

24-7184

No. SCCA No. S287563

B330219

Feria V Liu

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

FILED

MAR 17 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Tricia Liu — PETITIONER
(Your Name)

vs.

State of California, El Monte Police Department, Los Angeles Superior Court, California Court of Appeal-Second District and California Supreme Court — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

California Supreme Court

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Tricia Liu
(Your Name)

P.O. Box 503
(Address)

Alhambra, CA 91802
(City, State, Zip Code)

626 536 4850
(Phone Number)

Respondent: State of California, El Monte Police Department, Los Angeles Superior Court, California Court of Appeal, Second District, and California Supreme Court

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner: Tricia Liu

Respondent: State of California, El Monte Police Department, Los Angeles Superior Court, California Court of Appeal, Second District, and California Supreme Court

TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

I. QUESTIONS PRESENTED

1. Whether the warrantless entry by El Monte Police Department officers into Petitioner's property, without exigent circumstances or valid legal justification, violated the Fourth Amendment of the U.S. Constitution.
2. Whether the restraining order issued against Petitioner was based on false testimony by a police officer following his unlawful entry, and whether the courts erred in refusing to expunge it despite clear evidence disproving the allegations against Petitioner.
3. **Implications of the Court's Ruling**
I am deeply disappointed with Division 1. If this ruling stands, it sets a dangerous precedent allowing professional tenants like Mr. Feria to use this case as a shield for illegal activities. It also empowers police officers to criminalize landlord-tenant disputes under PC §418, granting them undue authority to enter private property without consent or a warrant. This undermines the very foundation of civil property rights and could lead to widespread misuse in future cases. The wrongful restraining order should be revoked and expunged. Not to set a bad example!
4. Whether the California courts erred in denying Petitioner's appeal in case B330219, where a subtenant engaged in unlawful commercial subleasing activities at peerspace.com, including hosting unlicensed events that posed safety hazards, Selling alcohols/Marijuana to mostly minors without permit. And the courts failed to recognize the landlord's right to enforce lease terms against such actions. See *Exhibit 10 Petition*
5. Whether the legal system in California has imposed undue financial hardship on landlords, particularly in cases where they are the victims, by providing inadequate legal assistance for commercial lease disputes. Petitioner could not get help at the LA court civil case help center due to Commercial leases being excluded. Also requiring landlords to bear financial losses from non-paying tenants for 9 months while simultaneously restricting their ability to operate their businesses. By enforcing overly restrictive restraining orders that hinder property access (see *Exhibit 1 Site plan*), Petitioner was forced to close my side of the retail store in compliance with the 15 feet distance order. Additionally, whether systemic biases or law enforcement motives contribute to an environment where landlords are left without proper legal recourse, forcing petitioner to

rely on AI tools like ChatGPT instead of professional legal representation.

II. PARTIES TO THE PROCEEDING

Petitioner: Tricia Liu, sublesser, lease enforcer.)

Respondent: State of California, El Monte Police Department, Los Angeles Superior Court, California Court of Appeal, Second District, and California Supreme Court.

III. STATEMENT OF RELATED CASES

Petitioner submits this petition and a 2nd petition to challenge decisions in two separate but related cases:

1. **Case No. B330219:** The California Supreme Court denied review on December 18, 2024, regarding the warrantless police entry and restraining order based on false allegations.
2. **Case No. B339452:** The California Court of Appeal dismissed Petitioner's appeal on December 20, 2024, regarding the illegal subletting, unlicensed event hosting, and the lower court's refusal to grant default judgment on a 9-month non payment on rent by the sublease - a total of \$51,000.

These cases share **common factual and legal issues**, particularly concerning the **denial of due process**, the **misapplication of procedural rules**, and the **failure of courts to recognize unlawful actions by subtenant while penalizing the landlord for enforcing lease terms**.

IV. OPINIONS BELOW

The California Supreme Court denied review of Petitioner's case B330219 on December 18, 2024, without explanation. See *Exhibit 2 CA Supreme Court Notice*

The California Second District Court of Appeal dismissed Petitioner's appeal in case B330219 on June 27, 2024. See *Exhibit 3 Appellate Court Ruling*

On May 18, 2023, The Superior Court of Los Angeles County originally granted the restraining order based on false allegations and denied Petitioner's request to present a countersuit or defense, rejecting the argument that Petitioner was, in fact, the victim in the dispute. See *Exhibit 4 Superior Court Ruling*

V. JURISDICTION

This Court has jurisdiction under 28 U.S.C. §1251, as the case involves a substantial question of federal law regarding the Fourth Amendment and due process violations. The final decision from the California Supreme Court was issued on December 18, 2024, and the appellate court's decision on case B339452 was issued on December 20, 2024, making this petition timely within the 90-day deadline.

VI. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- **Fourth Amendment to the U.S. Constitution:** Protects against unreasonable searches and seizures.
- **42 U.S.C. §1983:** Civil action for deprivation of rights.
- **Due Process Clause of the Fourteenth Amendment:** Protects against arbitrary denial of legal rights.

VII. STATEMENT OF THE CASE\

On April 8, 2023, El Monte Police Department (EMPD) officers arrived at Petitioner's warehouse twice. The morning officers correctly determined that the dispute between Petitioner and the tenant was a civil matter and left. However, in the evening, a second group of officers forcibly entered the premises without a warrant, citing **California Penal Code §418** (which applies to illegal evictions, not property owners enforcing lease terms). This entry was unlawful and violated Petitioner's Fourth Amendment rights. See *exhibit 5 Day Shift Police Report etc.*

Subsequently, EMPD Officer Chiu filed a **false police report** alleging that Petitioner committed battery against the tenant. However, a **witness later testified** that it was the tenant who had initiated physical contact by shoving Petitioner. Despite this, the court granted a **restraining order** against Petitioner, which has now become a **permanent record** that may be cited in future cases. And DA had filed Case#3EM00844 and later dismissed a battery case against Petitioner. See *Exhibit 6 Witness Testimony*. Unfortunately this is the 2nd time a questionable police officer involved, back in 2003, Sgt Fisher also made a false police report on a similar charge And he was later found guilty of 9 counts of Child Molesdation. See *Exhibit 10 Petition*

Additionally, in case B330219, Petitioner, as a **subleaser**, sought to evict a subtenant who was illegally subleasing part of the warehouse through **Peerspace.com** for **unauthorized and unlicensed commercial events**. On March 10, 2023, the subtenant hosted a **150-person underground party** featuring a performance by **Ashanti Major**, selling **alcohol and drugs without a license**, in a warehouse that lacked emergency exits or sufficient safety measures. **The warehouse owner and city code enforcement officials had previously warned Petitioner that if any illegal events took place, Petitioner would be evicted as well. A City citation for \$300 had already been issued for this unpermitted event.** See Exhibit 7 Poster of 3-10-23 event held at disputed warehouse

Furthermore, the subtenant **failed to pay rent** and occupied the shared space for **nine months**, causing **\$51,000 in financial damages** to Petitioner. Despite Petitioner's repeated efforts to **stop illegal subleasing**, the **State of California has granted the subtenant immunity** while **penalizing Petitioner for trying to enforce the lease agreement**. Instead of holding the subtenant accountable, the court issued a **restraining order against Petitioner, protecting the individual responsible for the illegal activity**.

During subsequent litigation, Petitioner sought a **default judgment** after the defendant failed to respond. The trial court refused to grant default judgment without a legal basis. When Petitioner appealed, the appellate court dismissed the case, claiming that the denial of default judgment

was not an appealable order. This ruling ignored the fact that the denial effectively ended the case. Further, Petitioner's inadvertent filing error—checking a box that suggested the order was not final—was later corrected in a motion, which the appellate court refused to consider.

Petitioner seeks to fulfill the responsibility as a member of society by supporting good police officers who follow the law. However, the ruling in this case damages their credibility, while the undisciplined actions of the night shift officers have caused severe legal injustices in Petitioner's case.

VIII. REASONS FOR GRANTING THE PETITION

1. **Constitutional Violations** – The warrantless entry and wrongful restraining order violated the Fourth and Fourteenth Amendments.
2. **Due Process Concerns** – The lower courts' refusal to correct clear errors undermines trust in the judicial system.
3. **Public Policy Considerations** – This case sets a dangerous precedent that allows unlawful police actions and penalizes responsible landlords.
4. **Federal Interest** – The Supreme Court's review is necessary to ensure uniformity in constitutional protections across states.

Petitioner respectfully requests that this Court grant the writ of certiorari and review the decisions below.

IX. REASONS FOR GRANTING THE WRIT

The Supreme Court should grant this petition for the following reasons:

1. **The warrantless entry violated the Fourth Amendment**
The night shift officers of the El Monte Police Department unlawfully entered Petitioner's property without exigent circumstances, consent, or a valid warrant. This directly conflicts with prior Supreme Court rulings, including *Payton v. New York*, 445 U.S. 573 (1980), which reaffirmed that warrantless entries into private residences are presumptively unconstitutional.
2. **The restraining order was based on false allegations**
Courts have an obligation to consider exculpatory evidence, including witness testimony that the tenant—not Petitioner—initiated physical contact. The courts' refusal to overturn the order, despite clear contradictions in testimony and police reports, violates due process under the Fourteenth Amendment.
3. **The California courts erred in procedural rulings that denied Petitioner's right to appeal**
See *Exhibit 8 Petition following motion to reconsider was denied*.

4. The decision undermines property rights and promotes unlawful tenancy practices

The lower courts' rulings effectively shield tenants who engage in illegal subleasing and unlicensed commercial activities while punishing landlords who attempt to enforce lease agreements. This creates a dangerous precedent, allowing unlawful occupants to evade accountability while depriving property owners of legal remedies.

5. The ruling damages law enforcement credibility by protecting bad actors

Petitioner supports good officers who uphold the law but seeks to challenge the misconduct of officers who overstep their authority. The ruling in this case condones the actions of undisciplined officers, which erodes public trust in law enforcement.

X. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the writ of certiorari and review the decisions below.

XI. List of Exhibits

- **Exhibit 1 – Site Plan:** Diagram showing the warehouse layout and the impact of the 15-foot restraining order.
- **Exhibit 2 – California Supreme Court Notice:** Official document denying review of case **B330219**.
- **Exhibit 3 – Appellate Court Ruling:** Decision from the **California Second District Court of Appeal** dismissing case **B330219**.
- **Exhibit 4 – Superior Court Ruling:** Copy of the **Los Angeles Superior Court's** order granting the restraining order and denying Petitioner's defense.
- **Exhibit 5 – Petition Email:** Email correspondence discussing the Fourth Amendment violation due to warrantless police entry.
- **Exhibit 6 – Witness Testimony:** Statement confirming that the **tenant** initiated physical contact, contradicting police claims.
- **Exhibit 7 – March 10, 2023, Illegal Event Evidence:** Poster of the **150-person underground party** subleased by the subtenant to the organizer without city permit
- **Exhibit 8 – Re: Petition for Rehearing or Reconsideration – Case No. B330219**
- **Exhibit 9 - Proof of Service**
- **Exhibit 10 - email Petition to local politicians & Asian Media**

XII. CERTIFICATE OF SERVICE AND FILING

Petitioner, Tricia Liu, certifies that:

In accordance with Rule 29 of the Rules of the Supreme Court of the United States, I have served a copy of this Petition for Writ of Certiorari on the Respondents, including the State of California, El Monte Police Department, Los Angeles Superior Court,

California Court of Appeal, Second District, and California Supreme Court, by depositing a true and correct copy in the United States Postal Service via First-Class Mail on 3-17-25, with sufficient postage prepaid. A Proof of Service is attached as Exhibit 9.

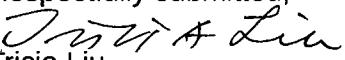
I have also filed an Application to Proceed In Forma Pauperis (IFP) along with this Petition. A copy of the IFP application is attached for the Court's review.

The required original and 10 copies of this petition have been submitted to the Clerk of the Supreme Court of the United States in compliance with Court rules.

XIII. CERTIFICATE OF COMPLIANCE

I, Tricia Liu, certify that this petition for writ of certiorari complies with the word limit requirements of Supreme Court Rule 33.1(g). According to the word-processing system used, the total word count of this petition (excluding the cover page, tables of contents and authorities, appendix, proof of service, and certificate of compliance) is 2097, which does not exceed the applicable limit of 9,000 words (or 7,500 words if filed In Forma Pauperis under Rule 39).

Respectfully submitted,


Tricia Liu

Petitioner

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