24-6255

original

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IN THE
SUPREME COURT of the United States

Taiming Zhang	)	Case No. _____
Plaintiff-appellant-petitioner	)	
	)	EMERGENCY
	)	petition for writ of certiorari;
Versus	)	from CA9 23-15740
	)	
	)	
	)	
	)	*rehearing denied 09/26/2024 by CA-9*
	)	
Apple Incorporated	)	
Defendant-appellee-respondent	)	
	)	

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

a) The defendant has been, since September 2017, committing fraud and assault against all its customers (billions of consumers) maliciously shipping products that are defective, do not perform as advertised, and MAIM consumers including by electric burns to the human body with any usage, and by permanently deafening with high frequency noises, and have been overheating, charging stopping due to excessive heat (did not happen with products produced earlier, including same model), shorter lifespan (earlier failure) of battery, HALF THE BATTERY LIFE AS ADVERTISED, puncturing parts where devices simply won't turn on or won't do proper outputs and become actually unusable as it outputs incorrect results including devices within weeks, speakers producing popping sounds (explosive noises) on top of the high frequency noises, melting charging cables, burning with thermals burns rarely on top the always persistent electric burns, device slowdowns due to excessive heat (not able to play games smoothly or otherwise sustain performance), WHICH got to the point that the iPhone 15 Pro Max is slower than the iPhone 14 PM and 13PM which is explicit fraud, and so on; most prominently, there has been on average at least one iPhone explosion per year since 2018 when no explosions of iPhones in the 10 years prior.

b) The defendant has committed racial targeting against the Chinese, deliberately giving the Chinese more serious physical injuries than other races (by shipping more hazardous devices to China including HK excluding Taiwan).

c) The DC subverting its local rules. The CA sanctioning (approving) this.

d) MULTIPLE circuits conspicuously subverting governing SCOTUS case law Coppedge v. United States, 369 U.S. 438 (1962), SUBVERTING RIGHT TO APPEAL, calling appeal (appellate review) "claim of appeal", CLAIMING RIGHT NOT TO REVIEW THE DOCKET AND RIGHT TO KNOWINGLY SUBVERT THE LAW, which subverts the 5th, 8th, and 14th amendments, Art I, and Acts of Congress.

e) CA-9 subverting Liteky v. United States, 510 U.S. 540 with pure malice.

f) CA-9 denied motion to expedite with no reasons stated, and against fact.

g) CA-9 violating due process and not ruling on motion for rehearing

h) Other unlisted serious misconduct.

i) Of course, any aiding of Apple's conduct constitutes an eighth amendment violation.

j) CA-9 subverting due process and 8th amendment and EPC with manufactured difficulties.

k) Properly construing section 3 of Amendment XIV

2. *[list of parties and proceedings]* *All parties appear in the caption of the case on the cover page.*
CA-9 23-15740 motion for rehearing denied 09/24/2024. judgment of CA entered 6/3/2024.
CAND 3:23-cv-00972 IFP order 4/11/2023

3. [table of contents and authorities]

Table of authorities

4. [lower court judgments] All DC judgments or orders are not reported but are precedential. Judgment and orders by CA are not reported.
5. [jurisdiction] motion for rehearing denied 09/26/2024 by CA-9
Jurisdiction arises from 28 U. S. C. § 2101
6. [statutes involved] the eighth amendment, the fourteenth amendment section 3, 5, CAND local rules

Amendment XIV sec 3 No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same,

or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 5 The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Eighth Amendment Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

CAND LR 3-2. Commencement and Assignment of Action

(c) Assignment to a Division. The Clerk shall assign civil actions and proceedings pursuant to the Court's Assignment Plan (General Order No. 44). For those case categories which are not district-wide, the Clerk shall assign the case to the court division serving the county in which the action arises. A civil action arises in the county where a substantial part of the events or omissions giving rise to the claim occurred, or where a substantial part of the property that is the subject of the action is situated.

(e) San Jose. Except as provided in Civil L.R. 3-2(c), all civil actions that arise in the counties of Santa Clara, Santa Cruz, San Benito or Monterey shall be assigned to the San Jose Division.

7. [statement of case] The district court case was brought against Apple for federal as well as state law violations, against the whole globe, against billions of consumers, with racial targeting against the Chinese, deliberately giving the Chinese more serious physical injuries than other races (by shipping more hazardous devices to China including HK excluding Taiwan). The most serious violation amongst the list is deliberately maiming billions of consumers. The DC DJ acted outside of her jurisdiction to commit a crime against humanity to be Apple's accomplice. The AC sanctioned (approved) the serious jurisdictional issue and mandated to continue the crime against humanity by nickname Tim Apple and co-conspirators. It's all just fat nonsense. Jurisdiction at DC was both federal question and diversity.
8. [reasons for granting writ]
9. [imperative, urgency] This case involves painful physical assault as well as maiming and risk of explosions. They are each irreparable harm. It

ALSO poses the issue that the right to appeal is subverted in the entire country, w/ CA judges claiming right to subvert the law. That is a super imperative issue, and is exceptionally urgent. Loss of national security and rule of law on large scale is irreproachably irreparable harm.

10. Serial, sequential (repeated and on large scale), identical or virtually identical acts of subversion or insurrection has a unique and specific name: SECESSION. What the CIRCUITs did added together is no different than what the southern rebels did. This is SECESSION, which authorizes the military to do a civil war on them. The happening of large scale subversion of law, secession that is, is imperatively urgent.

11. [main issue] This case begs whether Apple has been with direct intention shipping out hazardous products to ALL consumers on the globe. Any use of their products causes physical injuries. Not just high power usage. And it's all their products, iPhone, iPad, Macs, Apple Watch, Magic Mouse, everything. The court is LARGELY referred to the exhibits to understand what Apple did. The exhibits speak volumes.

12. Although no issue of iPhone 15 PM was mentioned in the DC complaint, it is the SAME fraudulent scheme with them ruining power management units (intentionally putting in main power management unit and Charge ICs that are designed for managing way less management), causing the iPhone 15 Pro Max to be slower than both the iPhone 14 Pro Max and iPhone 13 PM. They state explicitly every year their latest phone is the fastest.

13. Other than causing PAINFUL physical injuries with any use, there is puncturing parts where devices simply won't turn on; there is speakers producing popping sounds (explosive noises) when just using the device not doing anything special; there is causing shorter lifespan of device and battery; there is charging stopping due to excessive heat (unable to charge

device); there is incorrect outputs due to CPU punctured; there's burned and melted charging cables; there is device slowdowns due to excessive heat (not able to play games smoothly et cetera); most prominently, there has been on average at least one iPhone explosion per year since 2018 when there was no explosions of iPhones in the 10 years prior.

14. The painful physical injuries seem permanent, with burn marks, hardened blood vessels, bruises, EVEN calluses, swelling and bumps looking like tiny blisters, pain throughout the day and even pain in the arms from burned hands (as they're electric burns); the hands feel pain even just holding something thanks to the burns. The painful physical injuries are mostly from ELECTRIC burns. So they are MAIMING.

15. AS WELL, they ruined the speakers using cheaper material to produce high frequency noises that cause ear damage. I have medical records on this BUT they're not in English so I didn't bother attaching them.

16. AGAIN, the court is largely referred to the exhibits.

17. Note that UK consumer group "which?" tested iPhones and found out that their battery life can be as bad as half as advertised, **with the XR battery life being exactly half as advertised**. According to UK consumer group Which?, in tests of nine iPhone models, all of them fell short of Apple's battery life claims by between 18 and 51 percent. The advertised battery life is advertised with a detailed statement by Apple as to how they achieved such results, under what particular circumstances, and the consumer group followed exactly Apple's statement and tested that the devices have HALF the battery life **under those very conditions stated by Apple**. This is of course a result of the bad PMUs in the devices, wasting battery in electrocuting and overheating the parts and burning human hands with electricity.

18. As cruel and unusual as it sounds, Apple put in even worse PMUs in the

iPhone 16 series (incl. 16 Pro), and it gave me a big callus on my hand.

19. There was never a batch issue. Apple did it w/ ALL units for consumers, against ALL consumers.

20. In the two recent months, October and Nov 2024, respectively, an iPhone exploded in China. There is a TEN DAY OLD iPhone 16 explosion, and an iPhone 14 Pro MAX explosion. As I expected, they'll be exploding in flocks soon. This is an unprecedented frequency of explosion, MUCH HIGHER than before. For the 14 PM explosion, there is a STAMPED gov't report that states it's the phone that CAUSED A FIRE. See appendix. These 2 occasions are in addition to the 3 explosions in 2 years.

21. [the lies] As for the DC and CA's lies, they are so palpable it is insulting to even respond to them. They are such obvious lies they do not warrant a response. The CA said I "waived" all challenges by not arguing anything in the brief. Disregarding the subversive legal standard applied, they said I filed a brief; they did not say I didn't file a brief. So what's on the brief if no arguments are on them? Is there any material possibility that I had filed a brief containing no arguments? What on earth is on them? They weren't even TRYING to gull society into believing they weren't committing insurrection. They did insurrection in the most swaggering fashion. I believe "a filed brief does not contain arguments" is SO

unreasonable of a doubt, I do not need to respond with counter evidence, but I only need to point out that it's SUCH an obvious lie. So what was on the brief? They're not even doing insurrection bothering to gull people. They're just doing this in a swaggering fashion. They specifically said the brief contains no challenges ("waived all challenges"). So what is on the brief? Applauding crime against humanity? PRAISES? That's on the brief? What on earth is on the brief? They said the brief failed to address the IFP order, so what on earth is addressed on the brief? This is such pure open and impudent insurrection. They're not even bothering to try and **gull the public**. This was just swaggering insurrection. They're not accusing that the appellant brief contains only two words, "CHINA YUUUUUUUUUUUUUUGE", are they? Or maybe they falsely accuse I said "China is raping our country" instead. Maybe I said "go back to CHINA"; maybe I said "I know more about ISIS than the

generals do"; maybe I said "I love the poorly educated"; maybe I said "they're bringing drugs; they're bringing crime"; maybe I said "nobody knows ... better than I do"; maybe I said "grab 'em by the" **TORTURE EXISTS FOR A REASON.**

22. I don't need to dive into their lies; they're just so palpable. They could have said I hand drew the entire map of China on the brief and that would have been more believable than *no arguments on the brief*. Like I said, this was SWAGGERING insurrection against the United States.

23. Of course, any aiding of Apple's conduct constitutes an eighth amendment violation.

24. The DC's lies are even more hilarious. TLT said the defendant, the parent company of ALL global apple companies, did not design or manufacture iPhones*, and that as seller, they shouldn't be sued for restituting a sales contract. *she said I did not treat them as manufacturers, but since no user could be unaware of who they are, as they print that on the box, how could I treat them differently? It's SWAGgering insurrection. THEN, the DC also stated that only gov't (so no schools, no employers) can be sued for civil rights violations. She may as well change her name to Amber Heard. Equally, I believe this was SWAG SWAG SWAG on the United States. She did not even bother to attempt to gull society into believing that she wasn't committing insurrection. NO. THE SHEER OPPOSITE.

25. These lies by CA and DC are open invitations to brutal physical beating (torture) daily per Article I section 8 Clause 15 of the Constitution. They are insurrection. They are too hilarious. They do not warrant a response. They will be tortured I'm sure. Torture exists for a reason.

26. [DC jurisdiction] The LR states "*For those case categories which are not district-wide, the Clerk shall assign the case to the court division serving the county in which the action arises*", and yet this case was sent to San Francisco, not San Jose. TLT never had jurisdiction. This violation of the LR is common practice in CAND. And CA approved such violation of LR.

27. This issue of jurisdiction alone with CA namely the Chief Circuit Justice approving such open violation of LR is worthy of the Court's attention, as this is done on large scale. So many cases were tried in violation of the LR.

28. The issue was raised to the CDJ and to another duty judge; both of them sanctioned (approved) such open violation of the LR, and basically ordered for it to continue.

29. The issue of violating LR alone is ON QUITE a large scale. Many cases will have to be voided, and it'd cause quite a backlog of cases. The amount involved is HUGE, and the San Jose venue deals with quite some huge cases (public interest class actions). So any delay in curing this issue of jurisdiction will be detrimental on a very large scale.

30. 23-90068 is a judicial conduct complaint submitted to CA-9 against the judge TLT who intentionally acted outside her jurisdiction only to commit a crime against humanity. It's based on two things, a) DC commonly subverting its local rules, not assigning cases according to the LR, b) delays in dealing with an urgent application.

31. The CHIEF justice of that circuit said there was no evidence that supported acting outside of jurisdiction, subverting the LR, and that there must be extrajudicial source to disqualify a judge. This was affirmed by

the committee. SUCH impudent insurrection.

32. OBVIOUSLY, such ruling is false. Obviously, it's one lie after another. And obviously, this is insurrection. Obviously, LRs cannot be subverted.

33. As well, they subverted Liteky v. United States, 510 U.S. 540, which established the "pervasive bias" exception to the "extrajudicial source", ruling if judicial rulings alone demonstrate "a high degree of favoritism or antagonism as to make fair judgment impossible", it supports disqualification of judge. So CA-9 CHIEF CIRCUIT JUSTICE subverted supreme court precedent conspicuously, with t/ committee doing the same.

34. CA-9 CHIEF CIRCUIT JUSTICE openly lying and saying there's no evidence is absolutely unacceptable and needs to be corrected, though I note all 29 are professional insurrectionists. THIS IS IMPERATIVE.

35. [subverting SC precedent] as mentioned above, Liteky v. United States, 510 U.S. 540 is subverted by CCJ. In the docket, there was a request for the 3 insurrectional scoundrels to recuse, as they so obviously lied, based on pervasive bias. They refused to look at whether they had perversity, and concluded with quoting Liteky saying decision alone "almost never" supports disqualification. The exact quote BY THEM is "*Judicial rulings alone almost never constitute valid basis for a bias or partiality motion.*" Begging the question of disqualification of them. This was malicious conspicuous subversion of governing SC precedent by multiple insurrectional scoundrels of the same circuit of 9th.

36. [other serious misconduct] The three insurrectional scoundrels MICHELLE T. FRIEDLAND, MARK J. BENNETT and GABRIEL P. SANCHEZ themselves refer to my motions as "petition for panel rehearing and petition for rehearing en banc (Docket Entry Nos.

[20] and [21])", not just "petition for rehearing en banc", nevertheless, they use no one raising for a vote the rehearing on banc motion as an excuse to disregard entirely the petition for panel rehearing or motion to reconsider, skipping it entirely. All this was in order to aid and abet and partake in apple's crimes against humanity, as well as to persist on the insurrection of procedural statutes including right to appeal statutes they committed, when they won't even receive any benefits doing so. The founding fathers were so right. Torture exists for a reason. WHEN a motion to reconsider is without justification not ruled on, court should assume this as an admission to insurrection. ① No reason stated ② Frustrating appeal

37. Earlier, 3 other insurrectional scoundrels of CA-9 denied my motion to expedite w/o stating any reasons. Unsurprising as the circuit is consisted of 29 insurrectional scoundrels who won't take a case re: Apple's serious conduct against BILLIONS of consumers. Torture exists for a reason.

38. 【subversion of SC case law on right of appeal】 As SCOTUS held in Coppedge v. United States, 369 U.S. 438 (1962), a person convicted in a Federal District Court of a federal offense (civil is written similarly that appeal is a matter of right, not discretion) is entitled to appeal as a matter of right, and he **need not petition the Court of Appeals** for the exercise of its discretion to allow him to bring the case before it. The only requirements a defendant must meet for perfecting his appeal are those expressed as time limitations within which various procedural steps must be completed. The requirement that an appeal in forma pauperis be taken "in good faith" is satisfied when the defendant seeks appellate review of any issue that is not frivolous.

39. Such words as "[j]udges are not like pigs, hunting for truffles buried in briefs." United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991) are subversive of the right to appeal. Appeal (appellate review) is a statutory

right, and the statutory right is, as SCOTUS precedent made clear, for appellate court to fully and meticulously i.e. in detail review the case, AS A MATTER OF RIGHT. **Asking the appellant to state detailed grounds of appeal turns the matter of right into a matter of discretion.** The law says right to appeal, not right to apply for permission or writ to review. Requiring appellants to state reasons warps the right to appeal into right to apply for permission to appeal.

40. Not making detailed arguments COULD NOT support a dismissal. The appellate court has duty to fully review the case, regardless of whether the appellant raises particular legal points for review. **The appellant raising no grounds of appeal at all is not a reason for court to not review the case, as an appeal (appellate review) is of right, not discretion.** Undoubtedly appellants have the right to file appeal as case stated, asking for a full review, where the accusation is that the DC simply subverted the law.

41. It follows, that, "Our circuit has repeatedly admonished that we cannot "manufacture arguments for an appellant" and therefore we will not consider any claims that were not actually argued in appellant's opening brief." Greenwood v. Fed. Aviation Admin., 28 F.3d 971, 977 (9th Cir. 1994) IS WRONG and against SCOTUS precedent. The duty of the appellate court is to fully review the case, even when there's no point raised by appellant, as appeal is a matter of right, and he need not petition the Court of Appeals for the exercise of its discretion to allow him to bring the appeal before it. So it's the duty of the appellate court to "manufacture arguments for an appellant", review the trial court order and look for wrongs that is. Proceedings in CAs are appeals, not claims.

42. All of Indep. Towers of Wash. v. Washington, 350 F.3d 925, 929 (9th Cir. 2003), Greenwood v. Fed. Aviation Admin., 28 F.3d 971, 977 (9th Cir.

1994), United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991) refer to appeal as "claim of appeal", which is so entirely subversive of the right to appellate review as very well defined by the Supreme Court. When they said "claim of appeal", they meant claim FOR appeal, when it is the right to appellate review, not a CLAIM for appellate review. The former would require court to "manufacture arguments for an appellant", applying the law fully that is; reviewing the trial court order and looking for wrongs is what appellate review means. **This is daring and despicable and conspicuous insurrection by multiple circuits.**

43. CLAIMING RIGHT NOT TO REVIEW THE DOCKET AND RIGHT TO KNOWINGLY SUBVERT THE LAW is an act of SECESSION AND INSURRECTION. All of Indep. Towers of Wash. v. Washington, 350 F.3d 925, 929 (9th Cir. 2003), Greenwood v. Fed. Aviation Admin., 28 F.3d 971, 977 (9th Cir. 1994), United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991) did exactly this: SECESSION AND INSURRECTION.

44. Note their insurrectional case law is precedent with NATIONAL effect.

45. Note also, their insurrection applied, would mean right of conviction of the innocent and acquittal of the guilty, especially in criminal court.

46. **Ultimately, these circuits CLAIM the right to subvert the law. To ONLY consider laws raised by the parties IS TO NOT CONSIDER**

THE LAW, **claiming right to KNOWINGLY subvert the law as well as not reviewing the docket so long as the parties did not tell them otherwise. This then is a clear national security issue and a section 3 of amendment XIV issue.**

47. I love their play with words. Appeals are never CLAIMS, this was never controvertible. BUT THEY CAME UP with a way to make betraying their statutory duties sound so comfortable and beautiful. They're ought to ensure the law is enforced to full effect and correctly, yet they came up with "manufacture arguments for an appellant", CODEWORD for enforcing the law fully. This is insurrection, as quoted by CA-9, by MULTIPLE circuits, conspicuously subverting right to appeal and governing SC precedent on right of appeal. This is thus SUPER serious.

48. Given the page limits of briefs in the FRAP, it is usually impractical to cover every aspect, such as jurisdiction, constitutionality et cetera. So for practical effect, the rule of law and national security is DEAD.

49. Such claiming, and calling appeal "claim of appeal", when it is the right to appellate review, not a CLAIM for appellate review, (when they said "claim of appeal", they meant claim FOR appeal), subverts the EPC, the privileges and immunities clause, and due process. It ALSO constitutes **violation of the eighth amendment**, as it so clearly means conviction of the innocent and acquittal of the guilty.

50. Claiming right of appellate judges to KNOWINGLY subvert the law subverts Article I entirely, and subverts multiple constitutional clauses, and subverts the right of appeal entirely.

51. [applying the subversive precedent] however, the 3 insurrectional scoundrels of CA-9 continue to have no excuse even applying the subversive precedents. First of all, these precedents were meant to condemn listing a long list of laws without saying they're relevant, when

they are in fact irrelevant, making them unreasonable to respond to. Common law stare decisis requires similar facts and circumstances, which clearly do not exist. This doesn't undermine those subversive precedents are insurrection though. Second of all, it remains so impossible that a brief is filed without actual arguments. WHAT on earth is on the brief?

52. [manufactured difficulties] As I have established above, even applying the wrong precedent, **no argument on brief remains a barefaced lie, and it remains the case they had committed insurrection.**

53. Although **no argument on brief or nothing is actually argued is a barefaced lie, even fully subversively applying** "we cannot manufacture arguments for an appellant", as again, without actual arguments, WHAT ON EARTH is on the brief? Although that's true, it may be the case they were suggesting that because I did not repeat myself in full length, the arguments are not actual. This is an even more palpable lie. **How does the length of arguments relate to if arguments are ACTUAL?** What a SWAGGERING lie of INSURRECTION?

54. I add it is not possible given the rules (page limit for brief) to repeat myself in full length.

55. When the DC so obviously lied against the CLEAR showing of fact and law in the complaint, requiring someone on appeal to fully repeat themselves is a manufactured unreasonable difficulty, and is a violation of the 8th, 5th, and 14th amendments, despoiling due process, EPC, and so on.

56. Generally, manufactured unreasonable difficulties are violation of the 8th, 5th, and 14th amendments.

57. The common law is so clear that the Court has the obligation to review the docket. Their subversion of law is serious.

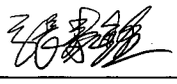
58. One thing extremely notable in this case is that the DC signed an order granting IFP for appeal admitting they had violated a

clause 15 says otherwise. I made other legal errors in some of the filings and I apologize. Namely, FRAP 28 does require including the argument, not just a summary. The documents were written in urgency, and I'm not an attorney. But these unimportant errors don't undermine the legitimacy of either the claim or the appeal or this petition.

Declaration

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

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



TaiMing Zhang, petitioner

statutory right. So the appellant court dismissing the appeal in this case is an act of insurrection with direct intention.

59. [my cases] my cases truly show the status of national security from enemies within (domestic). Lawless hell land is a proper description of the America today.

60. [section 3 of Amendment XIV]

61. Although this case seeks an order under section 3 of amendment XIV that could be considered mandamus/prohibition, as the order sought could arguably be obtained from a district court 42 U.S. Code § 1983 proceeding for injunction, relief isn't unavailable from other courts, and thus it's NOT a petition for extraordinary relief.

62. The majority opinion in Trump v. Anderson, 601 U.S. 100 (2024) is clearly wrong and subversive. The dissent opinion in Trump v. Anderson, 601 U.S. 100 (2024) is clearly right. So just follow that. Section 3 of amendment XIV explicitly refers to "judicial officers", so the common law judicial immunity nonsense is not relevant. The majority opinion there not corrected would annul (subvert) the entire fourteenth amendment, as section 5 applies to the whole amendment, not just section 3. In other words, Trump v. Anderson DID in fact reverse Brown v. Board of Education of Topeka, 347 U.S. 483 (1954).

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

64. [errors] I said in the DC complaint that the Constitution needed to be amended to torture an insurrectionist. I was clearly wrong. Art I sec 8