23 to the Court of Appeal, Fifth Appellate District filed in supreme court dec 12 23 ) and denied on May 09 24 by the 5th district based on "disqualification judge hillman based on dec 12 2023 ruling, filed due to personal involvement in the controversy of the obstruction of justice."Reasonable minded person can established F088202 "WRIT OF MANDATE(1084-1097) AND STAY REQUESTED ON ORDER April 11 2024 ruling (based on Motion to vacate/Motion to NEW TRIAL based on march 18 24 judgment and March 18 24 judgment without Jury Trial OF JUDGE HILLMAN) cannot be the consider successive to prior separate :F087355 Writ OF Mandamus based on request to vacate or reverse Nov 21st 23 ruling of judge hillman that inhibited the discovery process in this case and requesting the Court to Compel Production of Documents from Defendant and non parties. and both cases have no bearing on each other as 1)Writ F087355 Filed in Dec 2023 ( before April 11 2024 ruling and March 18 24 was given in the case vcu291199) 2))Writ F087355 is based on nov 21 23 ruling and based on obstruction of discovery process and not based on April 11 2024 ruling or March 18 24 judgment based on matter of due process violation, constitutional violation or trial sham without Jury Trial and cannot be the consider successive to prior separate F087355 writ .Reputable and honorable judges of 5th district court failed to provide any explanation how the writ F087355 Writ OF Mandamus based on request to vacate or reverse Nov 21st 23 filed in dec 2023 can be considered successive to new and separate filed F088202/"WRIT OF MANDATE(1084-1097) AND STAY REQUESTED" based on ruling given in 2024, specifically on April 11 2024 ruling (based on Motion to vacate/Motion to new trial based on march 18 24 judgment and March 18 24 judgment without Jury Trial( mistrial under G.S. 15A-1063) OF JUDGE HILLMAN). Basically April 11 24, march 18 24 rulings ( without jury trial or sham trial ) in the case vcu291199 given by judge hillman after filing of writ F087355 (filed in dec 2023) based on request to vacate or reverse Nov 21st 23. cannot be considered successive to prior filed writ F087355 .Therefore 5th District Court is in error, abused discretion and showed bias when denied "F088202 Writ of Mandate and stay Requested" (when based on in violation of 7th amendment and prevention jury trial) on the basis that in the past Petitioner filed separate WRIT mandate/ F086922 considered successive to prior filed writ F087355 and failed .

4: Trial in the case vcu291199 held in Feb 2024 when disqualification of judge hillman in the case vcu29119/F087355/ Case No. S283028( Dec 2023- may 2024) pending in the 5th district court in violation of due process right of plaintiff.

**.Plaintiff basis for requesting declaring mistrial (Impossibility of Proceeding) G.S. 15A 1063(1):**

Judge may declare a mistrial when the trial can't proceed in conformity with the law"); **State v. Battle**, 267 N.C. 513 (1966) (prosecution witness implicated defendant's attorneys in same crime being tried - mistrial warranted); **State v. Chriscoe**, 87 N.C. App. 404 (1987) Plaintiff pursuant to G.S. 15A-1063(1) declaring a basis mistrial when an impartial trial is not conducted. Circumstances include jury obstruction, jury tampering, intimidation of plaintiff by the

judge Hillman, judge hillman conduct and activities during trial, obstruction of trial evidence, obstruction of expert witness and trial witnesses, obstruction of discovery process, judge hillman is disqualified to preside in the case where was called as a witness in the case due to his personal interest involved in this case and disqualification of judge hillman filed in the supreme court actions( Case No. S283028( Dec 2033- may 2024) pending in the 5th district court in violation of due process right of plaintiff lead to unfair trial proceeded outside the conformity of the law and therefore plaintiff requested new honorable judge to declare a mistrial and no consent from defendant needed

## **.Alternative grounds For Requesting declaring mistrial :**

In this case there were situations in which jury tampering, obstruction of jury altogether,obstruction of expert witness and trial witnesses, intimidation of plaintiff by the judge Hillman has occurred and therefore the court must move for a mistrial under a new impartial judge.

. There is direct and indirect evidence that proof tying unlawful activities occurred during before and after trial under the compromised judge hillman who is also called as a witness in this case and personally involved in the controversy of the case .Fact mentioned below Support and required a mistrial under G.S. 15A-1062:

.The judge must declare a mistrial under **G.S. 15A-1063(1)** based on a finding of fact that the threats, interference, etc., have now made it "impossible for the trial to proceed in conformity with the law regardless of who caused it. See *State v. Cooley*, 47 N.C. App. 376 (1980) (**mistrial properly declared under G.S. 15A-1063(1)** based on credible hearsay that someone had attempted to bribe up to three jurors to vote not guilty)impropriety in jury selection. this can cause a trial to be null and void .

. **Evidence violations:** Judge Hillman excluded expert witnesses, and lost evidence made after admitting it and reached an unfair conclusion based on concealing legitimate evidence and facts. The judge must determine mistrial results.

.The judge Hillman failed to recuse himself when involved personally in the controversy of the case . The plaintiff is entitled to a new trial.

**See Discussion , facts and evidence in S285953 opening brief (pg 11-53 ) related to Grounds For mistrial :**

**1:MISTRIAL DUE TO DISCREPANCY IN RULING AND PROCEDURAL HISTORY OF JUDGMENT GIVEN BY JUDGE HILLMAN WHO REFUSE TO RECUSE HIMSELF WHEN HIS PERSONAL INTEREST INVOLVED AND JUDGMENT GIVEN WITHOUT A JURY TRIAL : (See Discussion , facts and evidence in S285953 opening brief (pg 11-12 ) related to Grounds For mistrial)**

**2 :MISTRIAL DueTo Error In "Testimony at Trial" Pg 15 -41 (See Discussion , facts and evidence in S285953 opening brief (pg 15-41 ) related to Grounds For mistrial)**

**3: MISTRIAL DUE TO “Discrepancy in Ruling and Analysis Section “OF JUDGMENT GIVEN BY JUDGE HILLMAN WHO JUDGE FAILED TO RECUSE HIMSELF WHEN HIS PERSONAL INTEREST INVOLVED AND JUDGMENT GIVEN WITHOUT A JURY TRIAL :**

As we discussed Judge Hillman is in error, abused discretion and showed biased and presented partial fact in reaching a conclusion that 4th amendment rights were not violated by speculating that “harassment and stalking” plaintiff alleges was her “subjective belief that had occurred” .

**See concealment of facts # 1-5 on pgs 42-43 of S285953 opening brief**

**Judge hillman is in error, biased and abuse authority when established “THE CONDUCT OF VISALIA POLICE DEPARTMENT IS CONSISTENT WITH THE AUTHORITY GIVEN BELOW”**

F. Judge hillman is in error when established “No relevant evidence supporting financial liability by defendant was presented”( pg 7 of judgment ).

**Judge Hillman falsely determines that selective part (referred as “relevant Part” of 510.05 is applicable and without a jury trial:**

Judgm hillman was in error when not established 5150 was not applicable. Judge Hillman is in error and abuses discretion when mentioning part or area of 5150(B) (a) when 5150 itself is not applicable .

.Judge Hillman falsely determines that 510.05 (a) probable cause exists to take Petitioner into custody, pursuant to Section 5150, when application was based on Jason salazar, luma Fahoum intentionally give false statements in violation of 5150.0(c)) with the malice intent of self preservation to prevent bringing oversight on Visalia police department .Testimony of luma fahoum at trial , police report confirms that Jason salazar, luma Fahoum, and other officers under Jason salazar, luma Fahoum give false statements regarding health of plaintiff based on speculation of 45 police reports and request for oversight petition on visalia police department.

Judge hillman is in error , abuse discretion and biased when established 5150.05 is applicable and failed to established that “that no information relevant to determine historical course of mental disorder was utilized ” Instead information relevant to determine historical course of mental disorder” was utilized (or speculated based on) , was a numerous plaintiff reported incidence of violence, vandalism ,harassment and whistleblower retaliation in the form of written police reports and request for oversight petition filed with City and police department, which is not information about the historical course of the plaintiff mental disorder.



.In Addition judge hillman failed to note that plaintiff reported in feb 2020 to Visalia police that Officer valverde before filing of 45 police report that officer velverde refused to of file vandalism of garage door report and insisting of plaintiff to go kaweah .Officer velverde knew in advance that 5150 will be applied in the future (in violation 510.05 )

. However evidence proof (luma Fahoum testimony, Hsa 5150 certificate) at the time of application of 5150 , there was no question to be determined regarding petitioner "a danger to others, or to herself" and there was no information available has no reasonable bearing to determination plaintiff was "a danger to others, or to herself," thru 5150 request, violation 510.05

**There was NO Emergency to apply Welfare and Institutions Code Section 5150:danger to others, or to himself or herself, or gravely disabled,** [144 Cal. App. 3d 287]

The Legislature ensured the liberty interests of persons described in the LPS Act when no immediate therapeutic intervention was necessary . **(See Doe v. Gallinot (9th Cir. 1981) 657 F.2d 1017, 1022.).**

.In Addition evidence confirm plaintiff was declared false gravely disabled when not meet criteria of 5150 is in violation of violation 510.05  
(a) (see also MOP)

. Judge hillman is in error, bias and abuse discretion when failed to establish the fact that Under CA Welf & Inst Code Section 5150.05, "information about the historical course of the person's mental disorder" includes evidence presented by the person who has provided or is providing mental health or related support services to the person" and not speculation by police officer or city officials based on police report filed by the victims of crime or from petition to bring oversight on Visalia police department ( violation of 1st amendment) for covering ip and nit investigating crimes against court witness and minorities

45 police reports and requests to bring oversight on the Visalia police department are not historical courses of mental health disorder(under 5150.05) and neither 45 police report or petition to bring oversight on visalia police department was provided by the plaintiff health care provider. (Section 5150.05) .

Evidence requirement is specific under section 5150.05 it is "information about the historical course of the person's mental disorder" from the subject healthcare provider referring to mental health record and history from the plaintiff health care provider . under section 5150.05 "authorized person" to determine the"historical course Of the person's mental disorder" is a plaintiff health care provider and health record and history prepared by the from the plaintiff health care provider, not 45 police report filed regarding crime occurred against muslim minority and petition of oversight on visalia police department filed with the city of visalia and police department ,

**Judge Hillman in error applying** "section 5150.05" by considering 45 police reports and oversight requested a "historical course Of the person's mental disorder" and failed to correctly identify "authorized person" to determine ".historical course Of the person's mental disorder". In Addition there is no question at the application of 5150 "whether the person danger to other or to himself herself" and falsely declared "gravely disabled" **(pg 8 judgment)**

Plaintiff was not a patient visalia police department officers including luma fahoum, Jason salazar and subordinate officer under luma fahoum, Jason salazar supervision , city of visalia manager, mayor or council members or ernesto . Video Evidence and transcript confirms that Plaintiff offered to Visalia police officers (under luma fahoum and jason salazar supervision) information about the historical course of the person's health from her health care provider (due to fear of excessive police force utilization) but officer henry under luma fahoum and jason salazar supervision declined.

. Judge Hillman concealed facts from video evidence presented where family member , Plaintiff mother described **'Plaintiff's well'"she is not mad ,she is very fine"**. Plaintiff is stating **"there is a person who lives here"** referring to her mother **"you need to talk to her"** and **"I have a lawyer i need to talk to"** .(CA Welf & Inst Code Section 5150.05(b)(a))

5150 certificate confirms plaintiff was not suicidal and threat to other and this relevant information available to law enforcement and hhsa to determines.5150.05(a) but failed to consider that information before wrongly applying 5150.

.Here It is sufficient for the luma fahoum, jason salazar or officers assigned and directed by luma fahoum, jason salazar , or any , as a lay person, to articulate that (as video evidence shows) that plaintiff mother stating plaintiff **is well'"she is not mad ,she is very fine"**. It was not impossible or difficult to formulate from that plaintiff mother is stating that plaintiff is in good mental health .(However a person with mental disorder or perceived with mental disorder is not a free pass for police officers to discriminate and violate 4th amendment rights or took liberty of a person when not harming the public , herself .). Judge Hillman in error when failed to establish that the defendant failed to show Burden and Standard of Proof in **Short-Term Civil Commitment (1979) 31 Stan.L.Rev. 425, 430. fn. 31.**).

.City manager Randy Groom, Jason salazar, Luma fahoum and officers working under Luma fahoum and Jason salazar " making false statements liable in a civil action for intentionally giving any statement that he or she knows to be false and violated 5150.0(c)). Judge Hillman concealing mother statements from fact finding by losing video evidence for the purpose to make a false opinion by concealing material fact due to his personal interest involved are also in violation of 5150.05(b)(a)."

Although Judge hillman dinot disagree that Plaintiff "was not gravely disabled at

the time" of application of 5150 but erroneously established "inapplicable  
"historical course" language citation when not applicable to plaintiff oversight  
petition and toward reported crime to police as discussed in above paragraph.

**Doe v. Gallinot** deivson confirms that Lanterman-Petris-Short ("LPS") Act is  
**unconstitutional** Under the relevant provisions where persons judged to be "gravely disabled"  
due to mental disease " these provisions violate the due process clause of the **fourteenth**  
**amendment**, and further hold that the injunctive relief entered to enforce its judgment was within  
its discretion." , Holding that due process required a probable cause hearing in front of a  
neutral decision maker to be held before a person could be civilly committed even though  
commitment under the statute could only occur with the approval of a physician or  
psychologist see **Doe v. Gallinot: United States v. Timms**, As to involuntary patients, the only  
category of patients of concern in this case, the Act provides for periods of detention for observation  
and crisis treatment of mentally disordered individuals who are dangerous to themselves, dangerous to  
others, or gravely disabled. Cal.Welf. Inst. Code §§ 5150, 5250 (West 1972 Supp. 1981). Doe v. Gallinot ,  
Plaintiff was placed on seizure in violation of 4th amendment ( when police officers under Luma  
Fahoum and Jason Salazar supervision was aware that plaintiff is not suicidal or threat to  
other and has home to reside but falsely declare gravely disabled.) without any due process or a  
required a probable cause hearing before the plaintiff seizure and committed , against the  
statute, without initial approval of a physician or psychologist see **Doe v. Gallinot: United**  
**States v. Timms**.

As to involuntary patients, the only category of patients of concern in this case, the Act provides  
for periods of detention for observation and crisis treatment of mentally disordered individuals  
who are dangerous to themselves, dangerous to others, or gravely disabled. Cal.Welf. Inst. **Code**  
**§§ 5150, 5250 (West 1972 Supp. 1981)**. Doe v. Gallinot , "[A] State  
cannot constitutionally confine . . . a non dangerous individual who is capable of  
surviving safely in freedom by himself or with the help of willing and responsible  
family members or friends' without good cause." *Schlette v. Burdick*, 633 F.2d  
920, 922 (9th Cir. 1980), (quoting *O'Connor v. Donaldson*, 422 U.S.  
563, 576, 95 S.Ct. 2486, 2494, 45 L.Ed.2d 396, 407 (1975)), The state  
may not infringe on this protected liberty interest without complying with minimum  
requirements of due process. *Vitek v. Jones*, 445 U.S. 480, 491-92, 100 S.Ct.  
1254, 1262-63, 63 L.Ed.2d 552, 564 (1980). As the *Vitek* Court  
**summarized the law:**, We have recognized that for the ordinary citizen,  
commitment to a mental hospital produces "a massive curtailment of liberty,"  
*Humphrey v. Cady*, 405 U.S. 504, 509 [92 S.Ct. 1048, 1052, 31 L.Ed.2d 394]  
(1972), and in consequence "requires due process protection." *Addington v. Texas*,  
441 U.S. 418, 425 [99 S.Ct. 1804, 1809, 60 L.Ed.2d 323] (1979); *O'Connor v.*  
*Donaldson*, 422 U.S. 563, 580 [95 S.Ct. 2486, 2496, 45 L.Ed.2d 396] (1975)  
(Burger, C.J., concurring).

.Probable, cause standard, is consistent with the constitutional guarantee, and  
"reasonable cause" is less than "probable cause,".

**People v Triplett(1983)144 Cal App 3d 283,287-28(pg 8 judgment) is not similarly situated case with plaintiff Riaz vs City of visalia et al (vcu291199):**

See pg 47- 50 on appeal S285953

**As we discussed above Judge Hillman is in error , abused discretion and biased when established “Based on the factual scenario discussed above , This court finds that the Visalia police officer had probable cause for detention in this case.”(pg 8 judgment) when analysis of judge hillman was based on concealing facts and evidence, presented partial, distorted and at times fabricated facts and misinterpreting statutes regarding probable cause.**

**Judge Hillman is in error, abusing discretion and bias when stated petition was in “Detention” instead of warrantless arrest:(See MOP)**

When enacted in 1967, section 5150 of the LPS Act required only "reasonable cause" for detention. This section was amended in 1975 to require "probable cause" for detention, which suggests that the Legislature intended a standard similar to that for a warrantless arrest for a **Penal Code violation**. (See Stats. 1975, ch. 960, § 2, p. 2243.)

When enacted in 1967, section 5150 of the LPS Act section relevant to “probable cause “ was amended in 1975 which suggests that the Legislature intended a violation will be subject to the same standard as a warrantless arrest for a Penal Code violation. (See Stats. 1975, ch. 960, § 2, p. 2243.) **People v Triplett(1983)144 Cal App 3d 283,287-28.**We therefore adapt the test for probable cause for a warrantless arrest for a section 5150..

“Courts consider a variety of factors in determining whether a detention has ripened into an arrest, among them: the amount of force the police used, the need for use of force, the number of officers involved, whether officers suspected the suspect of being armed the manner in which officers physically handled the suspect (including the use of handcuffs), and the length of the stop.”(*U.S.v. Vargas*, 369 F.3d 98 (2d Cir. 2004), *In re Hoch*, 82 A.3d 1167 (Vt. 2013).)

.Judge Hillman failed to establish false arrest (Aug 12- Aug 17 2020) based on the extension of seizure of plaintiff and confinement, transportation and restraint of plaintiff at “Safe” house or

place/Kaweah hospital per Police report. Facts, 5150 police report and plaintiff testimony confirm police officers under Luma Fahoum and Jason Salazar supervision were influencing and monitoring and pressuring hospitals to increase the duration of hospital stay and asked hospital staff to place plaintiff on high risk from low risk status in order to remove her phone for reaching lawyer and registering report of false imprisonment, facts confirm excessive amount of force the police used to seize plaintiff from her residence when no one in imminent danger and police officer under Luma Fahoum was aware that plaintiff is not threat to herself or other and peacefully residing at home, at least about 5 armed officers involved in 5150 including supervising officers Luma Fahoum and Jason Salazar and physically force including the use of handcuffs utilized. It is apparent there was no concerns for officer safety or public safety as plaintiff was peacefully resided at her place. Judge Hillman established "she was home at the time and not danger to any one"(pg 8 judgment).

**Chief Justice Warren for the Court wrote** that the Fourth Amendment was applicable "whenever a police officer accosts an individual and restrains his freedom to walk away."

**Terry Court suggested that** "[o]nly when the officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen may we conclude that a 'seizure' has occurred."

**Justice Stewart** proposed a similar standard—that a person has been seized "only if, in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave."<sup>2</sup>

In conclusion: Judge Hillman biased, error and abuse of authority judgment set false precedent for the police to use excessive police force under the color of law in violation of 4th amendment for the purposes to violate 1st amendment right of public ( or cover up police misconduct and negligence of not investigating crimes and prevent oversight on the police department) , will support whistleblower retaliation against court participant, promote obstruction of justice effort in discredit court witness. Judge Hillman biased, error and abuse of authority judgment set false precedent for the same or other rogue officer to have free pass further violate the civil rights of plaintiff by validating the Past defamatory conduct (5150 application/Aug 2020 ) of Visalia police that resulted in damaging character, and reputation of the plaintiff as well set similar precedent that would affect general public, specifically religious minority, person with perceived disability, victim of whistleblower retaliation , immigrant whose first language is not english .**Whaley v. Jansen, supra, 208 Cal.App.2d at p. 229.)**

Judge Hillman biased, error and abuse of authority judgment will leave past and

future crime against petitioner/ muslim minority unreported based on defamation, reputational harm and character assanation done to plaintiff by the police officers under luma fahoum and jason salazar supervision.(Whaley v. Jansen, supra, 208 Cal.App.2d at p. 229

The district court found, with ample support in the record, that commitment decisions under the LPS Act were highly error-prone, especially where review of those decisions depended on the initiative and competence of the persons committed. Statistics cited by the district court showed that a substantial number of detainees who sought habeas corpus review under the existing procedures were discharged at or before the hearing. 486 F. Supp. at 989-90.

Judge hillman is in error, abuse discretion and biased when when established his standard of complying statue (Specifically in context of 5150 application ) means law enforcement knowing the fact that petitioner who was not an immediate danger to herself and was peacefully resided at her place can be subjected for application of 5150 based on law enforcement speculation of petitioner mental illness .in addition judge hillman is in error to speculate that requesting oversight for Visalia police department for not investigating reported crimes is s a “historical course of the individual mental illness”.

**Plaintiff proved** 1-Plaintiff 4th amendment rights violated by the Visalia police department, luma fahoum , jason salazar and subordinated officer working under supervision of above luma fahoum , jason salazar. 2:Visalia police department, luma fahoum , jason salazar and subordinated officer working under lead of above officers is responsible for 4th amendment rights violated 3: plaintiff suffered damages :due to **4th amendment violation**

#### **.OTHER FALSE STATEMENT BY JUDGE HILLMAN:**

See page 53 of S285953

**4:ERROR IN FACT FINDING AND ANALYSIS OF RESPONSIBILITY OF DEFENDANT FAHOUM IN THE JUDGMENT BY THE JUDGE HILLMAN WITHOUT PRESENTING CASE TO THE JURY:**

See page 53-56 of S285953

#### **ERROR IN JUDGMENT BASED ON QUALIFIED IMMUNITY:**

Qualified immunity involves a two-step inquiry. First, we must ask whetherable to the party asserting the injury, . . . the facts alleged show the officer's conduct violated a constitutional right." **Saucier v. Katz, 533 U.S. 194, 201, 121 S.Ct. 2151, 150 L.Ed.2d 272 (2001).**[t]aken in the light most favorable to the party asserting the injury injury, . . . the facts alleged show the officer's conduct violated a constitutional right." **Saucier v. Katz, 533 U.S. 194, 201, 121 S.Ct**

judge hillman in error, , abuse authority and biased when stated " plaintiff did not show how defendant is not entitled to qualified immunity." when judge himself made a ruling on Sac (erroneously, by showing bias and by abusing discretion ) where removed the city of visalia and removed luma fahoum as a defendant in her official capacity before case went on trial on 4th amendment violation and allowed plaintiff to brought case in her individual capacity despite plaintiff complaint based on"CITY OF VISALIA, a municipal entity; .CHIEF JASON SALAZAR, in his individual and official capacity; . Defendant Pineda Sergio, in his individual and official capacity.Defendant Marisa Burkdoll, in her individual and official capacity. . Defendant Nathan Berry, in his individual and official capacity. . Defendant Fistolera, individual and official capacity . Defendant luma fahoum, Individual and official capacity. . Defendant Sergeant Damon Maurice, Individual and official capacity.Defendant Valverde DEFENDANT in his individual and official capacity" .

However Judge hillman is in error, biased and abuse authority when sustained the demurrer without leave to amend all causes of action alleged against the city and all the defendant named above in their individual and official capacity except muslim minority luma fahoum in her individual capacity on sixth cause of action for violation of plaintiff fourth amendment rights.(Ruling on Sac given March 2023).Now after trial based his erroneous judgment based on raising a new issue of qualified immunity .

**Judg hillman himself cited Qualified immunity protects"**Government officials.... From liability for civil damage insofar as their conduct does not violate clearly established statutory or constitutional right of which a reasonable person would have known in their individual capacity" **harlow v fitzgerald(1982)457 us. 800, 818,102.** Which shows now at the judgment stage judge hillman stared considering luma fahoum , jason salazar official capacity after ruling before trial luma fahoum is litigating in her individual capacity. However Luma fahoum , jason salazar violate clearly established statutory or constitutional right of which a reasonable person

would have known And liable for damages .

"A public official is entitled to qualified immunity if the law governing the official conduct was not clearly established , or if under clearly established law he could have reasonably believed that his conduct is lawful(**jeffers v gomez (2001) 267 F3d 895, Romero v Kitsap county (1991) 931 F2d 624, 627**

Judge hillman established "Although the courts have limited qualified immunity recently"( pg 10 of) but further established that defendant was doing job duties and responsibilities in error " there was no showing of any acts or conduct by defendant outside of her normal job duties and responsibility" .

. However, plaintiffs have shown acts or conduct in this motion and previously in Sac , trial brief and trial evidence and luma fahoum testimony that defendant luma fahoum and jason salazar acted outside of her normal job duties and responsibility when ordered to violate civil rights for the reason that plaintiff is requesting oversight for not investigating reported crime against court witness related to whistleblower retaliation .

.Qualified immunity does not protect luma fahoum , jason salazar, randy groom who knowingly violate the law. **Malley v. Briggs, 475 U.S. 335, 341, 106 S.Ct. 1092, 89 L.Ed.2d 271 (1986).**

**Qualified immunity protects "all but the plainly incompetent or those who knowingly violate the law." *Malley v. Briggs, 475 U.S. 335, 341, 106 S.Ct. 1092, 89 L.Ed.2d 271 (1986).***

Luma fahoum , jason salazar and visalia city conduct as discussed above violates clearly established statutory or constitutional rights of which a reasonable person would have known. Theres government officials are not protected from liability for bad faith misjudgments and wrongly application of 5150 by speculating plaintiff health based on asking her of oversight knowing she is not harm to herself or other and when video evidence confirm that officer heard that mother testified regarding the good health of plaintiff. ***See Butz v.***



*Economou*, 438 U.S. 478, 507, 98 S.Ct. 2894, 57 L.Ed.2d 895 (1978).

**Further intent and Mental state of officers can be inferred from application of 5150 because plaintiff asking oversight and relevant to found an element of the alleged constitutional violation. *See Jeffers v. Gomez*, 267 F.3d 895, 911 (9th Cir. 2001).**

**“ mental state is relevant when, as here, it is an element of the alleged constitutional violation.” *See Jeffers v. Gomez*, 267 F.3d 895, 911 (9th Cir. 2001).**

**Judge hillman in error, bias abuse discretion when failed to establish constitutional violation occurred, and the right was clearly established and experience office or any reasonable person would know that their conduct would be unlawful, application of 5150 when aware of the fact that the plaintiff was not harm to herself or to other and no emergency existed as petitioner resided peacefully in her house, for the reason plaintiff petition to bring oversight for not investigating reported incidents of crime against muslim minority ( not an account of a history course of mental illness) but shows ""maliciously and sadistically purpose to causing harm by deprive freedom and liberty, cause reputation harm , jeopardize credibility of witness., "  
*Saucier v. Katz*, 533 U.S. 194, 201, 121 S.Ct. 2151, 150 L.Ed.2d 272 (2001)**

Although Qualified immunity is not an issue at Tulare Superior court of the State of california as judge hillman allowed trial against luma fahoum in her individual capacity only. Hower for the sake of argument if goes with judge hillman judgment and considered qualified immunity argument at the judgment stage , Still the conduct of violating petitioner constitution rights which was clearly established jason salazar , luma fahoum, City manager and City of Visalia at issue does not qualify for immunity.

**Resolving the issue of qualified immunity involves a two-step inquiry. First, we must ask whether (SeeMOP discussion)**

[t]aken in the light most favorable to the party asserting the injury, . . . the facts alleged show the officer's conduct violated a constitutional right." *Saucier v. Katz*, 533 U.S. 194, 201, 121 S.Ct. 2151, 150 L.Ed.2d 272 (2001)

If a constitutional violation occurred, a court must further inquire "whether the right was clearly established." *Id.* "If the law did not put the [officials] on notice that [their]

conduct would be clearly unlawful, summary judgment based on qualified immunity is appropriate." *Saucier*, 533 U.S. at 202, 121 S.Ct. 2151.

### **Excessive force Analysis:(See MOP)**

Our excessive force analysis begins with identification of the specific constitutional right allegedly infringed by the officers' use of force. *Graham v. Connor*, 490 U.S. 386, 393-94, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989).

In this case excessive force applied "maliciously and sadistically" for the very purpose of causing harm to reputation, discrediting witness credibility and deter petitioner to exercise 1st amendment right, specifically for requesting an oversight on Visalia police department for not investigating report

The qualified immunity analysis already reflects that petitioner has the right to be free from search and seizure at her residence and was clearly established under the 4th amendment at the time of incident. it would be clear to a reasonable officer that conduct was unlawful in this situation by unlawful application of 5150 for the reason petitioner was exercising her 1st amendment right to petition government to bring oversight on visalia police department , " see *Saucier*, 533 U.S. at 202, 121 S.Ct. 2151, Although reasonable officer who knows statue and experience and in senior position aware that conduct will violate 4th amendment and unconstitutional, however plaintiff at scene her mother gave "fair warning" to the officials that their conduct was unlawful. *Hope v. Pelzer*, \_\_\_ U.S. \_\_\_, 122 S.Ct. 2508, 2511, 153 L.Ed.2d 666 (2002). "This inquiry, it is vital to note, must be undertaken in light of the specific context of the case." *Saucier*, 533 U.S. at 201, 121 S.Ct. 2151. Officials, however, "can still be on notice that their conduct violates established law, even in novel factual circumstances." *Hope*, \_\_\_ U.S. at \_\_\_, 122 S.Ct. at 2511.

Specificity only requires that the unlawfulness be apparent under preexisting law. *Anderson v. Creighton*, 483 U.S. 635, 640, 107 S.Ct. 3034, 97 L.Ed.2d 523(1987). Defendant had fair warning that their conduct is unconstitutional. Pp. 739-741.*Hope v. Pelzer*, \_\_\_ U.S. \_\_\_, 122 S.Ct. 2508, 2511, 153 L.Ed.2d 666 (2002) *Gomez v. Toledo*, 446 U. S. 635 (1980). [Footnote 24] Decisions of this Court have established that the "good faith" defense has both an "objective" and a "subjective" aspect. The objective element involves a presumptive knowledge of and respect for "basic, unquestioned constitutional rights." *Wood v. Strickland*, 420 U. S. 308, 420 U. S. 322 (1975). The subjective component refers to "permissible intentions."

Luma fahoum testified that she hoped the plaintiff has constitutional rights and not argue that people with muslim background or with disability or perceived disability had no Fourth Amendment protections *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969); see *T.L.O.*, 469 U.S. at 336

**Petitioner ha shown the subjective component** officials had the mental state and "'deliberate indifference' to a substantial risk of serious harm toward petitioner for the reason to prevent oversight of the Visalia police department" *Frost v. Agnos*, 152 F.3d 1124, 1128 (9th Cir.

1998) (quoting *Farmer v. Brennan*, 511 U.S. 825, 835, 114 S.Ct. 1970, 128 L.Ed.2d 811 (1994)). qualified immunity would be defeated if an official "*knew or reasonably should have known* that the action he took within his sphere of official responsibility would violate the constitutional rights of the [plaintiff], or if he took the action *with the malicious intention* to cause a deprivation of constitutional rights or other injury. . . .*Harlow v. Fitzgerald*, 457 U.S. 800 (1982).(See MOP).

**Court of Appeals has repeatedly made clear that it imposes no case law on point requirement on plaintiffs seeking to defeat an assertion of qualified immunity. See, e. g.,**

***Priester v. Riviera Beach*, 208 F.3d 919, 926 (CA11 2000)** (stating that qualified immunity does not apply if an official's conduct "was so far beyond the hazy border between excessive and acceptable force that [the official] had to know he was violating the Constitution even without case law on point" (internal quotation marks omitted)); ***Smith v. Mattox*, 127 F.3d 1416, 1419 (CA11 1997)** (noting that a plaintiff can overcome an assertion of qualified immunity by demonstrating "that the official's conduct lies so obviously at the very core of what the [Constitution] prohibits that the unlawfulness of the conduct was readily apparent to the official"*Lassiter v. Alabama A&M Univ.*, 28 F.3d 1146, 1150, n. 4 (CA11 1994))(See MOP)

Section 242 makes it a crime for a state official to act "willfully" and under color of law to deprive a person of rights protected by the Constitution. In *United States v. Lanier*, 520 U. S. 259 (1997),

If "it would be clear to a reasonable officer that his conduct was unlawful in the situation he confronted," then qualified immunity does not apply. *Saucier v. Katz*, 533 U. S. 194, 202 (2001).

Sen. Steven Bradford (D-Gardena) introduced Senate Bill 2 (SB2) Jan. 1, 2022. "person or persons, whether or not acting under color of law, interferes or attempts to interfere, by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution SB2 closes the loopholes in the current law by amending Civil Code section 52.1 to render those protections inapplicable. This creates a legitimate alternative pathway to sue law enforcement officers for violating basic rights. The new law also creates a framework to strip police officers who violate individual rights of their right or laws of this state, or of the rights secured by the Constitution or laws of this state"

**4: MISTRIAL DUE TO ERROR IN FINDING DAMAGES BY THE JUDGE HILLMAN WHO REFUSE TO RECUSE HIMSELF WHEN HIS PERSONAL INTEREST INVOLVED AND WITHOUT A JURY TRIAL :**

See point 1-5 on pg 62-69 on petition s285953 .

**Memorandum of points in support of Ex Parte1) Motion For Intention To Move For New Trial and justification for Mistrial in the case Vcu291199 2) Motion To Vacate Judgment Given By Judge hillman Without Jury trial dated MArch 18 24:**

Notice of entry provided on March 28 24 .

**See argument presented in support of Ex Parte1) Motion For Intention To Move For New Trial and justification for Mistrial in the case Vcu291199 2) Motion To Vacate Judgment Given By Judge hillman Without Jury trial on pgs 69-78 of S285953:**

Deprivation of the rights under 42 U.S.C. § 1983  
Plaintiff 4th, 1st ,14th and 2nd amendment constitutional violations that create significant injury.(see Facts alleges in a SAC).  
**The Fourth Amendment of the U.S. Constitution**  
Gravely disabled.

**Officers were working under Captain Luma Fahoum Supervision (on duty as a Visalia police Captain) Informed Plaintiff on Aug 12 2020 that he doesn't have warrant and failed to limit his discretion and give required information , Therefore search and seizure was illegal:**

To satisfy the Fourth Amendment, a search warrant must describe with particularity the place to be searched and the items to be seized. **U.S. Const. amend. IV; United States v. Sayakhom**, 186 F.3d 928, 934 (9th Cir. 1999). The particularity requirement protects the individual from a "general, exploratory rummaging in [his] belongings." **United States v. Lacy**, 119 F.3d 742, 746 n. 7 (9th Cir. 1997) (quoting **Coolidge v. New Hampshire**, 403 U.S. 443, 467, 91 S.Ct. 2022, 29 L.Ed.2d 564 (1971)). It does so both by "limit[ing] the officer's discretion" and by "inform[ing] the person subject to the search what items the officers executing the warrant can seize." **United States v. McGrew**, 122 F.3d 847, 850 (9th Cir. 1997) (emphasis removed). "Citizens deserve the opportunity to calmly argue that agents are overstepping their authority or even targeting the wrong residence." **United States v. Gantt**, 194 F.3d 987, 991 (9th Cir. 1999). Captain Luma act was unreasonable and careless when assigned and allowed executing of seizure duties to officer Nathan Henry on 8/11/20 in matters with code 5150 without gauging if conduct of seizure is illegal . Cf. **Arnsberg v. United States**, 757 F.2d 971, 981 (9th Cir. 1985). Defendant Luma Fahoum misconduct violated plaintiff privacy when she failed to ensure that searches and seizures are conducted lawfully. ("[I]t is a violation of the Fourth Amendment for police to bring members of other third parties at the residence of plaintiff for execution of seizing of plaintiff and also show harm suffered is reputational injury.(. **Siebert v. Gilley**, 500 U.S. 226, 233-34, 111 S.Ct. 1789, 114 L.Ed.2d 277 (1991)). Officer Henry brough on Aug 12 2020 two HHSA employees and paramedics to plaintiff house and cause reputational harm to plaintiff. Plaintiff or her family was not provided with a detainment advice document at the time of unlawful seizure on Aug 12

2020 (produced later during discovery of the court cases).

.Captain Luma fahoum here acted unreasonably and in bad faith with malice intent when knew no court orders or warrants exists but assigned and gave advance briefing to his subordinate officer Nathan Henry(who is experience in seizing target on 5150 code ) that plaintiff is filing grievances with the City of visalia for not investigating crime reported to Visalia police department," under McGrew, all of them — leaders and line officers alike — should have known that the defective warrant made the search illegal. **McGrew, 122 F.3d at 850 n. 5. But McGrew"**

Captain Luma Fahoum assigned, supervised and authorized the team that operates 5150 seizing tasks responsible for ensuring that officers under her supervision have lawful authority for conducting search and seizure but failed to make sure search and seizure was not defective or illegal. **See United States v. Leon, 468 U.S. 897, 922-23, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984).**

Plaintiff was deprived of her property (cellular phone)and liberty without due process of law due to Visalia police officers under luma Fahoum supervision pressured Kaweah staff to remove plaintiff from low risk to high risk patient category.**Owen v. City of Independence, 445 U.S. 622, 100 S.Ct. 1398, 63 L.Ed.2d 673 .(Pursuant to evidence code S452(c)(d) Plaintiff, requests the court to take judicial notice to Plaintiff Trial Exhibit D police report pg 2 of 3 report 20-068601).**

Luma Fahoum and Visalia police influence on HHSA crisis worker advisement is apparent where crises worker describe circumstances for detainment "5150 eval requested by Visalia Police department" further certification confirms plaintiff was not a danger to herself or others. However, falsely declaring her gravely disabled with the reasoning that "think police are working against her " when Gravely disabled means a condition in which a person as a result of a mental health disorder is unable to provide for her basic need for food , clothing and shelter .Plaintiff has no signature on the 5150 certification as it was never presented to plaintiff on Aug 12 2020 ".**(Pursuant to evidence code S452(c)(d) Plaintiff, requests the court to take judicial notice exhibit OF document HOH000033-41 confirms plaintiff was not theta to herself or any one).**

.Lum Fahoum testified during trial that she was aware that plaintiff was not suicidal or threat to other. She also acknowledged that she was aware that the plaintiff had a place to reside. There is a close proximity in date of plaintiff file grievances to City of Visalia Dated 7/30/20 and 8/5/20 (.**See Exhibit I** of F088202 initial opening brief) submitted of trial evidence )and incident occurred on Aug 12 2020 5150 search and seizure which confirms seizure was an attempt to chill plaintiff 1st amendment right . **(Pursuant to evidence code S452(c)(d) Plaintiff, requests the court to take judicial notice to Plaintiff Trial Exhibit A of F088202 initial opening brief document deed of trust pg 50-53, Trial Exhhbit I and Trial Exhibit O HSA, Kaweah and heritage oak record confirm plaintiff was not suicidal or threat to others)**

.Luma Fahoum testimony and Police report prepared by Officer Henry confirmed that he was given information on plaintiff on 8/11/20 by officer Luma Fahoum that Plaintiff filed **"multiple reports" "most of them submitted ONLINE by W-riaz, were riddles with paranoia and delusion" "W-Riaz had more than 45 report documenting" "these type of complaint" "going on for over a year that we are aware of" "i called tulare county crises"** on Aug 12 2020 . HHSA workers also informed plaintiff on Aug 12 2020 that plaintiff is spending too much time documenting or reporting crimes. Reports further confirm that officer Henry concealed information from plaintiff related to his meeting with HHSA or plan to bring HHSA employees to the plaintiff's residence. **"The basis of 5150 is that she believed to be gravely disabled" "She is negatively impacting numerous individual and agencies with her paranoia and claim. she is unreasonable and paranoid, delusional"** (Plaintiff, requests the court to take judicial notice pursuant to S452(c)(d) to Plaintiff Trial Exhibit.D police report).

**When enacted in 1967, section 5150 of the LPS Act** required only "reasonable cause" for detention. This section was amended in 1975 to require "probable cause" for detention, which suggests that the Legislature intended a standard similar to that for a warrantless arrest for a Penal Code violation. (See Stats. 1975, ch. 960, § 2, p. 2243.)

We therefore adapt the test for probable cause for a warrantless arrest for a section 5150 detention.

**To constitute probable cause** to detain a person pursuant to section 5150, a state of facts must be known to the peace officer (or other authorized person) that would lead a person of ordinary care and prudence to believe, or to entertain a strong suspicion, that the person detained is mentally disordered and is a danger to himself or herself or is gravely disabled. In justifying the particular intrusion, the officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant his or her belief or suspicion. (Cf. *Terry v. Ohio* (1968) 392 U.S. 1, 21-22 [20 L.Ed.2d 889, 905-906, 88 S.Ct. 1868]; *Cunha v. Superior Court* (1970) 2 Cal.3d 352, 356 [ 85 Cal.Rptr. 160, 466 P.2d 704].).

"No right is held more sacred, or is more carefully guarded, by the common law than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law." *Union Pac. R. Co. v. Botsford*, 141 U. S. 250, 251 (1891).

We have recently held that **"the Fourth Amendment protects people, not places,"** *Katz v. United States*, 389 U. S. 347, 351 (1967), and wherever an individual may harbor a reasonable **"expectation of privacy,"** *id.* at 361 (MR. JUSTICE HARLAN, concurring), he is entitled to be free from unreasonable governmental intrusion.

On Aug 12 2020 Under defendnet Luma Fahoum supervision male Police officers entered the plaintiff's house without plaintiff permission and spoke to her minor kid (inside the plaintiff residence) without plaintiff presence while restrained plaintiff at her front door of residence .Plaintiff informed officers that she is not consenting officer to speak to her minor kids without her presence or allowing entry to her residence as it will traumatized kids, However officer did not listen and entered plaintiff house and search minor kids in the house and interacted with minor kid without consent and permission from primary custodian/mother. Officers did not leave the residence or property upon plaintiff request and her right to personal security was violated by a well planned illegal and unreasonable search and seizure.

Police reports confirm that officer henry received instruction on 8/11/20 from Luma Fahoum. (see Exhibit D pgs 165-192, pg 3 of 7 of police report of F088202 initial opening brief)).

Under Luma Fahoum supervision ,Visalia police department and Nathan Henry attempted to influence (forceful,unconsented and under false imprisonment) treatment (battery/assault) at Kaweah hospital when reached to hospital and asked plaintiff to remove from low risk to high Risk for contacting lawyer, speaking about lawsuit and calling 911 regarding 4th amendmet violation. Due to Visalia police department pressure, the plaintiff was placed as a high Risk patient inorder to remove her property or phone. Due to placing the plaintiff high risk category Plaintiff was transferred from Kaweah to Heritage Oak Sacramento. During transfer the plaintiff was restrained and strapped for 3 hours because of falsely classifying plaintiff as high risk pt on f Visalia police department pressure, subjected her to body search in a suicidal ward of Sacramento. There is no dispute among parties regarding the fact presented in the **SAC on (paragraph 411-464)**. Visalia police officers under luma Fahoum supervision interfered with plaintiff release from Sacramento hospital against health care provider advice . **(Pursuant to evidence code S452(c)(d) Plaintiff, requests the court to take judicial notice to Exhibit J of trial pg 689 -VCU291199 SAC(paragraph 411-464), Exhibit D pgs 165-192, police report of F088202 initial opening brief))**.

There was no Reasonable "**probable cause**" existed to justify the search and seizure which took place on Aug 12 -Aug 17 2020

The test is reasonableness of probable cause to justify governmental interest which allegedly justifies official intrusion upon the constitutionally protected interests of the private citizen **Camara v. Municipal Court, 387 U. S. 523, 534-535, 536-537 (1967)**.

Captain Luma Fahoum assigning , overseeing supervising and authorizing search and seizure action on 5150 code for the reason that plaintiff was filing grievances with City of Visalia to bring oversight on Visalia police department for Visalia police department not investigating crimes does not justify reasonable government interest upon which violating **(4th,14th, 1st amendmet right )** protected interests of the private

citizen. Luma fahoum testified she was aware that plaintiff was not suicidal or threat to other. She also testified she is aware the plaintiff has a residence where she resides. No one was in imminent danger on Aug 12 2020 and no emergency situation existed to reach plaintiff residence by the Visalia police officers. **"warrant a man of reasonable caution in the belief" that the action takappropriate? Cf. Carroll v. United States, 267 U. S. 132 (1925); Beck v. Ohio, 379 U. S. 89, 96-97 (1964).** [Footnote 20] Anything less would invite intrusions upon constitutionally guaranteed rights based on nothing more substantial than inarticulate hunches, a result this Court has consistently refused to sanction. **See, e.g., Beck v. Ohio, supra; Rios v. United States, 364 U. S. 253 (1960); Henry v. United States, 361 U. S. 98 (1959).** And simple "'good faith on the part of the arresting officer is not enough.' . . . If subjective good faith alone were the test, the protections of the Fourth Amendment would evaporate, and the people would be 'secure in their persons, houses, papers, and effects,' only in the discretion of the police." **Beck v. Ohio, supra, at 97.**

Luma fahoum bad faith intent is apparent in this case. Luma fahoum testified during trial she was contacted by her master Jason Salazar before the 5150 incident and that Jason Salazar (Chief Visalia police Department ) informed her that Plaintiff is contacting City Of visalia with grievance to Initiate Oversight an Visalia police department for not investigating crime. Luma fahoum soon after contact her subordinate officer henry nathan. Luma fahoum testified she contacted Officer henry nathan because of his expertise in 5150 seizures. She testified she assigned plaintiff case to officer henry with the information that plaintiff is delusional and paranoid. ( **Pursuant to evidence code S452(c)(d) Plaintiff, requests the court to take judicial notice to Exhibit I pgs 590-666 of F088202 initial opening brief showing communication between jason salazar and City of Visalia)**

City manager sent an email to Visalia chief Jason here she is again. You want to take a shot at it" from Randy groom/City Manager to Jason salazar " luma fahoum is cc in the email. **Dated july 22 20-10:08 am"**

"Please excuse the clipped off email. I am forwarding your message to appropriate person to respond ""we do not have an oversight committee on police but we have AN ESTABLISHED COMPLAINT PROCESS TO REVIEW OF ACTIONS BY OUR POLICE OFFICERS:Randy groom city manager **Dated july 22 20-10:16 am.**

City Manager confirms that they don't have practice to oversee Visalia police department activity but they have" process to review" or pattern and practices to respond to complaints which we have seen on Aug 12 2020 in the form of civil rights violation and attempted to discredit witnesses.

There is ample evidence in the form of Luma fahoum testimony where she admits



Chief Jason Salazar contacted her for the specific reason that plaintiff is filing grievance with city of Visalia. She further testified she assigned Officer Nathan Henry to the plaintiff case because he specialized in 5150 seizures. Police report confirms that Nathan Henry received assignment on Aug 11 2020.

A municipality may be liable under section 1983 when a city employee violates some federally protected right while implementing or executing a policy, statement, ordinance, regulation, or decision officially adopted and promulgated by city officials. **Monell v. New York Dept. of Soc. Serv., 436 U.S. 658, 690-91, 98 S.Ct. 2018, 2035-36, 56 L.Ed.2d 611 (1978).**

There is no dispute among parties as Defendant counsel accepted at the last day of trial that Luma Fahoum was negligent in action that led to 4th amendment civil rights violation of plaintiff. All facts alleged and evidence confirm Luma Fahoum assigned Officer Henry because he has experience in 5150 seizure who illegally seized plaintiff in violation of civil right on Aug 12 2020. Luma Fahoum testified she received information from her master Jason Salazar who was contacted by the City of Visalia officials that plaintiff seeking Oversight on Visalia Police department. Luma Fahoum is sued by plaintiff in her official and individual capacity as she was on duty as a sworn police captain when assigned Officer Henry for application of 5150 and acting under color of law for damages, for violating "clearly established" constitutional right of plaintiff law that a reasonable police officer would have known. The facts alleged show the Luma Fahoum action conduct violated plaintiff 4th amendment constitutional right, and the right was clearly established. **"Saucier v. Katz, 533 U.S. 194, 199, 121 S.Ct. 2151, 150 L.Ed.2d 272 (2001).** "[A] person has been 'seized' within the meaning of the Fourth Amendment only if, in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave." **United States v. Mendenhall, 446 U.S. 544, 554, 100 S.Ct. 1870, 64 L.Ed.2d 497 (1980).**

Plaintiff right are Clearly established: Luma Fahoum as a captain in the Visalia police department reasonably aware of 4th amendment rights and criteria for application of 5150 or gravely disabled. **Anderson v. Creighton, 483 U.S. 635, 640, 107 S.Ct. 3034, 97 L.Ed.2d 523 (1987).** Captain Luma Fahoum was reasonably aware that the plaintiff did not meet the criteria of 5150. She stated in her testimony at the trial she didn't believe plaintiff was a risk to herself or to others. She also testified she is aware that plaintiff has placed to live where plaintiffs resided. She further confirms she assigned the plaintiff case to Henry because he has experienced 5150 seizures. She testified she assigned Plaintiff to Officer Henry after she had been contacted by her master Jason Salazar with the concerns that plaintiff is reaching Visalia city with grievance to bring oversight on VPD for not investigating reported crimes. She testified during trial she is not a psychiatrist, psychologist or any background or education in diagnosing any health condition. However She testified she speculated to Officer Henry (because he specializes in seizing subjects on 5150) that the plaintiff is paranoid and delusional and reached the city of Visalia with grievances. **(Pursuant to evidence code S452(c)(d) Plaintiff, requests the court to take judicial notice to Exhibit Trial A of F088202**

initial opening brief **palm occupation and Psychiatrist Sievert record reflecting diagnosis is not paranoid or delusional disorder on pg 25-30,49,44,43)** .At the time of the seizure of plaintiff Luma fahoum was aware that plaintiff was not in imminent danger to herself or others and that there was no emergency situation, the scope of the intrusion is unreasonable with the intent to retaliate, discredit plaintiff. for filing grievances with the city of visalia **Ninth Circuit. Mabe v. San Bernardino County, 237 F.3d 1101, 1106 (9th Cir.2001); Wallis v. Spencer, 202 F.3d 1126, 1138 (9th Cir.2000) (Pursuant to evidence code S452(c)(d)** Plaintiff, requests the court to take judicial notice to Exhibit O Kaweah and heritage Oak record reflecting plaintiff wa not suicidal or threat to others)

. Luma Fahoum as a reasonable official has failed to understand or care what she is assigning, authorizing officer Henry will violate plaintiff civil rights and be illegal. After assignment Officer Henry reached HHSA Ernesto named employee and requested 5150 on Aug 12 2020. Officer Henry under luma Fahoum supervision called plaintiff on Aug 12 20 when there was no emergency or imminent danger exists to any one for the reason that plaintiff filed multiple police reports thru online submission and not 911 calls related to crime occurred against her. Officer Henry informed plaintiff upon arrival at plaintiff's house that he never investigated any complaint against her because he believed plaintiff is not mentally competent. Plaintiff was meeting for the first time with officer henry and mental competency information was conveyed to him by his assigning supervisor Luma Fahoum. This fact further confirms the reason Luma fahoum assigned Officer Henry Nathan not to investigate reported complaints but to seize plaintiffs for filing reported complaints due to his extensive background in seizing residents and declare them mentally incompetent . .Crisis workers, Earnestos informed plaintiff that Plaintiff is spending too much time in documenting police complaints. Plaintiff met Ernesto for the first time on Aug 12 2020 when he arrived at plaintiff's house unannounced with Officer Henry where he conveyed the above statement to plaintiff .Samreen Riaz has cited specific instances, evidence and facts of denial of access to the courts due to 5150 incidence and tried to chill her 1st amendment right: Defendant Luma Fahoum's action of assigning and authorizing seizure based on 5150 directly prevented Samreen's ability to testify in the court proceedings VCU276991 and stayed the case from july 2021 - may 2022 due to questioned raised on mental competency of plaintiff for the reason of placement of seizure on 5150. Luma Fahoum was aware of the ongoing court proceedings and as a reasonable officer should have known that her action of authorizing 5150 seizure of plaintiff by falsely declaring her gravely disabled will affect the credibility of a court witness.( **(Pursuant to evidence code S452(c)(d)** Plaintiff, requests the court to take judicial notice to Exhibit B pg 54- 84 and exhibit C pgs 85-164 reflect declaration filed by attorney in altura case for staying trial and discrediting court witness based on 5150 from June 7 21- May 22, Exhibit trial E threatening letter by Alturta attorney about negative consequences **Altura 00205 Pg 197-199** , Exhibit trial D cathy meadows report 185-189 from the case vcu276991, trial Exhibit I luma Fahoum emails confirming aware of ongoing whistleblower retaliation of F088202 initial opening brief)).

#### **.LUMA FAHOUM INTEGRAL AND FUNDAMENTAL PARTICIPATION IN 5150 BASE SEIZURE:**

Samreen Riaz specified facts and evidence of Captain Luma fahoum integral participation and fundamental involvement in assigning officer Nathan henry because of his experience in seizing subjects on 5150 code. . Samreen Riaz specified facts from the police report that Officer Nathan Henry informed on Aug 12 2020 Luma fahoum that he is going to involuntarily seize plaintiff at her residence and Lum fahoum didn't stop him from seizure. Luma fahoum testified she agreed with the seizure of

plaintiff and never reprimanded or disciplined officer Henry for unlawful application of 5150. Luma Fahoum testified that she is aware of the fact that the plaintiff was not a threat to herself or others. Plaintiff does not fit the criteria of gravely disabled person. 5150 seizure was based on malice, bad faith ulterior motive, to prevent the plaintiff for reporting crimes to the Visalia police department and for reaching City officials with grievances about the police department not investigating crime against muslim minorities: Jones 297 F.3d at 936. Defendant counsel admitted on the last day of trial that Luma Fahoum was negligent in her action and caused violation of plaintiff constitution rights. Above facts confirm Luma Fahoum was aware of the plan to commit the alleged violation or have reason to know of such a plan, and she confirmed she did not object. **See Boyd, 374 F.3d at 780 (discussed infra); Melear v. Spears, 862 F.2d 1177, 1181, 1186 (5th Cir.1989).** Luma Fahoum is liable for application of excessive force **Boyd, 374 F.3d at 780.** Luma Fahoum was aware there were no court orders or warrants issued on plaintiffs at the time of the 5150 incident. Luma Fahoum was fundamentally involved in false arrest because she was supervisor and assignee of 5150 seizing teams and in constant touch with officers and per police report was further consulted before involuntary seizure of plaintiff on Aug 12 2020. A reasonable officer could not reach plaintiff house when plaintiff informed the officer and Visalia police department to not reach her private residence and further forced plaintiff to involuntarily go to hospital with use of excessive force without warrant or court order when no emergency existed or when no one was in imminent danger. A reasonable officer would not assign 5150 seizure specialist on plaintiff for the reason plaintiff is filing grievances with Visalia city to bring oversight on Visalia police department knowing plaintiff was not suicidal or threat to others, "A person subjects another to the deprivation of a constitutional right, within the meaning of section 1983, if he does an affirmative act, participates in another's affirmative acts, or omits to perform an act which he is legally required to do that causes the deprivation of which complaint is made." **Preschooler II v. Clark County Sch. Bd. of Trs., 479 F.3d 1175, 1183 (9th Cir.2007) (quoting Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir.1978)) (internal quotations omitted).** Defendants Luma Fahoum action are not action of supervisor not knowing what subordinates are doing but action involve assigning officer who is specialist in 5150 seizures by providing him information that plaintiff was filing grievances with city of Visalia with the intent to prohibit plaintiff from filing grievances and oversight on Visalia police department. Plaintiff "establish the 'integral participation' of the officers in the alleged constitutional violation. plaintiff 'establish the 'integral participation' of the officers in the alleged constitutional violation." **Jones v. Williams, 297 F.3d 930, 935 (9th Cir.2002); see also Torres v. City of Los Angeles, 548 F.3d 1197, 1206 (9th Cir.2008)** "Officers who are "integral participants" in a constitutional violation are potentially liable under § 1983, even if they did not directly engage in the unconstitutional conduct themselves. **Boyd v. Benton County, 374 F.3d 773, 781 (9th Cir.2004).** Luma Fahoum action prevented Samreen ability to file grievances, pursue oversight on police department for not investigating crime against muslim minorities, or file police report of crimes, left crime unreported and uninvestigated due to destroying credibility of plaintiff as a witness. **Luma Fahoum was aware that her action interfered with Samreen Riaz 4th, 14th and 1st amendment rights. Evidence showing personal participation in the alleged violations by defendants Luma Fahoum:** See point 1-3 on appeal brief s285953 Pg 80. **Plaintiff Establish the existence of an element essential of Fourth amendment violation:** See point 1-3 on appeal brief s285953 Pg 81. **Failure to Intercede:** See point 1-3 on appeal brief s285953 Pg 82, **Harm occurred:** See point 1-3 on appeal brief s285953 Pg 84, **Constitutional claim Against City Defendant:** See point 1-3 on appeal brief s285953 Pg 86, **Reasonable Cause and Imminent Danger:** See point 1-3 on appeal brief s285953 Pg 86, **Probable cause:** See point 1-3 on appeal brief s285953 Pg 86, **5150 Specialist Officer Henry on plaintiff Case:** See point 1-3 on appeal brief s285953 Pg 86

## **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 10th day of **OCT 2024** in **Visalia, California**.

**Samreen Riaz**

A handwritten signature in black ink, appearing to read 'Samreen Riaz', written over a horizontal line.

**Dated:**

**Oct 10 24**

## Conclusion:

Plaintiff prayer for relief:

Reverse opinion of the Supreme court of california ( S285953 ) denying Petition and application for stay and left unresolved conflicted issue of law and factual issue on Sept 18 24.

Reverse the opinion of the 5th district appeal COURT denying the Writ Mandate (F088202) **on June 26 24 ON April 11 2024 ruling (Motion to Vacate/Motion to new trial and disqualification judge hillman based on march 18 24 judgment )**.

Reverse March 18 24 judgment given by the Judge Hillman by obstructing Jury Trial.( violation of 7th amendment , 14th amendment) ?

.Reinstate case for jury trial( held previously on feb 13-15 2024 with jury attending trial ) in accordance with 7th amendment and due process rights .

.Reverse false fact finding of 5th district and Tulare superior court.

. Compel judge Hillman to recuse from this case.

. Reverse April 11 24 denying motion to vacate

.Prayer of relief as follows: for general economic and non-economic damages, special damages ,punitive, For equitable relief; For prejudgment interest, For costs of suit incurred herein, For attorney's fees, For civil penalties (as allowed by law), For a permanent injunction compelling Defendant to, cease trespassing on, and obstructing any property and civil rights, described in this Complaint with respect to Plaintiff's property, A permanent injunction restraining Defendant from intimidating, threatening, harassing, trespassing, illegal surveillance, excessive force and /or violence, and whistleblower retaliation of plaintiff and guests pursuant to CA Civil Code 527.6.

