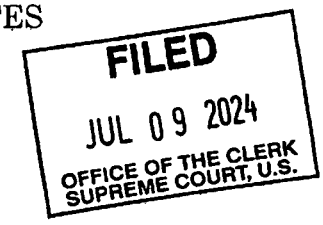
24-5808

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Cyrus Hazari

Petitioner and private attorney general

v.

Superior Court et al.

Respondents

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

Cyrus Hazari
Petitioner pro se and
private attorney general
15209 Blue Gum Court
Saratoga, CA 95070
408 766 7471
cyrus@metafusion.net

QUESTIONS PRESENTED

1. Has one federal judge set the uniform national standard[1] for ending discrimination based on disability, and 'impeached' the state courts' rules and policies on ADA accommodation by insisting on radically contradictory outcomes on the concurrent accommodation of the same disabled pro se litigant? Since the ADA's clear statement places the federal court in preemptive position to uniformly interpret and enforce the ADA (to protect the same person), may the hierarchy of California courts who have knowledge of the federal orders[2] expressly and concurrently violate[3] this federal standard? What remedial action must be applied DURING state litigation to protect the UNACCOMMODATED disabled pro se litigant, and HOW must ADA accommodation be provided to him, in order to minimize the duration and burden of litigation, and to make the victim equal in opportunity to succeed in litigation and to prevent further harm?
2. Does California jurisprudence systemically[4] discriminate based on disability by eliminating rights, constitutional privileges and immunities, and access to legal remedies for self-represented litigants with invisible disabilities?

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[1] See Appendix D of Appendix US-E

[2] Courts make their own rules that must conform with the "supreme Law of the Land". When rules of court, or undocumented policies of courts on the same subject and the same fact pattern diverge between a state court and a federal court that apply the same underlying law, a higher authority of law will displace the law of a lower authority of law when the two authorities come into conflict. Article VI Paragraph 2 of the US Constitution must equivalently apply to rules and policies of courts that conflict with the supreme Law of the Land. Under basic logic, there cannot be two or more incompatible national standards on ending discrimination (including disability accommodation in the courts), and the uniformity across the nation mandated by the ADA cannot therefore be achieved.

[3] See Appendix A, B, C, F, G, H of Appendix US-E

[4] The prolific discrimination based on disability of the California courts prejudices the disabled pro se litigant in the trial courts, the appeals courts and in the California Supreme court, leaving no avenue for access to legal remedies through the state, or to constitutional and humane and ethical treatment by judges as are provided to other (non-disabled) persons. The trial court withholds disability accommodations, the appeal court withhold disability accommodation and endorses the violations of the trial court, and the California Supreme court refuses to consider disability accommodations and endorses the violations and the cruel, inhuman and degrading treatment of the disabled pro se litigant in every court under its mandate to apply an unconstitutional rule and associated secreted policy of discrimination to eliminate disabled pro se litigants from the California courts. This case is further distinguished by the inability of the litigant to address judicial wrongs UNACCOMMODATED AND DISABLED.

3. Does the treatment of self-represented litigants with disability by judges and courts in the course of California jurisprudence, violate a) the Constitution of the United States, b) international treaties, conventions and declarations[5], c) traditional notions of fair play and substantive justice, d) judicial ethics?
4. Do the California judiciary individually[6] evade and undermine the object and purpose[7] of international human rights treaties[8] through the courts' services and operations, thus eroding this nation's international prestige[9] and the trust of the world community[10] and thus undermining paragraph 1 and Article VI of the US Constitution and our national morality[11]?

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[5] Violations of human rights treaties by state judges constitute a "material breach" under the Vienna Convention. RUDs preventing self-execution do not provide justification or immunity. Note that a material breach under the Vienna Convention consists in a repudiation of the treaty not sanctioned by the Convention; or the violation of a provision essential to the accomplishment of the object or purpose of the treaty

[6] Article VI of the Constitution identifies state judges not state courts

[7] Note the other party states' objections to US RUDs (Reservations, Understandings, Declarations) which are triggered by this case

[8] It is recognized that federal courts have jurisdiction over international human rights laws (See e.g. [*Schneebaum*]), but it is forgotten that Article VI specifically designates state judges as individually responsible for interpreting and upholding international treaties (which includes international declarations, conventions etc) subject to which the USA is bound to international laws. As [*Schneebaum*] states: "it could be argued that in any case invoking the Bill of Rights, the law of human rights has always been treated as the rule of decision in U.S. courts." Therefore the judicial conduct (under "good Behaviour" of Article III that applies by extension also as a requirement of judicial conduct in the states because judicial ethics must be consistent throughout all courts of this nation) of every state judge must respect and FOLLOW international human rights treaties, notwithstanding RUDs, because through judicial conduct, the USA demonstrates its compliance with the object and purpose of human rights treaties, and (judge and nation) may be held accountable for their violations.

[9] In history, was it not our international image that we protect humanity and defend justice? The United States is ranked well (see e.g. "World: Human Rights Risk Index 2014" by ReliefWeb. December 4, 2013) on human rights by various organizations. For example (Wikipedia), the Freedom in the World index lists the United States 53rd in the world for civil and political rights, with 83 out of 100 points as of 2023; the Press Freedom Index, published by Reporters Without Borders, put the U.S. 55th out of 180 countries in 2024, the Democracy Index, published by the Economist Intelligence Unit, classifies the United States as a "flawed democracy". Despite its rankings, human rights issues still arise. (see "United States". Human Rights Watch. 2020. See also Alston, Philp (December 15, 2017). "Statement on Visit to the USA, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights". OHCHR. Retrieved December 20, 2017. See also Contempt for the poor in US drives cruel policies," says UN expert". OHCHR. June 4, 2018. Retrieved July 28, 2018.)

[10] As a historical reference point, recall that the USA was seen as "the nation who saved the world" in two world wars. After World War II, the USA emerged as a global superpower and played a key role in establishing international institutions like the United Nations and NATO. This period saw relatively high levels of trust in the USA, as it was seen as a leader in rebuilding war-torn Europe and promoting democracy.

[11] In the United States, human rights consists of a series of rights which are legally protected by the Constitution of the United States (particularly by the Bill of Rights), state constitutions, treaty and customary international law, legislation enacted by Congress and state legislatures, and state referendums and citizen's initiatives. The Federal Government has, through a ratified constitution, guaranteed unalienable rights to its citizens and (to some degree) non-citizens. These rights have evolved over time through constitutional amendments, legislation, and judicial precedent. Along with the rights themselves, the portion of the population which has been granted these rights has been expanded over time (United States Events of 2016. Human Rights Watch. January 12, 2017. Retrieved January 28, 2018.) The reason for

5. Is there any efficient and unduly burdensome[12] pathway through jurisprudence to stop the abuse and discrimination and the cruel and unusual punishment by California jurisprudence without serious and irreparable harm caused to self-represented litigants with invisible disabilities, while ensuring our access to legal remedies?
6. In the face of California judicial subversion, what domestic forum may take jurisdiction and what provisions at law and procedure should exist for the victims' protection by that forum to enable constitutional due process and equal protection for disabled pro se litigants? Must exceptions be made by precedent to 28 U.S. Code Chapter 89 removal statutes to permit disabled pro se plaintiffs to remove cases to the federal courts[13] because they could not know of the systemic subversion of the Constitution and laws by the state courts[14] at the time of filing their 'well-pleaded complaint'[15], or were unable to stop the judicial subversion?
7. Does the present case demonstrate the knowing and willful violation of the herein cited laws and principles, with the offender-judges demonstrating defiance and contempt for our supreme Law and our national values, and for customary international law?

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this evolution and this expansion of rights is that our national ethos integrally features our dedication to human rights and to the dignity of every human being. Thus international human rights treaties are morally compatible with the very basis for interpretation of our Constitution. In fact, human rights treaties assist in our interpretation of our own Constitution by their statements of terms and objects and purposes that help expose our Constitution's full interpretation by resonance. Our national morality, embedded within the "supreme Law of the Land" was, and remains distinguished. It is for the courts to embody this morality though adjudication, and this case shows that this does not happen in the dealings of judges with invisibly disabled pro se litigants.

[12] See writ of certiorari 23-7017

[13] Considering both the preemption and the non-preemption of the pleaded laws

[14] See "*forum nullus*" herein

[15] Federal preemption of judicial rules and policies (as opposed to preemption of legislation) must not be stunted by virtue of judicial ideologies that jurisprudence is designed to self-correct and does, nor should it be stunted by judicial negligence that every court will derive the appropriate and lawful and ethical rules and policies of the courts based upon the same laws specified for all courts by Article VI. Congress had not considered this and other fact patterns, but in thwarting the volume of land litigation birthed the restrictions on change of venue, leaving pockets of injustice that fester and inflame the fabric of jurisprudence. Nowhere is it contemplated that a plaintiff who chooses the state as forum for litigation would discover systemic subversion against his suspect class after filing suit, rendering litigation by him an impossibility in the state while he is unequally restricted by law from removal from that forum. See writ of certiorari 23-7017.

LIST OF PARTIES

Defendants:

Name: Mandy Brady et al.

Address: Terra Law LLP, 333 W Santa Clara St #910, San Jose, CA 95113

Telephone: 408) 299-1200

RELATED CASES

Writ of Certiorari 23-7017

Judicial Notice is requested of the Writ of Certiorari by me first submitted to this court on 6/25/2024 against the California Supreme court in the combined writs S283992 and S284075 which are inseparable[16].

Judicial Notice is requested of the Writ of Certiorari by Julia Minkowski first submitted to this court on 6/10/2024 against the California Supreme court in S284033[17]

Judicial Notice is requested of the writ of Certiorari by Eva Danilak first submitted to this court on 9/13/2021 against the California Supreme court in S267089[18]

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[16] This writ is reproduced in full as Appendix US-E by necessity of compensating for my substantial incapacity that prevented the writing of this writ.

[17] See Appendix H to Appendix US-E

[18] which could not be filed due to this court's non-provision of disability accommodation. Danilak's case confirms the same discrimination and cruel and unusual punishment of the disabled pro se litigant by the courts as the other related cases demonstrate. A copy is attached in Appendix I to Appendix US-E

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Constitution

US Constitution Paragraph 1, Article I Section 10, Article III Section 3, Article IV Sections 1 & 2, Article VI. The Bill of Rights. 11th, 13th[19], 14th Amendments. Separation of Powers.

California Constitution.

Treaties & International Conventions & Declarations

Human Rights Treaties:

- UNCAT: Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under Articles 1 and 16, 12, 13, 14, 15.
- ICCPR: International Covenant on Civil and Political Rights under Articles 2, 3, 5, 6, 7, 9 (part 1 security of person), 10, 14, 17, 19, 26.
- CRPD: Convention on the Rights of Persons with Disabilities[20] under Articles 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 25

Universal Declaration of Human Rights under Articles 1, 2, 3, 5, 7, 8, 10, 12, 17, 19, 24, 28, 30.

Vienna Convention Articles[21],[22] 26, 27, 30, 31, 32, 35, 36, 38, 39, 40, 42, 43, 44, 45, 46, 54, 56, 57, 58, 60, 65, 67, 84

Declaration of Helsinki[23]

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[19] California Rules of Court, Rule 1.100 and its associated secreted policy to discriminate against pro se litigants with invisible disability is a piece of judicial 'legislation' that replaces the ADA (see [*Veneziano*]) and in effect declares every invisibly disabled pro se litigant 'guilty' of the 'crime of being disabled'. It allows the court to punish us by substituting due process required for disability accommodation with an unconstitutional process that is used to punish us by means of the fabrication of evidence by the court and the perversion of the true facts regarding the disability, as well as perversion of its need for accommodation, and denies the authority of science and medicine and authentic medical records. The rule is used to slander the disabled pro se litigant in order to satisfy the requirements of culpability for 'the crime of disability' under the secreted judicial policy of discrimination, and to inflict unconstitutional cruel and unusual punishment upon us. It also arbitrarily subdivides persons with disability into two classes, and deprives one class of disability rights and protections.

[20] Executed, pending ratification by Congress

[21] Note that the USA has never invoked Articles 61 or 62 or 67 with respect to any treaty executed by the USA, or suspended compliance with any treaty.

[22] Dual citizenship and the obligations of the two signatory states under human rights treaties as "third States" has never been considered. This appellant is a dual citizen.

[23] banned human experimentation. Altering, interrupting, obstructing essential medical treatment for a seriously ill or disabled pro se litigant violates several laws and principles. The conduct leads to its characterization as experimenting

Statutes violated by California courts[24]

CIVIL RIGHTS: 42 U.S. Code §1981, §1982, §1983, California Civ. Code §43, §44, §45, §46, §47, Unruh Civil Rights Act, Ralph Act, Tom Bane Civil Rights Act

CONSPIRACY: 42 U.S. Code §1985, §1986; 18 U.S. Code §241

DEPRIVATION OF RIGHT OR PRIVILEGE: 18 U.S. Code §242

EQUAL OPPORTUNITY: 42 U.S. Code Ch. 126 §12132

DISCRIMINATION BASED ON DISABILITY: Rehabilitation Act, Americans with Disabilities Act (ADA), Amendment to the ADA (AADA)[25], 28 CFR Part 35, California Gov. Code §11135

PENAL CODE: California Penal Code §182, §12022.7(f)

VEXATION: California Code of Civil Procedure §391 et seq.

Other statutes and codes

Rules Enabling Act of 1934

California Code of Civil Procedure §391

California Code of Judicial Ethics

Model Penal Code §5.03, §243.1

Rules

California Rules of Court, Rule 1.100

California Rules of Court, Rule 3.1332(c)

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with the health of a litigant under the custody of a judge and his court. The UNCAT incorporates cruel, inhuman and degrading treatment, including prevention of medical treatment and rehabilitation under color of authority (which is a common form of judicial abuse of invisibly disabled pro se litigants), and prohibits this conduct.

[24] Each of these statutes was violated by California judges, and a preliminary explanation is available in more detail by reference to federal case 21-cv-04262-JSW in the Northern District of California

[25] Particular attention to 42 U.S. Code § 12201(f), and § 12203

Cases - ADA[26]

[Barrilleaux] *Barrilleaux v. Mendocino County (N.D.Cal. 2014) 61 F.Supp.3d 906*[27]

[Biscaro] *Biscaro v. Stern (2010) 181 Cal.App.4th 702*[28]

[James] *In re Marriage of James and Christine C. (2008) 158 Cal.App.4th 1261*[29]

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[26] The requirements for precedent by this court are discussed through footnotes as well as the main body of this document because I have self-accommodated absent the provision of disability accommodation and safe harbor by this court. Each case cited in this section bears on the facts and the course of my litigation and other similarly situated victims of judicial discrimination based on disability. Each of these cases has been applicable to the common facts of victims in some manner, or stealthily evaded by judges who are in superior position and endowed with superior knowledge of the law, and requires consideration for establishing precedent by this court. Each case also requires consideration of its incorporation in the overall scheme of Title II disability accommodation in the state courts and how they must be distinguished and how they should be applied for the purpose of establishing a uniform national standard on ending discrimination based on disability. Particular attention by precedent is required to establish a CLEAR standard on HOW to accommodate a disabled pro se litigant in the course of litigation. The egregious state of disability accommodation by courts requires 'infantile' explanation of principles to judges and establishment of high standards of conduct and accommodation by this court. This need for precedent is urgent and long overdue, especially as our legal history reminds the People that it was necessary for this nation to speak a second time through the Amendment to the ADA to educate the highest court in the Land on the most basic truths about disability and the historical disadvantage and oppression of the suspect class of persons with disability that is indelibly held in the genetic code of our jurisprudence.

[27] undue burden in accessing a court is a matter that is under the court's control and constitutes discrimination based on disability, and requires expansion of precedent by criteria that can be used to generally establish what constitutes "undue burden in accessing a court" in order to promote a consistent national standard on disability accommodation to end discrimination based on disability in the state courts.

[28] "Following the trial court's failure to rule on his request for accommodation of his disabilities, Marc Gregory Stern appeals from issuance of a restraining order against him and from a default judgment awarding a condominium to his former wife as her separate property. We reverse and remand for further proceedings". This case leaves a huge gaping hole in addressing discrimination in due process and equal protection by the state courts. *Biscaro* was reversed solely on the consideration that Stern was ignored when he applied for disability accommodation for his invisible disability. However, absolutely no guideline on HOW to accommodate has been provided by any precedent on disability accommodation in the courts that is meaningful or can be considered a national standard on ending discrimination based on disability in those courts. Thus, as in my case, when the court will assuredly deny accommodation, *Biscaro* is in fact detrimental as it eliminates a basis for reversal of substantive injustice on appeal if I dare raise my voice and object to the invidious discrimination and the egregious criminal mutilation that I suffer, with multiple litigation at stake in multiple courts. Unless I simply tolerate the abuse and discrimination of each court until dismissal of my meritorious claims, I have no basis under any disability precedent for reversal given the malicious libel and fraud and exploitation attendant to my denials of accommodation, and the absence of precedents on point. And upon a *Biscaro* reversal, I am condemned to be under the custody of the same hateful court and the same discriminating judiciary, with no guidelines that can protect me from further judicial abuse. As shown by the facts herein, a judge can merely resume discrimination with no correction, and/or continue to violate *Biscaro*.

[29] "In an order to show cause filed May 17, 2004, Christine disclosed she suffered from bipolar disorder and breast cancer. Six weeks earlier, she had undergone a hysterectomy after the discovery of cancerous tumors." Compare these diagnoses with mine which you can find from the record kept by your clerk of my numerous requests for disability accommodation that your court ignored. Is my condition less serious that Christine? The court ruled: "Although we sympathize with the trial court's frustration over the many continuances granted in this case, including a prior unopposed ADA request from Christine, we conclude her request for ADA accommodation under California Rules of Court, rule 1.100 should have been granted. It is undisputed Christine suffers from bipolar disorder, a potentially incapacitating mental illness, and, on her psychiatrist's recommendation, checked herself into a hospital the day before trial was set to resume. Rule 1.100(f) permits a trial court to deny a request for accommodation under the ADA only if the court makes a determination of at least one of three specifically identified grounds. None of those grounds existed when Christine's request was denied. We therefore reverse and remand without addressing Christine's challenge to the judgment on its merits." The 'apology' to the trial court by the court of appeal for having to deal with a disabled pro se litigant is appalling and evidence of the California higher courts rewarding the intolerance of the judiciary for our plight which is entirely outside our control. The despicable rant and fuming narrative of the trial judge whose hatred is

[Maravilla] *Maravilla Ctr. LLC v. First-Citizens Bank & Trust Co. (May 18, 2015, D067427) Cal.App.4th* [pp. 23][30]

[Sagonowsky] *Sagonowsky v. Kekoa (July 23, 2013, A135726) Cal.App.1st* [31]

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apparent is not frustration but retaliatory speech. It is not judicial candor but it is the unhinged rant of an individual who discriminates based on disability and FABRICATED allegations and character assassination and slandered Christine. Yet the appeal court has nothing but consideration for the trial judge who exposed the court's systemic subversion of laws. Where in the rant by the trial judge do you find evidence of making the court service READILY accessible and usable by Christine? Is the meaning of READILY accessible and usable that as long as the court provides a date for trial or hearing and provides a courtroom and judge and if necessary a jury, and as long as Christine meets every expectation of the court, then the court service is READILY accessible and usable? Or does READILY require tuning the court service and the manner of treatment by the court to the capacity and health of the prisoner of nature who cannot deliver herself with total self-control and READINESS as the court expect her to do? Like in *James*, the incapacitated invisibly disabled litigant in Appendix H to Appendix US-E who was 'hospitalized' and under medical treatment was refused accommodation by continuance of trial, and had a friend and disability advocate appear at trial to no avail, therefore she is not subject to James while her medical treatment is the same as *James*. The distinction with *James* is that the California courts caused the injuries to Minkowski by denying her accommodation and continually interfering with her medical treatment of which they had notice. *James* ruled that continuance of trial "would not have fundamentally altered the nature of the judicial service, program, or activity affected by the request" because the "judicial service — the trial — would have been offered in the same form at a later date" while in the Minkowski case, trial was not moved despite her requests for accommodation. Danilak has similar events to report from her case. *James* contradicts other California appellate rulings herein, for example the seriousness with which the courts regard bipolar disorder in [*Bialla*], yet medically both Christine and [*Bialla*] have the same diagnosis. When medicine treats the two patients similarly but courts distinguish between two persons with the same disability and treat them differently, there is no equal protection of the laws, since strict scrutiny controls over the considerations of Rule 1.100 that redefine and deny the suspect classification and the discretionary and 'evidentiary' concoctions of judges that have no relation to medicine and objective considerations. The rant of the trial judge in *James* demonstrates latent bias and a preoccupation with judicial comfort over duty under Article VI and ethics. This behavior is widespread and merely requires a trigger to expose. That trigger is the presence of a disabled pro se litigant in the court. In view of *James*, the stealthy biases expresses with more refinement so that increasingly, as precedent emerges favoring the disabled pro se litigant, the body of the judiciary take closer aim and commit discrimination more stealthily and with better theatrics and more damning orders. What *James* does offer is that an authentic doctor's non-expert testimony is authoritative but of great concern is that *James* expects an excessively high degree of incapacity, namely hospitalization and 'breakdown' thus giving the green light to the California judiciary to drive every disabled pro se litigant to the point of incapacity leading to hospitalization and breakdown before granting accommodation. There is no graduation of consideration for the impact of diverse disabilities of varying impact, and the perspective of the person with disability counts for nothing in these courts. As in James, I requested counsel and was denied.

[30] "*We take very seriously "the policy of the courts of this state," which is to "ensure that persons with disabilities have equal and full access to the judicial system." (Rule 1.100(b); see Biscaro v. Stern (2010) 181 Cal.App.4th 702, 707 (Biscaro) ["The purpose of rule 1.100 is to allow meaningful involvement by all participants in a legal proceeding to the fullest extent practicable."].) For purposes of this discussion, as we noted above, we have assumed without deciding that, for purposes of rule 1.100(a), Robert is a " '[p]erson[] with disabilities' "; and under Vesco, supra, 221 Cal.App.4th at p. 279, we know that a continuance of a trial date is among the " '[a]ccomodations' " provided for in cases like this one. (Rule 1.100(a)(1), (3).)*" In this ruling, there are no definitions of nebulous terms that therefore lend themselves to discretionary interpretation on a judge by judge basis. The terms "*equal and full access*", "*meaningful involvement in a legal proceeding*", and "*fullest extent practicable*" each require consideration, guidelines and a standard of scrutiny, with a "substantively just outcome test" attached to them that meets the requirement of precedent as a foundation for a uniform national standard to end discrimination in the courts. The need for a continuous quality assessment and assurance process must not be overlooked.

[31] Precedent is required to limit the applicability of [*Sagonowsky*] by distinguishing the due process and evidentiary standard followed in the determination of fraud in alleging a disability and obtaining disability accommodation. Allegations of fraud, misrepresentation accompanying character assassinations and innuendo with no rules of evidence or due process applied to disability accommodations are the norm not the exception in the California courts.

[Vesco] *Vesco v. Superior Court (Tawne Michele Newcomb) (2013) 221 Cal.App.4th 275, 277*[32]

Cases - Rule 1.100

[Bialla] *Bialla v. Thomson (Feb. 20, 2015, A139031) ___ Cal.App.1st ___*[33]

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[32] In *Vesco*, the defendant filed a motion to continue trial because she needed urgent medical procedures. The trial court denied the motion without prejudice to allow the defendant to refile the motion with supporting documentation. Instead of refiling the motion, the defendant applied ex parte for an accommodation (a trial continuance) under Rule 1.100. The plaintiff was not provided with notice or a copy of the application until after the court granted the requested accommodation and continued the trial. The plaintiff subsequently applied ex parte to examine and photocopy all documents in the trial court's possession concerning the defendant's request for an ADA accommodation. The court denied the application. The plaintiff petitioned the appellate court for a writ of mandate to allow him access to the materials the trial court relied on to grant a trial continuance. The appellate court summarily denied the petition. Per an additional ADA accommodation request, the trial court again continued the trial. The plaintiff renewed his petition for a writ of mandate. The appellate court granted the plaintiff's requested relief. The court explained that the plaintiff had "the right to have his trial as soon as circumstances permit" because the defendant occupied a house that needed to be sold, therefore a financial interest was prejudiced. Thus, the plaintiff could challenge the defendant's request for a continuance. As such, the court reasoned that the plaintiff "must be given notice and an opportunity to view the medical records and other material on which [the defendant] relies." However, no litigation privilege may apply by virtue of a notice right to a process of equalizing the defendant in litigation. "*California Rules of Court, Rule 1.100 allegedly allows persons with disabilities to apply for "accommodations" to ensure they have full and equal access to the courts. Rule 1.100 (c)(4) prohibits disclosure of the applicant's confidential information to persons "other than those involved in the accommodation process.*'". The rule requires consideration by this court as it promotes unconstitutional due process and violations of privacy and delegation of the judicial duty of disability accommodation (considered as accommodation of one party by another) to an opponent. In particular, the balancing of notice and participation with privacy rights not only abuses the disabled pro se litigant, but also unconstitutionally extends litigation privilege to a matter (disability accommodation) that is collateral to the litigation at bar, permitting the extraordinary excesses and even perjury promoted and endorsed by California jurisprudence under litigation privilege to undermine disability accommodation on behalf of a prejudiced judiciary. Thus, constitutional torts are permitted and encouraged by the California judiciary against the defenseless disabled pro se litigant. The case is also distinguished from my facts as financial burden to a party caused by accommodation was at issue in *Vesco*, and none exists in my case, and likely does not exist in most cases of accommodation of invisibly disabled pro se litigants. The facts of this case and its related cases demonstrate that in modern jurisprudence, this opens the door on unprivileged interference and exploitation of the prone and defenseless disabled pro se litigant leading to outrageous and unconscionable injustice, and this must be anticipated and punished by precedent. Note also the extraordinary judicial incompetence recorded in the case and further proof of the inconsistent interpretation and application of Rule 1.100 when the court states: "That rule 1.100(c)(1) allows the application to be made ex parte does not dispense with the requirement of notice. (Rule 3.1203(a).)". By adding this requirement, the court changes Rule 1.100 to require 6 days' notice under 1.100(c)(3), and that each request must have a hearing, which is not required under 1.100, but behave differently as it chooses. The big picture of these inconsistencies and contradictions in ADA accommodations claimed by the California courts to be provided to disabled pro se litigants demonstrates the triviality and condescension with which California courts treat a major national law that trumps every court procedure and must follow the BLF bright line, which does not require a Vesco hearing (note Appendix D to Appendix US-E instances where BLF did not even ask my adversaries if they object to my continued lengthy stays)

[33] Note carefully the compelling verdict of the appeal court which California courts apply generously to disabled pro se litigants: "*We find no abuse of discretion in the family court's conclusion that Bialla's request for a continuance as an accommodation of her mental disability was unjustified. As the court found, Bialla had, despite her disability, managed to file and pursue the dissolution proceedings, including participating in an earlier trial, pursuing an appeal, appearing for deposition, and making a number of applications to the court. While the declarations Bialla submitted indicated that bipolar disorder at times limited her activities, Bialla had managed to support herself throughout the course of the proceedings, including arranging for substantial rental income from a property she owned. Bialla was able to appear for the scheduled trial date and was, in fact, able to participate successfully in the proceedings before she left the court. Given her apparent ability to participate, there was no need for the requested continuance of the trial date to accommodate Bialla's mental disorder. On the contrary, as the court found, there was reason to believe Bialla's request for a continuance was a tactic intended to forestall resolution of the proceedings.*" What is critical to the understanding of how the trial court found reason to believe Bialla's request for a continuance was a tactic intended to forestall resolution of the proceedings was the following conversation between judge and limited scope counsel: "*During argument with respect to Thomson's motion [in limine at trial], Bialla's attorney told the court: "I do not feel [Bialla's] responses have been*

irrational. I don't think she needs a psychiatric examination, but she has not been as solidly grounded as I would have her be. . . . What I see is a lot of foot dragging and a lot of fear." Followed later that day by the conversation: "*Bialla's attorney told the court he was "prepared to represent to you that I don't think [Bialla is] competent to follow these proceedings." After describing Bialla's purported poverty, counsel said Bialla had been taking two medications for "extreme bipolar," but she could no longer afford the medications. He observed, "Her responses frequently are irrational, frequently not responsive to the issues that are here. I don't think she is being anything other than hysterical, meaning high emotionality, no ability to track these things." Counsel then requested a continuance and appointment of Bialla's daughter as her guardian ad litem.*" Note carefully the extraordinary response of the trial court, specifically "*The court responded: "There was never a suggestion raised ever before this minute that there was any kind of a mental defect that may have inhibited [Bialla's] ability properly to prepare this case." The court rejected counsel's representation with respect to Bialla's mental state, noting: "[Y]our professional status doesn't permit psychiatric or psychological diagnoses. While it may be that she's suffering from some malady, the fact is she elected to proceed on her own as she did in initiating this case.*" While this court may not have eyes to see the invidious discrimination and the admissions against interest by the trial judge that the appeal court fully endorsed, a mutilated disabled pro se litigant who stands as private attorney general before you does not fail to see. A California judge is forbidden from independently investigating the facts of a matter at bar, but he is required under the ADA to be competent in disabilities and their needs for accommodation, and the discrimination that may result by virtue of their existence. By ethics, if he interacts personally with Bialla, he is disqualified, therefore he must be very attentive and receptive if Bialla or her attorney disclose the disability, and the ADA does not specify a minimum time for disclosure. The new attorney did interact with his client, albeit briefly (since he was appointed on the day before trial), and in the course of one day of trial, changed his opinion of her from 'not solidly grounded' to 'incompetent' for which he was admonished by the judge for 'practicing medicine without a license'. The common knowledge about invisible disabilities is that we hide them if we can to avert the ableism and denialism and discrimination that we face if we are discovered. Personally, we feel stigmatized and extremely embarrassed. Often our cognition and logic does not serve us in a constant conflict between the need for equalization through accommodation and the negative consequences of our discovery as being disabled. We exert ourselves to cope, and our life quality is diminished as we struggle to remain integrated in society and have personal and financial security and hope in our future. We are limited by what we can do in comparison to 'normal' persons in diverse way. It is also commonly available knowledge that bipolar disorder is an ADA-recognized disability that has a manic phase and a depressive phase of unpredictable durations, and a description of these phases and their associated symptoms are easily accessible over the internet, leaving no excuse for the staged ineptitude demonstrated by the trial judge. Distress (see [*MS paper*]) can induce and exacerbate bipolar symptoms as it can in any disease, and the distress is characterized by the attorney as "fear". Critical symptoms for court participation in the manic phase are poor concentration and judgement and paranoia, and in the depressive state, trouble concentrating and making decisions, irritability and hopelessness. Both can be incapacitating and certainly major impairments in cognitive capacity. With each of these symptoms, the susceptibility of the patient to distress increases, and amplifies the negative effect of the symptoms. Thus when placed in a hostile court environment that has no understanding and no tolerance for such a disability, the patient becomes effectively incapacitated. All of this is logically derivable form the symptoms and the information commonly known in the public domain. The judge intended to punish Bialla because he proceeded with the trial knowing that she could not afford her medication, and common knowledge warns us of how dangerous it may be for bipolar medications to stop, as symptoms overwhelm the patient and may even invite the risk of suicide. The stopping of medication convincingly explains the prior controlled behavior of Bialla compared to her non-medicated uncontrolled behavior at trial, hence her attorney's extreme reaction and request for guardian ad litem. It is also normal for an attorney to become impatient with his client for being "not solidly grounded", thus increasing Bialla's distress which in turn would increase her symptoms and further incapacitate her. The absence of medication also tends to explain why Bialla could not afford an attorney except in a crisis (for trial). In what is characteristic treatment by a trial judge, he states the standard ableist and denialist sermon that "*There was never a suggestion raised ever before this minute that there was any kind of a mental defect that may have inhibited [Bialla's] ability properly to prepare this case*" and thus he justifies proceeding with trial despite the earth-shattering information just disclosed to him. He proceeds with the trial despite the reported incapacity of Bialla by silencing and discrediting the attorney who is the reliable source of the information. Thus the trial judge entirely ignores the need for ensuring that due process and equal protection remain present and intact in the course of the trial when Bialla's lawyer has in fact stated that he cannot represent her, and proceeds with what effectively becomes a one-party divorce proceeding. By attributing full ability to Bialla to participate equally to Thomson, this judge sacrifices Bialla's rights to the invariant comfort of the court in holding firm the trial date no matter what part of the Constitution is ignored as a result. In what is also characteristic of the appellate courts, they do not hesitate to violate the ADA and keep invariant the presumptions and burden of proof and rubber stamp the findings of the trial court when a disabled pro se litigant has her Constitutional rights at stake. Thus the appeal court eliminated any possibility that the ADA could be considered as a basis for reversal, adding more inconsistency to an already detestable legacy of human rights violations by the California courts. A jury would find such cruel, inhuman and degrading treatment by a court to be unconscionable and morally offensive. Note carefully that the appeal court opinion is designed to discredit Bialla, and libel her as a fraud. The conduct is Bialla is documented in other cases of disabled pro se litigants. My case is

[Fields] *Fields v. Superior Court (Robert Stone) (Jan. 27, 2015, 2d Civil B253852) Cal.App.2d* [34]

[Gropen] *Gropen v. The Superior Court (2023) 89 Cal.App.5th 1068*[35]

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distinguished as I have been unable to support myself for many years. The SSA provides me with disability payments since July 2018. I am in bankruptcy since 2023.

[34] This precedent has never been cited but has been used against me to deny my essential and reasonable accommodations and safe harbor by the California courts and is a basis for numerous decisions on my disability accommodation that allege "indefinite" or "indeterminate" stay requests, while each order undermines itself or a previous order and exposes a secreted policy of California courts on discrimination. *Fields* states: "*Stone filed his petition for a restraining order in July 2013. After granting Fields numerous continuances, the court determined that granting a continuance beyond December 17, 2013, would deprive Stone of his right to a reasonable expeditious hearing on the matter. The court found that the ADA did not require the court to grant a further continuance because it could "fundamentally alter the nature of the service, program or activity." (Cal Rules of Court, rule 1.100(f)(3).) The court is correct. Fields' requests for continuances appeared to have no end. Granting further continuances would deny Stone the hearing to which he is entitled.*" To distinguish Fields from my case, and the cases in Appendix H and I to Appendix US-E, consider this explanation from *Fields*: "Stone obtained a temporary restraining order and the matter was set for a hearing on the permanent order. Fields applied for numerous continuances claiming that he is physically disabled and his wheelchair is broken. As an accommodation, the trial court offered to allow Fields to appear by telephone. Fields rejected the accommodation as denying him due process. Nevertheless, the trial court granted Fields multiple continuances. Finally, on October 22, 2013, Fields submitted another request to continue the hearing set for November 5, 2013, until January 2014. The trial court granted a continuance until December 17, 2013. The court found that granting any further continuances would fundamentally alter the nature of the proceedings. (Cal. Rules of Court, rule 1.100(f)(3).)" Contrast this with the multiple request for accommodation received by this court for the past several years and my multiple attempts under cognitive and functional impairments to file writs of certiorari in your court unsuccessfully. Those requests and the attached medical records, facts and authorities evidence egregious court-distress-induced physical and mental injuries and heart attacks, and extreme pain and suffering with incessant protests by me in the records of every state and federal court in which I have litigation, all of which except one sprouted because of the same single lawsuit in the California courts 16v295730. My case is not a broken wheelchair and 'evasion', but it is a case of authority (e.g. [*MS Paper*]) and facts dominating the merits of my cases and the reasonableness of my disability accommodation and safe harbor which distinguishes my case from *Fields*. The time limit arbitrarily set in *Fields* was enforced punitively, as was the time limit applied to my case.

[35] "*Gropen timely filed this petition for a writ of mandate, arguing that the superior court abused its discretion in granting the protective order and erred by not considering the evidence that Gropen was diagnosed with PTSD. Gropen also maintains that his request that Laura attend his deposition is a reasonable accommodation that will limit the expected harm that will occur when he is asked about events that gave rise to his PTSD. We conclude that Gropen's request for an accommodation under Rule 1.100 was timely, and the court abused its discretion by failing to consider his request. As such, we will grant the requested relief and remand this matter back to the superior court with instructions to deny the motion for protective order and sanctions and properly consider Gropen's request under Rule 1.100.*". This case condemns the California courts' actions in my case and like cases, in part. Each of the victims in my case and in Appendix H and I to Appendix US-E suffer from PTSD, yet accommodation has been denied to us, and we are further distinguished from *Gropen* in that he was represented and we are not. The trial judge denied accommodation to Groper claiming that he was very familiar with PTSD, but Groper was making his request untimely, despite the reminder by Groper's attorney that "*he had "made the argument that [Gropen] had PTSD ... [and] ... believe[d] that was self-evident that it ha[d] to require the weight of deference to having an accommodation for it." Counsel also emphasized that the request for an accommodation (Laura's presence at the deposition) was made in the opposition [to the protective order].*" The appeal court insisted that court policies, practices and procedures must be modified as required, and stretched outside the court into a deposition, while in my case, following the order in Appendix E to Appendix US-E , no such modification occurred in retaliation for my filing suit during the pendency of the case. The California courts modified the MC-410 form (Request for Disability Accommodation) after I filed suit to as manipulatively as possible restrict every request for accommodation to aids for specific hearings and nothing more. Distinguishing Gropen from my case is that my adversaries offered fraud and interference to accuse me of not being disabled and not needing accommodation, whereas *Gropen* is limited to procedural arguments to encourage the court to deny accommodation by virtue of timing, creating no expansion of litigation privilege per se on a matter (accommodation) that is collateral to the litigation at bar. What is criminal in my case is that my adversaries used the medical information they obtained from the violation of my privacy by the courts in deliberately causing distress-induced injuries to me on a carefully crafted schedule to keep me incapacitated and progressively physically and mentally injured for the past seven years, with their latest assault being an anonymous communication to a federal district court in southern California that has now been routed to my northern

[Jackson] *Jackson v. Cal. Dep't of Corr. & Rehab. (Jan. 17, 2017, F072573) Cal.App.5th* [36]

[Keezell] *Keezell v. Smith (May 3, 2012, D059279) Cal.App.4th* [37]

California litigation in order to be provided to me by the court for the purpose of distressing me as well as thwarting my accommodation and safe harbor by the 9th circuit Appeal court. In Gropen, the appeal court reminds us of the requirement of "must consider, but is not limited by" Civil Code §51 and the ADA. The issue for every case of ADA violation is the "not limited by" which courts take to extremes and abuse of discretion (see [Babb] and [Lesbian]) by undermining both statutes. The "not limited by" is not meant to mean "replace". The appeal court in *Gropen* ruled that the judge falsified the facts about disclosure of PTSD, which the appeal court found in the first amended complaint. Unlike the habitual offenders in my case, the 5th District appeal court reached into the ADA and found cause for accommodation, specifically supplementing any lacking express provisions under Title II by parity with other parts of the ADA, as follows: *"The ADA provides protection to individuals who can show they are "disabled," which is defined as someone who has a physical or mental impairment that substantially limits a major life activity, has a record of such impairment, or is regarded as having such an impairment. (42 U.S.C. § 12102(1).) Under an amendment to the ADA in 2008, the definition of disability was expanded to include a mental impairment that "substantially limits" one or more major life activities, such as concentrating, thinking, and communicating. (42 U.S.C. § 12102(1)(A) & (2)(A).) Among other state and local agencies, the Equal Employment Opportunity Commission (EEOC) enforces the ADA. The EEOC's implementing regulations specify that some impairments will, in "virtually all cases," result in a determination of coverage under the ADA. (29 C.F.R. § 1630.2(j)(3)(ii).) The regulations list certain impairments that substantially limit major life activities, and that list includes PTSD. (29 C.F.R. § 1630.2 (j)(3)(iii).)"* Every disability from which I and the victims in Appendix H and I to Appendix US-E suffer are covered disabilities under the ADA, as are invisible disabilities in general. Thus *Gropen* presents an inconsistency and contradiction in California law by the decisions of two appeal courts. Other distinctive findings in Groper are that the 5 day rule is not a bar to accommodation, and that the request for accommodation may be submitted by other methods that specified by Rule 1.100 and Rule 1.2.1, and may be made orally. Every oral request made by me has been denied, as have the oral requests by the victims in Appendix H and I to Appendix US-E. In Gropen, the opponent made a very strong argument that having the wife present at the husband's deposition is a fundamental alteration of the court's process as the wife was a percipient witness in the action and could be deposed in the future. The court found this not to be a fundamental alteration of the court's process, by not confirming that procedure may not trump the substantive ADA, but by explaining that the trial judge did not rule on whether or not it was a fundamental alteration, and that the opponent could take the wife's deposition first. Throughout my case, procedure trumps substantive laws in every court, and only recently has the appeal court began ruling that my consistent and relatively invariant requests for accommodation constitute a fundamental alteration.

[36] "There is no authority for the view that the Americans with Disabilities Act requires appointment of counsel as an accommodation for a disability of a plaintiff in a civil action. As the trial court pointed out, there also is no authority for the view that appointment of counsel is available under the disability-accommodation provisions of the California Rules of Court. (See Cal. Rules of Court, rule 1.100.)". In [*Stewart*] we find the statement: *"the appellate court's discussion of how to prevent further continuances after granting the accommodation is relevant here. "The question remains of what to do to prevent this scenario from recurring, to ensure the parties' justified needs are met, and to resolve the matter justly and expeditiously. One possible solution is to make sure [the party requiring accommodation] is represented by counsel. ... A pendente lite needs-based attorney fees award to [that party] under Family Code section 2030 might be justified under the circumstances."* The verdict in *Jackson* is incorrect. The ADA requires reasonable accommodations to be provided under Title II by the court, and the definition of "reasonable" is not primarily from the perspective of the court, but it must be reasonable from the perspective of the person with disability as the Amendment to the ADA makes unmistakably clear. Despite this, Rule 1.100 remains court-centric for the determination of "reasonable". Procedure must never trump substantive law, and judicial comforts must never preempt human and civil rights. Precedent is required to ensure that no disabled pro se litigant is deprived of counsel when his rights, and constitutional privileges and immunities are eliminated by deprivation of disability accommodation (see BLF) and when he is unlawfully coerced and intimidated into unequal participation in his own litigation with the assured results reported in writ 23-7107. California has IOLTA, and counsel for the disabled pro se litigant is a small fraction of the cost to the state of counsel for criminal defendants (recall that our cruel and unusual punishment by the court is for the crime of being disabled and accessing the court pro se). The balancing test of cost/benefit/harm is in our favor in view of the national mandate to end discrimination in the courts' services under Title II which may be accomplished to a degree by offering counsel as an aid to accommodate the disability. The scenario of my facts reveals that if the court is late in appointing counsel, then counsel WILL NOT be usable as an aid to accommodate the disability.

[37] Two critical precedents arise from this case: 1) that no trial continuance may be provided as disability accommodation, and inconsistent with other cases, 2) if disability accommodation has been a factor in injustice, it is not appealable because it has its own exclusive and unrelated review process by the appellate court that must be exercised

(immediately) within 10 days of the denial of the disability accommodation. Both precedents are unlawful as seen from my case, and under the ADA even though Smith was represented. The case supports this writ, and demonstrates no strict scrutiny applied to the accommodation request in order to stop the elimination of my suspect class, and no proof at the proper (medical) standard offered by the court that it had met the burden of proving that the accommodation was not necessary. The rendition of the facts in the case are silent as to what counsel stated on behalf of Smith to explain the medical need for ""*medical assessment and treatment*" that was scheduled on the day of trial, but merely state that counsel did not provide medical documentation to the court. Since accommodation may be orally requested at the hearing (see [Veneziano] pp.9 "*Nor does she claim to have made an oral request, although she was in telephonic contact with the court*"), it may NOT be presumed (under the ADA) that the trial judge met his burden of proof that the accommodation was not required. Rule 1.100 was applied inconsistently to abuse Smith. Furthermore, we see the inconsistency with my case and those in Appendix H and I to Appendix US-E, which demonstrate that the medical evidence, even if presented, would not be considered, or is pronounced to be inadequate. In addition, consider the undue burden (even impossibility) of a litigant suddenly taken ill and requiring medical treatment with no notice (day of the trial) and the expectation of the judge to have medical documentation produced to justify a continuance. This bigotry in the name of invariance of a court process is based on a secreted policy by California courts to discriminate based on disability by every ruse and every means possible using the advantage of their position of authority.

[38] "*By 2010, Husband had developed severe vision problems and qualified for disability status through private insurance and through Social Security ... Before the last scheduled trial date of May 21, 2014, Husband learned that his attorney was seeking to withdraw as his counsel and was filing a motion to that effect. Although Husband has been on disability status from work since 2010 for visual problems, he signed a form in April 2014 substituting himself in propria persona. He then sought a trial continuance on the ground that his serious vision, health and stress problems were rendering him unable to represent himself effectively. The court proceeded with trial, with Husband appearing on his own behalf, telephonically and then in person. On appeal, Husband initially contends the trial court erred or abused its discretion in denying his request for a trial continuance. He argues that as a matter of fact and law, he showed entitlement to a trial continuance as an accommodation request under the Americans with Disabilities Act of 1990. (42 U.S.C. § 12101 et seq. (ADA).) He alternatively relies on established legal principles for granting continuances to claim it was an abuse of discretion for the court to allow trial to proceed. On the same basis, he challenges the trial court's denial of his new trial motion. California Rules of Court, rule 3.1332, sets forth the procedural and substantive grounds for showing "good cause" to continue a trial date (e.g., the "unavailability of a party because of death, illness, or other excusable circumstances"). (Rule 3.1332(c)(2); all further rule references are to these rules unless noted.)*". ADA disability accommodation is not incorporated in Rule 3.1332, but should be. In California, what the court characterizes as "serious vision, health and stress" do not constitute a basis for disability accommodation despite the decision of the Social Security Administration. The appeal court finds that "*Husband established that he had been disabled for several years for employment and other purposes, the record does not show as a matter of fact or law that Husband followed the appropriate procedure to invoke an ADA accommodation, as established by the rules of court. Also, under traditional standards for evaluating continuance requests, it was not an abuse of discretion for the trial court to determine that the circumstances of Husband's request, based on his status as a self-represented litigant, were inadequate to justify his request for an* ***indefinite continuance****, in light of the extent and nature of the remaining issues at trial. The court had an adequate basis in the record to evaluate Husband as intelligent, involved, and choosing to participate on his own behalf in the proceedings at the relevant times.*" The opinion cites the rules of court as: "*Rule 1.100 provides procedures and standards for evaluating requests for accommodations from persons with disabilities, under the definitions of applicable state and federal laws. (E.g., Civ. Code, § 51 et seq.; the ADA.)*" Note that "Husband did not carry his burden to produce such additional evidence, by making available additional testimony from the parties' former joint certified public accountant (CPA), who was then refusing to participate due to lack of payment" which suggests the possibility that husband could not afford an attorney. Here is seen the typical California use of "indefinite" continuance, without any definition of "indefinite" which is therefore an arbitrary and vague notion that is used prejudicially to deny ADA disability accommodation and thus place a disabled pro se litigant who is now faced with handling his own lawsuit at a disadvantage at legal proceedings with unequal opportunity of success. This is presumed under the ADA, but not presumed by California courts. The court blames husband for choosing to be pro se, and for failing to appoint himself another attorney and thus causing his need for accommodation. The court uses this choice offensively implying that husband admits that he is able to proceed pro se without accommodation. In support of this contrived allegation, the court further insists that the judge has personally evaluated the INTELLIGENCE of the husband and that he is INVOLVED, inferring that he is aware of the case and shows signs of grasping the issues and responding appropriately, thus implying that intelligence and being involved suffice to access the court and participate fully and equally in litigation. But there is no mention by the judge of specifically how the *"serious vision, health and stress problems"* were not rendering him unable to represent himself effectively. The substitution of "*intelligence*" and "*involved*" during observations of the husband when he was represented, when offered by the judge as proof of non-disability, or as proof of

not needing accommodation, do not suffice when put to the test of science and medicine, which is the standard of the ADA, and the evaluation of the husband pro se. Rebuttal by the court must have parity with the standard at which the ADA operates, which is founded in objectivity of disability and science. The judge must specifically address each impairment and its impact in order to deny disability accommodation to the husband, not impeach him by alleging behavior that disproves the need for accommodation. Intelligence does not overcome blindness, and involvement does not overcome serious stress and health issues. Both factors offered by the trial judge are at best circumstantial evidence from a medically unqualified abuser, while medicine is the controlling authority. The inherent and systemic reluctance of California judges to see from the perspective of the person with disability is evidenced when you consider the impact of blindness and like vision disorders on the disabled litigant who has just lost his attorney and who is susceptible to stress and health problems. Medical knowledge confirms that stress causes disease, and in the disabled pro se litigant, causes injury. The degradation of life energy and diminution of scope of function when disability occurs is life-changing and impactful, as my case and Appendix H and I to Appendix US-E demonstrate. I invite you justices to blindfold yourselves, or wear impenetrably thick eye glasses and perform your daily functions to get the point if you do not. if your stress does not become magnified in performing your basic tasks, then the trial judge must be right and medical science should be re-written by the courts. Further, the appeals court minimizes the harm done by characterizing the "*extent and nature of the remaining issues*" as being trivial compared to the excess of accommodating the husband. Thus the standard of ADA accommodation, as confirmed by my case and others, is that disability accommodation in California courts is dependent on the court's assessment of the complexity of the case and the judge's personal assessment of the likelihood of the inevitable outcome in favor of each party. This is common to the federal courts, except BLF. This violates judicial ethics, and the requirements of open-mindedness and impartiality. In employment, education and services, this violates decency and the national morality. But in the courts it is called justice. The appeal court endorses the discrimination by the trial court without hesitation and condemns the victim further by adding "*Moreover, Husband is not able to show prejudice from the denial of the continuance request.*" That is not the standard of ending discrimination under Title II as set by the ADA. It is systemic prejudice for California judges in higher courts to use their superior prowess and authority and monopoly over facts and law to diminish the truths of disability to such extreme extents that the victim is seen as a fraud and an abuser and as willfully manipulating the court for personal advantage. This judicial libel transforms into law and the truth as determined by the final authority in the nation, thus scarring the husband and justice, irrespective of correctness of the outcome of the litigation. Any educated, qualified doctor would not see the truth alleged in the judicial statements, and such verdicts qualify as hatemongery.

[39] The appeal court claims to review for substantial evidence of disability, but shows a strong bias in performing that evaluation, while justifying that a decision by the SSA is not conclusive of an ADA disability by referring to a case (*Sanders v. Arneson Products, Inc. (9th Cir. 1996) 91 F.3d 1351, 1354, fn. 2*) involving a temporary disability. According to the information in the ruling, Langsam is disabled under the ADA, but the court states that "The timing of Langsam's request for accommodation also suggests that Langsam herself was apparently not persuaded of her alleged disability by any of the evidence generated before 2010", concluding that an alleged state of mind of the person with disability is determinative of the disability under the ADA, and that fraud by Langsam is indicated justifying the denial of her disability. This is evidently not so. The court goes further to claim that in determining if Langsam deserved to be allowed more time by continuing the trial and keeping discovery open, "the specific disability that had to be established here was Langsam's incapacity at the time of trial to act as counsel in this case", and that "There's no medical evidence in the documentation submitted ... that support[s] the wide ranging conclusions made by [Langsam] at this hearing". The court further elaborates that "while in her letter she stated that it became evident to her in early January that her health would not allow her to serve as trial counsel, the maladies she described were physical problems suffered from July 2009 to January 2010, not the cognitive difficulties cited in the accommodation requests. Thus, it is unclear that Langsam regarded herself as cognitively disabled even in January of 2010". What is extraordinary is that the court's opinion cites that Langsman suffered cancer surgery in February 2010 for breast cancer potentially spread to under-arm lymph node and the court felt justified in continuing her trial and kept discovery open, after which she disclosed the disability that she guarded the most and which greatly threatened her vocation as attorney, which was "disabilities she suffered as a result of the accident, including "brain damage and PTSD from [a] closed head injury"" caused by the negligence of the defendant. It is only because I, as a disabled CEO of an international technology company kept my disability a secret from every employee and every client that I observe a different fact pattern evident in the same writing which may be observed from the perspective of persons with invisible disability. The court makes a 'federal case' out of Langsam 'coming out of the closet' and exposing her cognitive impairment because of the crucial need for accommodation, which until then, because of the prejudice she would experience in her life, and because it fundamentally alters one's self-image if disclosed, she kept secreted, offering only the physical symptoms to justify continuances and opportunity to use time to accomplish tasks she could not achieve at the court's speed. The 65 mile-per-hour speed limit and collision is consistent with such an injury. PTSD is incurable and an ADA-covered disability. A brain injury is irreparable tissue injury in general, and the brain is recognized as the home of cognition, with variable possibility of limited recovery under neuro-

[McDonald] *People v. McDonald (Apr. 30, 2009, G041020)*[40]

[Moca] *Moca v. Moca (In re Marriage of Moca) (Mar. 18, 2019, B275299) Cal.App.2d* [41]

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plasticity and rehabilitation over the long term. The opinion recites considerable medical evidence supporting the injuries. We invisibly disabled persons go to extreme extents to appear normal and integrate with society so that we are not subjected to ableism and denialism and discrimination and dismayed by our nature-imposed limitations that make us 'inferior' to others. With a sign of cancer spreading, the 'wind was taken out of her sails', and it became less urgent to conceal the ugly truth. A diagnosis of cancer, followed by possible metastasis introduces comorbidities such as depression and other psychological issues which may not be diagnosed until later, each of which adds to disability under the ADA. Now re-read the treatment of the court, and the evidence provided by Langsam, which the court shredded with prejudice, anchoring its discrimination in the key allegation that the "the court could observe firsthand how she was performing as counsel". The reports by the court in 2007 as "too cognitively challenged" and by Dr. Nelson and Dr Friedman condemn the court's opinion. However, the court emphasizes that in 2008 Langsam "did hope that she would improve further over a longer time period", and the court attacked the credentials of an SSA case analyst to justify ignoring the findings of a federal authority that spoke on Lagsam's major impairment ending her career and qualifying her for disability payments. Therefore the position held by the court is that every qualified health professional and the SSA who all speak in accord are wrong except the judge who believed that Langsam functions normally and needs no accommodation, and the medical truths of her disability have absolutely no effect on Langsam representing herself. It is the impertinence of the court that caused such a miscarriage of justice. The SSA was not wrong, but was the external authority that is qualified and evaluated the science and objective findings with the correct use and weight, and the court should have followed because it is the business of that federal agency to eliminate fraud and discern the truth of qualifying disability that ended the attorney's career which impacts the representation of her own self by virtue of the specific medical conditions that leave no room for judicial interpretation but resolutely indicate truths that the court refuses to acknowledge because it holds its own prejudiced re-writing of science as the truth of the matter. The Sanders case cited by the court is irrelevant to the disqualification of the SSA in the Langsam case as the SSA corroborated the significance of the medical evidence provided to the court in the determination of Langsam's incapacity to represent herself, while Langsam insisted on the most general and unimposing accommodation of MORE TIME, which is the panacea for the invisibly disabled pro se litigant who desperately wants to access the court but is not permitted to do so by cruel and inhumane judges who degrade and punish us for our truth. But more time is only effective if it is provided with CONSIDERATION and GENEROSITY and without RETALIATION or artificial and arbitrary constraints that induce and exacerbate disability. The invariant flow of court services cannot be sustained when the disabled pro se litigant is at bar. This same judicial impertinence and unlicensed practice of medicine by judges is characteristic of the cases of other invisibly disabled pro se litigants.

[40] Contrast videoconferencing in McDonald, with the January 26 order by Manoukian for my attendance in person during a third hearing that he scheduled during the stay ordered by the appeal court (Appendix B to Appendix US-E), versus his order for subsequent appearance by videoconference. Ask how did Manoukian address my disability accommodation and safe harbor, especially in view of being notified repeatedly of the concurrent BLF accommodations in the federal court. Now carefully review your decision and based on Manoukian's tardy reply to the appeal court order of January 2024 (Appendix A to Appendix US-E), and how the tardiness of the judge is inapplicable to enforcing 'timeliness' under the unconstitutional Rule 1.100 and mandating personal appearance the he KNOWS to be injurious and distressing to me in a hearing where he has the intention (as proven by subsequent events and his orders of August 2024) of depriving me of all participation and ability to impeach and present the best evidence to carry both trials on merits, which is confirmed by his August 2024 orders on both matters which flow from the herein appellate actions. Also observe his ulterior motive based on the content of his orders, and carefully note my comments on a secreted policy of California courts to discriminate based on disability.

[41] The appeal court takes inconsistent positions with respect to the appeal-ability of ADA violations. Nowhere in the ADA does it specify that accommodation under Title II may not be appealed. However, we read as follows: "*The orders on appellant's requests for accommodation are not appealable. They may be directly challenged by writ (see Rule 1.100(g)(2)) but are not among the orders listed in Code of Civil Procedure section 904.1. Courts do review the orders in connection with appealable orders, however. (See, e.g., In re Marriage of James M. C. and Christine J. C. (2008) 158 Cal.App.4th 1261, 1272-1278; Biscaro v. Stern (2010) 181 Cal.App.4th 702, 707-711 (Biscaro).)*". This is contradicted by, for example, [*Keezell*], while it is affirmed as being appealable in [*James*]. California judges will not develop the necessary competence required under the ADA to adjudicate disability accommodations on purpose, and they nevertheless rule of ADA accommodations under their own unconstitutional rule. They will refuse to make the obvious connections between the disability and the consequence of the disability and the range of potential needs for accommodation that may result from the disability. The appeal court states: "*Appellant identified his "Impairment necessitating accommodation" as "Disabled due to back surgery." On the face of the filing, which was not accompanied by any additional documentation or previous*

[Stewart]	*Stewart-Taylor v. Taylor (In re Marriage of Taylor) (Oct. 30, 2020, H045227) Cal.App.6th* [42]
[Veneziano]	*Veneziano v. Zendel (June 13, 2012, B231929) Cal.App.2d* [43]
[Williams]	*Williams v. the Home Depot (Oct. 2, 2013, C070573) Cal.App.3d*[44]
[Wolf]	*In re Marriage Wolf (Mar. 1, 2011, H035303)*[45]

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requests that could shed light on the nature of the request, there is no nexus between appellant's claimed impairment, "Disabled due to back surgery," and the request for a psychologist to help him remember. As a matter of law, appellant did not satisfy the requirements of Rule 1.100(c)(2), which requires an applicant to provide a "statement of the medical condition that necessitates the accommodation." It is not common practice to perform back surgery without anesthesia. It is common knowledge that the administration of anesthesia can cause memory loss. Despite demonstrated incompetence in basic medical knowledge that is commonly known, California judges also practice medicine without a license. Moca complained of memory loss, which is a covered disability under the ADA and 'invisible' if the patient ambulates normally. The appeal court writes: "The court's conclusion that the note from appellant's orthopedic surgeon was insufficient was a reasonable one; the note mentioned memory loss but was not from a mental health professional and did not explain how such a professional was necessary to assist appellant with remembering court proceedings in light of the previous accommodation the court granted." First, a mental health professional is not required to attest to a memory loss. Typically a primary doctor may diagnose a memory loss, as may a neurologist or a neuropsychologist or a geriatrician or a psychiatrist. Therefore the court improperly limited Moca's accommodations, and also undermined the ease by which the ADA is intended to result in accommodation using authentic medical records of treating doctors. In Moca's case it is obvious that the orthopedic surgeon did the back surgery, and he is therefore experienced in the choice of anesthetic and the risks and side effects, including memory loss. Like numerous cases and the experiences of multiple victims of these courts, the record shows undue burdens and obstructions of ADA accommodations inflicted upon us.

[42] "We are cognizant, as was the trial court, that Joanne suffers from a mental health condition. The difficult issue before the trial court was the proper balance between the just treatment of a party who had mental illness, and the opposing party whose assets available for retirement were significantly reduced by delays in reaching finality. ***It is the policy of the justice system to provide protection and assistance to litigants suffering from health issues***, whether physical or mental. (See Cal. Rules of Court, rule 1.100(b).)". My case is distinguished is that NO HARM was suffered, and no prejudice resulted to the psychopathic defendant, and none was alleged with evidence of the harm. And as confirmed by BLF, no protection or assistance was provided to me by any California court despite my medical records and facts that were evaluated and confirmed by BLF, and simply ignored, evaded and maliciously libeled and restated by the California courts from 2018 to the present (see Appendix B to Appendix US-E, and parity in conduct reported in Appendix H and I to Appendix US-E)

[43] Veneziano confirms that California courts legislated their own incompatible 'flavor' of the ADA, and apply it as law instead of the ADA to the court's operation and its administration of justice, as stated: *"It is error for a trial court to fail to rule on a request to accommodate. (Biscaro v. Stern, supra, at p. 709.) However, if a trial court fails to rule on such a request, we will affirm if it is clear from the record that the party failed to satisfy the requirements of the rule, and that the request should have been denied* ***as a matter of law****. (Id. at p. 708.)"* Rule 1.100 is more restrictive than the ADA, which therefore preempts federal law. Of essential reference in BLF's verdicts is the implied characterization of Rule 1.100 of the California courts a being unconstitutional and overly restrictive in undermining the ADA's object and purpose. Specifically, Rule 1.100 requires 1) a 5-day notice thus enabling discrimination by arbitrarily set untimeliness, 2) prevents in practice any burden on the court, 3) permits any judge to allege a 'fundamental alteration" of the court's service with blatant vagueness (see [*Chicago*]) in order to justify denying accommodation, and 4) the Judicial Council of California has admitted to having an unlawful ADA grievance policy that it has revised but dare not implement despite having announced it as the ADA grievance policy to the California courts' websites. The case is further distinguished from mine because I incessantly provided timely MC-410 after MC-410 (form requests for disability accommodation) to the California courts, leaving no discontinuity in the chronological advancement of my serious physical and mental injuries since 2018, and thus no California court may legitimately assert Rule 1.100(f)(1) as in *Veneziano*, but they did.

[44] Contradicting other cases where the appeal court considered violation of Rule 1.100 by the court, other appeals like *Williams* will not consider the violation of Rule 1.100 on appeal, requiring the matter to have been settled under Rule 1.100(g) within 10 days of the denial. The secreted subversion policy systemic in the California courts provides many inconsistencies by the same courts in interpreting and applying Rule 1.100. Precedent is required to establish that any ADA violation is an integral part of the appeal in that lawsuit.

[45] The callous indifference of California judges and their hatred for the disabled pro se litigant is secreted. But occasionally, a trace of this bigotry reveals itself. In *Wolf*, we find: *"Here, appellant's letter stated that she suffered from*

[Bailey] *Bailey v. Patterson, 369 U.S. 31 (1962)*[47]

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an "illness." She did not request accommodation for this illness. Dr. Anderson's letter stated that appellant suffered from posttraumatic stress disorder. He asked the trial court "for understanding and compassion" for appellant and the court's "help in stopping the ongoing legal struggles and financial demands waged against her by" respondent. Since appellant failed to either request or describe the accommodation that she purportedly sought, these letters did not qualify as a request for accommodation under rule 1.100. Accordingly, there was no error." In days of old, when "good Behaviour" under Article III still had meaning, such a letter from such a physician should have sufficed to engage the machinery of the courts under the prevailing morality to engineer accommodation in the court suitable to the needs of the disability. The letter obviously reads "please provide the accommodation understanding and compassion in the form that fits with your court's operations". A judge without compassion and understanding is unfit for public office, and here we see bias in understanding of the courtesy of a doctor in order not to appear impertinent in dictating the proper action to a court, and an absence of compassion for the victim by the judge, and in fact a will to deny accommodation unlawfully, violating Rule 1.100(b). Here the illness is clearly and unmistakably specified. Any judge can explore its effects and its medical impact. This is not an optional exploration, but it is a mandatory requirement that is dictated by judicial ethics and the requirement of judicial competence in the matter before the judge. It is common knowledge, and particularly well known from movies, that PTSD is an incurable and life-endangering disease that can be debilitating, is prone to dynamic and wide fluctuations, will be triggered and exacerbated by distress, and always has inevitable comorbidities associated with it such as depression, anxiety, insomnia, and other debilitating symptoms and diagnoses that would impair function and cognition and materially affect equal opportunity for success in litigation. Therefore when any judge is notified of an impairment, it is a sacred duty for that judge to take action commensurate with the potential effect of the impairment upon due process and equal protection and the jurisdiction of the court under the imperative obedience to the "supreme Law of the Land" under Article VI. It is not for the person with disability to educate the judge on the disability or the potential consequences of Constitutional mayhem. The same judge has also made the inconsistent statement in *Wolf* that: "*It is the policy of the courts of this state to ensure that persons with disabilities have equal and full access to the judicial system." (Rule 1.100(b).)*" Note carefully that the court discussed Rule 1.100 (a)(1), (a)(3), (c) and (f) but entirely evaded 1.100(e)(1), which reads: "*In determining whether to grant an accommodation request or provide an appropriate alternative accommodation, the court must consider, but is not limited by, California Civil Code section 51 et seq., the provisions of the Americans With Disabilities Act of 1990 (42 U.S.C. § 12101,* et *seq.), and other applicable state and federal laws.*" The trial judge made no effort to provide any accommodation, including "*alternate accommodation*" but instead, the appellate court thrusts in the face of the public trust the atrocious restatement that the appellant "*failed to either request or describe the accommodation that she purportedly sought*", endorsing what is cruel, inhuman and degrading treatment of the appellant by the trial court and a demonstration that "good Behavior" (which also applies to the state judiciary) excludes "*understanding and compassion*", and especially the obedience to laws of disability that mandate radically different conduct from judges. It must also be asked what happened to the considerate treatment of the pro se litigant. Technical correctness at law must not be used by the judiciary for the purpose of discrimination, but they are, under a pervasive systemic and secreted policy.

[46] The requirements for precedent by this court are discussed through footnotes. California courts allege that all persons with disability are treated equally by the courts and thus they claim that the same court facilities are provided to all disabled pro se litigants as they are to every other litigant. These courts claim that by means of the provision of court facilities to disabled pro se litigants, they effectively equalize our opportunity of success in litigation and ensure our equal and full access to the judicial system, and allow our meaningful involvement in a legal proceeding to the fullest extent practicable and equal to non-disabled participants. This is far from the truth. In the case of visible disabilities, judges cannot allege non-disability because the disability is discernible to the eye, and may not be concealed from the public by re-characterization under color of authority and concealed by the naivety of the public trust. However, in the case of invisible disabilities, as *[Biscaro]* confirms, judges will simply ignore or more likely, invent false findings of fact that the disability does not exist (despite medical records provided to prove the disability – as in related case of Minkowski and in mine and in Danilak) or that if the disability exists, it does not require accommodation. California goes as far as legislating the provision of aids to persons with (visible) disability, but in the case of one witness in my federal lawsuit, even aids will not be provided to an invisibly disabled pro se litigant despite the law. But no aids are contemplated or provided to invisibly disabled pro se litigants, as other victim-witnesses testify. The cases listed herein indicate that parity in precedent is required to apply the principles of these discrimination cases to the cases of the invisibly disabled pro se litigants who are subjected to discrimination in the state courts.

[47] By distinguishing between visibly and invisibly disabled pro se litigants, and limiting court accommodations substantially to only offering aids to visibly disabled litigants and only for the purpose of use in specific hearings, California courts segregate between arbitrarily-defined subclasses of the same protected class (visible versus invisibly disabled) and further restrict accommodation by artificial constraints. The case is further distinguished from the segregation in [*Bailey*] by the fact that, in effect, the segregation by the courts prevents one subclass from reaching the same destination (justice through due process and equal protection in litigation) as the other subclass even though both

[Brown] *Brown v. Board of Education (1954) 347 U.S. 483*[48]

[Carolene] *United States v. Carolene Products Co. 304 U.S. 144*[49]

[Korematsu] *Korematsu v. United States, 323 U.S. 214 (1944)*[50]

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subclasses board the same train of justice, while both segregated groups reach the same destination in [*Bailey*]. It is outrageous that courts appear to apply the principle that "*It is no requirement of equal protection that all evils of the same genus be eradicated or none at all*" *Railway Express Agency, Inc. v. New York (1949)*, in order to justify their invidious discrimination based on disability while depriving us of human and civil and constitutional rights and subjecting us to cruel, inhuman and degrading treatment without recourse.

[48] In effect, California 'segregates' as discussed in the footnote for [*Bailey*], and goes further that Brown by providing no facilities to one class of disabled pro se litigants (the invisibly disabled), while providing facilities to another (the visibly disabled), while pretending that both classes are provided with equal access to facilities as provided to 'non-disabled' litigants. See for example [*Biscaro*] who was abused almost 2 decades ago and the two cases related to this writ. This genuinely undermines the public welfare and domestic tranquility. Precedent to acknowledge such 'segregation' when courts deal with disabilities that are not visible must lead to necessary protection from inescapable harm and human rights violations caused to disabled pro se litigants by the judiciary.

[49] The pronouncement of suspect classification was encapsulated by this court through the concept of "*discrete and insular minorities*" - which are individuals that are so disfavored and out of the political mainstream that the courts must make extra efforts to protect them, because the political system will not. This case provides reason for precedent to provide protection for a "*discrete and insular minority*" that has been vigorously protected by the political process and the resounding demand of the People, but is unprotected by judicial rulemaking that the political process expressly delegates and 'leaves to' the judiciary. Thus there is a flawed assumption used reflexively by this court and by all courts in this nation, that the judiciary are flawless to the extent of being worthy of being relied upon not to knowingly or willfully oppress a suspect class. Instead our judiciary have kept the membership of our class subject to continued historical disadvantage and discrimination based on an inherent trait (disability) that lacks effective representation in the judicial rulemaking process. A further distinction is required by precedent because the definition of "*discrete and insular minority*" includes the requirement that the class member has a trait that is highly visible. This is not so in the case of the person with invisible disability who comprise 20% of this nation, and it is common knowledge that a 'mechanism of our survival in society' is to conceal our disability if possible. Voluminous information and common knowledge reflect the fact that, to prevent discrimination, persons with invisible disabilities often try to hide their disability. It is the effect of the invisible disability, if not accommodated, that becomes highly visible, and causes pain and suffering to the person with disability who has been 'uncloaked'.

[50] The standard of [Korematsu] must be applied by every court to every decision on disability accommodation of the disabled pro se litigant, because the impact on the human being applicant is as consequential and as socially and morally and psychologically impactful as [Korematsu]. Strict scrutiny is applied to evaluating laws, but never to evaluating rules and policies and processes of courts. Strict scrutiny holds the challenged law as presumptively invalid unless the government can demonstrate that the law or regulation is necessary to achieve a "*compelling state interest*". The government (here the judiciary) must also demonstrate that the law (rule and associated policy) is "*narrowly tailored*" to achieve that compelling purpose, and that it uses the "*least restrictive means*" to achieve that purpose. Failure to meet this standard will result in striking the law (here the court rule and the associated secreted policy of discrimination) as unconstitutional. But in the case of judicial rules and policies (including the secreted policy of courts to discriminate based on the disability of the pro se litigant), "*irrational and arbitrary*" treatment of the disabled pro se litigant is commonplace. The courts do not even reach the level of rational basis review when administering disability accommodations which tear down the suspect classification and eliminate fundamental rights for the disabled pro se litigant without a compelling justification while undermining the standards set by laws for accommodations. The state courts ABSOLUTELY refuse to carry the burden of proof when strict scrutiny is required to justify their actions under their rule and policy that discriminates based on disability and eliminates a suspect classification already legislated and recognized as valid under strict scrutiny. At stake is a fundamental right that is protected by the Due Process Clause or the "*liberty clause*" of the Fourteenth Amendment, and a "*suspect classification*" of persons with disability. This court has never brightly defined how to determine if an interest is compelling. The concept generally refers to something necessary or crucial, as opposed to something merely preferred. Examples include national security, preserving the lives of a large number of individuals, and not violating explicit constitutional protections. Here, the courts' compelling interest is to continue their habits, comforts and convenience, which they represent under the false pretense of being fairness to the adverse party. The courts' denial of disability accommodation to invisibly disabled pro se litigants is overbroad and fails to address essential aspects of any compelling interest, and is thus not narrowly tailored. By setting an improper compelling interest, a "*least restrictive means*" test is considered irrelevant to the courts. In fact, the court's deprivation of our fundamental right to be free from discrimination is the most restrictive means of depriving us of ALL fundamental rights. Thus the strict scrutiny that should be practiced by the courts is "*strict in theory, fatal in fact*". The state courts

[Lau] *Lau v. Nichols, 414 U.S. 563 (1974)*[51]

[Loving] *Loving v. Virginia, 388 U.S. 1 (1967)*[52]

[Shelley] *Shelley v. Kraemer, 334 U.S. 1 (1948)*[53]

[Willowbrook] *Village of Willowbrook v. Olech (2000) 528 U.S. 562*[54]

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go far beyond the varied interpretation of strict scrutiny discussed by justice Thomas of this court in *Whole Woman's Health v. Hellerstedt, 579 U.S. 582 (2016),* and extinguish strict scrutiny entirely when dealing with the disabled pro se litigant. This court must extend the decision in *Village of Arlington Heights v. Metropolitan Housing Development Corp, 429 U.S. 252 (1977)* to encompass unchanged burdens of proof, unchanged presumptions and unchanged standards of review, and absent quality controls. Courts must be compelled to reform the courts' rules and policies to meaningfully accommodate the disabled pro se litigant and to evaluate each accommodation decision according to strict scrutiny to ensure the preservation of fundamental rights against taking by a government interest without the appropriate safeguards openly on display. Under a secreted policy that contradicts their published court rule on ending discrimination based on disability by providing disability accommodation to litigants, these courts practice de facto discrimination with their intent demonstrated as being so "*stark and dramatic*" as to be inexplicable on non-disability grounds. The historical background of the decisions to deny accommodation despite authoritative proof traces at least to 2008 in [*Biscaro*], and before that numerous cases litter our legal history with judicial prejudice and bigotry in the treatment of persons with disability. Therefore the essential need for precedent to test rules and policies of the courts for compliance to the strict scrutiny standard in the treatment of disabled pro se litigants and to maintain, not undermine, the suspect classification.

[51] the school system's failure to provide supplemental English language instruction to students of Chinese ancestry who spoke no English constituted a violation of the California Education Code in the SFUSD Handbook and Section 601 of the Civil Rights Act of 1964 because it deprived those students of an opportunity to participate in the public education program, which receives federal funds. Precedent is required by this court to add "disability" to the Civil Rights Act of 1964 so that we disabled pro se litigants are not deprived of major US civil rights legislation.

[52] This precedent has numerous points of similarity to the present case. As the related case of Minkowski documents, Hendrickson insisted that the court's habits, comforts and convenience are superior to the fundamental legislated right to disability accommodation to end discrimination based on disability by the court. In my case, Kirwan's reluctance to accommodate, followed by his 2019 admission that he should have accommodated from the start confirms the same truth as in Minkowski. Judges and courts operate based on disability classification and this serves no purpose other than keeping court processes invariant and familiar to judges, and promoting the habits, comforts and convenience of the judiciary. The right to avail ourselves of legal remedies is a fundamental freedom protected by legislation and backed by the Constitution. The right to be free from cruel, inhuman and degrading treatment, and from cruel and unusual punishment without due process is also a fundamental freedom protected by treaties and backed by the Constitution. The secreted judicial policy to discriminate despite public representations to the contrary is based solely on disability classification. Denying disability accommodation based solely on disability groupings violates the Fourteenth Amendment. Its equal protection clause bars the states from denying individuals equal protection of the laws. The state courts promote and endorse disparate treatment of its citizens based on disability. This serves no legitimate state purpose. It advances discrimination based on disability. And it violates the equal protection clause, and the due process clause, which requires a fair process before the states can take away individual liberties or punish people. By undermining the principles of equality under the Fourteenth Amendment through denying us the freedom of equal access and seeking equal protection and due process, the state deprives all California citizens of the freedom from second class citizenship and discrimination if they are or become disabled. This violates due process. Precedent must set parity with these considerations in [*Loving*].

[53] When California legislation singles out visibly disabled persons for accommodation in the courts while requiring adherence of courts to the ADA, and remains silent on the accommodation of invisibly disabled persons, is this not equivalent to the effect of a covenant that, in this case, restricts equal and full access to the judicial system (like access to a property) by the invisibly disabled pro se litigant? The invisibly disabled pro se litigant rapidly arrives at the chilling realization that she will be subjected to discrimination by the court according to a secreted policy, and that she will not be equalized in opportunity of success in litigation and will be denied meaningful involvement in legal proceedings to the fullest extent practicable and equal to non-disabled participants. The covenant is established by conspiracy of courts to subvert the law.

[54] holding that a class of one could challenge different treatment under the Equal Protection Clause where treatment was alleged to be "*irrational and wholly arbitrary*". In 2019, the trial court admitted that I am disabled and need accommodation in the form of complete rest and isolation from distress, departing from its original "*irrational and wholly arbitrary*" of applying the "*inventory of functional limitations*" in the face of the medical necessity of having no

Cases – Bill of Rights and Fourteenth Amendment[55]

[Anka] *Anka v. Yeager (In re Marriage of Anna M.) (Aug. 19, 2019, 2d Civil B289610) Cal.App.2d* [56]

[Ashcroft] *Ashcroft v. ACLU (2004) 542 U.S. 656*[57]

[Bagley] *Bagley v. Washington Township Hosp. Dist., 65 Cal.2d 499, 503-504*[58]

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function for the requisite period of time. Subsequently, the court forbid any accommodation for the reason that I sued for its violations of the ADA etc. claiming that it demonstrates that I function despite the imperative medical treatment specified. The irrational logic is that if I function in any way then I am not disabled or in need of accommodation and that the medical treatment specified for me (and proven by science) is invalid. Precedent is required to address such "*irrational and wholly arbitrary*" standard of disability accommodation particularly in view of federal judge BLF's contradictory accommodation without "ir*rational and wholly arbitrary*" conditions, and without the express intent to generalize for the national standard, but provide a mechanism to identify and prevent such "*irrational and wholly arbitrary*" treatment on a case by case basis ("*class of one*"). However, the result is suitable for a national standard. This court will find, in the case of invisibly disabled pro se litigants, a huge diversity of impairments, generally dynamic in nature, all of which are to some degree affected by the distress induced or exacerbated by the "*irrational and wholly arbitrary*" treatment by the court which inevitably graduates to cruel, inhuman and degrading treatment. The combination of diagnoses and symptoms is so large that unique needs for disability accommodation will have person-specific needs in addition to needs that are generally common to all class members, such as extensions of time. Precedent must compel courts to recognize and apply medical truths, one of which is that often, the invisible disability will have no treatment or cure that will elevate the person with disability to the same privilege of wholeness and function as is enjoyed by 'normal' persons.

[55] Refer to Writ of Certiorari 23-7017 which has a discussion, albeit stated under functional and cognitive impairments, about Constitutional violations and torts. With reference to some of the cases cited therein, the need for precedent is noted here with the hopes that the highest court in this nation will take notice and interest, and eradicate the abhorrent discrimination and insidious injustice dormant in jurisprudence and inflicted under the judicial claim of doing right, which is only revealed when the most disadvantaged and weak class of persons try to access the courts.

[56] The courts allows no place for disability rights in the administration of justice other than as an afterthought, with no remedy if they are completely disregarded. Instead, the court punishes disability, and proceeds with the litigation after eliminating the disabled pro se litigant as a party, and further punishes him for the consequences of unaccommodated litigation, while expecting him to mitigate his injuries by accommodating himself. Although a party cannot be sanctioned for the same conduct twice (*Anka*), the court will sanction the disabled litigant repeatedly for the offense of not complying with court orders or rules or statutes or deadlines, although each alleged offense is due to repeated obstruction and denial of disability accommodation. (unpublished decisions relevant to state of mind)

[57] finding that filtering software would be less restrictive and possibly more effective than barriers to adult free speech imposed by the Child Online Protection Act that sought to regulate the Internet. Finding a preenforcement preliminary injunction appropriate to protect First Amendment rights because "speakers may self-censor rather than risk the perils of trial". When a disabled pro se litigant challenges the content-based speech restriction, the court has the burden to prove that the proposed alternatives will not be as effective as the challenged rule. Not only have no alternatives been provided to this disabled litigant, but more importantly, every decision by the court to deny his disability accommodation has provided absolutely no justification except allegations without the proper standard of proof or inconsistent with the standard of evidence, and conclusory statements by the judge who does not follow the law.

The justification for denials of disability accommodation by the courts are that the existing system of rules and policies of the court are the least restrictive means available to meet the objectives of a fair and impartial judicial system that follows the law. In fact, this is quite the opposite, as the law expressly requires recognition and provision of disability rights for invisible disabilities, and thus the rules and policies of the courts undermine and do not advance the court's interests despite its false representations to the contrary.

[58] American courts have largely abandoned the sterile notion that discrimination in the grant of a privilege is not a denial of equal protection. California courts operate as if ADA accommodation for invisibly disabled pro se litigants is denial of equal protection to their adversaries.

[Brady]	*Brady v. Maryland (1963) 373 U.S. 83*[59]
[Callahan]	*People v. Callahan (1996) 58 Cal. Rptr. 2d 636*[60]
[Carlsson]	*In re Marriage of Carlsson (2008) 163 Cal.App.4th 281*[61]
[Chaplinsky]	*Chaplinsky v. New Hampshire (1942) 315 U.S. 568*[62]
[Chicago]	*Chicago v. Morales (1999) 527 U.S. 41*[63]

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[59] Strongly evidenced by the Greenwood order in Appendix H to Appendix US-E, and copiously proven in my cases in the California courts, California courts ignore material, favorable evidence of disability and the need for accommodation, and deny disability accommodation and safe harbor to disabled pro se litigants. *Brady* held that the suppression of material, favorable evidence by the prosecution violates due process. This due process violation biases and suppresses argument, law and motion and evidence by structural discrimination authorized by Rule 1.100, irrespective of the good faith or bad faith of the court, and infects the entire course of the litigation, with injustice demonstrated (see related case 23-7017). Once the court has seen the consequences of enforcement of Rule 1.100, including induced physical and mental injuries, but nevertheless continues to enforce it with the same demonstrated outcomes, there is no longer any finding of good faith, and the action evolves to crimes and deliberately undermining pre-emptive federal law, as reported by multiple victim-witnesses.

[60] Court rules and decisions have parity with statutes. "The constitutional mandate of equal protection may be violated either by a statutory classification which distinguishes between similarly situated persons or by a statutory classification that fails to make a distinction between persons differently situated, thereby causing unequal treatment under relevant equal protection principles." The 14th Amendment binds the State government, yet state courts only accommodate the VISIBLY disabled with rudimentary aids, and do not accommodate the INVISIBLY disabled.

[61] The summary from *Yacullo v. Yacullo (In re Marriage of Yacullo) (Dec. 21, 2020, D076231) Cal.App.4th* is "*reversing judgment on constitutional due process grounds, where trial judge "literally walked out of the courtroom in midtrial," and foreclosed husband from finishing presentation or offering rebuttal evidence*", and the summary from *Smith v. Smith (June 20, 2019, A153691) Cal.App.1st* is: "*reversing judgment where court threatened mistrial if proceedings were not quick enough and abruptly ended trial before party finished presenting case, without opportunity for rebuttal or argument of counsel.*" I ask this court to read this writ and answer whether or not this case is any less prejudicial than *Carlsson* while it shares the same unlawful exclusion of evidence but by different but equivalent judicial actions. I ask this court to answer if the judge in my case that denies a plaintiff the right to speak and argue in his own lawsuit by perverting the vexation statute is any different than *Carlsson*. I ask this court to very carefully look from the perspective of the person with disability at such conduct by a judge and his court, and tell this nation in its record that no such cruelty and no such inhumanity and no such unbounded lawlessness and evil has any place in any court in these United States. I ask this court to protect every disabled pro se litigant with ferocity when any state court judge dares discriminate, and deprive us of due process and subject us to cruel, inhuman a degrading treatment.

[62] holding that the only type of language denied First Amendment protection is fighting words. California courts take "fighting words" to the extreme, such that my 2019 federal suit for ADA violations by the California courts during the pendency of my case resulted in retaliation by the trial court, resulted in a ban of all accommodation to me in the state courts in perpetuity, followed by the ban in the appeal court, and the endorsement of the ban by the California Supreme court. This defies the holding that insults or words which, "by their very utterance inflict injury or tend to incite an immediate breach of the peace," are not an essential part of expression and are of such slight social value that the social interest in order and morality outweighs any benefit they may have, and that otherwise, the First Amendment must be respected.

[63] The summary of *Chicago* from *Massey v. Wheeler (7th Cir. 2000) 221 F.3d 1030* is that freedom to loiter is protected by the Due Process Clause, so I ask why the freedom to be disabled and the freedom to be pro when disabled are not. The summary from *Act Now to Stop War & End Racism Coal. v. Dist. of Columbia (D.C. Cir. 2017) 846 F.3d 391* is that vagueness that "*fails to establish standards for the police and public that are sufficient to guard against the arbitrary deprivation of liberty interests*" is subject to facial challenge. The intent of the statute may have been to clean up crime, but the court held *a provision criminalizing loitering, which is defined as "to remain in any one place with no apparent purpose," void for vagueness where the provision was "inherently subjective because its application depends on whether some purpose is `apparent' to the officer on the scene*". Rule 1.100(f)(3) incorporates the vague notion of "*fundamental alteration*" (originally promulgated by the DOJ in the guidelines for implementation of the ADA by the courts). Where is the term "*fundamental alteration*" as used in Rule 1.100 specifically defined? Where is precedent on the interpretation of this concept generally, except sporadic and fact-specific cases riddled with discrimination by the courts? On what basis may a vaguely defined term be addressed and challenged, except to give advantage to the court to use it as it wills under

[Colorado]	*Colorado v. Connelly (1986) 479 U.S. 157*[64]
[Columbus]	*Columbus Bd. Of Educ. V. Penick, 443 US 449, 458-61 (1979), Dayton Bd. Of Educ. V. Brinkmar 443 US 526, 534-40 (1979)*[65]
[Edmonson]	*Edmonson v. Leesville Concrete Co. (1991) 500 U.S. 614 at 628*[66]
[Estelle]	*Estelle v. Gamble, 429 US 97 (1976), Youngberg v. Romeo, 457 US 307 (1982)*[67]
[Eugene]	*in re Eugene w 29 Cal.App.3d 623 (Cal. Ct. App. 1972)*[68]

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its superior authority and opportunity to define it 'on the fly' and it suits its purpose? Like Chicago, is the use of a vague and inherently subjective provision not subject to facial challenge and removal, and replacement with more specific criteria that ensures that constitutional due process and equal protection and rights to trial and justice are secure?

[64] the (invisibly) disabled pro se litigant is coerced into unequal access by order of the court under Rule 1.100 and a secreted judicial policy of discrimination, inducing involuntary participation at the expense of injury and substantially lowered, even absent, constitutional standard of litigation. This coercive activity by the court is the predicate for a finding that involuntary coerced unequal participation violates due process. As in *Colorado*, the burden shifts to the court, and is distinguished with my case is that the burden is to prove that its denial of accommodation is justified. Precedent is required to establish that this justification must not be at the expense of strict scrutiny of every judicial decision on disability accommodation to preserve the suspect classification, which NEVER HAPPENS in the case of invisibly disabled pro se litigants (see also [*Biscaro*] and follow the fate of Stern)

[65] The California court's discriminatory rule and policies constitutes de jure discrimination that is to be treated as discrimination that is mandated by State statute and therefore violative of the 14th Amendment. In effect, the court's structural policy of discrimination based on disability constitutes a challenge to the classification of a suspect class under the equal protection clauses of the US and California Constitutions, but it is impossible to "rationally relate" them to a legitimate state interest as the state constitution sides with the disabled. The critical observation is the court's conflict in dispensing disability laws to disabled pro se litigants, and legislation of its own replacement and incompliant disability 'law'. Such courts cannot and must not administer the ADA and preside over due process. Such structural discrimination eliminates the forum for due process entirely (*forum nullus*).

[66] "[T]he injury caused by the discrimination is made more severe because the government permits it to occur within the courthouse itself. Few places are a more real expression of the constitutional authority of government than a courtroom, where the law itself unfolds. Within the courtroom, the government invokes its laws to determine the rights of those who stand before it. In full view of the public, litigants press their cases, witnesses give testimony, juries render verdicts, and judges must act with the utmost care to ensure that justice is done. Disability discrimination within the courtroom raises serious questions as to the fairness of the proceedings conducted there." Disability bias mars the integrity of the judicial system, and prevents the idea of democratic government from becoming a reality. (See as applied to "race" in *Rose v. Mitchell, 443 U.S. 545, 556 (1979); Smith v. Texas, 311 U.S. 128, 130 (1940)*). Discrimination "offends the dignity of the person and the integrity of the courts".

[67] The court punishes the litigant for the consequences of unaccommodated litigation, while expecting her to mitigate her injuries by accommodating herself and withdrawing from the underlying litigation. Although a party cannot be sanctioned for the same conduct twice (*Anka*), the court will sanction the disabled litigant repeatedly although each alleged offense which is always caused by the obstruction and denial of disability accommodation by the court. The court retaliates when the victim claims unfair treatment. The refusals to accommodate transmit a message of hostility and abuse that irrefutably harm her mental health and lead her to believe that the court is biased and unfair. She is compelled to confront her attacker frequently, which has predictable and harmful effects. The court's immoral treatment of her severely undermines her ability to litigate due to psychological trauma and damaging indoctrination. The entire process is informal and immaterial to the courts, and evidentiary requirements do not apply. In order to uphold their discriminatory decisions and defend their illegal rulings, judges fabricate evidence to the public record, as well as misrepresent and ignore victim's evidence, and amplify the fraud and unprivileged interference by adversaries.

[68] "Under well established principles of constitutional law, the mandate of equal protection cannot be equated with equal treatment". Accommodation under Title II of the ADA constitutes equal protection. Failing to accommodate a disability is inherently unfair and my case demonstrates violation of the 14th Amendment. Applying conventional judicial practices under the Equal Protection Clause to persons with disabilities before recognizing and applying the ADA to equalize the access and opportunity for success for the disabled litigant is illegal.

[Goldberg]	*Goldberg v. Kelly (1970) 397 U.S. 254*[69]
[Goss]	*Goss v. Lopez (1975) 419 U.S. 565*[70]
[Grossbaum]	*Grossbaum v. Indianapolis-Marion County Building Authority, 100 F.3d at 1298*[71]
[Higareda]	*People v Higareda F079521 (Cal. Ct. App. Oct. 6, 2020)*[72]
[Hoffman]	*Hoffman Street, LLC v. City of West Hollywood (2009) 179 Cal.App.4th 754, 773*[73]

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[69] When our ADA rights are terminated, so are our property and liberty interests. Our ADA rights qualify for protection under the Due Process Clause and there is no statute to the contrary. No evidentiary hearings that conform with procedural due process, and do not violate other rights of the disabled pro se litigant, are provided by the state courts when they deny accommodations (the exception is the evidentiary hearing by Greenwood in the appeal court on October 2nd, 2019 which resulted in confirmation that I must be accommodated in repeating 120 day increments of stays).

[70] Protected property interests are those to which a person holds a 'legitimate claim of entitlement,' and stem from 'independent source [s] such as state law. Property interests must be found in the statutory or common law of the jurisdiction. The Constitution does not define property interests protected by the Fourteenth Amendment. Rather they are defined by independent sources, such as state statutes or rules entitling citizens to certain benefits. The ADA is specifically incorporated in California statutes (see above). Precedent is required to prevent California courts from depriving us of the protected property interests in non-discrimination and in disability accommodation.

[71] "*This inherent manipulability of the line between subject and viewpoint has forced courts to scrutinize carefully any content-based discrimination. See Airline Pilots Ass'n v. Department of Aviation, 45 F.3d 1144, 1159-60 (7th Cir. 1995) (warning courts against retreating to an exaggerated level of generality when examining content-based regulations)*". The inconsistency in the appeal-ability of a violation of ADA accommodation in the cases herein (Rule 1.100(g) versus appeal) provides inconsistent content regulation, with the viewpoint of the disabled pro se litigant centrally controlling the need for accommodation and the 'correctness and usability' of the accommodation provided by the court.

[72] In essence, the California courts decide to treat those with and without disabilities as being in similar situations, but they then make sure that those with disabilities receive less favorable legal treatment than those without disabilities, all at the expense of undermining a significant substantive and preemptive law (ADA) that gives those with disabilities protections and accommodations that are not available to those without disabilities. This better treatment of the non-disabled is not justified and prejudicial per se. The same is true of the California courts' treatment of those with visible and invisible disabilities as being similar in qualifying for accommodations under Rule 1.100(a)(1), but those with invisible disabilities receive less favorable treatment than the visibly disabled.

[73] California courts expand litigation privilege to provide the adversary unconstitutional rights to oppose disability accommodations. Thus California court make disability accommodation during the course of the litigation an issue of the litigation at bar. Under a secreted policy of California courts, disability accommodation is always denied to the invisibly disabled pro se litigant. Therefore, the ruling the disability accommodation becomes an integral part of the litigation at bar. By application of [*Kelly*] to the present case, we find that the trial court NEVER renders a verdict under due process on the disability accommodation. In my case, there has never been any ruling on the merits, including on the 'merits' of my requests for disability accommodation or safe harbor. In [*Hoffman*] the court reversed based on the failure of the trial court to rule on the merits of all counts of the litigation at bar: "*The trial court conducted a hearing on the merits of only the first three counts alleged in the combined petition and complaint, but then entered a judgment in favor of the city on all counts. The record provides no explanation for the entry of judgment on counts that were not addressed at the hearing and as to which the city had not filed any dispositive motion. Absent a dispositive motion or some other appropriate basis for the dismissal, we conclude that the entry of judgment on counts four through seven was error. (Laraway v. Sutro Co. (2002) 96 Cal.App.4th 266, 277-278 [116 Cal.Rptr.2d 823].) By entering judgment on those counts without affording Petitioners an opportunity to be heard, the court deprived them of their right to a fair hearing. The denial of the right to a fair hearing is reversible per se, so no prejudice need be demonstrated. (In re Marriage of Carlsson (2008) 163 Cal.App.4th 281, 292-293 [77 Cal.Rptr.3d 305].)*" But [*Kelly*] is distinguished from the present case when it states: "*An appellant bears the burden to show not only that the trial court erred, but also that the error was prejudicial in that it resulted in a miscarriage of justice. (Cal. Const., art. VI, § 13; Code Civ. Proc., § 475; Cassim v. Allstate Ins. Co. (2004) 33 Cal.4th 780, 800-802 [16 Cal.Rptr.3d 374, 94 P.3d 513]; Paterno v. State of California (1999) 74 Cal.App.4th 68, 105-106 [87 Cal.Rptr.2d 754].) "'[A] "miscarriage of justice" should be declared only when the court, "after an examination of the entire cause, including the evidence," is of the "opinion" that it is reasonably probable that a result more favorable to the*

[Kelly] *Kelly v. New West Federal Savings (1996) 49 Cal.App.4th 659, 677*[74]

[Massachusetts] *Massachusetts Bd. of Retirement v. Mur-gia, 427 U.S. 307, 312*[75]

[Matthews] *Mathews v. Eldridge (1976) 424 U.S. 319*[76]

[McCullen] *McCullen , supra , 573 U.S. at p. 495, 134 S.Ct. 2518*[77]

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appealing party would have been reached in the absence of the error.' [Citation.]" (Cassim, supra, at p. 800.)" The distinction with my case is that Title II of the ADA is rendered MEANINGLESS unless: 1) the presumptions ordinarily applied in appellate review are reversed as they are irrational if applied to the appellate review of discrimination under Title II; 2) the burden of proof is reversed and is met by the lower court via a statement of decision that reflects strict scrutiny applied under rules of evidence and consideration of the disability and its needs and respect for the integrity and protections of the suspect classification, and rendered according to the "*supreme Law of the Land*"; and 3) de novo review of every facts, authority and every piece of evidence and its treatment by the lower court. This is absent in the case of the invisibly disabled pro se litigant in the California courts.

[74] The failure to accord a party litigant her constitutional right to due process is reversible per se, and not subject to the harmless error doctrine. Failing to accord a party litigant her constitutional right to due process by denying that litigant a full and fair hearing is reversible per se, so no prejudice need be demonstrated (see also [*Carlsson*] and [*Hoffman*]). The summary of *Kelly* from *Tudor Ranches, Inc. v. State Comp. Ins. Fund (1998) 65 Cal.App.4th 1422* is that "*the trial court completely foreclosed the plaintiffs from pursuing the only factual theory of liability supported by the evidence.*" This is no different in terms of the magnitude of the resulting prejudice than the present case where Manoukian foreclosed my presentation of ANY evidence as plaintiff in my own pending lawsuit where I was being MULTIPLY damaged by judicial subversion and impropriety and the fraud and PERJURY of adversaries through perversion of the vexation statute to keep all testimony and participation by me out of the record and out of evidence. The same issue applies to the impossibility of presenting evidence when a disabled pro se litigant is deprived of accommodation, and cannot prepare and voluntarily litigate his case with equal opportunity of success in litigation under the [*Maravilla*] criteria of access to the court. This is because the unaccommodated disabled pro se litigant is coerced into litigation with limiting functional and cognitive impairments that necessarily rob him of due process and equal protection and subject him to the evils and harms herein discussed. The need for precedent is urgent because these and other precedents herein are useless absent specifically addressing Title II and the ADA, as seen from the defiance of the California courts in following BLF or acting lawfully in the treatment of the disabled pro se litigant. Without such precedent from this court, any reversal in California, if achieved only by miracle, returns the litigant to the same court and the same systemic discrimination and repetitions of the same abuse. THIS IS NOT A CASE OF LEGAL ERRORS CURABLE BY HIGHER COURT SCRUTINY. SEVEN YEARS of my mutilation, and years of the mutilation of other victim-witnesses and over 100 distinct protests with argument and authorities did not yield a single California (or federal) precedent on how to apply the ADA to result in proper disability accommodation.

[75] "The Supreme Court ... has long held that governmental action may violate equal protection rights in two ways — when that action "im-permissibly interferes with the exercise of a fundamental right or operates to the peculiar disadvantage of a suspect class."

[76] The structural discrimination of courts, and the improper implementation of the ADA through Rule 1.100 deprives the disabled litigant of his interest in access to constitutional due process and equal protection (through the courts) even if it were available to him. The court fails the test under *Mathews* because of the risk of an erroneous deprivation of that interest through the procedures used, and has graduated to willful and knowing deprivation of rights of the disabled pro se litigant by virtue of notice of disability and repeated proof of consequent injuries which predictably result from the denial of disability accommodation to invisibly disabled pro se litigants. Every obstructed attempt by a person with invisible disability technically results in a separate litigation under Title II, thus enormously inflating the burden and stress of litigation upon the disabled pro se litigant. With Rule 1.100(c)(3)'s 5 day prior notice, a court denies the accommodation without tentative conclusions and opportunity for rebuttal by the victim, and holds the schedule of hearing or deadline of the order, thus depriving the disabled pro se litigant from submitting additional evidence "*enabling him to challenge directly the accuracy of information in his file as well as the correctness of the [court's] tentative conclusions*". The timing of Rule 1.100(g) means that the victim then seeks unduly burdensome review instead of an ADA-compliant and humane process of addressing the deprivation of accommodation, and any decision on review will be *post-facto* to the lower court's outcome, requiring further and undue burden to remedy

[77] holding that to satisfy First Amendment scrutiny, the government must demonstrate that the alternative means would fail to achieve its interests, not simply be more difficult. Rule 1.100's arbitrary reasons for denial of accommodations. One example is the minimum 5 day notice to the court that is incompatible with biology by expecting health and wellness and needs for accommodation to be predictable in a way that provides abundant notice for the administration of disability aids by the court. This prejudices disabled pro se litigants with no record available from the

[McLaurin] *McLaurin v. Oklahoma State Regents (1950) 339 U.S. 637*[78]

[Mello] *People v. Mello (2002) 97 Cal.App.4th 511, 519*[79]

[Parent] *Planned Parenthood of Southeastern Pennsylvania v. Casey (1992)*[80]

[Pearce] *People v pearce 8 Cal.App.3d 984 (Cal. Ct. App. 1970)*[81]

[Prilliman] *Prilliman v. United Air Lines, Inc. (1997) 53 Cal.App.4th 935,954*[82]

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court to review and quality control the impact except testimonies such as mine and those in Appendix H and I to Appendix US-E. As seen in Appendix E to Appendix US-E, even when disability accommodation is justified by the court, the application of Rule 1.100 is retaliatory and punitive if the victim aggrieves the denial of accommodation. included within the "least restrictive alternative" inquiry are the related components (*Taking Offense v. States (2021) 66 Cal.App.5th 696*) that the law must advance the government interest (e.g. *Meyer v. Grant (1988) 486 U.S. 414, 426*; *FEC v. Massachusetts Citizens for Life, Inc. (1986) 479 U.S. 238, 262*), must not be over-inclusive, meaning the law may not restrict speech that does not implicate the government interest ([*McCullen*]), and may not be under-inclusive, meaning it fails to restrict a significant amount of speech harming the government interest to the same degree as the restrictive speech (e.g. *Florida Star v. B.J.F. (1989) 491 U.S. 524, 540*). Examine this in the light of the ADA as incorporated in the Unruh Civil Rights Act, and the courts have subverted not only federal but also state law which forbids the content-based restriction in service of an illegitimate interest – my accommodation was denied in perpetuity in California courts because I sued the court in federal court in 2019 for violation of the ADA during the pendency of this lawsuit. Consider now the elimination of my participation and testimony and best evidence in my own lawsuit (Appendix A, B, C, G to Appendix US-E) as the plaintiff under the vexation statutes as applied by trial judge Manoukian, and apply these statutes. The California Supreme court strongly favors the violations of the First Amendment rights of disabled pro se litigants by the California judiciary.

[78] A court may not merely grant persons with visible disability access to the court do no more by claiming that it is otherwise treating every litigant equally. It is the findings and purpose of the ADA that is then undermined, especially in the case of invisible disabilities. This is a form of segregation of persons with visible disabilities and persons with invisible disabilities., with persons with invisible disabilities denied access to the court.

[79] On trial was an African-American defendant. The trial judge instructed the jury as follows: "*I don't want any racism in my court, which most of you know by now, but I go a little further than that.*" He told prospective jurors that if they were racially biased but afraid to admit it, they should lie about their bias and answer questions in such a way as to be excused on other grounds. Compare to the denial of accommodation to the disabled pro se litigant and the requirement that he proceed unaccommodated through the litigation. In both cases, the victim (the African-American defendant and the disabled pro se litigant) faces prejudice throughout the course of the litigation that infects the very essence of due process. In effect, the court has created the prejudicial condition of cutting off the presentation of evidence at trial, and the error infects "*the integrity of the trial*" and requires "*reversal without regard to an assessment of actual prejudice.*" See also [*Edmonson*].

[80] Undue burden is a consideration in evaluating the lawfulness of a statute, therefore by extension, the same analysis must apply to a court's rules and policies. California courts replace the ADA with Rule 1.100 which betrays the ADA (in conjunction with a secreted judicial policy to discriminate based on invisible disability) and creates an undue burden on disabled pro se litigants and is therefore invalid because its effect is to place substantial obstacles in the path of the litigant with disability.

[81] Consideration of absolute equality is inapplicable because the safeguard of equal protection is equality not identity of rights and privileges as well as forbidding invidious discrimination that denies equal protection.

[82] A court must see from the perspective of the person with disability (see Amendment to the ADA), and follow due process for accommodation when disability accommodation is requested. "*Ordinarily, the reasonableness of an accommodation is an issue for the jury.*" (*Schmidt v. Safeway, Inc. (D.Or. 1994) 864 F. Supp. 991, 997*) but no jury is provided in court accommodations by the state courts. Precedent is also required to obviate the need for a disabled pro se litigant to apply again and again for accommodation for each hearing or for each task or activity, especially an invisibly disabled pro se litigant who identifies her disability to the court once and who must be presumed to be unable to penetrate the rejection of the court or easily dissuaded from opposing the unequal force of judicial discrimination. The undue burden created for such a litigant in having to apply for accommodation that is judicially disfavored includes the oppressive requirement of overcoming the natural reluctance of doctors in dealing with courts and the legal system because of the commonly held view that abuse of the doctor by the courts and by the legal system is the price of speaking the medical truths on behalf of the patient.

[Purdy]	*Purdy & Fitzpatrick v. State of California (1969) 71 Cal.2d 566, 578, 79*[83]
[R.A.V.]	*R.A.V. v. St. Paul (1992) 505 U.S. 377*[84]
[Reed]	*Reed v. Town of Gilbert (2015) 576 U.S. 155*[85]
[Rogers]	*Rogers v. Lodge (1982) 458 U.S. 613*[86]
[Shipman]	*People v. Shipman, 62 Cal.2d 226, 232*[87]*; accord, Douglas v. California (1963) 372 U.S. 353, 356*

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[83] "The concept of the equal protection of the laws compels recognition of the proposition that persons similarly situated with respect to the legitimate purpose of the law receive like treatment. In cases involving "suspect classifications" or "fundamental interests" of those suffering discrimination, the United States Supreme Court prescribes a strict standard for reviewing the particular enactment under the equal protection clause. Not only must the classification reasonably relate to the purposes of the law, but also the state must bear the burden of establishing that the classification constitutes a necessary means of accomplishing a legitimate state interest, and that the law serves to promote a compelling state interest." This nation has already legislated the ADA and enforced it against the states. Yet the California courts eliminate the ADA for disabled pro se litigants by a secreted policy of discrimination without strict scrutiny applied to the elimination of the suspect classification. Applying conventional judicial practices under the Equal Protection Clause to persons with disabilities before recognizing and applying the ADA to ease the access and equalize opportunity for success for the disabled litigant is unlawful.

[84] holding that government restriction of otherwise unprotected speech ("fighting words") on the basis of ideas expressed thereby, is unconstitutional content-based regulation. In the present case, trial judge Manoukian perverts the vexation statute (Appendix A, G to Appendix US-E) and by denying me accommodation and the right to participate, eliminates my speech and participation in my own lawsuit as plaintiff and interested party in two motions that multiply my damages under an unlawful dismissal and punitive fee award by Manoukian, and where I am the key witness and provide the best evidence. My grievances for denial of my accommodation and several other issues are in essence prohibited speech that the courts suppress under a secreted policy of discrimination based on disability, ensure my incapacity and inability to participate were it permitted. This pattern of unlawful judicial abridgment of the First Amendment is common to disabled pro se litigants in the California courts (see herein precedents and Appendix H and I to Appendix US-E)

[85] Rule 1.100 discrimination against persons with invisible disabilities targets speech requesting accommodations based on its communicative content. California's disability accommodation rules and practices, and de jure discrimination are all examples of content-based laws that discriminate against speech based on the topic and content of what is communicated. It must be presumed that Rule 1.100 and the court's underlying and secreted policy that also promotes disability discrimination are unconstitutional. This rule's and the court's de jure discrimination cannot be justified since no state interest is served in subdividing and eliminating a suspect classification or denying accommodation to an arbitrary subset of protected persons, and the rule is not narrowly tailored, and violates the ADA

[86] holding that "[e]vidence of historical discrimination is relevant to drawing an inference of purposeful discrimination, particularly in cases such as this one where the evidence shows that discriminatory practices were commonly utilized . . . and that they were replaced by laws and practices which, though neutral on their face, serve to maintain the status quo." Rule 1.100 has associated with it a policy and precedents that document historical discrimination based on disability by the California courts, with many of those cases silently eliminated from the courts with no trace of precedent. The present case and Appendix H and I to Appendix US-E are examples. Rule 1.100 commits a public fraud through the pretense of compliance with "California Civil Code section 51 et seq.; the Americans With Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); or other applicable state and federal laws" while maintaining the status of quo of discrimination against disabled pro se litigants. See also [*Washington*]. The injuries that are foreseeably suffered by such a litigant who is increasingly impaired in function and suffering serious health consequences are not compensable by damages. The injustice dealt to them is egregious. They are the result of invidious discrimination by the courts, which may be inferred from the totality of the relevant facts

[87] ". . . [A]bsolute equality is not required; only `invidious discrimination' denies equal protection [under the Constitution]."

[Sipuel] *Sipuel v. Board of Regents (1948) 332 U.S. 631*[88]

[Tigner] *Tigner v. Texas, 310 U.S. 141, 147 (1980)*[89]

[Topeka] *Brown v. Board of Educ. of Topeka (10th Cir. 1993) 978 F.2d 585*[90]

[Ward] *Ward v. Rock Against Racism (1989) 491 U.S. 781*[91]

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[88] The federal courts have limited jurisdiction, and the states court have jurisdictions generally over cases including mine. There is no alternative forum available for my litigation, as LHK confirmed (see statement of facts). I have been denied acces to California courts for SEVEN YEARS because I am an invisibly disabled pro se litigant. A person with disability who is qualified to receive disability accommodation from the court under the ADA cannot be denied full opportunity and access because of disability, just as a 'person of color' who is qualified to receive professional legal education offered by a state cannot be denied such education because of their color.

[89] The constitutionality of the ADA is long-established as is its application to the states. "Exact equality is no prerequisite of equal protection of the laws within the meaning of the Fourteenth Amendment. . . . [¶] `The Fourteenth Amendment enjoins "the equal protection of the laws," and laws are not abstract propositions. They do not relate to abstract units A, B, and C, but are expressions of policy arising out of specific difficulties, addressed to the attainment of specific ends by the use of specific remedies. The Constitution does not require things which are different in fact or opinion to be treated in law as though they were the same. The ADA addresses specific difficulties, and is addressed to the attainment of specific ends by the use of specific remedies. California courts deny the specific difficulties faced by invisibly disabled pro se litigants under a policy of discrimination which they secret, and withhold the specific remedies required for the attainment of those rights claimed in [*Maravilla*]

[90] the court accepted the view that the district court cannot evaluate a school district's compliance efforts without examining the school district's good faith commitment to the "whole" of the court's desegregation decree, and following the dictates of Freeman, current conditions must be viewed to determine if a school district has discharged its duty across time. California courts have violated the ADA and the fundamental rights of (invisibly) disabled (pro se) litigants for decades. Upon setting precedent, an abused victim of discrimination must not be returned to the court of his abusers. "In this case, the district court disregarded Topeka's history of inaction, observing: "*At any time, more could have been done to achieve racial balance in the schools. But, it begs the issue of this case to argue that racial balancing must be done today because it was not done yesterday.*" Brown, 671 F. Supp. at 1309. *To expect the lingering effects of legally mandated separation to magically dissolve with as little effort as the Topeka school district exerted, see* Brown 892 F.2d at 874, *is to expect too much. "[S]tubborn facts of history linger and persist,"* Freeman, ___ U.S. at ___, 112 S.Ct. at 1448, *and, if left unattended, they fester. The Constitution does not permit the courts to ignore today's reality because it is temporally distant from the initial finding that the school system was operated in violation of the constitutional rights of its students. Temporal distance matters only to the extent that changes across that time period, unconnected to the de jure system's lingering effects, are responsible for what is observable today. See* Freeman, ___ U.S. at ___, 112 S.Ct. at 1448 *("fundamental changes . . . not attributable to the former de jure regime" responsible for currently segregated schools)."*

[91] "*in a public forum the government may impose reasonable restrictions on the time, place, or manner of protected speech, provided the restrictions "are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information." Clark v. Community for Creative Non-Violence, 468 U.S. 288, 293 (1984); see Heffron v. International Society for Krishna Consciousness, Inc., 452 U.S. 640, 648 (1981) (quoting Virginia Pharmacy Bd. v. Virginia Citizens Consumer Council, Inc., 425 U.S. 748, 771 (1976)).*" The cases herein demonstrate that California courts inconsisctently treat disability accommodations as appealable (only as a component of another issue that is recognized on appeal) or eliminate it from the right of appeal and restrict its only remedy to Rule 1.100(g). Numerous and arbitrary timing restrictions are imposed by the California courts on access to a fundamental right to disability accommodation coupled with censorship and retaliation for speech offered for application for, and grievance of, accommodation. The punitive retaliation by the courts for grievance of accommodation, as well a flawed process for relief, closes alternative channels for communication of the information to achieve disability accommodation, thus constituting a violation of the 1st Amendment. No content of speech seeking disability accommodation is prohibited and punishable under the standard of *[Chaplinsky]*, but punishment is dealt by courts to the disabled litigants who insist on their disability rights. We remain oppressed and abused as the discrimination and cruel, inhuman and degrading treatment by courts coerces anger and fighting words out of affected disabled litigants. The use, through rule 1.100 of vague or imprecise notions like "fundamental alteration", "nature", "undue delay" and "administration of justice" are used to obstruct requests for disability accommodation. The Supreme Court has acknowledged that rules that on the surface appear to have no bearing on content might be deemed to be content-based restrictions on speech if they cannot be "justified without reference to the content of speech" or were passed "*because of disagreement with the message [the speech] conveys.*" (*Ward* at 791). It is obvious from the rule's text and the record of proceedings how the content of the

[Washington] *Washington v. Davis, 426 U.S. 229, 242 (1976))*[92]

[Wishnatsky] *Wishnatsky v. Rovner (8th Cir. 2006) 433 F.3d 608*[93]

[Terminiello] *Terminiello v. Chicago (1949) 337 U.S. 1*[94]

[Dennis] *Dennis v. United States, 341 U.S. 494 (1951)*[95]

Cases – Abuse of discretion

[Babb] *Babb v. Superior Court (1971) 3 Cal.3d 841, 851, 92*[96]

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speech for requesting accommodation and the discrimination based on it are related. In particular, the court's interpretation of "fundamental alteration" of the court's service as justification of denial of disability rights is suspect. A court more powerful than a litigant, controls entirely the determination of vague notions, e.g. what constitutes "fundamental alteration", without due process, and abuses its position to interpret "fundamental alteration" in its own favor, justifying its discrimination of the disabled litigant through deprivation of disability rights in response to his speech.

[92] This case, and those in Appendix H and I to Appendix US-E demonstrate the intent by California courts to discriminate. Discriminatory intent is necessary to make out an equal protection violation assuming the government action is neutral on its face. An invidious discriminatory purpose may often be inferred from the totality of the relevant facts.

[93] recognizing that viewpoint discrimination is presumed to be unconstitutional and is "'an egregious form of content discrimination'" (quoting *Rosenberger v. Rector Visitors of the Univ. of Va., 515 U.S. 819, 828-29 (1995)*). California courts REFUSE to look from the perspective of the person with disability who applies for disability accommodation and expresses his needs for equalization and access pursuant to [*Maravilla*]. Upon violating his rights to accommodation and equal protection and due process, the courts retaliate and punish him for aggrieving the denial of his necessary accommodation, endorsing the policy of content discrimination under Rule 1.100.

[94] holding that protected speech may not be abridged or censored short of "a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest". The California vexation statute, as used unlawfully to silence the disabled pro se litigant, is a discriminatory device that abridges the First Amendment by subjecting the litigant to such egregious violations of due process and equal protection by the court that grievances and the inevitable induced failure to prosecute the litigation at bar results in a finding of vexation per CCP §391. Upon a finding of vexation, the victim is then kept out of his own litigation which proceeds further without him, such as in port-trial while he helplessly is kept silent and excluded from mitigating further harm and injuries to himself (see Appendix A to Appendix US-E writings by Manoukian, and Appendix G to Appendix US-E). See also footnotes for [*R.A.V.*]

[95] Freedom of speech, although not absolute, is protected against censorship or punishment unless it is shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest. (see [*Terminiello*]). Despite this standard, a disabled pro se litigant with an invisible disability whose request for accommodation simply seeks the enforcement by the court of a lawful right excluded by the court without privilege or authority, is censored, ignored and punished by the court, and deprived of Constitutional rights. Courts must ask whether the gravity of the evil, discounted by its improbability, justifies such invasion of free speech as is necessary to avoid the danger. The only evil is the denial of Constitutional rights to disabled litigants, not any erosion of the fundamental aspects of jurisprudence that are critical to its integrity and operation. As the rant of the trial judge in [*James*] demonstrates, the serious and substantive evil that the California courts prohibit by our abuse is any variance to the established judicial processes, to the familiarity and comfort of judges in their office. The self-pity and egotistical abuse is characteristic of judicial conduct that is concealed and denied by these courts. Humanity and human rights mean nothing to the California judiciary when a disabled pro se litigant is at bar.

[96] Relief by writ of mandate is appropriate to correct a trial court order that constitutes an abuse of discretion. Note that Greenwood dismissed both of my writs which featured abuses of discretion by Manoukian which she purposely did not address, and which his own writings to the appeal court confirmed. See also *Los Angeles Gay & Lesbian Center v. Superior Court (2011) 194 Cal.App.4th 288, 299*

Cases – Preemption[97]

[Capital] *Capital Cities Cable, Inc. v. Crisp, 467 U.S. 691, 698-99 (1984)*[98]

[Hughey] *N.J. State Chamber of Commerce v. Hughey, 774 F.2d 587, 592 (3d Cir. 1985)*[99]

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[97] The Clear Statement of the ADA and its Amendment provide express preemption over state statutes, including rules and policies of state courts on the accommodation of the disabled pro se litigant. In the present case, express preemption and conflict preemption must address the irreconcilable divergence between the state courts' rules and policies and the objectives of the ADA, and the implementation of the ADA's discrimination-ending standard by a federal judge (BLF), who, in the absence of stated rules of federal courts, has interpreted and applied the ADA directly (and constructively supplemented FRCP by adding a rule on accommodation and safe harbor that deviates from every immature and unconsidered and unintegrated and non-uniform fragment of judicial logic employed elsewhere) and 'impeached' the accommodation under the state courts' rule and secreted policies of discrimination by following a CLEAR, STRONG, CONSISTENT and ENFORCEABLE STANDARD addressing discrimination against individuals with disabilities applied to the formulation of a federal court rule and policy on accommodation. The surgical precision of the 'impeachment' results from consideration of the medical records and circumstances of the SAME individual by both court systems concurrently. There may not be one flavor of due process and equal protection in the state courts, and another in the federal courts that results in demonstrated and egregious divergence of due process, equal protection and substantive judicial outcomes on a matter that is fundamentally controlled by science and human rights, and determined by refined investigation that leaves the perverted judicial derivations of disease and disability and functional limitations 'in the dust'. Thus the mere act of a federal judge providing disability accommodation to the same person constitutes a federal determination of appropriate and ADA-compliant judicial policy on ADA accommodation of the disabled pro se litigant through the course of litigation and constitutes field preemption because the federal court has 'regulated' the court rules on ADA accommodation (and references the same individual at the same moment in time), even though it did not intentionally set out to do so. This field preemption must be distinguished from the ineffective and inept entry into the field by other federal judges and courts that either 'bungle' (e.g. JSW) disability accommodation of disabled pro se litigants (thus violating the ADA that the federal judiciary must FOLLOW to ensure a single standard in this nation), or who evade disability accommodation altogether by holding a double standard on ending discrimination by not FOLLOWING the ADA in the policies and processes of their federal court. Note herein the distinction between OBEY and FOLLOW. This court must confirm HOW to accommodate the disabled pro se litigant under the ADA in the course of litigation, and set the floor and ceiling preemptions for this specific purpose. Of essential reference in BLF's verdicts is the implied characterization of Rule 1.100 of the California courts a being unconstitutional and overly restrictive in undermining the ADA's object and purpose. Specifically, Rule 1.100 requires 1) a 5-day notice thus enabling discrimination by arbitrarily set untimeliness, 2) prevents in practice any burden on the court, 3) permits any judge to allege a '*fundamental alteration*" of the court's service with blatant vagueness (see [*Chicago*]) in order to justify denying accommodation, and 4) the Judicial Council of California has admitted to having an unlawful ADA grievance policy that it has revised but dare not implement despite having announced it as the ADA grievance policy to the California courts' websites.

[98] (citing *Fl. Lime Avocado Growers, Inc. v. Paul, 373 U.S. 132, 142-43 (1963)* quoting *Hines v. Davidowitz, 312 U.S. 52, 67 (1941)*): "*The enforcement of a state law may be preempted "when compliance with both state and federal law is impossible, . . . or when state law `stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.*'" BLF's orders on my safe harbor and disability accommodation are impossible to follow and benefit from when the orders on my safe harbor and disability accommodation are as described and seen in Appendix A, B, C, F to Appendix US-E. The federal orders of BLF preempt the rules and policies of the California courts with respect to the implementation and enforcement of the ADA.

[99] (citing *Fidelity Fed. Sav. Loan Ass'n v. de la Cuesta, 458 U.S. 141, 152-53 (1982)*) "*Preemption may be found if, on the face of the federal statute, Congress expressly stated an intent to preempt a state law.*" The purpose and statement of the ADA (and AADA) make clear that this nation expects its government to respect and reflect the People's morality, and for the federal courts to play a central role ON BEHALF OF persons with disabilities in enforcing a clear, strong, consistent, and enforceable UNIFORM NATIONAL standard addressing discrimination against individuals with disabilities to establish a clear and comprehensive national mandate for the elimination of discrimination. Rules of court have the effect of a state statute in the state courts. BLF (Appendix D to Appendix US-E) sets the standard under the ADA and preempts Rule 1.100 and the associated policy of the courts governing its true use and application.

[**Ingersoll**] Ingersoll-Rand Co. v. McClendon, 498 U.S. 133, 142 (1990)[100]

[**State**] *U.S. v. State (E.D. Cal., Nov. 7, 2007, 2:06-cv-2649-GEB-GGH)*[101]

Cases – Evidentiary Standard

[SFFP] *SFPP v. Burlington Northern & Santa Fe Ry. Co. (2004) 121 Cal.App.4th 452*[102]

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[100] Applying both express preemption and conflict preemption, *""Even if there were no express pre-emption in this case," the state laws at issue would be preempted because they conflict with federal regulations."* The BLF concurrent decisions on my disability accommodation (Appendix D to Appendix US-E) constitute stare decisis and therefore may be compared to a regulation on the identical question and facts that is controlled by federal laws. Thus none of the decisions on my safe harbor or disability accommodation by the state courts are valid, and are the basis for *forum nullus*.

[101] [pp. 8-9] "When, as here, we are presented with the task of interpreting a statutory provision that expressly pre-empts state law[,] we must . . . identify the domain expressly preempted . . . by that language. Although our analysis of the scope of the pre-emption statute must begin with its text, . . . our interpretation of that language does not occur in a contextual vacuum. [Rather,] our analysis of the scope of the statute's pre-emption is guided by . . . [an] understanding of congressional purpose. . . . Congress' intent, of course, primarily is discerned from the language of the pre-emption statute and the "statutory framework" surrounding it. . . . Also relevant, however, is the "structure and purpose of the statute as a whole," . . . as revealed not only in the text, but through the reviewing court's reasoned understanding of the way in which Congress intended the statute and its surrounding regulatory scheme to enable the Federal Government to [achieve its purpose under the statute]." Judge Beth Freeman of the federal court (Appendix D to Appendix US-E) considered the ADA and other applicable laws, and FOLLOWING the ADA which is specifically referred to in my application to her court for accommodations, provided me safe harbor and disability accommodation in a MEANINGFUL way and compatible with my needs for medical treatment for remission, recovery and rehabilitation. California courts did not do so at any time in a MEANINGFUL or proper or lawful way (e.g. Appendix A, B, C, E, F, G to Appendix US-E), and do not do so in the case of other disabled pro se litigants (Appendix H, I to Appendix US-E). the BLF interpretation and application of the ADA and laws related to my safe harbor and accommodation preempt the interpretation and application of the ADA by the California courts.

[102] explaining that the doctrine of implied findings "*directs the appellate court to presume that the trial court made all factual findings necessary to support the judgment so long as substantial evidence supports those findings and applies unless the omissions and ambiguities in the statement of decision are brought to the attention of the superior court in a timely manner*". The issue with this standard is that it does not respect the ADA's standard of adjudication of disability accommodation (under Title II for the courts). When a judge deciding disability accommodation does not provide any indication of proof that I am not disabled, or proof that I do not need the accommodation I seek by specifically addressing and rebutting the medical facts and information provided that substantiate both the disability and the need for accommodation based on a scientific and objective standard using authentic treating doctors and medical records, then the process of ADA accommodation can have no MEANING and no basis in objectivity. The adversary (judge) then merely uses argument and his own prejudice and 'observations' and twisting of facts and speculations intertwined to leave all objective and commonly known facts excluded from his findings, which conveniently reflect the absence of disability and absence of any need for accommodation, like the cases herein, such as [*Bialla*] and others represent. In my case, there has never been any rebuttal of my medical facts and records and common knowledge about my numerous disabilities by any court, except the contrivances and conclusory statements such as found in Appendix A, B and G to Appendix US-E. The same is true of other disabled victims of the state court's discrimination based on disability (Appendix H and I to Appendix US-E). The precedent for California is unsuited to appellate review of denials of disability accommodation for disabled pro se litigants also because the power of an appellate court begins and ends with a determination as to whether there is any substantial evidence, contradicted or un-contradicted, to support the judgment, without reversal or presumptions that must apply to cause the appellate court to de novo and with a clear unobstructed rein to re-evaluate the entire facts independently to arrive at its own conclusions of facts under a standard of strict scrutiny that must ensure that the courts do not tear down and mutilate a suspect classification by rendering their order on accommodation. This departure from the "substantial evidence" standard is especially necessary when

Cases – Treaties

[White] *White v. Paulsen (E.D. Wash. 1998) 997 F. Supp. 1380*[103]

Other Cases

[Avant] *Avant! Corp. v. Superior Court (2000) 79 Cal.App.4th 876, 881-882*[104]

[Bowers] *Bowers v. Bernards (1984) 150 Cal.App.3d 870, 872-873*[105]

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the appellate court receives a concurrent request for disability accommodation from the grieving litigant in its own court and must respond to it under Rule 1.100. If the appellate court makes the determination of the accommodation due in its own court dependent upon the "substantial evidence" standard, then it has fundamentally failed the ADA standard, its object and purpose, and there is no possibility of a valid grievance procedure in the California courts, whereby by definition, they become *forum nullus* to litigation by the disabled pro se litigant. BLF has set the bright line by which the outcomes of every request for accommodation by me to the California courts should be matched. In every case, they fail the BLF standard, and violate strict scrutiny by undermining a suspect classification and violate the ADA by systemic discrimination by the courts based on disability.

[103] This court must establish precedent because of the absence of "*adequate domestic remedies for the alleged conduct underlying Plaintiffs' "crimes against humanity" petition to this court. See Schweiker, 487 U.S. at 412 (existence of adequate existing remedies is a special factor counseling hesitation in implying a new cause of action absent congressional action); see also Bivens, 403 U.S. at 397 (noting case did not involve situation where Congress had established an alternative remedy). Note the decision: "In this case, Plaintiffs have access to an array of domestic remedies for the alleged wrongs that underlie Plaintiffs' asserted international law cause of action, including a right of action under the Eighth Amendment to the United States Constitution's prohibition on "cruel and unusual punishment," Carlson v. Green, 446 U.S. 14, 100 S.Ct. 1468, 64 L.Ed.2d 15 (1980), under the Federal Tort Claims Act for injuries inflicted by the wrongful acts of federal employees, 28 U.S.C. § 1346 (b), and under state tort law, see, e.g., Restatement (Second) of Torts §§ 13, 18, 21, 46 (describing torts of battery, assault, and intentional infliction of emotional distress). Indeed, a substantial consideration affecting the Court's determination of this issue is the fact that these causes of action are already a part of this litigation."* BUT THIS IS NOT THE CASE FOR DISABLED PRO SE LITIGANTS, because the state courts will not acknowledge our constitutional rights. And the federal court will not (and claims it cannot) stop the discrimination and cruel, inhuman and degrading treatment of any disabled pro se litigant by the hierarchy of California judges. These judges have notice of the national standard for disability accommodation of disabled pro se litigants (see BLF) but refuse to follow it, and defy the Constitution, committing the constitutional torts described herein. These courts delight in the knowledge that precedent confirms no private right of action exists under human rights treaties because of their violative RUDs to which state parties have objected. This court needs to take this nation back to establishing that a private right of action to enforce the object and purpose of treaties that addresses the allegations herein should be implied, in fact assured, when Constitutional safeguards are systemically denied by a state judiciary. It is no shield for any judge to hide behind the inaction of Congress in legislating to prevent the abuse of the disabled pro se litigant in our courts, when the legislature by custom and under Separation of Powers, leaves judicial rulemaking to the judiciary, and it is the judicial rulemaking that controls our treatment in the courts, and it is the state judges who are personally duty-bound under Article VI to make informed decisions and implement conformant rules and policies of courts to comply with treaties and to national disability laws to which this nation is a party.

[104] The trial court's exercise of discretion must be based on a reasoned judgment and comply with legal principles and policies appropriate to the case before the court. This is important when strict scrutiny to maintain the integrity of the suspect classification is required but absent. Strict scrutiny must not yield to judicial discretion, and the needs for accommodation must not be undermined or diminished in order to accommodate the convenience of the court and its desire for uniformity of treatment of all participants in litigation without consideration of disability. Precedent must specify how to address such abuse without requiring the egregious and undue burden that will be suffered by the unaccommodated disabled pro se litigant, as in this case, or even in [*Biscaro*] where egregious physical and mental injuries and risk of death are not mentioned.

[105] Under *Bowers*, "*The issue is not whether there is evidence in the record to support a different finding, but whether there is evidence that, if believed, would support the trial court's finding.*" Under this standard, the disabled pro se litigant in a prejudiced court with the judge as factfinder in an ad hoc discretionary process of accommodation, is doomed. Precedent is required to set the burden of proof and presumptions in appellate actions. Precedent is also necessary to establish the

[C.E. Pope]	*C.E. Pope Equity Trust v. United States, 818 F.2d 696, 697 (9th Cir. 1987)*[106]
[Goldberg]	*Goldberg v. Kelly (1970) 397 U.S. 254*[107]
[Hokanson]	*In re Marriage of Hokanson (1998) 68 Cal.App.4th 987, 992*[108]
[Mack]	*Mack v. Alexander (5th Cir. 1978) 575 F.2d 488, 489-90*[109]

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deference that must be given by the trial court to authentic medical records and opinions provided by the disabled pro se litigant without imposing undue burdens on establishing disability and the need for accommodation, and consequences for violations of this requirement (immediate appeal-ability with automatic stay of the trial proceedings and reversal on appeal). In the alternate, or additionally, the evidentiary standard must be established and the process of adjudication of the accommodation must respect constitutional rights under major legislation and with respect to a fundamental legislated right, and provide for a jury, or an independent and impartial and quality-controlled tribunal of medical experts for the purpose of evaluating disabilities scientifically and accommodating the unique needs of the pro se litigant with competence and with objectivity throughout the course of litigation.

[106] The privilege of litigating pro se must not be terminated by a court because I am a disabled pro se litigant. California courts insist that an invisibly disabled party has not right of litigation pro se absent curing his disability, or obviating his needs for accommodation.

[107] this Court found that some governmental benefits—in that case, welfare benefits—amount to "property" with due process protections. Manoukian ordered in 2020, and subsequently and to the present day, that I AM NOT DISABLED while the Social Security Administration's two-year investigation concluded that, according to its stringent criteria, I am disabled as of July 2018. Precedent from this court must set the standard of protection for a vulnerable disabled pro se litigant who is a captive of the court in effect under the courts' custody throughout the pendency of (civil) litigation, and who is deprived of real and other property by deliberate and unlawful acts of judges.

[108] *"To the extent that we are called upon to interpret the statutes relied on by the trial court to impose sanctions, we apply a de novo standard of review."* There is no de novo review indicated by any California higher court in my case or the related cases in Appendix H and I to Appendix US-E. Not once have the California courts commented on the BLF rulings on my accommodation which 'impeached' every California court. Precedent is required to firmly place the burden of proof of non-disability and non-need for the accommodation upon the court. The same precedent must ensure the right to an impartial factfinder (jury), and the accommodation to permit the aggrieved victim to fully participate in the accommodation process (this is for example not possible absent complete rest and isolation from distress in my case). When burden of proof is reversed and placed upon the courts, it is nonsensical to maintain the ordinary presumptions at law on higher court review, such as *""[T]he trial court's order will be overturned only if, considering all the evidence viewed most favorably in support of its order, no judge could reasonably make the order.""* (*In re Marriage of Burgard (1999) 72 Cal.App.4th 74, 82 [84 Cal.Rptr.2d 739].*) *"In reviewing such an award, we must indulge all reasonable inferences to uphold the court's order." (In re Marriage of Abrams (2003) 105 Cal.App.4th 979, 991 [130 Cal.Rptr.2d 16].)*" – from *In re Marriage of Feldman (2007) 153 Cal.App.4th 1470*. These presumptions cannot apply in such circumstances as my case as there is no sign of due process or equal protection in the accommodation process. In fact, there must be a presumption that the grievance of disability accommodation is accurate. When you add consideration that a disabled pro se litigant may not be able to adequately comply with any court rule or policy due to unaccommodated impairment, and that the denial of disability accommodation is inherently punitive, and may be likened to a perpetual sanction, the injustice of such an invariant and inappropriate standard of review becomes more evident.

[109] *"The plaintiff further alleges violations of her constitutional rights by the individual defendants. The Supreme Court has upheld the existence of a constitutional tort. See Bivens v. Six Unknown Named Agents,403 U.S. 388, 91"*. Precedent is required to address the over-permissive litigation privilege that California courts allow to 'spill over' into the realm of disability accommodation of the pro se litigant, which is a matter collateral to the object of the litigation, and the collusion of judges with adversaries of the disabled pro se litigant to oppress him and deny him of rights. In my case, it is proven that my adversaries relied on the over-permissive and subversive litigation privilege purposely provided by the California courts to exploit, libel and mutilate me and drive my meritorious cases to default judgments by elimination of my access to the courts. Access to the courts as intended by [*Maravilla*] does not exist in California for invisibly disabled pro se litigants (see also Appendix H, and I to Appendix US-E). No due process or equal protection exists for me, or for any disabled pro se litigant with invisible disability, in the California courts. Precedent is required to bring 20% of this nation out of second class citizenship where they are held under the custody of our courts.

[Mathews] *Mathews v. Eldridge (1976) 424 U.S. 319*[110]

[Mullane] *Mullane v. Central Hanover Bank Trust Co., 339 U.S. 306 (1950)*[111]

[Peterson] *Peterson v. G. Mazzera Co. (Aug. 16, 2016, A142623) ___ Cal.App.1st ___ [pp. 1]*[112]

[Silberg] *Silberg v. Anderson, 50 Cal..3d 205, 212 (1990)*[113]

[Slaughter] *Slaughter-House Cases (1873)*

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[110] holding that the SSA's process for terminating disability benefits satisfies constitutional due-process requirements because beneficiaries are able "*to challenge directly the accuracy of information in [their] file as well as the correctness of the agency's tentative conclusions*". There is no such process in the denial of disability accommodations by the California courts, which is intentional and follows a secreted and consistent policy of discrimination based on disability by these courts. There is no first Amendment or 14th Amendment involved in the application or grievance of accommodation in the courts. This deliberate violation of rights of the disabled pro se litigant is further evidenced by the fact that for at least 3 years, the Judicial Council of California and the California Supreme court have ordered a new grievance policy to be published and announced to the website of California courts, but if anyone invokes it and aggrieves a denial of accommodation according to it, the court will inform that no such grievance policy is usable even though advertised (see Appendix H to Appendix US-E). Thus the California courts withhold from all disabled pro se litigants the benefits of any necessary reforms in order to hold a defense under litigation at the expense of rights, the public interest and justice.

[111] This court held "*that due process requires a hearing "appropriate to the nature of the case*" (summary of this case from *U.S. v. Kaley (11th Cir. 2009) 579 F.3d 1246*). In 2019, Presiding judge of the Sixth District Appeals court summoned me for an examination. In that hearing, I insisted on testifying as to my disability and accommodation, even though upon entering the courtroom and laying eyes upon me she assured me of accommodation, and even though she prematurely and abruptly left the courtroom stating that she is leaving because she does not wish to further distress me. Within weeks of that hearing, in collusion with her trial court peers, she reversed her order for my accommodation because, as the trial court indicated, I sued the courts for violations of my rights and that was justification for judicial retaliation for my protesting their discrimination based on disability and justification for more invidious discrimination than before. Precedent is required to establish that the elusive court disability accommodation is mandatory in every court because no due process or equal protection exists when an unaccommodated disabled pro se litigant is coerced and intimidated into unprepared and involuntary and unaccommodated litigation, and safeguards must be established for fairness, ethical treatment and human rights throughout the course of litigation without struggle for restoration of rights, privileges and immunities. No person must be dragged through the course of litigation by a court that has inherently lost jurisdiction, to emerge devastated and abused only to have then to sue for legal remedies and face the impossibility of reversal of unlawful judgments and face a return to the forum of his abusers.

[112] "*Plaintiff and appellant Victoria L. Peterson appeals following the trial court's dismissal of her complaint as a sanction for her discovery abuses. She contends the trial court failed to accommodate her disability as required under California Rules of Court, rule 1.100 (Rule 1.100) and otherwise abused its discretion in issuing terminating sanctions. We affirm.*" In setting precedent, this case informs that an unaccommodated disabled pro se litigant cannot participate in the trial or appellate courts to prevent or reverse a dismissal based on exploitative termination sanctions, despite precedent that authorizes reversal. My state lawsuit 16cv295730 was unlawfully dismissed by termination sanctions, but no reversal occurred because of unaccommodated disability and refusal of safe harbor by the courts.

[113] Litigation privilege in California is considered absolute to protect against liability for communications made prior or during a judicial proceeding in order to achieve the object of the litigation. But the defamatory communication must be within the scope of inquiry related to the object of the litigation. The matter of disability accommodation is collateral to a lawsuit, and is not the object of the litigation, and thus no litigation privilege applies to false statements made in the course of disability accommodations. Nevertheless, California courts unlawfully extend litigation privilege to disability accommodation. Under *People v. Persolve, 218 Cal.App.4th 1267, 1274 (2013)* the ADA is preemptive and more specific than the litigation privilege, and application of the privilege would render the ADA significantly or wholly inoperable. Precedent is required to establish clear boundaries on the participation and speech of an adverse party in the disability accommodation process of the court.

[Thurman]	*Thurman v. Bayshore Transit Management, Inc. (2012) 203 Cal.App.4th 1112, 1126*[114]

Other Authorities

[13132]	Executive Order 13132 "Federalism"[115]
[Green]	*Green, Tristin. "Complete preemption – Removing the Mystery of Removal" Ca. L. Rev. Vol.86:363 (1998)*
[Morrison]	*Morrison, Trevor. "Complete preemption and the Separation of Powers" U. Pa. L. Rev. 155, (2007): 186*
[MS paper]	The Multiple Sclerosis Stress Equation[116], Solomon et al., Journal of Medical Statistics and Informatics, Volume 11, Article 1.

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[114] *"The trial court's exercise of that discretion will be upheld if it is based on a reasoned judgment and complies with legal principles and policies appropriate to the case before the court. [Citation.] A reviewing court may not disturb the exercise of discretion by a trial court in the absence of a clear abuse thereof appearing in the record."* Precedent is required to catalogue the legal principles and policies that must be considered in the determination of disability accommodations by a court, and HOW they must be applied, and with what safeguards and what quality controls to inform the sufficiency and correctness of a national standard on ending discrimination based on disability in the courts. Precedent must establish the place and role of discretion in disability accommodation by every state court.

[115] The Section 4 criteria for preemption provide useful inspiration for tempering the effect of a federal judiciary on state judiciary independence, even though no formal basis for any inter-dependence is stated except in the interpretation of the Constitution and reasoning subject to "good Behaviour". Thus precedent is needs to establish that what may be considered a judicial regulation (of 'access') by the federal court that FOLLOWS and interprets the ADA and confers disability accommodation upon the disabled pro se litigant according to the requirements of the ADA (which expressly preempts state law), preempts the judicial regulations of the state courts (as in Sec. 4(a)) when the state court authority conflicts with the exercise of federal authority under the ADA, which is a federal statute.

[116] This medical authority establishes mathematically that distress will induce an MS relapse, and an MS relapse will only remit upon complete isolation from distress for a sufficiently long period of time that may be statistically predictable in duration. During a relapse, critical brain and spine cells are irreparably lost, causing increasing physical and mental injuries because the brain and spine centrally control almost all life functions. Since the location in the brain and spine that are susceptible to irreparable injury during an MS relapse are unpredictable, extremely serious injuries, and even death could potentially result from an MS relapse and its associated complications and treatments. MS is typically accompanied by comorbidities (diseases that have a likelihood of being induced if you have 'unmanaged MS') which are disabilities in their own right. The disease model in the international authority establishes the medical approach to integration of the measurement of distress which generally induces and exacerbates disease, and provides confirmation of the decades of research findings that stress causes and exacerbates disease. Precedent must acknowledge that courts may not do physical, emotional or mental harm by inducing or inflicting distress intentionally or recklessly upon a disabled pro se litigant. Consideration must be provided to distinguish what is *"stress ordinarily experienced in the course of litigation"* and *"extreme distress induced or inflicted by the court in the course of litigation"* and bounds set, with respect shown for human rights. In my case, reckless endangerment is a factor. For too long, such nebulous concepts and evasion of such consideration in depth have provided discretionary pathways for abuse and excess by the judiciary. Now the distress can be quantified and the consequent physical and mental injuries can, in principle, be directly correlated, hence the need for quantification and regulation of the judicial conduct that may control these injuries.

[Schneebaum] *Steven M. Schneebaum, Human Rights in the United States Courts: The Role of Lawyers, 55 Wash. & Lee L. Rev. 737 (1998).*[117]

[Seinfeld] *Seinfeld, Gil. "The Puzzle of Complete Preemption." U. Pa. L. Rev. 155, no. 3 (2007): 537-79*

APPENDICES

US-A. APPEAL COURT (pages 1-3): Greenwood Appeals court order, followed by denial of writ # H051557, along with the copy of my preliminary writ. A disabled pro se litigant cannot access any court or participate in litigation without disability accommodation.

US-B. TRIAL COURT (pages 4-7): Manoukian's gamesmanship is underlied by a sinister motive only later revealed by events concurrent to the almost FOUR MONTH deliberation by the California Supreme court EN BANC on how to dismiss my writ in S283705 while minimizing the liabilities of the California courts and judges as my adversaries during my pending litigation's post-trial motions. Note that under the order by Greenwood in H051717, every event and order by a trial court that follows the ignoring of an MC-410 request for accommodation is reversible error under [*Biscaro*] and note that Manoukian held an examination of Dr. Horvath immediately following his ignoring of my MC-410 in 2023[118]. Under [*Biscaro*] there was no appearance by Dr. Horvath in April 2023 for examination, now re-read Manoukian's order.

US-C. CALIFORNIA SUPREME COURT (pages 8-47): Denials *en banc* by the California Supreme court in S283705 by abuse of the vexation statutes and the holding firm to the unlawful label that it placed upon me as vexatious so that it may enforce a ban on my speech and rights at will, as in this case where the evidence of impropriety and judicial prejudice is voluminous. Note carefully that there is no ruling by this court on my MC-410 request for accommodation that accompanied my writ, which under rule 1.100 must be

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[117] *"on one level, because the Bill of Rights codifies a very large and progressive view of human rights and because the Bill of Rights is part of the Constitution, which is the highest law of the land, it could be argued that in any case invoking the Bill of Rights, the law of human rights has always been treated as the rule of decision in U.S. courts."*

[118] Read the facts reported in Appendix US-D and confirmed in writing by the trial court's ADA Coordinator Brian Faraone documenting the gamesmanship and fraud by Manoukian, and later impeaching him in his belated response to Greenwood in H051717. Manoukian received my MC-410 but deliberately avoided ruling on it, which is a [*Biscaro*] violation under which he was 'implicated' by the Sixth District court of Appeals in H051717 for ignoring my 2024 MC-410.

answered without fail by every California court, including the California Supreme court that advertises and falsely alleges that it fully complies with rule 1.100 in its own court[119]. The writ was filed on DECEMBER 28, 2023, but look closely at the docket entry that showed the initial event date as FEBRUARY 5, 2024, almost one and a half months later, and the dismissal three and a half months later, with the court providing itself a time extension to rule. The decision on vexation took over two months. In view of the contents of my writ and the information communicated about the liabilities of the judges and courts, this is a picture of a conflicted court that provides no due process or equal protection to me and my suspect classification who come to litigate pro se, but nevertheless take and keep jurisdiction over our cases and our lives and liberty and property and rights.

US-D. MOTION TO DISQUALIFY MANOUKIAN FOR CAUSE (pages 48-355): Manoukian sealed this and multiple filings by me going back to 2020 so that the record shows absolutely no violations or law or ethics by him, and eliminates substantial evidence and successful impeachment of the defendants and their attorneys along with Manoukian and his court.

US-E. PENDING WRIT OF CERTIORARI AGAINST S283705 AND S284268 (pages 356-1034): this writ is pending filing and delayed due to extraordinary pain and suffering and debilitating illness and functional and cognitive impairments. Under extreme burden of incessant injuries inflicted by courts and the defendants and their attorneys, I must unavoidably refer to prior writings to state my case under this court's invariant rules and time requirements. This does not constitute due process and equal protection, or lawful treatment, under the supreme Law of the Land.

US-F. PLEADINGS AND BEST EVIDENCE OFFERED BY ME AND SUPPRESSED BY MANOUKIAN (pages 1035-1273): As the plaintiff and person most knowledgeable about the facts in this lawsuit, about the racketeering and perjury and fraud by the defendants and their attorneys and the subversion of supreme Law and violations of law by California courts and judges, I stand in the only and best position to speak on all matters that were pending in my lawsuit. The persecuted witness to judicial crimes who is my doctor of 30

[119] See the letters exchanged between me and the California Supreme court in Appendix C of Appendix US-E, admitting to no adherence by that court to Rule 1.100 constituting continuing public fraud, and evading any decision on my disability accommodation despite the express assurance that it will consider and decide my disability accommodation.

years provided medical records when I asked to support some of my requests to the California courts for disability accommodation and safe harbor. Her medical statement of facts described the science underlying each of my diseases and symptoms that qualify as disabilities and provided qualified medical opinions predicting serious and irreparable injuries including heart attacks if I am not accommodated. I was not accommodated by the California judges and courts and as a result, the injuries predicted came to pass, including two heart attacks. In retaliation for my federal lawsuits[120] against the California judges and courts, Manoukian as the mouthpiece for the California trial courts, sought to predate and injure my doctor and to punish her for her truthful testimony and to obstruct her testimony as my witness in the federal suit. Thus he placed himself in charge of her lawsuit for thwarting fraud and racketeering by the defendants and their attorneys, and then in charge of my lawsuit wherein she was forced by Manoukian's stealthy strategy to file a motion to stop the deprivation of her property by Sheriff's auction in my lawsuit giving up her right to jury trial. Manoukian refused to recuse himself from the doctor's motion in my lawsuit, then recused himself admitting to his prejudice, but upon discovering that I would speak and provide the best evidence and impeach the defendants and their attorneys and expose the collusion between judge, courts and these parties, Manoukian reinstated himself in my lawsuit to ensure that the doctor is oppressed, injured, punished and oppressed by the might of judicial office arrayed against her. This doctor has no clue about the status or progress of my lawsuit[121] at bar except the denial of my disability accommodation and her treatment of my injuries and diagnoses and symptoms but read carefully Appendix US-G and his fabrications of findings in the absence of evidence to support them. Manoukian repeated the same offenses by committing them against another one of my witnesses, Julia Minkowski, whose writ is pending filing in this court[122]. Manoukian presided in her trial despite having shed all of his judicial caseload for many months and holding only those 2 cases that would permit him to obstruct justice for my two named witnesses, whose identity and prospective testimony he was informed of through my federal amended complaint[123]. As a result, unconscionable wrongs were done by this judge knowingly and willfully to oppress these

[120] 19-cv-01986-LHK and 21-cv-04262-JSW in the Northern District of California

[121] Thus I provided motions and testimony to stop the unlawful conduct by Manoukian and his court, and subsequently to thwart the unlawful conduct by the higher courts in California since these judges and courts were clearly arrayed against my doctor whose testimony implicated all of them in a court system that had no jurisdiction over my person or my interests and rights while it now held my witness in its evil clutches

[122] See Appendix H to Appendix US-E.

[123] 21-cv-04262-JSW amended complaint filed in May 2024 in the Northern District of California

two victims of judicial crimes. The public and sealed record of proceedings in 22cv408499, 16cv295730 and in 19FL004302 tell an unmistakable and horrific tale of malicious judicial abuse and crimes against humanity.

US-G. ORDERS ON TWO MOTIONS BY MANOUKIAN SUPPRESSING AND SEALING MY FILINGS DESPITE BEST EVIDENCE AND IMPEACHMENT OF COURT AND DEFENDANTS (pages 1274-1278): The orders by Manoukian were expected and should have never transpired if the case under review by this writ had been lawfully adjudicated with propriety. The orders demonstrate an organized conspiracy of California courts to subvert the ADA and the rights of a minority protected by a nationally and internationally recognized suspect classification, and to do so defiantly in the face of federal preemption that sets the bright line for the uniform national standard on disability accommodation in the courts of this nation. As Elena Kagan has done on behalf of this court in the public eye, this court must also recognize the Freeman bright line and the establishment of a uniform national standard of ADA accommodation in its own rules. Without it, we see another broken unstated improperly-pleaded petition for restoration of rights and for lawful and humane treatment of the disabled pro se litigant by our courts.

PETITION FOR WRIT OF CERTIORARI

To protect the rights and interests of 25% of our nation who suffer from disabilities recognized by the Americans with Disabilities Act (ADA), and because of the failure of the ADA to right the discrimination based on disability committed and promoted by California jurisprudence, this petition serves an important public function. Persons with disabilities must not be subjected to the systemic cruel, inhuman and degrading treatment by judges and courts that rise to the level of crimes which are integral with reflexive discrimination by judges based on disability. This nation's judiciary must no longer individually undermine our national security or welfare by undermining human rights treaties that they violate in the course of habitually abusing disabled pro se litigants. Major inconsistencies and contradictions in the operation of the judicial branch of government have long been ignored, and must now be investigated and abated.

DECISIONS BELOW

California Supreme Court S283705 **and associated ignoring of my MC-410 request for accommodation which should have conformed with stare decisis of federal judge Freeman**[1].

Judicial notice is requested for the refusal of this court to provide safe harbor or disability accommodation to disabled pro se litigants.

JURISDICTION

Decisions S283705 issued on 10 April 2024 is unpublished. Jurisdiction of this court is invoked under 28 USC 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Constitution, human rights treaties, Americans with Disabilities Act, judicial ethics

STATEMENT OF THE CASE

This writ can state a case for precedent only if I receive safe harbor and disability accommodation, which I did not. I am forced by this court's deadlines to state my case in inferior and incomplete form with substantial unaccommodated impairments and at the

[1] See Appendix D to Appendix US-E

cost of further irreparable physical and mental injuries, by editing a previous writ and making notes instead of providing argument and authorities. This is unconscionable cruelty and inhumanity and no due process exists under such exigent circumstances that are created, inflicted and maintained by the courts.

I am informed that my burden of injuries over the past SEVEN YEARS of torture by judges has most likely assured my death and continues to shorten my remaining life by unabated injuries. I toil with expenditure of precious and scarce life energies to notify this court of evils because our system of jurisprudence is riddled with immorality and latent inequity, which our judges take for granted, and judges must be shocked into sensibility when judicial preemption controls[2]. The People must not be kept from their lofty destiny by a jurisprudence that betrays their morality and devalues their dignity as individuals and treats them with inhumanity. I petition on behalf of a weak and oppressed second class citizens of this Land[3] for a national standard that ends discrimination based on disability.

Under extreme duress and exigent circumstances, I incorporate by reference my writ of certiorari 23-7017, as well as Appendix US-E to this writ which is an pending writ to this court in 2 other decisions by the California Supreme court. I have to write this writ in this way without a choice. I have to incorporate an existing writ as the substitute statements of chronology and arguments in lieu of a properly-pleaded writ of certiorari which is beyond my reach unaccommodated as I am. Please read and consider Appendix US-E very carefully. It is indispensable to this writ, and this writ is meaningless without it.

I add the following facts to explain the unlawful ruling in H051557 and its egregious consequences, and the invidious discrimination attendant to the manner of the denial of S283705.

No equal protection was provided to me to speak on Manoukian's disqualification in the writ proceeding.

In a motion filed by a third party in my lawsuit where I am the plaintiff, which is filed to disqualify a corrupt judge Socrates Manoukian, I have the express right to challenge the refusal of Manoukian to recuse himself in a writ proceeding, for which purpose I require safe harbor and disability accommodation as determined under the national standard on

[2] Appendix D of Appendix US-E. The Freeman bright line sets the national standard on ADA accommodation in the courts
[3] Persons with disability are denied access to our courts if they are self-represented

ADA accommodation in the state courts[4] with specific stare decisis established by the preemptive order of a federal court that rules on my unique disability needs and my specific exigent circumstances[5] and provides SIX MONTHS[6] of stay.

Had I been accommodated in H051557, I would have provided specific information about the impropriety and criminal intent of this corrupt judge, and in particular, I would have confirmed that Manoukian violated [*Biscaro*] prior to the disqualification motion being filed by the third party, thus invalidating the third party's 'first appearance' in April 2023 before Manoukian. The evasion by Manoukian on the face of his order refusing recusal is judicial gamesmanship to protect against disqualification having been caught red-handed and declared to be prejudiced by two independent law firms who corroborated my evaluation of his abuse and corruption.

Note that California courts, under central control, defraud the public by claiming that every California court follows the same Rule 1.100 under which the disabled litigant may request accommodation, while in fact, there is xx

Instead of appropriate disability accommodation compliant with the uniform national standard on ADA accommodation in a court, the appeal court refused to accommodate me except to permit my filing of a preliminary statement that informed the court that I have important facts and arguments bearing on its decision by writ. The appeal court ignored the object and purpose and substance of my concurrently filed request for accommodation and safe harbor which had been decided upon by the federal judge Freeman, and instead accommodated itself by invariant rules which it modified slightly under discretion, but without regard to supreme Law and binding preemptive federal stare decisis.

It is well settled that procedure shall not trump substantive law in any legal proceeding. The status of the ADA is a uniform national standard, like FRCP and FRAP, distinguished by being a matter of the uniform rule of law in every court, instead of uniform civil procedure. Disability accommodation may be codified in its steps by a procedure, but the procedure may not control the substantive outcome that deviates from the substantive outcome provided by the law in native form and first-principle application from the statute. This is not true in the case of California Rules of Court, Rule 1.100,

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[4] See the Freeman bright law in Appendix D of Appendix US-E

[5] Ibid.

[6] Increased to ONE YEAR of stay in 2024 due to increasing serious and irreparable physical and mental injuries caused by discrimination by courts, and by judicial hate crimes

which go to the extreme of eliminating the ADA and replacing it with a three-point test[7] that deviates from the ADA's object and purpose and the Freeman bright line.

This court is very well aware, through the public statements of justice Elena Kagan[8] on its behalf, that double standards in any conduct of courts may not be maintained under supreme Law and the national ethos, and this court is now preoccupied with insisting to the public that it conforms with uniform rules of ethics. The same is not true of the forcefully legislated national standard of disability accommodation in the courts, which this court continues to violate, and by its direct control of the activities of the Judicial Conference, has caused to discriminate based on disability in the most outrageous manner by providing only accommodations to the communication impaired litigants in federal courts, tearing down a suspect classification in a manner that breaks strict scrutiny and slanders disability law that REVERSED the judicial branch[9].

Under the presumptions and standards of the appeal court, which absolutely ignore the ADA national standard on court accommodations, my testimony would have established that the defiance by Manoukian is a frivolous sham, supported by facts which are incorporated in Appendix US-D and US-F, and further facts emerging by conduct of this corrupt judge during the course of H051557 and thereafter[10].

Of note is that Manoukian did not dispute his prejudice in his written refusal to recuse himself.

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[7] According to California courts, ADA accommodation is only permissible under rule 1.100(f) which requires that the request must be denied when (1) The applicant has failed to satisfy the requirements of this rule; (2) The requested accommodation would create an undue financial or administrative burden on the court; or (3) The requested accommodation would fundamentally alter the nature of the service, program, or activity. These three factors are discussed in Appendix US-E and are incompatible with the ADA and its object and purpose, as well as providing considerable room for discretionary and arbitrary and illogical treatment of accommodation that must always be a matter of strict scrutiny as to its compliance with certainty absent a strongly indicated and well-discussed over-riding government interest, which is not found in any of the request for accommodation made by me since 2018. The precedents on this rule demonstrate the ease with which a human being is reduced to a soul-less and inhuman object whose perspective on discrimination is entirely ignored in judicial conduct, and whose fate reports cruel, inhuman and degrading treatment which is seen by the common man reading the precedents, but unseen by the callousness of jurisprudence that treats human beings as chattels.

[8] Search online for "Elena Kagan" on ethics, and you will find several articles including "Elena Kagan keeps pressing for ethics code enforcement at Supreme Court" by Josh Gerstein published in POLITICO on 9/9/2024

[9] Congress legislated the Amendment to the ADA to invalidate this court's trilogy of cases that condemned the person with disability to enduring the historical discrimination that disability laws were legislated to outlaw. Contrast with the judicial branch invalidating legislation by Congress in *Marbury v. Madison*

[10] See Appendix US-D and US-F and US-G

And where is there sign of the presiding judge of the court deciding the disqualification motion? Under what ethics is there independence and impartiality demonstrated in the adjudication of the motion?

Had I been accommodated according to the ADA national standard on disability accommodation in the courts, during the necessary stay of the writ proceeding, the court would have witnessed Manoukian recuse himself a short time after his refusal to step down, demonstrating a guilty mind and admitting to his prejudice and appearance of impropriety. It is however inconsistent with our supreme Law and the meaning of due process that mootness justifies violations of due process and equal protection for the disabled pro se litigant. It does not, but California courts routinely hold that irrespective of injuries caused, and rights violated, mootness renders *de minimis* every error that oppresses and traumatizes the person with disability.

What is a most vile and egregious form of invidious discrimination by the California courts is that in H051557 we see again that the appeal court will not rule on the request for accommodation as stated, and certainly not meaningfully or with propriety. It may however later allege it provided 'accommodation' in its 11/28/2023 order, when in fact the 'accommodation' it provided is not for disability or for safe harbor, but is a discretionary ruling that applies equally to every non-disabled litigant also. The ADA does not apply equally to every litigant, as disability is the qualifying criterion for a fundamental legislated right. Thus the slander of the ADA and "disability accommodation". The Sixth District Appeal court of California has absolutely no standard on ADA accommodation, except gamesmanship based on an ADA-incompliant rule of court, with absolutely no meaningful accommodation resulting, if any accommodation may result at all.

Upon escalating the wrongful ruling by the appeal court in H051557 to the California Supreme court, we find that the highest court acts consistently with Appendix US-E and treacherously evades any request for disability accommodation or safe harbor, despite the express representation to the public and also personally through directed communications that it follows rule 1.100 and thereby obeys the ADA. This fraud is now well impeached as Appendix US-E documents.

Note that the California Supreme court took almost FOUR MONTHS to respond to my writ against H051557, accommodating itself with time extensions but providing me with

no opportunity to formulate a properly-pled petition under its invariant rules and its historical prejudice and demonstrated discrimination based on disability.

Under California own precedent [*Biscaro*], which the Sixth District Appeal court preemptively applied to the trial court in H051717, every California court must rule on every single request for disability accommodation, or face reversal of an order or judgment. Even though the Appeal court enforced [Biscaro] against the trial court, it did not follow [Biscaro] in its own court's accommodations, and the California Supreme court ignores every request for accommodation. Thus under [Biscaro] alone this court must reverse S283705.

It is distinctly clear from the facts and by aid of legal arguments[11], that S283705 is an unlawful and improper outcome. Will this court provide me a real opportunity to speak on behalf of myself and the conjoined interest of 25% of this nation who are disabled and whom we witness as being abused and discriminated against by the courts? For that purpose, this court must choose to follow the Freeman bright line of a uniform national standard on ADA accommodation of the disabled litigant, and then allow me opportunity to present this writ with meaningful accommodation, and without destroying the integrity and the dignity of my suspect class as the Judicial Conference did by accommodating only the communications-impaired.

What is even more egregious is the reason stated for the denial by the California Supreme court. With outrageous impropriety and criminal judicial conduct indicated, that court simply declared that my writ is frivolous and intended to harass, when in fact, each allegation is substantiated by the facts in the record of multiple lawsuits and numerous appellate actions. Furthermore, subsequent conduct by the corrupt Manoukian reinforced my true claims.

The history of this systemic subversion of federal law and of our Constitution is the use of rule-based and convenient means to silence me that is widely used by the California courts against persons with disability. With great ease, we are proclaimed to be vexatious and by the courts that undermine our meritorious lawsuits and dismiss our cases with no test of merits based on incapacitating us into a state of paralysis so that every harm possible may

[11] if I be allowed to provide these outside of substantial incapacity and without the cost of irreparable physical and mental injuries that continually rob me of more life and more liberty.

be inflicted upon us by the adversary with the collusive assistance of the judge, and we may be tossed lifeless and violated out of the court with our case dismissed or defaulted.

As the record of 16cv295730 before, during and after S283705 demonstrates, Manoukian perverted the vexation statute to declare that upon dismissal, I as the plaintiff had no rights and no interests in my own lawsuit, and thus he excluded me entirely from the litigation, with the result that he compounded his unlawful punitive award of $600,000 for my protests of his criminal hatred and abuse of authority into over $3 million of damages and oppression and tampering with a key witness in my litigation in 21-cv-04262-JSW[12] of which he had abundant notice and subjecting the elder doctor who is 80 years old to outrageous liability for merely complying with the hippocratic oath.

This writ, if given an opportunity for expression under due process by removal of barriers to access to the courts for a disabled and seriously ill pro se litigant establishes that California judges reaching to the top of the pyramid of jurisprudence in the state, are corrupt when facing the disabled pro se litigant, in particular the invisibly disabled litigant.

Every violation reported in Appendix US-D and US-E is committed with no mechanism of correction, punishment or avoidance of harm. There is no mechanism, except by such means as seen here and culminating in S283705 to attempt to correct, punish or avoid such harm, and no room is provided by rules, policies, presumptions, and precedents of the hierarchy of California courts to disqualify such corrupt judges in the course of litigation. Appendix US-D and US-F and US-G require careful scrutiny by this court in the absence of my obstructed speech and my liberty. Appendix US-F presents the true and correct record of my filings that impeach the unlawful and premeditated hatred embodied in the verdicts in Appendix US-G, which resulted from the inaction and abuse of California judges in H051557 and S283705. It may not be argued that every writ stands alone, when continuity of knowledge and information about me and my case resides in the clear and present memories of the same judges who dealt with me numerous times during the course of SEVEN YEARS in the hierarchy of California courts.

[12] See Northern California District court case 21-cv-04262-JSW

CONCLUSION

Discrimination in the course of jurisprudence is distinct from discrimination in employment or in education or in access to public services. Discrimination in the conduct of jurisprudence inherently robs the victim of inalienable rights and constitutional standing and is irreparably consequential and unjust. No remedies can compensate for the cruel and unusual punishment, and the loss of life and liberty that result from judicial cruel, inhuman and degrading treatment. In practice, no legal remedies are available through courts for such judicial wrongs. No alternate forum exists to escape our abusers.

It is a concealed truth that our judges discriminate based on disability and oppress the disabled (pro se) litigant. It is the presence of such litigants in litigation in the courts that provides proof that rules of civil procedure are seriously flawed, and the scandalous truth that our judiciary are the enemy of the People and will damage us, injure us and even torture and murder us in plain sight while claiming to administer justice.

My unprecedented case scientifically shows that I was kept substantially incapacitated and incapable of thwarting the conspiracy by courts and the exploitation of adversaries[13] to secure accommodations to be able to even access the state courts. It must be presumed that I was unable to act for my own protection and for safeguarding of my rights. I did not know this state of affairs when I filed my complaints in the state courts. By eliminating my access, the courts unlawfully drove my meritorious litigations to default outcomes to my prejudice in violation of the Constitution, human rights treaties and traditional notions of substantive justice and fair play. My life, liberty and property are forfeit.

It is a fraud on the public what California courts claim in *[Maravilla]: "ensure that persons with disabilities have equal and full access to the judicial system ... allow meaningful involvement by all participants in a legal proceeding to the fullest extent practicable."*

At the moment that a sincere and truthful disabled litigant protests the court's denial or indifference to a request for disability accommodation, the criminal hatred of our judiciary is ignited under a judicial system that promotes cruel, inhuman and degrading treatment of the pro se and especially of the disabled pro se litigant. We disabled are the litmus for judicial candor and propriety. In SEVEN YEARS of dealings with multiple federal courts and multiple state courts, I have found it to be invariably true that judges will fabricate

[13] That provides every adversary of the disabled pro se litigant with a financial interest in thwarting the accommodation and ensuring that the compromised victim cannot appear or participate in due process and is deprived of equal protection

evidence, will use jurisprudence as a weapon of oppression and persecution, and will mutilate the disabled pro se litigant much like a sheep dog who bites and then develops a taste for blood like a wolf, with carnage assured.

Here is an instance of a rabid judge who will not be stopped in his criminal abuse, irrespective of how many voices protest his carnage. There is no mechanism in jurisprudence by which a disabled pro se litigant and any of his witnesses to judicial crimes may find relief or remedy at law. The inevitability of xxx

A vast suspect class must not be abandoned to piecemeal and individual and inferior litigation for rights, especially when we individually lack the means, the tenacity, the skills and the life substance to prosecute the most powerful members of our society, and their unassailable institutions under inferior advantage. This court must not postpone critical questions that must resolve the repugnant flaws in jurisprudence that fester in the application of human rights and disability protections, and interplay of laws that fail to regulate lawful jurisdiction. A federal judge awaits ratification of her bright line in law by this court, and widespread judicial abuse of discretion and systemic discrimination by the state judiciary must be put to an end in the public interest. There cannot be many contradictory standards on safe harbor and disability accommodation which are authoritatively controlled by science.

This court must not endorse the cruel, inhuman and degrading treatment of disabled pro se litigants by our state or federal judges through its indifference. No court must endorse the cruel, inhuman and degrading treatment of disabled pro se litigants by justifying that it treats every litigant with cruelty and inhumanity and degradation. If we are of essential use in one aspect of life, the disabled offer a mirror to persons in authority about their personal candor and fitness for rank and power.

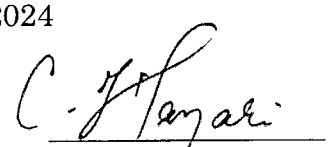
Harmony must be established between the humane, the medical, and the ethical judicial treatment of persons with disability to ensure the rule of justice is demonstrated as intended by our national ethos embodied in our supreme Law. This court must extricate the disabled pro se litigant from remaining the collateral damage of jurisprudence without requiring burdensome litigation with further limitations of rights and inferior outcomes.

My body is dying, my brain is damaged, I am tortured and being murdered by JUDGES. My abusers are the most privileged and immune individuals in American society, and use libel and fraud and extreme cruelty and inhumanity to abuse me with cruel and unusual

punishment. Life cannot be harder or more unjust than this. Liberty does not exist for us. Persons with disability have no human rights if they dare access the courts pro se.

The predator judge Socrates Manoukian is disqualified, and must be declared so to prohibit imitators and all judges who feel immune and commit such invidious discrimination as documented in the record. The use of vexation to protect such a corrupt judge must never be permitted, but diligent investigation must be undertaken by a higher court into such a complaint as a matter of administrative quality control which tips the balance of harms because power and privilege must diligently ensure propriety and judicial quality of treatment of the disabled and the pro se litigant. We disabled pro se litigants must not be assigned the reform and correction of jurisprudence, which enjoys the privilege of independence and equal power under Separation of Powers.

In *propria persona* and as private attorney general, September 12, 2024



Cyrus Hazari