

FILED

JAN 24 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 24 - 6535

IN THE
SUPREME COURT OF THE UNITED STATES

Christopher Vitti

PETITIONER

vs.

KEVIN BRIAN JONES et al

RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
the United States Court of Appeals for the Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

Christopher Vitti

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Pro Se Plaintiff

questions

1 Did the ninth district court error in finding that there's no equitable remedy to make an extension of statute ; and if the ninth district didn't error, can the Supreme Court under 28 U.S. Code § 2072 make a remedy for this tort claim by making an extension to the statute?

2 Is delay a form of a loss of liberty, justice and due process when having to climb the courts just to remedy a grievance; or does an action require a day in court for trial or a hearing to be considered consistent with due process?

3 Should have the lowest federal court offered counsel when in forma pauperis due to the analog nature of 18 U.S. Code § 241 and 42 U.S. Code § 1983?

4 Did the lower court error in holding that it couldn't look into state proceedings for lack of subject matter jurisdiction; or did the lower court improperly decide on the full faith and credit clause which led to lack of subject matter jurisdiction?

5 Did the lower court error in finding that the right to papers isn't clearly established law?

6 Did the lower court error on the state's 11th amendment immunity?

7 Did the lower court error in holding that the plaintiff is not entitled to injunctive relief?

8 Did the lower court improperly apply Imbler v Pachtman in a way to completely do away with Brady vs Maryland and its progeny cases?

9 Is there also a first amendment or common law right or both, to court records and writings when the vehicle used is the Freedom of Information Act or the State equivalent (CPRA)?

10 In regard to all the failures to state a claim and failure to state enough facts, may I in the interest of Justice, amend all relevant pleadings like in Rule 15. (A)(2) so granted at the mercy of this court; and if this court sees fit to remand this case back to the lower courts for a new trial with time to amend the complaint in its entirety?

NAME OF PLAINTIFF

Christopher Vitti

NAME OF DEFENDANTS

KEVIN BRIAN JONES, COURTNEY WILLIAMS, VERONICA HISOIRE, ADAM SEPT, ESPERANZA ESPARZA, DIANA STANLEY, TODD ZOCCHI, KATHERINE MICKS, EDWIN MIRAMONTES, DEL NORTE SUPERIOR COURT, and DEL NORTE COUNTY

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CASE No .: D JC-INTR-2022-2684-1
Citation number LK52881

1 Vs.
CHRISTOPHER LEE VITTI

2 The opinion of the Superior Court of California COUNTY OF DEL NORTE Appears at Appendix
3 D in the petition and is unpublished.

4 The People of the State of California

CASE No .: D JC-INTR-2022-2684-1

Citation number LK52881

5 Vs.
CHRISTOPHER LEE VITTI

6 JURISDICTION

The date on which the United States Court of Appeals for the Ninth Circuit decided my case was
7 10/29/24

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

8 CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

9	United States Constitution, Amendment 1th-----	5,7
	United States Constitution, Amendment 4th-----	5,6,7
10	United States Constitution, Amendment 5th-----	4-8
	United States Constitution, Amendment 6th-----	4,
11	United States Constitution, Amendment 7th-----	4,
	United States Constitution, Amendment 8th-----	5
	United States Constitution, Amendment 9th-----	4,
12	United States Constitution, Amendment 10th-----	4,
	United States Constitution, Amendment 14th-----	4,

13 local rule of the United States District Court for the Northern District of California

14 7-1. Motions (b)

15 STATEMENT OF THE CASE

16 I'd like to start with I've never had a day in court and most if not all of this could have been avoided
17 if I had a simple day in court to be heard.

18 Mr. Vitti requested an in-person jury trial at the California Superior Court in Del Norte County. Id.

19 On January 9, 2023, Commissioner Jones presided by Zoom over Mr. Vitti's traffic hearing. Id. Mr.

20 Vitti appeared in person. Id. Contrary to Mr. Vitti's request for a jury trial, Commissioner Jones

21 acted as the sole adjudicator. Id. This, Mr. Vitti alleges, was the first violation of his constitutional
rights, specifically, the right to a trial by jury under the Sixth and Seventh Amendments. Id.

1 During his traffic hearing, Mr. Vitti's phone was "unlawfully seized" by Commissioner
2 Jones. Id. at 9. Although Mr. Vitti was "completely silent" and was not "talking or audio emitting"
3 from his device, Commissioner Jones ordered court staff to confiscate his phone. Id. at 6. Mr. Vitti
4 attempted to explain that he needed his phone to mount his defense, but Commissioner Jones
5 insisted that Mr. Vitti relinquish his phone to the court. Id. Ms. Williams and Ms. Hisoire, both
6 clerks of the court, "told Mr. Vitti to hand over his phone" (Id. at 10) and bailiff, approached Mr.
7 Vitti and "asked [him] for his phone but backed off" (id. at 9-10). bailiff also "asked the judge if Mr.

8 Commissioner Jones said he would. Id. Eventually, a CHP Officer "aggressively seized" Mr.
9 Vitti's phone and, in the process of doing so, "committed battery by taking Mr. Vitti's phone." Id.
10 at 9-10. Mr. Vitti's phone was returned to him at the conclusion of the proceedings. See id. at 6.
11 Mr. Vitti alleges that the confiscation of his phone violated his Fourth, Eighth, and Fourteenth
12 Amendment rights. Id.

13 Without his phone, Mr. Vitti was required to defend his case from memory. Id. at 6.
14 During the proceeding, Commissioner Jones "rushed" Mr. Vitti, did not give him enough time for
15 oral argument, and allowed him to speak "only ten words at a time." Id. at 6, 9. Mr. Vitti alleges
16 that by restricting his oral arguments, Commissioner Jones violated his First and Fourteenth
17 Amendment rights.

18 Surprised by the chaos in court, Mr. Vitti remarked that the proceedings were "bonkers."

19 Id. at 6. Commissioner Jones told Mr. Vitti that he was being disrespectful and charged him with
20 contempt of court. Id. Mr. Vitti was given a sticky note with the date and time for the contempt
21 hearing by one of the court clerks. Id. Ultimately, Commissioner Jones found Mr. Vitti guilty of
the traffic violations and levied fines against him. Id. at 12.

After the traffic hearing, Mr. Vitti submitted a records request to the Superior Court for

1 transcripts and video footage of the traffic proceedings. Id. at 7. The request was denied. Id.
2 Eventually, Mr. Vitti paid \$25 to receive the Superior Court's records of his traffic proceeding. Id.
3 Mr. Vitti also submitted a request for bailiff's body camera footage from the District
4 Attorney's Office and, through County Counsel, the Sheriff's Office. Id. These requests were
5 denied "and then approved but not given anywhere near on time for a fair trial." Id. at 15. Mr. Vitti
6 alleges that unidentified District Attorneys were uncommunicative and refused to help him obtain
7 the evidence he needed to prepare for his contempt hearing. Id. at 7. He also alleges that the
8 Sheriff's Office intentionally deleted the body camera footage, though he later received the
9 footage he requested. Id. at 8.
10 Mr. Vitti's contempt of court(civil) hearing was held on February 9, 2023. Id. Commissioner
11 Jones presided over the hearing and the contempt charges (Criminal) were dropped. Id. On March
12 23, 2023, Mr. Vitti received the body camera footage. Id. at 8. Mr. Vitti alleges that the County and
13 its employees violated his Fourteenth Amendment rights as well as the California Public Records
14 Act by completing his records request in an untimely manner. See id. at 13-16.
15 Mr. Vitti filed this Complaint in federal court on January 29, 2024. Id. at 1. On March 4,
16 2024, CHP Officer Adam Sept filed a Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal
17 Rules of Civil Procedure. Def.'s Mot. (Dkt. 11). Defendants the bailiff, Diana Stanley,
18 Katherine Micks, Todd Zocchi, Edwin Miramontes and the County of Del Norte, (collectively, the
19 "County Defendants") soon followed suit. Def.'s Mot. (Dkt. 14). The final Motion to Dismiss was
20 filed on March 5, 2024, by Kevin Brian Jones, Esperanza Esparza, Courtney Williams, Veronica
21 Histoire, and the Superior Court (collectively, the "Court Defendants") who raised additional
issues under Rule 12(b)(1) and Rule 12(b)(6). Defs.' Mot. (Dkt. 15). All parties have consented to
the jurisdiction of a magistrate judge. (Dkts. 10, 13, 15).

1 document #7 ORDER FILED A review of the record and the parties' responses to this court's
2 August 22, 2024 order to show cause demonstrates that this court lacks jurisdiction over this appeal
3 because the August 20, 2024 notice of appeal was not filed within 30 days after the district court's
4 judgment entered on July 10, 2024. See 28 U.S.C. § 2107(a); United States v. Sadler, 480 F.3d 932,
5 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional); see also Bowles v.
6 Russell, 551 U.S. 205 (2007) (court lacks authority to create equitable exceptions to jurisdictional
7 requirement of timely notice of appeal). Consequently, this appeal is dismissed for lack of
8 jurisdiction. DISMISSED. [Entered: 10/29/2024 11:28 AM]

9 The following is a list from the history of the case pertaining to appeal

10 Document 27 Filed & Entered:08/08/2024 Terminated on 8/9/24 notice of appeal to the 9th District
11 filed and entered on 8/9/24 electronic filing error

12 filed and entered on 8/16/24 remark

13 filed and entered on 8/19/24 electronic filing error

14 filed and entered 8/19/24 remark

15 Document 28 filed entered 8/19/24 notice of appeal to 9th District terminated 8/19/2024

16 Document 29 filed entered on 8/20/24 terminated on 10/30/24 notice of appeal to 9th District circuit
17 the court can see I was actively trying to file.

18 REASONS FOR GRANTING THE PETITION

19 The facts truly speak for themselves when it comes to whether there were constitutional violations
20 and the replies in document 18 shows the 4th amendment, this court , the state law and state
21 constitution all deem taking papers from a party is a clear violation. It seems they have changed or
improperly applied the original immunity Doctrine and they've changed the qualified immunity
Doctrine to completely freeze time and place the current standard of constitutional law. The courts

1 must do their duty to uphold the law of the land and to end this facade and protect our rights from
2 both encroachment by individuals and encroachment by the process of the Courts.

3 I ask this court to fully and finally recognize the distinctions between civil and criminal nature
4 causes. This distinction could also not only Rectify having jury trial in all actions civil and criminal
5 in California but it could also rectify the lack of criminal protections in a proceeding criminal in
6 nature but civil in name and action.

7 This court could also move forward with the tradition of the right papers being fully protected
8 regardless of the form used. This court has already recognized in Riley V California that the right to
9 papers is Central and that the founders did not fight a revolution to procedure. This being the case
10 that procedure can block easily something in substance that is a right. California V Riley has
11 similarly stated that cell phones are mini computers and that only differ from papers on the quality
12 and quantity of the text they contain, Essentially cell phones are an empty vessel much akin to a
13 wallet with contexts such as your ID. Other papers have similar protections, so too should your cell
14 phone data so the court can clearly see that the right moving forward in time runs congruent with a
15 constitution so that it should not be stuck in a static condition.

16 Well I am not super versed but it is my understanding that currently there is a dispute on whether or
17 not there's a First Amendment or and a common-law right to courtroom information and courtroom
18 documents, this Court has never held that this is the case. I ask if this court could clarify that this
19 truly is a right and that it could truly help with the due process of adjudications by further accessing
20 information for proper resolution on information before the court so the truth and relatively Justice
21 may be had. The wise words of the honorable Justice White on a similar matter argued turning over
more information than necessary, would be beneficial to the judicial process overall.

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2 One of the greatest Injustices in this case is not that the wrongs were perpetuated against me but that
3 they completely deny the right to remedy the breach of rights or to come to a willing understanding
4 to help others not face the same problems. we could also be training our officers on how to
5 respect rights, our community and our Judicial process. But instead we reward bad behavior by
6 protecting them by prolonging the action coming to the light. I haven't had a day in court and I'm
7 already at the US Supreme Court. I was told that this time I was wronged wouldn't mean that I
8 would not be given a jury trial when I was brought to court next time. This line of thinking would
9 defeat the purpose of an injunction. (Doc 24 page 7 line 27 page 8 line 1,2)

10 When it came to the state claims they might not have failed in the same way since qualified
11 immunity doesn't apply to the Bane Act. Yet understandably since the federal claims were dismissed
12 he could and probably had to to some degree dismiss the state claims but I don't see why I couldn't
13 plead those very same state claims in State Court. Why would I be disbarred from both if I sought a
14 Federal remedy but could not get it? Why could I not file in state court? In short I feel like judges
15 think they have carte blanche. Yet for maybe my last cry, heed, we are not Great Britain.

16 CONCLUSION

17 For the foregoing reasons, The petition for a writ of certiorari should be granted review the
18 judgment in both The Ninth Circuit Court of Appeals and the Northern California Federal District.
19 Respectfully submitted, Christopher Vitti Date: this 19th of January year of 2024

20 /s/ christopher vitti
21 christopher vitti