24-5787

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IN THE
SUPREME COURT of the United States

Taiming Zhang	)	Case No. _____
Plaintiff-appellant-petitioner	)	SC Rule 11, 28 U. S. C. § 2101(e)
	)	EMERGENCY
	)	petition for writ of certiorari;
Versus	)	from CA-9 23-16125
	)	CAND 3:23-cv-980-JSC
	)	
Twitter Inc. (now X Corp.)	)	
	)	
Defendant-appellee-respondent	)	
	)	

1. [summary of issues raised in this petition (questions presented)]

a) The 9th circuit's insurrection of 47 U.S. Code § 230 (c) (1) subverting the plain text of CDA 230 c1. This was called "republishing nonsense".

b) The 9th circuit inventing immunity from it, not supported by any text of c1 incl. short title. At best, "republishing" supports full restitution.

c) The arbitrary (partial/preferential) enforcement of "republishing" and "immunity", benefitting one specific group—criminal syndicates (social media companies) with such unreasonable loathing against, notoriously working vilely and tirelessly against, the essence of the first amendment. The 9th circuit's nonsense, if applied fully, voids the modern internet in full; if applied partially, turns it into a dark web. Amazon and PayPal and eBay will all have to be out of business; all their users are too "immune", so are they immune with any dealing of user info and with most frauds.

d) The 9th circuit's subversive falsity ("republishing nonsense" and "immunity business", the latter of which is purely original) (not the actual act by the actual Congress) is in such direct and impudent violation of the first, fifth, eighth and fourteenth amendments of the Constitution.

e) Whether the right to jury trial could be subverted at free will by judge, especially w/ FRCP 50's strict limitations to judgments as a matter of law.

f) Whether asking someone to repeat themselves or otherwise manufactured difficulties in the court context could possibly fit the due process clause.

g) The difference between TRO and PI, and appealability, ignored by courts. Specifically, court cannot call a noticed motion "TRO."

h) The current different appealability of PI and TRO does not fit the equal protection clause, which is a result of ignoring the plain text of rule 65. If 65 is applied as it is written, this issue dissolves. Specifically, court has to answer when a TRO transforms into a PI. Or should TRO be seen as a PI?

i) At least FOURTEEN counts of serious corruption by CAND and CA-9.

j) Properly construing and applying section 3 of the 14th amendment. It is asked that the SC corrects its earlier subversion of law in Trump v. Anderson, 601 U.S. 100 (2024).

k) Also, whether Brown v Board of Education should be overruled, which relates directly to enforcing the section 5 of amendment XIV.

2. *[list of parties and proceedings] All parties appear in the caption of the case on the cover page.*

CA-9 23-16125, 23-15868. CAND 3:23-cv-980 Judgment Aug. 23, 2023.

3. [table of contents and authorities]

Table of authorities

4. [lower court judgments] All DC judgments or orders are not reported but are precedential. NO judgment at CA yet for 23-16125.
5. [jurisdiction] **SC Rule 11** and 28 U. S. C.§ 2101(e) are **invoked**.
"28 U. S. C.§ 2101(e) An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment."
6. As a preliminary statement, even if there is a judgment rendered by CA AFTER filing this petition, this still wouldn't become invalid or moot for a petition for cert. can be made "*any time before judgment*". Also, there is accusation in this case that the CA "has so far departed from the accepted and usual course of judicial proceedings", which couldn't become moot.
7. If there is a judgment entered after I file this, please treat this as a petition to review that judgment, given the paramount importance of the issue, and the anticipation that if I win, the other side will certainly ask you to review anyway. I will file a supplement if that happens.
8. [statutes involved]
47 U.S. Code § 230, The 1st amendment, The 5th amendment, The 7th amendment, The 8th amendment, The 14th amendment section 1, 3, 5
9. [statement of case] The DC case was brought against twitter for a long list of violations of law including fraud, breach of contract, IIED, UCL, defamation, intrusion of privacy, and so on. The DC jurisdiction is both federal question and diversity.
10. [reasons for granting writ] The center of this case is 47 U.S. Code § 230. Subsection (c) (1), whose short title is "Treatment of publisher or speaker" and states "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." (c) (2)'s short title is "Civil liability", and immunes (only) good faith removals or restriction of access.
11. Even if, subjunctively, arguendo, the defendant-appellee's obviously unconstitutional and anti-grammar reading of the clause were correct, it still would NOT support "civil immunity" as they stated. The short title,

which has no legal effect, but nonetheless a product of Congress, states explicitly that only (c) (2) relates to Civil liability, and (c) (1) does not.

12. **This is paramount: never did (c)(1) state AT ALL "civil immunity".**

13. As I will explain below, no averment is made that the ACTUAL Act by the ACTUAL Congress is unconstitutional. No. The accusation is that the 9th circuit's subversive falsity, which is **against the plain text of that very statute**, is subversive, which subversion in particular is unconstitutional. Therefore, no service will be made to the solicitor general.

14. Categorically, twitter does not argue breach of contract or fraud or breach of duty of care or defamation or intrusion of privacy is an act of good faith. It wouldn't be a viable argument either. Their reliance is on c1.

15. It follows, that if "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider" means what they state, at best, it supports restituting their entire business. Again, I am the intended beneficiary of all their advertisement contracts, and I have the right as third party to ask for restitution of such clearly illegal contract. **If their argument stands, any act of removal or editing or abridgment which is still editing and changing meaning IS the treatment of them "as the publisher or speaker of any information provided by another information content provider." So they argue their contract is illegal in law, as much of their contract promises to edit or remove content. In that case, it should be fully restituted. Nothing AT ALL in CDA 230 supports c1 is about immunity; it follows any violation of c1 should be treated as void by the Court.**

16. *I put forth my opinion that lying lawyers who indeed ARE criminals are a terrorist group preying on everything the Constitution guarantees.*

17. **I've said everything clearly in the complaint.** The reasons, including

constitutional violations, natural meaning of CDA 230, and legislator's intent, were all clearly stated.

18. The subversion started with drawing a binary line between ICS and ICP, **BUT c1 literally refers to users of ICSs, how are they not ICPs and "immune", ever by the 9th?** This was malicious subversion.

19. To summarize w/ small additions, what I stated on CDA 230 is simply:

a) The conduct of allowing a certain group of people (social media companies and search engines) breach of contract, fraud, IIED, defamation (again, manipulating others' speech, namely deleting certain words from a chain of expressions, is defamation as it changes the meanings), failure of duty of care, intrusion of privacy, harassment, UCL violations, and even intentional possession of child pornography, could not possibly fit the 14th amendment namely the equal protection clause! Breach of contract and fraud are even specifically banned by the 5th amendment, being violation of the right to property! The same duties of others can't just be exempt for a group, **as that is abridgement of rights and privileges of Americans** (Americans who are not social media companies) which violates the fourteenth amendment! Such exemption or differential treatment is **strictly unconstitutional**. For the purpose of compliance with the fourteenth amendment, where equality and lack of "special privilege" are constitutionally required, it includes also nonfeasance, negligence. If a doctor or caregiver is held accountable for negligence, social media must also be held accountable **per the Constitution**. So this is indeed abridgment of Americans' rights and privileges! And again, this immunity business is an open rape of the equal protection clause, denying equal protection of laws.

As I will discuss later, they also openly violated the first amendment,

regulating publication without any rational reason whatsoever.

b) The real purpose of such regulation of publication, where there is such wide and gross "immunity", is to violate the eighth amendment. One could easily argue ANY violation of the constitution and rights thereof is cruel and unusual. But the cruelty here is specifically horrific. The "immunity business" and "republishing nonsense" (*TOGETHER the 9th circuit's subversive falsity*) say that it is a matter of law that ICS providers (a class of ICPs) can force molestation they promised freedom from upon users and business partners, where they took money for such promise, BUT not anybody else, specifically not users of ICS or even other ICS providers, *despite the statute being so strictly otherwise*. This is a straightforward violation of the eighth amendment. And such unconstitutional privilege is not given to anybody else (not even other ICS providers as I will discuss) than social media companies, making it satisfy BOTH cruel and unusual.

c) I've said stated clearly, editing or altering or freely abridging others' expressions is pure and simple defamation, and is changing its meaning, and more importantly, such editing is development of information in part or in whole. It's the natural meaning of development of information. Creation is a fairly distinct word from development. Development talks about editing/publishing incl. technical style in whole or in part that's ****NOT** creation** of information, really "publisher conduct" per the 9th circuit's subversive falsity. **Their subversive falsity treats them as ONE word i.e. creation, but they are TWO words. No dictionary lists creation as a synonym to development even. Development requires creation first; one can't develop from thin air. Development develops information created. That's the grammar. Again, all of the "republishing" nonsense from the**

9th circuit fits "development of information".

d) The grammar of the law tells a clear story. C1 treats "provider or user of an interactive computer service" as one class. It states that that one class is another (**two separate but of the same kind**, see dictionary definition of "another") to ICP, **which declares "provider or user of an interactive computer service" as ICPs**. As a reminder, Fair Housing Council of San Fernando Valley v. Roommates.com, LLC, 521 F.3d 1157 (9th Cir. 2008), heavily quoted by JSC at DC, held that if a company does ICP conduct itself, that ICP conduct holding them as the ICP rather than another ICP is not relevant to CDA 230 c1. The question is always whether they're being held as the ICP or another ICP, as held by that case. As stated, the word another means two separate but of the same kind, if they had a hand in development of information, they are no longer another ICP as they're not independent from the information and they become THE ICP.

Had Congress said "an other", they would at least have a case. However, the phrase "an other" could simply mean "any such" or "some other" and is grammatically completely different from the word "another". The word and the phrase do NOT have the same meaning.

The word "another" there could only mean another from "provider or user of an interactive computer service", or it won't fit the word's meaning.

e) Then, the specific examples given by Congress at f2 as ICSs are library, search engines and internet service providers (ISPs) like AT&T. The ONLY conduct of theirs that could be "creation or development of information in whole or in part" is blocking content for AT&T, and sorting and rearranging in presenting information for search engines, in other words, search engine algorithms. Nothing else done by search engines and internet service providers could fit creation or

development of information in whole or in part. So naturally, it follows that all of twitter's conduct of deleting editing et cetera fits ICP conduct. It also follows that failure to delete is also ICP conduct, as they're held for deleting or not deleting certain content, which is ICP conduct holding/treating them as the ICP who needs to edit (delete).

f) Legislator's intent is also clear, subsection c2 and d specifically mention blocking content and even has it as a duty, an obligation for them to provide it as a commercial option. C2 states only deletions in GOOD FAITH are immune. It would be really interesting if Congress meant otherwise wouldn't it? How could they possibly mean that all deletions are immune if they specifically say **only those in GOOD FAITH are immune**? THEN, how could they possibly mean that all deletions are immune, whilst obliging a commercial option to filter content? IF such is true, wouldn't that be a palpably GINORMOUS despoilment of the fifth amendment? That they have the right to steal property now? Taking money and not providing the service they took money for, which is a service Congress OBLIGES them to provide? **That could fit the fifth? Are you kidding me?**

g) Lemme ask yah something. Why did congress bother to come up with this entire concept "ICP"? They could have just said "another provider or user of ICS"! Why is this exactly? Note that the only time the phrase ICP had meaning is c1, cuz c2 B said "ICP or anyone" which really just means ANYONE. The only time the phrase ICP is necessary (had real restrictive meaning) is c1. Congress clearly meant to CONFINE the scope of c1, cuz another ICP can't be the ICP, also defining ICP.

h) According to the 9th circuit, ISPs (of the specific examples of "ICS" given by Congress) like AT&T and Verizon can take money and

practically not give you internet access. **They can take money, contractually promise access to the full internet, and then block the entirety of the internet with or without the exception of their own advertisement att.com or Verizon.com, and they'd be "immune" according to the 9th circuit. How could that possibly fit the 1st, 5th, 8th, & 14th amendment?** This is professional insurrection by 29 insurrectional scoundrels. Their goal from day one was clear: they **HATE our FREEDOMS,** thus they wanna straight up cancel the internet*. As I said, this is PROFESSIONAL insurrection against America. **No terrorist has achieved what the 29 insurrectional scoundrels had achieved. Osama Bin Laden didn't cancel the existence of the internet in America. Abu Bakr al-Baghdadi didn't cancel the existence of the internet in America. No terrorist did.** However, the 29 insurrectional scoundrels did, in ways most profoundly professional. There's more on their seditious intent of cancelling the modern internet when I discuss later their deliberate *arbitrary enforcement.*

*I did say this in the complaint, yet twitter's counsel did not drop their argument. ANY ICS lawyer who argues c1 immunity has materially breached their contract, as they argue ISPs can give them no access to the internet, **which social media companies depend on.** It's an argument to cancel the internet, **clearly against client's interests.**

i) Subsection d would be entirely annulled and unenforceable if c1 had meant what the 9th circuit claimed. And again, subsection d would be an open rape of the fifth amendment if they're right on c1.

j) *Needless to say, those legislator's intents* ***drawn from*** *speculations or*

EVEN folktales**, when such speculation is AGAINST the very text of the very law (clearly false in other words), **is nothing but pure nonsense.

k) **Provided that the "specific" examples of ICSs are search engines and AT&T, even the assertion by the terrorists that social media companies are mere ICSs is absurd. *Under the WRONG and FALSE and subversive "binary view", where an ICS mustn't be an ICP and vice versa*, what kind of an ICS that merely provides access (see definition of ICS) profits on your addiction to more content, has a FEED that gets you to read endlessly, and pushes notifications at you? Do those even resemble providing mere access like search engines and AT&T?** AGAIN, **Congress said ALL ICS providers ARE ICPs!!!!!!!**

l) **Naturally, if google search and AT&T are ICPs, everything social media companies do, from algorithm, to push notification, to reblogging or retweeting or rearranging (as they create their home pages), to deleting stuff, to the feed where they rearrange things per their will TO PROFIT FROM YOU READING MORE which is the algorithm, is ICP conduct.** The conduct of bringing things before you and push notifications are not providing mere access. Like I said, even w/o a) the Constitution, b) natural grammar, they wouldn't fit the definition of an ICS under the binary view*, or rather providing mere access to another's page is SUCH a small part of what they do every day, **they spend their energy to do every day: speech policing and trying to FEED you more content with the feed (addiction), which is loosely tied with who you follow but not entirely: they RECOMMEND pages. The major part of their business is ICP conduct.**

*it's just abhorring that the 29 insurrectional scoundrels decided to

protect **the ONE group that's the most ICP of all ICS providers** w/ "immunity", but not other ICS providers who are way less ICP. **Like I said, their insurrection is profoundly professional.**

m) **The *arbitrary enforcement* of this falsity is extremely telling of the 29's malicious intent. AS WELL, they actually aimed to CANCEL THE EXISTENCE OF THE MODERN INTERNET IN AMERICA. I will discuss these in detail later.**

n) At a5, 230 states "Increasingly Americans are relying on interactive media for a variety of political, educational, cultural, and entertainment services.", so it would be nonsensical to allow defamation and manipulation (editing and deleting of political messages), and b3 says "to encourage the development of technologies which **maximize user control over what information is received** by individuals, families, and schools who use the Internet and other interactive computer services". The 9th circuit subverted them all.

o) In any case, if their argument stands, it's an argument to restitute the whole business, that their business is a contract illegal in law. Their contract promises to edit in certain ways, which if c1 means what they assert, they are an illegal business in law and their business must be fully restituted per law. c1 merely says "treatment as", nothing in c1 conveys "immunity"; it's the 9th circuit that says in pure originality "publisher conduct" or "republishing" has "civil immunity". The 29 insurrectional scoundrels hate our freedoms and work so vigorously and tirelessly to annihilate the modern internet in America.

The "republishing nonsense" and the "immunity business" are TWO separate and distinct subversions by the 9th circuit, the latter being a purely original creation by the 9th circuit irrelevant to the clause of c1.

p) The ninth circuit has said that the purpose of the legislation is to

prevent the public suing websites for defamation for hosting someone else's content (when that content is defamatory), provided they haven't touched the info that is. That is the purpose of c1 and **is the ONLY purpose of c1**. The distinction between conduct of the ICP versus another ICP is important, as drawn in the roomates.com case. They must have completely not touched the information to be called another ICP to the info. Any touching, incl. algorithm, **feeds**, notifications, recommendations, is ICP conduct, and they are liable for that. The Common Law had already achieved this before CDA 230. Congress should have either not bothered to codify it, or have written it better.

q) I ask for a judicial observation that many ICS providers contracts are unconscionable for being vague and wide, and cruel, and of robbery. I'll address this either at the hearing or by later filings if cert. is granted.

r) One irrelevant point is the act of having weird treatment in civil actions alone but not in criminal court could not be allowed, at all, under the Equal Protection Clause. And this is absolute. One could, in this case vexatiously, argue that there is some necessity or ration-reasoning or even compliance w/ strict scrutiny for some "immunity" or special treatment. HOWEVER, it is universal and absolute that ANY argument special treatment would be necessary to block protection merely in civil court, but not criminal proceedings, **fails on even a prima facie basis, and is absolutely against the 14th amndmnt**. This is irrelevant because it a) doesn't relate to my case, b) with c1 properly construed, it almost never will be an issue, c) I'm too lazy to involve the solicitor general, which would cause unnecessary costs.

20. The subversion started with terrorists going in and pretending the law said something else. They came in and asserted that ICPs must be entirely different from ICSs, in a binary way, that you can only be either

but not both. But I mean c1 literally says provider or user. Why ignore "user"? If the law is any confusing, it wouldn't say user, or "in good faith". The subversion by any judge of CDA 230 is clearly malignant. There is no ground, even without thinking, only with having read through CDA 230 c2, to think that bad faith removals are allowed. The legislator's intent is so clear. The incitement was simple: they took out the word "another" or changed its meaning. BUT EVEN THEN, doesn't the natural meaning of "development of information in part" clearly include a feed and presentations and deletions: the information is literally EDITED? **What you see, the information, is different before and after the restriction of access or deletion, so how is that not development of information in part??? Their webpage literally LOOKS different after the editing or deleting or abridging.**

21. Very weirdly, for decades, no one has reviewed the Constitutionality of 47 U.S. Code § 230, or at least the ninth circuit's construal of it. This is quite unique. Normally, laws related to speech have constitutional reviews filed on all the time. But this one became a one-off.

THEN, social media companies have changed nature and gone cray cray over the past few years. When the law was written, smartphones did not exist, and targeting youth and children and children pornography were not issues prevalent. In recent years, however, not only is targeting teens for profit a real thing, in CAND 21-cv-00485-JCS, court found the fact that twitter received confirming evidence—children's IDs and knew child porn on its platform, and decided to KEEP the child pornography on its platform, against their contract saying they have zero tolerance for child pornography. Political messages are also targeted. Harvard-graduated PhD doctors' speech of suggestion on COVID or SARS Junior policies were deleted as "misinformation" by twitter. Multiple Congressmen wrote to social media

companies, on a) charges of practical treason and/or contempt of the US, as their disrespect for the first amendment is disgusting and unacceptable as a public actor, b) deleting content not in violation of anything, editing and reforming information to manipulate public perception and to change meaning and defame, c) not deleting content clearly banned by its contract and causing serious harm by not deleting, namely twitter keeping Taliban's accounts full of lies during and after the disastrous withdrawal from Afghanistan. Most famously, twitter shut down the account of President Trump against its own contract. With Musk in power, the company is more out of control: he first reinstated Trump's account without any reasoning whatsoever, then, for the recent riots in Britain, Musk intentionally kept posts telling people precisely where to set things on fire (arson), because he perceives the UK Police criticized him. So who cares people die and property get damaged, as that's obviously proper punishment for CRITICIZING MUSK. These men don't just believe they are above the law, they take it as offensive and abusive if they cannot enslave EVERYBODY, even people in a foreign country who are not users of his LOSER platform X. Compared with twitter, the conduct of Meta is MUCH more restrained, but they still have committed serious crimes with what they do. As Mr. Yan in the government's case against Meta in CAND wrote, he was pushed obscene material by push notifications by Facebook, which he never consented to, and the material is not at all in line with the contract with Facebook as there shouldn't be ANY porn at all on Facebook. This contemporary context adds urgency to properly construing CDA 230 c1. Social media companies are today almost all criminal syndicates that have committed countless crimes relating to illegal manipulation and fraud (breach of contract) thanks to the 9th circuit's open subversion of law. Namely, near all social media companies **falsely** promises content deletion or moderation in their

contracts, and such freedom of molestation clauses are the main theme of most social media companies' contract, and is a major purpose of contract, and it is breached left right and middle. *I should specially mention here:* consumers are the intended beneficiaries third parties to the contracts they have with advertisers. So a breach is a violation of the right to property. Further, those companies chose those companies to advertise, but not other companies, largely because they offer freedom of molestation, as they want to be seen as ethical by the public. If those advertisers were directly aware of Twitter's involvement of child porn, they would have dropped a long time ago, eg. VISA and MASTERCARD dropping Pornhub support. Repeated breaches is therefore a MATERIAL BREACH of those ad contracts.

For decades, there has been a special privileged class in America, simply because they are internet content providers (ICP), but have some functions as ICSs where parts of their service provides mere access, they have been ABOVE THE LAW. They get away with harassment, fraud, defamation, child porn, etc.. This subverts the Constitution to the point of no return.

As an update, many social media platforms still are banning President Trump's account, which the initial ban being against their own contracts. President Trump hasn't pursued legal action, most likely because of the 9th circuit's subversive falsity (incitement to rebellion of the lawful authority of the laws of the United States, which is insurrection). THIS IS SERIOUS, as they're in all essence interfering with the 2024 presidential election by blocking President Trump from getting his message across. He's been called many things, "liar", "Donald Dump" by Joe Biden, but he is NOT an insurrectionist and has never incited for insurrection. This makes blocking his platforms to the American People ALL THE MORE WRONG.

Interfering with an American election, in means illegal, blocks the enforcement of the Constitution, and could be seen as an act of insurrection.

If the same were done to this kind of level by any foreign regime, we'd be anticipating nuclear war. That's how serious this is.

22. I should discuss the nature of "changes to the content posted by the website's users" or "reviewing, editing, and deciding whether to publish or to withdraw from publication third-party content," including "reproducing material for publication and editing for style and technical fluency, altering content, and postponing content", "changes to the content posted by the website's users." (all these quotes are from the 9th circ's multiple occasions of insurrection i.e. subversive falsity, describing "republishing" or "publisher conduct", openly raping the clause that says "development of information in whole or in part" as well as c1). Barnes, 570 F.3d at 1102; see also Lemmon, 995 F.3d at 1091; Fair Housing Council v. Roommates.com, 521 F.3d 1157, 1170–71 (9th Cir. 2008); Zeran v. Am. Online, Inc., 129 F.3d 327, 332 (4th Cir. 1997). Doe v. Internet Brands, Inc., 824 F.3d 846, 851 (9th Cir. 2016)

By nature, altering someone else's messages changes its meaning. The modification process is not shown, and there's no otherwise trace of such manipulation, so others sees it as if it were from the original messenger, THAT IS CLASSIC defamation of character, as well as MANIPULATION OF PUBLIC PERCEPTION, which is UCL and monopoly conduct and **IIED**, keeping users

needlessly worried, anxious, in bad fear, to drive up use and addiction, TO PROFIT that is!

Namely, if a strain of messages is redacted or abridged, say 3 out of five is deleted, and the others are untouched, the meaning changes bigly, and that is defamation of character. AS WELL, it manipulates public perception! Then, the immunity with any republishing practically means they are allowed to harass and/or defame anyone they want, as long as their harassment or libel is with someone else's (their version of "*another ICP*") speech, wholly or partially! Court is reminded that c1 says "provider or user". So even if a user continuously harasses people, it is not an issue under the ninth circuit's interpretation as long as they are copying and pasting someone else's speech from the platforms!

The conduct of choosing what is on the site's home page is also an editorial choice, and is not providing mere access (definition of ICS). Even per the grammatical meaning without evaluating anything else, such is development of information in part. Creation or development of information in whole or in part is definition of ICP. Naturally, the definition of development of information is that it must not be creation of information in part, or else WHY would congress say "Creation or development of information in whole or in part". It is for this reason, the act of rearranging is naturally development of information in part! Twitter and Facebook's home pages are handpicked, and that is development of information (its home page) in whole. Creation is a fairly distinct word from development!

The fifth amendment to the US Constitution says (things not relevant to this suit redacted): No person shall be, ..., nor be deprived of life, liberty, or property, without due process of law, ...

Section 1 of the fourteenth amendment to the US Constitution says (things not relevant to this suit redacted): No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; 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.

OF COURSE, allowing a certain privileged group to get away with breach contract and do other harms including tort intentional and negligent and defamation denies to people "within its jurisdiction the equal protection of the laws". As well, allowing them to break the law without civil consequences abridges the privileges of all Americans other than the privileged group.

THEN, the fifth protects right to property. So there is no allowing breach of contract per the Constitution.

And of course, all the "immunity" business really does is openly raping the equal protection clause.

23. I explained this in length in the complaint at DC: the law says "provider or user", which adds to the unconstitutionality of the subversive falsity by the ninth circuit. Their subversive falsity allows USERS to harass endlessly and defame endlessly others, as long as they use material they took from "another ICP". For a particular example, John Doe would be immune if John Doe searched on twitter for or FOUND ON ANY WEBSITE (see explained later) the phrase "son of a bitch", and then posted it to every post of a certain person or multiple people and messaged them every day with this, as it would be, according to the ninth circuit, that since John Doe did not create the information "son of a bitch", he had simply republished the information (moved it around, or altered it in format), he is IMMUNE. Same applies for defamation. Against the context it literally says "provider or user", how could they ever believe it to be constitutional???? Besides, their interpretation literally greenlights defamation by both provider and user, as long as info is copied and pasted.

So if I COPY text of a murder report and change the name, w/ the new name copied from any site, that'd be "altering content", "republishing" and would be immune according to the ninth circuit. I SWEAR I am not manipulating what the ninth said, and am instead following it strictly. Remember, the 9th circuit said "altering content" and "changes to the content posted by the website's users" and "reproducing material for publication" is "publisher conduct" or "republishing" that is "immune" under c1. So as a user, I can defame someone as a murderer by reproducing and altering a murder report, and I'd be immune as I did not create the information. It's just appalling that this subversion could have lasted for so many years.

I know it's against the grammar, but the 9th circuit DID INDEED SAY even "altering content (text)" is not creation of information in part.

24. Here I should discuss their malice. 230 c2 and d are so clear on legislator's intent that no reasonable person could be confused. THEN, their nonsense focus on the provider, skipping ENTIRELY whatever privilege there is to the provider is FULLY equal to the user, adds to the evidence that they had PURE malice. Most importantly, EVEN IF their subversive falsity were true, it would at best support the social media contract treating them as publisher or speaker is illegal in law and unenforceable. **Anyone who subverts CDA 230 c1, and thereby multiple clauses of the constitution, that is a trained legal professional, DID IT with pure malice, which is insurrection.**

25. ALL the arguments, seen sometimes when they decide to subvert this law, tend to follow *there was necessity for the "immunity"*. But this is a LIE. WHY? In so far, the best presented by the Judges (not JSC) say that "immunity" MIGHT encourage good things (some removals i.e. blocking some molestation), and thus for this reason they must cancel the whole

internet **and allow the sites to force upon user harmful material (specific molestation)** they promised freedom from. But they don't touch on immunity to defamation, harassment, breach of contract, and fraud, aiding HIV spread, and possession of child pornography against their own contract; they focus on a small portion of the immunity, and don't touch on the MAJORITY of the immunity, including what they CAN do and what they DID do with that falsely perceived immunity. So they couldn't find ground to say it's ALL necessary **or even mostly necessary**. Even if there is necessity (there isn't any), this overly WIDE immunity couldn't ALL be necessary, and thus it despoils (rapes) the fourteenth amendment. When no one of reason can find that it's ALL necessary, the "law" as purely imagined by the 9th circuit is not constitutionally valid. Of course, again, the law itself is WELL written, and it's a subversive falsity.

26. Even if I were to consider their baseless argument, the logic that ICS providers must be allowed such wide immunity and essentially allow any illegal content, and commit any illegal act, **just so they can delete or keep whatever they wish to delete or keep**, keeping and **forcing upon user offensive and harmful material** they promised freedom from **as they wish**, defaming users, profiting from molestation, this couldn't even fit a rational review, let alone the strict scrutiny test required to depart from the 5th and 14th amendment, which are fundamental constitutional rights. AGAIN, they've offered no showing why allowing ICS providers to freely harass, defame, defraud, possess child porn, facilitate HIV spread, force emotionally distressing material (molestation) they promised thru contract freedom from upon users, and even murder (see Morton v Twitter, where they breached their own contract) AGAINST the user's will and their own contract could even fit a rational review, let alone the strict scrutiny test required.

27. [modern slavery] Let's face the facts here, there's a reason Twitter intentionally keeps child porn on its platform HELPING IT SPREAD after seeing the child's ID (see aforementioned CAND 21-cv-00485-JCS). It is a commonly observed dictatorship/tyranny tactic to keep the population in fear. Of course, keeping the population in America in fear will drive the population to defend their rights, ultimately will drive them to post on twitter to condemn twitter, driving up usage. **The more unhappy they are with the abuse by twitter, the more they will post on twitter in condemnation, given the monopoly status of twitter**. This directly gives twitter and its employees who probably own twitter stocks MONEY. It keeps the users in this forced labor of defending their rights thru MORE USAGE of twitter, but it's all vain, as they abuse willfully to profit! AS FOR the children that kill themselves for Twitter's intentional spreading and profit from child pornography, that's just "collateral damage" for those employees to earn profits and money that are never enough. It's an addiction scheme. This is outrageous, and is insurrection*!

**violation of law on large scale against many people, or violation of law for many counts, is a crime against humanity, and is insurrection for rebelling against the lawful authority of the United States or the laws thereof. Insurrection is the military's duty per the blanket authorization in the Constitution. The eighth amendment is not relevant.*

28. [imperative, arbitrary enforcement, first amendment, malice] I believe the importance of CDA 230 is self-evident. Twitter alone has over 400 million users. The conduct of social media companies relates to the rights of ALL Americans, and many countries' citizens. And they have been and still are causing serious human rights violations. As well, the subversion of this law and the constitution that went on for over 30 years is a serious act of insurrection that needs to be corrected quickly, especially given it aims to

annihilate the very existence of the internet.

An annex talks about a specially imperative ground relating directly to Americans' right to life and a recent willful genocide committed.

It goes without saying that all of ongoing fraud, harassment, defamation, intrusion of privacy, child pornography, IIED, HIV spread, and even murder targeted at millions of people are irreparable and imperative. The 9th circuit's malicious and willing insurrection is also imperative. They subverted multiple clauses of the constitution.

ONE THING I did not discuss before this petition is the first amendment. The nature of the 9th circuit's immunity business (subversive falsity) blocks private parties' freedom of speech. Here, users sign a contract with ICS providers for their freedom of expression, specifically publication, and then the government (the 9th circuit but NOT congress) comes in and violently disrupts and obstructs and regulates (abridges) the speech (publication) secured by private contract (though again, it really makes it illegal in law and unenforceable, which would restitute the whole contract as freedom of molestation clauses are not severable). **It DOES indeed limit, regulate, SPEECH!** *Perhaps more importantly, the business model of social media is more so a press, that had a contract with writers (users) to publish, and the 1st amendment specifically blocks abridgement of the freedom OF PRESS, which the 9th circuit entirely did, blocking us users from freely publishing, annulling all internet contracts, while letting the syndicates keep illegal money.* **It makes contracts of publishing, which are what these social media contracts regulate, unenforceable, and subject to restitution.** The 9th circuit insists on the former and maliciously ignore the latter, when they are two sides of the same damn coin. This in the most direct and straightforward way violates the first amendment to the Constitution.

The plain text of the first amendment is clear: Congress shall make no laws

abridging (governing/regulating) speech or press. Here, CDA 230 as imagined by the 9th circuit's subversive falsity is a straightforward violation of size: blocking users from freely publishing on the whole internet. Given how much these companies are monopolies, all citizens' free speech is cancelled by this subversive falsity. This is super imperative!

The violation of the first is severe. It directly abridges (shortens) the freedom of press (to publish), as one case of paying money to publish and not published violates that freedom. Worse, I could be defrauded by multiple ICSs, paying money to publish with nothing published, long as they all hate my speech. It only takes a few broadband carriers (ISPs) to cancel my right to press (to impart speech) on the whole net. Could this fit the first? Remember this is a result of "law" (the insurrectional version from to the 9th circuit), allowing ONE SIDE to fully benefit from contract, whilst denying as a matter of law all benefits to the other side, forcing the American people into paying to subdue their freedoms because there are 29 insurrectionists living in California, all whilst refusing to restitute (again, c1 doesn't say immunity). This ANNULS and abridges freedom of press (publish/impart speech) entirely on the internet.

NDAs can also be breached, and ICS providers have freedom to economic espionage. This brings me to the privacy issue. Allowing them to republish anyhow with immunity, similar to free consciousness being prerequisite to free speech, free access and browsing is preliminary to freedom to republish. This means that if a parent uploads a naked video or photo of a child, both provider (all employees and board of that legal person) and user of that ICS can BROWSE, access, as well as republish with civil immunity. That ICS provider be it email or web drive can specifically access or give other people access to all users' data including nude photos and private contracts and trade secrets, and be immune according to the 9th circuit. Bye bye privacy. Yah know they said Edward Snowden is a traitor. I disagree. What he exposed was LONG AGO

part of the common law of the United States, which of course is in insurrection of both 230 and the Constitution. Like I said, the 29 hate our freedoms and wanna cancel the internet. They will instead be cancelled according to the constitution by the military for their insurrection. It also is notable that companies like Apple and WhatsApp (part of meta) pride in encryption and safety. Unfortunately, according to the ninth circuit, they could have been entirely lying about encryption and be immune as encryption is "republishing" or how they deal with user information. Apple wouldn't make any money if their cloud services including photos are unencrypted and FREE TO ACCESS by either or both of Apple and other users. There is no rule of law with the ninth circuit court of appeal. There's only seditious intent.

Under the actual statute, passive search engine algorithm is development of information, which would make active access of information development of information, which would resolve the privacy/secrecy data security concern.

I should specially add that there is no crime I can recall that prohibits accessing or even saving and sharing user data. There's only contract. So there you go. Edward Snowden should have all his freedoms because although he committed a crime, it did not cause any damage as the same freedoms were long ago declared by the 29 insurrectional scoundrels (the NSA is an ICP as they have a site, so ICS provider can choose to "republish" by sending DMs or emails to NSA and be immune), thus there shouldn't be any sentencing. The 29, well they hate our freedoms. They hate our freedoms. All of them. You have more safety with your data online in Iran and Russia than in America thanks to the 29 insurrectional scoundrels living in California.

The supreme court has recognized the right to privacy under substantive due process, repeatedly. The 29 subverted that too. 29. 29. 29. 29. Did you know that the stock market crashed in 1929? It wasn't a coincidence.

All these above rights would exist as a result of bargaining, of contract, of

free market, had the contracts not been obstructed, but are annihilated because of the ninth circuit's obstruction of private party doing business, forcing unconscionability and virtual slavery on all internet users, which violates the 5th amendment as it's a liberty of how to dispose of property! Arbitrary enforcement is a serious issue. I already discussed the serious partial enforcement where users don't receive such immunity. Under the 9th circuit's falsity, anyone who copies and pastes information is "immune"! Amazon and PayPal are both ICS. IF a seller on amazon say sells a counterfeit iPhone, they can say I copied all the info from another ICS user (Apple) and therefore I'm "immune" for publisher conduct. Word by word, this is what the 9th circuit said. This is pure insurrection by 29 insurrectionists. One thing that many people tend to slip and ignore is that c1 only says "another ICP", it doesn't say another ICP *of the same website* (another provider or user *OF the same ICS*)! It doesn't say that. So in this particular case, a seller on Amazon and eBay, could take from another ICP of a different website, say from apple.com or bestbuy.com (Congress said a specific eg of ICS is ISP, so any customer of ISP is user of ICS thereby another ICP, AND Apple did create its own site and ad., fitting 9th circ.'s "ICP"), genuine product information AND **REPUBLISH** as a user of ICS, and sell a TOY or DUMMY iPhone or counterfeit iPhone in place of a real iPhone, or even a TOY or DUMMY MacBook Pro which goes up to 7,199.00 dollars (not including sales tax) in place of a real one, or simply take 7199 dollars and ship nothing and run with it cuz why would you even bother to ship a dummy thanks to the seditious gang of 29! and be fully IMMUNE according to the ninth circuit. AS I STATED, what the 29 insurrectional scoundrels have done is the most profoundly professional insurrection that has ever occurred in American history. The southern rebels don't compare, as they didn't successfully do an insurrection against the WHOLE nation, when the ninth circuit did. Osama

Bin Laden couldn't achieve what they indeed achieved. Besides, the freedoms they subverted is of ALL citizens, not just a minority of citizens like the southern rebels did, AND their real target was the first amendment—to cancel and annul the very existence of the modern internet that is. So this is just the worst insurrection that has ever happened in American history. I believe the blanket authorization is more relevant than ever. And mark my words, their insurrectional wish will come true—the military will deal with those 29 pro insurrectionists. Remember, c1 only says treatment as, it's the 9th circuit that says in pure originality that "publisher conduct" or "republishing" has "civil immunity". And again, they had direct intention as a) nothing in c1 says liability or "immunity" at all, the 29 profoundly professional insurrectional scoundrels instead said so in pure originality, and b) no one of sound mind could be confused about what the legislator meant upon reading c2. PayPal is similar in that all **the account information** was provided by banks (another ICP). So PayPal would have civil immunity however they deal with account information, as they're all provided by ICPs, take the money and block access to account information on server from banks and users, pocket the money, IMMUNE. The natural language of what the 9th circuit said (again, immunity business is purely original creation by the 9th) would annihilate the existence of the modern internet and turn the internet into the dark web. Observing how off the rails crazy the FBI is: with very few exceptions not charging fraudsters after Lanny Breuer, this fully cancels the existence of the modern internet and turns the internet into the dark web! Bigly. PayPal and Amazon can steal money and run with it. So can eBay! The business model of eBay is you pay money to eBay and they then pay the seller. They can say seller information is provided by another ICP and therefore they don't have to pay the seller. Again, a) nothing in c1 says "immunity" or liability at all, 29 profoundly professional insurrectional

scoundrels, instead said so, and b) no one of sound mind could be confused about what the legislator meant upon reading c2! This is pure INSURRECTION w/ DIRECT INTENTION.

THEY HATE OUR FREEDOMS.

EVEN emails is in their scope. Remember, consumers, using the service largely for free (but not always*) are the intended third-party beneficiaries of the advertisement contracts, so the issue directly relates to the right to property incl. UCL. According to the ninth circuit, any publisher is immune for whatever they do, SO EVEN IF the case so much is google decided to do spy work for Russia or Iran or North Korea, and decides to delete important DoD emails, that'd be within the "immunity" (again, nothing in c1 says immunity at all, instead, the falsity at best shows unenforceability and restitution, banning the entire internet, including email and social media and PayPal and eBay and amazon, but does not grant any immunity at all). Similarly, WEB DRIVES. You definitely pay for web drives. You store data on there. And they have freedom to delete it all, as it is provided by "another ICP (a user of ICS)". I'm repeating myself again I know, but it doesn't say immunity. It says "not treated as". It at best illegalities the contract. Where's the immunity business even coming from other than pure insurrectional malice? Even applying their LIE about what c1 says, it still doesn't support "immunity". Their malice is clear. The 29 profoundly professional insurrectional scoundrels hate our freedoms. They hate our freedoms. And they wanna be dealt with by the military.

*These services are not all free. Twitter has a new paid subscription premium service. And Gmail and other emails, storage space, once you go over the free quota, you must pay. So no, very often you actually do pay money for them.

The 29 professional insurrectional scoundrels hate our freedoms. They hate our freedoms. And they wanna be dealt with by the military!

They want to cancel every aspect of the modern internet, **and have turned it into a dark web.** I think they succeeded as they wished, for thirty years, and got away with it. It is the dark web now, with no law or constitution whatsoever. They did it with pure malice as nothing says immunity at all in c1. NONE AT ALL. Under the pure insurrection of the 29 profoundly professional insurrectional scoundrels who hate our freedoms, the ONLY piece of the internet that is allowed to exist WITH ANY CONSCIONABILITY is Hillary Rodham Clinton's goddamn emails, as they are held on a private server where the user IS the provider of the ICS in virtuality. With the 29 profoundly professional insurrectional scoundrels who hate our freedoms staying in power, no other American has emails w/ any CONSCIONABILITY.

I guess in conclusion, the very existence of the modern internet, in ways constitutional and conscionable, is ABSOLUTELY imperative. So is correcting and injuncting (with mandamus) the completely malicious and absolutely professional insurrection by the ninth circuit imperative.

It's imperative to note that the "republishing nonsense" and the "immunity business" are TWO pieces of separate and distinct acts of INSURRECTION by the 9th circuit.

The latter "immunity business" is purely original. It's of creation and fabrication by the 9th circuit. It isn't based on c1 at all: c1's short title doesn't even say immunity, and nothing in it says immunity. The immunity business is concocted entirely by the 9th circuit, with the goal of cancelling the modern internet and subverting the state and hating our freedoms.

None of the 29 were even social media officials. It begs the question why they did such arbitrary enforcement in protecting these companies who are notorious in working vilely and tirelessly against the essence of the

first amendment, but not users or Amazon or PayPal or Microsoft or Google who didn't attack the spirit of the first amendment viciously or at all. Perhaps them being insurrectional scoundrels is the only plausible explanation: nothing other than a vicious attack on the 1st amendment screams treason in the same way, and this THRILLS THEM.

Of course, the other issues raised, the right to jury trial, line between TRO and PI, conduct of the 9th circuit and CAND, are also imperative.

29. [jury trial] The DC case did include a demand for JURY TRIAL. The DC case cover sheet says the case's jurisdiction is both diversity and federal question of CDA 230. FRCP 38 says if a jury trial demand did not specify the issues to be tried by jury, "it is considered to have demanded a jury trial on all the issues so triable." The right of trial by jury is declared by the Seventh Amendment to the federal Constitution. Under article I, section 16 of the California Constitution, jury trial is an inviolate right, including in civil. The seventh amendment to the US Constitution says *"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law".*

30. *Mr. Justice Story established the basic principle in 1830: "By common law, (the Framers of the Amendment) meant ... not merely suits, which the common law recognized among its old and settled proceedings, **but suits in which legal rights were to be ascertained and determined**, in contradistinction to those where equitable rights alone were recognized, and equitable remedies were administered ... In a just sense, the amendment then may well be construed to embrace all suits which are not of equity and admiralty jurisdiction, whatever might be the peculiar form which they may assume to settle legal rights." Parsons v. Bedford, 3 Pet. 433, 446—447, 7 L.Ed. 732 (1830) (emphasis in original)."*

31. The INVIOLATE right to jury trial in civil is irreproachable.

32. In Beacon Theatres, Inc. v. Westover, 359 U.S. 500 (1959), the Supreme

Court held that where legal and equitable claims are joined in the same action, the **legal claims** must be **tried by a jury** before the equitable claims can be resolved.

33. In my particular case, jury trial was skipped on BOTH question of facts and questions of law.

34. It is WELL held that the right to jury trial is not limited to issues on facts. Questions of law MUST ALSO go to a jury.

35. My case involved traditional common law claims (fraud, IIED, breach of contract). Remedies sought are remedies to which the Seventh Amendment attaches.

36. The text of the seventh amendment states "In Suits at common law", requiring merely a suit to trigger the right to jury trial.

37. A right is a right. If a right is subject to approval, it isn't a right.

38. The latter half of the 7th amendment is clear: the jury is to adjudicate (have power to adjudicate/decide), **and not just recommend things.**

39. Since the right to jury trial is the right to jury adjudication or decision, and is not where the jury merely makes a recommendation, this right strips judges of the power to adjudicate in trial court.

40. The Congression limitation to this right is FRCP Rule 50 (a). FRCP Rule 50 (a) states the **ONLY** times a judge can dispose of ***an issue*** opted for jury trial is 1) **AFTER an issue is fully heard by jury**, judge can find "a reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue", 2) motion for judgment as a matter of law made at any time before case is submitted to the jury.

41. In my case, there was no jury hearing. As for 2, the defendant did move to dismiss and succeed, **BUT the defendant did not move for judgment as a matter of law, and did not argue that a reasonable jury couldn't find otherwise. The judge also did not rule that a**

reasonable jury couldn't find otherwise on any of the issues.

42. For this reason alone, the judgment is void. JSC broke FRCP Rule 50 and the 7th amendment.

43. [procedural history, violations of due process; question of TRO vs PI]

The DC case was brought against twitter for a long list of violations of law, including but not limited to breach of contract, UCL, fraud, IIED, aiding HIV spread and recklessness, defamation, intrusion of privacy, breach of duty of care, violations of criminal statutes. **Outside of those, there was a claim as the third party intended beneficiary to restitute twitter's whole business to advertisers, as twitter insisted, which was IGNOERD completely by both JSC and counsel. The duty of care issue also was completely ignored.**

The DC judge DID falsely conclude that twitter is not guilty of any of the violations. But all JSC did was lies. She eluded well-pleaded contract terms, and lied and lied and lied. She lied about the facts and the law. She said there wasn't defamation, and it wasn't public, which is a lie. Every sentence in that judgment is a lie. IN ANY CASE, jury trial was demanded, and she didn't have jurisdiction as she did not rule that a reasonable jury couldn't find otherwise on any of the issues. She lied about jurisdiction on crimes too, as SCOTUS was clear crimes can support a civil injunction.

Even for the parts she did quote of the contract, she lied about its meaning. Just lie after lie after lie after lie after lie.

Her theory is simply that the contract is unenforceable, but she doesn't restitute it with no justifiable excuse.

Then, she lied and said I did not respond to part of twitter's motion, which is a lie. I DID respond to them and DID declare their motion totally without merit. She quotes a precedent that says unless a party repeats

oneself, their right should be subverted. **Requiring someone to repeat oneself is an open rape of the due process clause.** The trend of unreasonable requests, including specifically for one to repeat oneself, with the clear purpose of subverting due process is unacceptable.

Near every sentence of hers on the ruling or judgment is a lie.

ALTHOUGH her egregious lies are meant to frustrate review, it's important to note that both parties relied heavily on CDA 230 c1, and JSC used false c1 as the main reason for her final judgment, so c1 most indeed is the issue concerned in the case, thereby any appeals from the case.

And the partiality is appalling, twitter NEVER responded to the claim to restitute twitter's whole contract, which alone justifies a default judgment (which could be granted without me applying for it). YET, JEP ignored completely that claim which twitter never responded to, when she says I should suffer consequences for failing to respond (which is a lie).

Outside of that, twitter argued that the first amendment protects breach of contract, defamation, fraud, et cetera. JSC did not sanction twitter counsel for this or for eluding a HUGE part of my complaint. Under 28 U.S.C. § 1927, any attorney "who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct." Her aiding and abetting is atrocious.

In the process, there was a motion for TRO and PI. She lied there too. A TRO can be granted ex parte; she said it shouldn't be granted ex parte.

In the judgment for what she calls TRO, but is in fact PI, she said twitter IS "immune" under CDA 230 c1. 23-15868 was an appeal against the PI. She went on and certified the appeal against PI frivolous, where she LIED and said her order is not tantamount to a denial of PI, but the truth is she said twitter IS "immune" under CDA 230 c1, NOT that it's merely "likely"

immune. At the equivalence of lightning speed or speed of light, this is huge by the way, the appellate court, when it is palpable and beyond dispute her order is tantamount to denying PI (her certificate being palpably false), dismissed the case claiming lack of jurisdiction. This undermines the concept of appeal, as if appeal is to believe everything DC said w/o evaluation, it's not an appeal. **Of course this rapes the due process clause**. Then, the AC denied motion to reconsider, and petition for rehearing en banc w/o stating any reasons, frustrating review.

Although the petition period has passed for the concluded appeal of PI, it remains the issue on appeal as the appeal of FJ appeals the whole case—including the PI and TRO that is.

23-16125 is appeal from DC final judgment still pending! This petition to SC is brought under SC Rule 11, 28 U. S. C. § 2101(e).

On 10/11/2023, "*Appellant Mr. Taiming Zhang EMERGENCY Motion to consolidate cases 23-15868 & 23-16125, Motion for summary disposition, Motion for summary reversal, Motion to expedite case, Motion for miscellaneous relief [motion for fully EN BANC hearing with all 29 judges, for mandamus and/or prohibition firing DC Judge JSC]*" was filed (dkt 10). The firing request was made under section 3 of the 14th amendment. Filed clerk order (Deputy Clerk: MCD): To the extent that appellant's October 11, 2023 motion (Docket Entry No. [10]) seeks consolidation of this case with appeal No. 23-15868, it is denied. Appeal No. 23-15868 is closed, and this court will not consolidate this case with a closed case. To the extent that the October 11, 2023 motion seeks other relief, it is referred to the panel that will be assigned to decide the merits of this appeal. The existing briefing schedule remains in effect. [12811886] (WL) [Entered: 10/18/2023 03:45 PM]

However, I doubt why it couldn't be consolidated, and I doubt the clerk has any jurisdiction to dispose of a motion to consolidate. *It's noted that the judges falsely closing the case did cause the*

consolidation motion in 16125 to fail. So their conduct i.e. the 15868 appeal IS the subject of this petition. It should have been consolidated. Thereafter, so far, no one made any orders. Something unprecedented in the history of common law happened: an emergency motion to expedite filed on October 11, 2023 to this day September 1, 2024 has not been disposed of. The 9th circuit after insurrection for 30 years, no one raises for vote on an emergency motion for en banc hearing that'd reverse their insurrection for close to a year. If they had any ALLEGIANCE to the nation's law incl. constitution, any dignity, they'd DESPERATELY want to correct themselves, but INSTEAD, the 29 INSURRECTIONAL SCOUNDRELS decide to HIDE from their insurrection, to further their subversion of law including constitution, and to further their malice. Remember, they hate our freedoms and ruled to cancel the internet in totality, allowing ISPs to give no net.

44. [Counting the impudence & malice] the CA (9th circuit) has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power. I wanna just count it:

a) The DC issued an apparently false certificate claiming appeal frivolous.

b) The AC sanctioned (approved) this, raped due process, believed it without investigation, when it is palpably false i.e. they really used it as an excuse to not deal with the case and to further irreparable harm.

c) AC denied motion to reconsider w/o stating reasons, frustrating review.

d) Both CA-9 and JSC called a denied TRO and PI motion NOTICED to the other party, where the other party did respond prior to order, "TRO", which is strictly subversive of FRCP 65.

e) The DC did not, without any reason whatsoever, deter twitter counsel's abuse: claiming the first amendment protects fraud, breach of contract,

defamation, et cetera, and eluding the total restitution claim fully.

f) The DC failed to consider any of my arguments, eluding them completely. They basically copied what Twitter's counsel said. Of course it's not really "failure to consider" than deliberate insurrection.

DC frustrated review ignoring arguments.

g) DC lied on its judgment, lying about meaning, lying about contract terms, lying about CDA 230 c1. Near every sentence is a lie.

h) DC eluded the total restitution claim and did not rule on it.

i) DC said my rights should be subverted because I didn't repeat myself. This rapes the due process clause. Repeating oneself, manufactured difficulties, cannot possibly be of due process.

j) **The DC judge, without ruling that a reasonable jury couldn't find otherwise on any of the issues, went on and ruled on most of the issues (with important issues eluded), when jury trial was demanded, breaking FRCP Rule 50 and the 7th amendment.**

k) The clerk of AC dealt with a motion, which is per se ultra vires. She did deal with the merits of that motion, NOT an issue of formality.

l) Something unprecedented in the history of common law happened: an emergency motion to expedite filed on October 11, 2023 to this day August 24, 2024 has not been disposed of.

m) The 9th circuit after insurrection for 30 years, no one raises for vote for close to a year an emergency motion for en banc hearing that'd reverse their insurrection.

n) The 9th circuit after insurrection for 30 years, no one raises for vote an emergency motion for en banc rehearing that'd reverse their insurrection, causing it to be subsequently denied. Note that the 3 judges on the case knowing they signed a false judgment stating falsely they lack jurisdiction ALSO did not, without justifiable reason, raise it for a vote.

The above are FOURTEEN FULL counts of departure from the accepted and usual course of judicial proceedings.

I find that the Supreme Court's supervisory power should be exercised. The 9th circuit's insurrection and insistence on insurrection is in fact so damn serious, this is entirely a national security issue. This is a pure hate: THEY HATE OUR FREEDOMS. They wrote, judgment after judgment, annulling and annihilating the modern internet, turning it into a dark web, allowing ISPs and sellers to give no internet or do no shipping after taking money, subverting multiple clauses of the constitution including the first amendment, concocting "immunity" with c1 not having that word or meaning, and even applying such immunity partially, only to social media companies. *To quote President G.W. Bush, fitting accurately the profoundly professional 29 insurrectionists of the 9th circuit, "Americans are asking, why do they hate us? They hate what we see right here in this chamber -- a democratically elected government. Their leaders are self-appointed.* ***They hate our freedoms*** *-- our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other. These terrorists kill not merely to end lives,* ***but to disrupt and end a way of life****. With every atrocity,* ***they hope that America grows fearful, retreating from the world and forsaking our friends. They stand against us, because we stand in their way****. We are not deceived by their pretenses to piety. We have seen their kind before. They are the heirs of all the murderous ideologies of the 20th century. By sacrificing human life to serve their* ***radical visions*** *-- by abandoning every value except the will to power -- they follow in the path of* ***fascism, and Nazism, and totalitarianism****. And they will follow that path all the way, to where it ends: in history's unmarked grave of discarded lies."*

"The civilized world is rallying to America's side. They understand that if this

*terror goes unpunished, their own cities, their own citizens may be next! **Terror, unanswered, can not only bring down buildings, it can threaten the stability of legitimate governments. And you know what -- we're not going to allow it.**"*

45. [TRO, PI] The plain text of FRCP 65 is clear: a TRO is "without written or oral notice", and a PI is issued "only on notice to the adverse party". The definition of these two things are clear: one is with notice, the other without. Rule 65 (b) (2) even specifically says "every temporary restraining order issued without notice". However, the "TRO" in my case was noticed to the adverse party b4 judgment, as forced/ordered by JSC, and the adverse party did respond with a long list of lies for crying out loud, **so it wasn't anymore a TRO**. Following the plain text of Rule 65, the adverse party making appearance and pleading re: the TRO ceases it being TRO. But both CA and DC ignored this!

46. As a matter of context, PIs and FJs can be appealed, not TROs. TRO should be appealable, after adverse party's appearance and pleading. TRO and PI essentially deal with the same thing! So the appealability becomes weird. Although courts said TRO can transform into a PI for having been issued for too long (over 28 days), how could the current approach possibly fit the 14th amendment? The equal protection clause? Especially given a defendant has right to respond with PI, but not TRO. Remember, it's the EQUAL protection clause. WHY is it that TRO and PI dealing with the same thing can have such different appealability? So it's just up to what the plaintiff or court chooses to name it, which is entirely arbitrary, whether or not a restrictive the order has any appealability in a whopping 28 days if not longer.

If we were to follow the plain text of the law, adverse party making any appearance and pleading re: the TRO TRANSFORMS the TRO into a PI*, the issue of violating the EPC is dissolved.

*This would make that once a TRO is served to the defendant, and defendant files a motion to dissolve and fails, it is appealable.

47. [urgency, irreparable harm] my case deals with IIED, defamation, and HIV spread. They are irreparable harm ongoing. THEN, the existence of the modern internet, including internet shopping, and the existence of constitutional rights, including first amendment rights, are irreparable if harmed. "*The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.*" Elrod v Burns, 427 U.S. 347, 373 (1976). The size and impact of the subversive falsity by the profoundly professional 29 insurrectionists of the 9th circuit is GLOBAL, applied fully it cancels the existence of the modern internet, or else turns it into the dark web. Again, I remind you, the republishing nonsense and immunity business are two distinct acts of insurrection, the latter being a purely original creation by the 9th circuit irrelevant to the clause of c1.

48. My GAD and MDD have worsened. I have now the most serious level of both of them. This adds to the urgency.

49. [expected reliefs] Once the imperative issues of law raised and the PI are dealt with, case should be remanded to DC for jury trial. I also ask for a mandamus under 28 U.S.C. § 1927, the fake lawyers must be punished for such conduct of ignoring the other side's arguments and lying otherwise *("arguing a meritorious claim for the purpose of harassing an opponent" New Alaska Dev. Corp. v. Guetschow, 869 F.2d 1298, 1306 (9th Cir. 1989))* and for arguing free speech protects breach of contract et al., and for eluding the total restitution claim fully, and for materially breaching client's interests—deliberately and directly expressing that ISPs should be able to give them no internet and get away with it; they must PERSONALLY pay Court damages for all the time and resources wasted. This mandamus should be issued to force the DC to deal with this. Of course, I ask every

insurrectionist so far involved incl. JSC and the CA-9 people on the case to be ordered to recuse. **I also ask for an order under section 3 of amendment XIV to inhibit the 29 insurrectional fake judges of CA-9 and JSC of CAND.**

50. Although this case seeks an order under section 3 of amendment XIV that could be considered mandamus/prohibition, as it is a rule 11 and appeal is still pending, and the order sought could arguably be obtained from a district court 42 U.S. Code § 1983 proceeding for injunction, relief isn't unavailable from other courts, and thus it's NOT a petition for extraordinary relief. The majority opinion in Trump v. Anderson, 601 U.S. 100 (2024) is clearly wrong and subversive. The dissent opinion in Trump v. Anderson, 601 U.S. 100 (2024) is clearly right. So just follow that. Section 3 of amendment XIV explicitly refers to "judicial officers", so the common law judicial immunity nonsense is not relevant. The majority opinion there not corrected would annul (subvert) the entire fourteenth amendment, as section 5 applies to the whole amendment, not just section 3. In other words, Trump v. Anderson DID in fact reverse Brown v. Board of Education of Topeka, 347 U.S. 483 (1954).

51. The statement by the majority in Trump v. Anderson, 601 U.S. 100 (2024) that the section should not be enforced UNLESS AND UNTIL further legislation is done by Congress ANNULS that section and renders it w/o effect and is an act of insurrection. But I am FURIOUS, because Donald John Trump, whom I hate, simply DID NOT commit insurrection on Jan 6.

Declaration

I declare under penalty of perjury under the laws of the United States of America that the foregoing and all attached by me are true and correct.

(In accordance with 28 U.S. Code § 1746)

TaiMing Zhang, petitioner