

24-7428

No. _____

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SUPREME COURT, U.S.

Supreme Court of the United States of America

UNITED STATES OF AMERICA *Ex Rel.* MELCHOR KARL T. LIMPIN

Petitioner,

v.

Governor Gavin Newsom, State Senator Toni G. Atkins and State Assembly Speaker Anthony Rendon, in their personal capacities, and UNKNOWN NAMES of All Unauthorized Foreigners and Their Respective Employers in California.

Defendant(s).

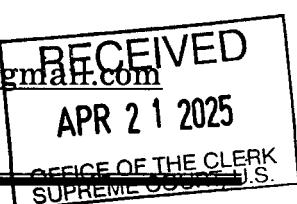
U.S. ATTORNEY GENERAL Pam Bondi AND U.S. ATTORNEY Adam Gordon FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

Party in Interest-Respondent(s).

*On Petition for a Writ of Certiorari to the United States Court of Appeals
for the Ninth Circuit Case No. 23-4287*

PETITION FOR A WRIT OF CERTIORARI

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I. QUESTIONS PRESENTED TO THE COURT

Matters of public interest of nationwide importance

1. Whether federal funds for Medicaid (42 U.S.C. § 1396b) were swindled to subsidize California Senate Bill No. 184 (2021-2022 Reg. Sess.); Stats. 2022, ch. 47, § 82) (Welfare & Institutions Code § 14007.8), which provided health coverage through the state's Medicaid or Medi-Cal to undocumented foreigners of "all ages without satisfactory immigration status," that deceitfully provided health benefits to illegal immigrants working in California without federal work permits and filing tax returns to qualify for Medicaid, alleged as a scam because numerous large business enterprises benefited to the detriment of public funds that subsidized their costs to provide health coverage to their full-time employees under the Employer Mandate 26 U.S.C. § 4980H (Shared responsibility for employers regarding health coverage) engaged with racketeering activity for illegal harboring and exploitation of illegal immigrants without federal work permits for cheap labor with wages less than the state's minimum wage law, 18 U.S.C. § 1961(1) subd. F (harboring certain aliens for financial gains) and thus, petitioner Limpin brought forth a private action for conspiracy to commit Federal Medicaid fraud under the False Claims Act (31 U.S.C. § 3729 et seq.) for the same course of conduct to conspiracy to engage with racketeering activity under the Racketeer Influenced and Corrupt Organizations (RICO) Act (18 U.S.C. § 1961 et seq.) against an assortment of defendants: (1) Governor Gavin Newsom in his personal capacity, owns several vineyards in California for conflict of interest having financial interest used public funds for

Medicaid to deceitfully avoid his costs to provide health coverage for illegal immigrants in his employ under the Employer Mandate 26 U.S.C. § 4980H and breach of fiduciary duty to provide honest services devised a scheme or artifice to defraud Federal Medicaid 18 U.S.C. § 1346; § 1347, enacted state legislations providing COVID-19 relief, state issued identification cards, and Medicaid to illegal immigrants without federal work permits working full-time in his vineyards, illegally harbored and exploited for cheap labor under the RICO Act 18 U.S.C. § 1961(1) subd. F (harboring certain aliens for financial gains); (2) State Senate President Toni Atkins and Assembly Speaker Anthony Rendon in their personal capacities (*Hafer v. Melo*, 502 U.S. 21, 27 (1991)) used their political power to influence, breached fiduciary duty to provide honest services to the public it serves and assented to conspire to commit health care fraud and effected a scheme or artifice to defraud federal funds for Medicaid 18 U.S.C. § 1346; § 1347 by passing legislations (COVID-19 relief, state issued identification cards and Medi-Cal) provided to illegal immigrants working in California without federal work permits, qualified based on tax returns and should not be cloaked with legislative immunity because of legislative acts not in the sphere of a legitimate legislative activity (*Tenney v. Brandhove*, 341 U.S. 367, 376 (1951)) because Senate Bill No. 88 provided COVID-19 relief that included undocumented persons without satisfactory immigration status who filed a tax return with a Federal Individual Taxpayer Identification Number (ITIN) (Welfare & Institutions Code § 8150) however, Senate Bill No. 88 deceitfully amended the Cal. Revenue and Taxation Code § 17052 subd

(p)(1)-(p)(2) (“By substituting “federal individual taxpayer identification number or a social security number” for “social security number.”) that effected a scheme or artifice to defraud Federal Medicaid 18 U.S.C. § 1346; § 1347 by concealing the deportable status of over 640,000 illegal immigrants without federal work permits that filed ITIN tax returns for a social security number to qualify for Medicaid the following tax season under Senate Bill No. 184 combined with state issued identification cards Assembly Bill No. 1766 (Vehicle Code § 12801.9) that concealed the deportable status of illegal immigrants presented to the welfare office to obtain their Medi-Cal benefits identification cards; (3) Unknown Names of Tax preparers received \$millions in private donations assisted by Newsom extending the deadline to file tax returns for COVID-19 relief until October 15 2021 that provided more time for tax preparers to fraudulently obtain an ITIN for over 640,000 illegal immigrants without federal work permits by concealing their deportable status and falsely certifying them as a qualified U.S. resident alien that meets the minimum 183 days substantial presence test to obtain an ITIN from the Internal Revenue Service (IRS), See 26 U.S.C. § 7701(b)(1)-(b)(3); and (4) Unknown Names of large business enterprises reported IRS Tax Form W-2 (Wage & Tax Statement) for over 640,000 illegal immigrants without federal work permits to qualify for Medicaid 31 U.S.C. § 3729(b)(1)(A)(ii) in deliberate ignorance or reckless disregard of information in support of Medicaid welfare claims that involves money laundering of tax returns 18 U.S.C. § 1956 that are financial transactions that represents the proceeds of racketeering for illegal harboring and exploitation for cheap labor with

wages less than the state's minimum wage law, 18 U.S.C. § 1961(1) subd. F (harboring certain aliens for financial gains)?

2. Whether the U.S. Constitution's Supremacy Clause preempts state legislations: (1) Senate Bill No. 184 (2021-2022 Reg. Sess.); Stats. 2022, ch. 47, § 82 (Welfare & Institutions Code § 14007.8) which provided health coverage through the state's Medicaid or Medi-Cal to undocumented foreigners of all ages without satisfactory immigration status and should be preempted to the extent that it promotes unlawful activity under the RICO Act because Medi-Cal provided to illegal immigrants without federal work permits are engaged with racketeering by virtue of their employment with racketeering enterprises illegally harbored and exploited them for cheap labor 18 U.S.C. § 1962(c), and large business enterprises engaged with racketeering benefited to the detriment of annual \$Billions in federal funds for Medicaid that subsidized and deceitfully avoids their costs to provide health coverage for full-time employees Employer Mandate, 26 U.S.C. § 4980H; and (2) Assembly Bill No. 1766 (2021-2022 Reg. Sess.); Stats. 2022, ch. 482, § 10) (Cal. Vehicle Code § 12801.9) authorized state issued identification cards for individuals incapable of proving satisfactory immigration status, deceitfully concealed their deportable status and presented to the welfare office to obtain their Medi-Cal Benefits identification cards and should be preempted to the extent that Federal Medicaid that subsidizes the state's Medicaid requires proof of satisfactory immigration and lawful permanent resident status, 42 U.S.C. § 1396b(v)(1); § 1396b(x)(4); § 1396b(x)(3)(B)(iv)?

3. Whether it was a mistake that the district court granted the Government's motion to dismiss because the United States represented by the Assistant U.S. Attorney declined to intervene on August 23, 2023 then moved to dismiss on October 4, 2023, for which conflicts with the Supreme Court's decision requiring intervention before moving to dismiss in *U.S. Ex Rel. Polansky v Executive Health Res.*, 143 S.Ct. 1720, 1724 (2023) ("The Government may move to dismiss an FCA action under § 3730(c)(2)(A) whenever it has intervened—whether during the seal period or later on.")?

4. Whether petitioner Limpin proceeding in forma pauperis deprived meaningful access to the federal courts, deprived of due process and equal protection of the Fifth Amendment because when the False Claims action was unsealed on August 30, 2023, it allowed the summons and complaint be served to defendants (20 days after the complaint is unsealed) 31 U.S.C. § 3730(b)(3), where petitioner subsequently requested service of process by U.S. Marshal on October 04, 2023, 28 U.S.C. § 1915(d) (*Neitzke v. Williams*, 490 U.S. 319, 324 (1989)) however, denied as moot by the district court on October 24, 2023, and despite merits of the case to request an attorney 28 U.S.C. § 1915(e)(1), the appellate court dismissed the case as frivolous (Appendix A) based on the district court's referral (Appendix B), where petitioner did not have fair trial because the district granted dismissal despite the Assistant U.S. Attorney had prior knowledge of petitioner an indigent litigant proceeding in forma pauperis, cannot afford an attorney, then used such situation to dismiss and thus, petitioner requested to disqualify the Assistant U.S.

Attorney represented the United States as the prosecutor neglected his duty to investigate, neither issued a civil investigative demand to requisition fraudulent tax returns with an ITIN used by over 640,000 illegal immigrants without federal work permits in support of their Medicaid claims as a matter of federal law 31 U.S.C. § 3730(a); § 3733?

5. Whether petitioner Limpin did not have a fair trial of the private action between petitioner and the defendants under the False Claims Act because the Assistant U.S. Attorney declined to intervene 31 U.S.C. § 3730(c)(3) and thus, deprived of due process and equal protection of the Fifth Amendment (*Davis v. Passman*, 442 U.S. 228 (1979)) to receive a bounty under the False Claims Act because the district court dismissed the private action on October 24, 2023, without waiting for the defendant Governor Gavin Newsom to reply to the summons and First Amended complaint with proof of service filed on October 25, 2025 (Dist. Ct. Docket No. 30) served by a registered process server on October 23, 2023?

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PROOF OF SERVICE

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IV. PETITION FOR A WRIT OF CERTIORARI

TO THE HONORABLE Chief Justice John Roberts and HONORABLE Associate Justices Clarence Thomas, Samuel Alito, Sonia Sotomayor, Elena Kagan, Neil Gorsuch, Brett Kavanaugh, Amy Coney Barrett, and Ketanji Brown Jackson:

I, Melchor Karl T Limpin proceeding *in propria persona* respectfully requests the U.S. Supreme Court to grant the petition for a writ of certiorari and if possible to provide a court appointed counsel 28 U.S.C. § 1915(e)(1) (*Haines v. Kerner*, 404 U.S. 519, 520 (1972) (“We granted certiorari and appointed counsel to represent petitioner.”) to address the questions No. 1 -5 presented to the Court that involves matters of public interest and nationwide importance involving \$Billions annually for Medicaid from the public fisc of the United States (42 U.S.C. § 1396b) swindled to subsidize the state of California Medicaid or Medi-Cal provided to over 640,000 illegal immigrants working in California without federal work permits and filing tax returns with a Federal Individual Taxpayer Identification Number (ITIN) to qualify for Medicaid welfare with large business enterprises benefited to the detriment of public funds for Medicaid used to subsidize their costs of doing business to provide health care coverage for full-time employees under the Affordable Care Act Employer Mandate 26 U.S.C. § 4980H, where petitioner Limpin brought forth actions for conspiracy to commit Medicaid fraud under the False Claims Act (31 U.S.C. § 3729 et seq.) for the same course of conduct for a conspiracy to engage with racketeering activity under the Racketeer Influenced and Corrupt Organizations (RICO) Act of 1970 (18 U.S.C. § 1961 et seq.) against an

assortment of defendants that involves ultra vires acts, conflict of interest having financial interest, breach of fiduciary duty to commit Medicaid fraud 18 U.S.C. § 1346; § 1347, legislative acts not in the sphere of legitimate legislative activity (*Tenney v. Brandhove*, 341 U.S. 367, at 376 (1951)) and money laundering of tax returns 18 U.S.C. § 1956 reported by large business enterprises used in support of claims for welfare benefits under Medicaid that are financial transactions that represents the proceeds of racketeering activity for illegal harboring and exploitation of illegal immigrants without federal work permits for cheap labor with wages paid less than the state's minimum wage law, 18 U.S.C. § 1961(1) subd. F (harboring certain aliens for financial gains).

V. OPINIONS BELOW

As required by Supreme Court Rule 14.1(b)(iii), On January 23, 2025, the Ninth Circuit Court of Appeals filed an adverse order with Case No. 23-4287 (*Melchor Karl T Limpin Ex Rel. United States v. United States Ex Rel. Melchor Karl T Limpin, Interested Party v. Gavin Newsom et al., defendants*) and attached as (Appendix A). On January 3, 2024, the district court for the Southern District of California certified the appeal frivolous and revoked in forma pauperis status with Case No. 23-cv-0399-DMS-DEB (*United States ex rel. Melchor Karl T Limpin v Gavin Newsom et al.,*) and attached as (Appendix B). On October 24, 2025, the district court for the Southern District of California granted dismissal of the False Claims action for Medicaid fraud and denied motion to appoint counsel, with Case No. 23-cv-0399-DMS-DEB (*United States ex rel. Melchor Karl T Limpin v Gavin*

Newsom et al.,) and attached as (Appendix C). On December 7, 2023, the district court for the Southern District of California denied motion for reconsideration with Case No. 23-cv-0399-DMS-DEB (*United States ex rel. Melchor Karl T Limpin v Gavin Newsom et al.*,) and attached as (Appendix D). On October 4, 2023, the United States represented by Assistant U.S. Attorney Dylan M. Aste moved to dismiss the False Claims action with Case No. 23-cv-0399-DMS-DEB (*United States ex rel. Melchor Karl T Limpin v Gavin Newsom et al.*,) and attached as (Appendix E).

VI. JURISDICTION

The Court has jurisdiction for a petition for a writ of certiorari 28 U.S.C. § 1254(1), timely filed within 90 days from the Ninth Circuit's decision on January 23, 2025 (Appendix A) as required by Supreme Court Rule 13.1.

VII. CONSTITUTIONAL PROVISIONS INVOLVED

(1) U.S. Constitution., art. VI, cl. 2 (Supremacy Clause) to address question No. 2.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

(2) U.S. Constitution, V amendment ("No person shall be deprived of life, liberty, or property, without due process of law.") to address questions no. 4 & 5.

VIII. STATEMENT OF THE CASE

Petitioner Limpin brings forth a private action for conspiracy to commit Federal Medicaid fraud under the False Claims Act ("FCA") (31 U.S.C. § 3729 et

seq.) for the same course of conduct for a conspiracy to engage with the affairs of racketeering under the Racketeer Influenced and Corrupt Organizations (“RICO”) Act (18 U.S.C. § 1961 et seq.) against an assortment of defendants that involves ultra vires acts, conflict of interest having financial interest, breach of fiduciary duty to commit Federal Medicaid fraud 18 U.S.C. § 1346; § 1347, legislative acts not in the sphere of legitimate legislative activity (*Tenney v. Brandhove*, 341 U.S. 367, at 376 (1951)) and money laundering of tax returns 18 U.S.C. § 1956 reported by large business enterprises used in support of claims for Medicaid welfare that are financial transactions that represents the proceeds of racketeering activity for illegal harboring and exploitation of illegal immigrants without federal work permits for cheap labor with wages paid less than the state’s minimum wage law, 18 U.S.C. § 1961(1) subd. F (harboring certain aliens for financial gains).

As required by 31 U.S.C. § 3730(b)(2), material evidence provided to the U.S. Government showed over 640,000 undocumented foreigners without satisfactory immigration status and without federal work permits filed tax returns with an ITIN and qualified for welfare benefits (COVID-19 relief) used in the following tax year for Medi-Cal, Senate Bill No. 184. Petitioner reasonably suspected Medicaid fraud because Federal Medicaid requires proof of satisfactory immigration and lawful permanent resident status and that over 640,000 ITIN filers from illegal immigrants without federal work permits significantly exceeded the number of credible ITINs from qualified U.S. resident aliens residing in California that meets the substantial presence test for an ITIN See 26 U.S.C. § 7701(b)(1)-(b)(3); for which

are foreign seasonal workers residing in California certified with 32,333 (H-2A agricultural work visas) and a congressional cap of 66,000 (H-2B non-agricultural work visas) at year end 2021 for tax year 2020, where lawful permanent residents, asylum grantees and foreign students with J-1 visas are issued social security numbers for work and not deceitfully over 640,000 ITIN filers from illegal immigrants without federal work permits unable to provide satisfactory immigration status.

An assortment of defendants devised a scheme or artifice to defraud Federal Medicaid under 18 U.S.C. § 1346; § 1347 and liable for conspiracy to commit Medicaid fraud under the FCA 31 U.S.C. § 3729(a)(1)(C) for the same course of conduct to a conspiracy to racketeering 18 U.S.C. § 1962(d).

(1) Governor Gavin Newsom

Governor Newsom liable in his personal capacity (*Hafer v. Melo*, 502 U.S. 21, 27 (1991)) alleged for conspiracy to commit Federal Medicaid fraud under the FCA and racketeering under the RICO Act, who owns several vineyards in California, the PlumpJack Group at: (1) Cade estate (54 acres) 360 Howell Mountain Rd S, Angwin, CA 94508; (2) Plumpjack estate winery (42 acres) at 620 Oakville Cross road, Napa Valley CA 94588; (3) Odette Estate (45 acres) 5998 Silverado Trail, Napa, CA 94558; (4) Adaptation estate (45 acres), 445 Devlin Road Napa, CA 94558, and (5) 13th Vineyard, 150 White Cottage Rd S, Angwin, CA 94508, retrieved online at, <https://plumpjackwinery.com/> and alleged a conflict of interest for having financial interest to avoid his costs to provide health coverage to illegal immigrants

without federal work permits in his employ filing tax returns under the Employer Mandate 26 U.S.C. § 4980H by using public funds for Medicaid, and breached his fiduciary duty to provide honest services to the public it serves, (*Percoco v. United States*, 598 U.S. 319, 329, 329–30 (2023)) devised a scheme or artifice to defraud Federal Medicaid 18 U.S.C. § 1346; § 1347 (Health Care Fraud) that stems from state legislations he approved that initially provided COVID-19 relief, then California identification cards (Vehicle Code § 12801.9) that concealed the deportable status of illegal immigrants presented to the welfare office to obtain Medi-Cal benefits identification cards, and Medi-Cal (Welfare & Institutions Code § 14007.8) provided to illegal immigrants that he allegedly illegally harbored and exploited for cheap labor in his vineyards with wages less than the state's minimum wage law and even if illegal immigrants have tenure continued to be exploited for cheap labor compared to a citizen's wage having the same supervisor job description as racketeering activity under 18 U.S.C. § 1961(1) subd. F. (harboring certain aliens for financial gains).

It is alleged that he acted ultra vires and conspired to commit Federal Medicaid fraud because he callously approved Senate Bill No. 88 retrieved online at, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB88 that deceitfully amended the Cal. Revenue and Taxation Code § 17052 subd (p)(1)-(p)(2) ("By substituting "federal individual taxpayer identification number or a social security number" for "social security number.") alleged as a fraudulent substitution of tax identification numbers that effected a scheme or artifice to

defraud Federal Medicaid 18 U.S.C. § 1346; § 1347 (Health Care Fraud) with the intention to conceal an ITIN (that expires in three years) or no longer valid in three years for a social security number obtained by over 640,000 illegal immigrants initially qualified for COVID-19 relief, used in the following tax season in support of their false claims for welfare under Medicaid and with the intention to permanently provide Medicaid to illegal immigrants working in California without federal work permits engaged with racketeering by virtue of their employment 18 U.S.C. § 1962(c) under a welfare law that he subsequently enacted, Welfare & Institutions Code § 14007.8(a)(3)(A) (“An individual enrolled in the Medi-Cal program pursuant to this section and subdivision (d) of Section 14007.5 shall not be required to file a new application for the Medi-Cal program.”).

Thus, it is alleged that Governor Newsom conspired to engage with the affairs of racketeering 18 U.S.C. § 1962(d) and breached his fiduciary duty to provide honest services that involves acts to effect a scheme or artifice to defraud Federal Medicaid 18 U.S.C. § 1346; § 1347 (Health Care Fraud) from welfare laws that he enacted that provided Medicaid to illegal immigrants working in California without federal work permits engaged with racketeering by virtue of their employment 18 U.S.C. § 1962(c) and assisted by large business enterprises reported money laundered tax returns used in support of their false claims for Medicaid 18 U.S.C. § 1956 that are financial transactions that represents the proceeds of racketeering for illegal harboring and exploitation for cheap labor with wages less

than the state's minimum wage law 18 U.S.C. § 1961(1) subd. F. (harboring certain aliens for financial gains).

See *Hafer v. Melo*, 502 U.S. 21, 27 (1991) ("By contrast, officers sued in their personal capacity come to court as individuals. A government official in the role of personal-capacity defendant thus fits comfortably within the statutory term "person." Cf. *id.*, at 71, n. 10 ("A state official in his or her official capacity, when sued for injunctive relief, would be a person under § 1983 because 'official-capacity actions for prospective relief are not treated as actions against the State'"') (quoting *Graham*, 473 U. S., at 167, n. 14).").

See *People ex rel. Harris v. Rizzo* (2013) 214 Cal.App.4th 921, 929 (Cal. 2nd Appell. Dist., 3rd Div.) ("We further conclude that, although separation of powers and legislative immunity bar pursuit of this action with respect to acts *within the discretion* of City officials, these doctrines do not prevent the action from proceeding with respect to defendants' allegedly *ultra vires* acts.").

See *Percoco v. United States*, 598 U.S. 319, 329, 329–30 (Supreme Court 2023) ("An "agent owes a fiduciary obligation to the principal," see, e.g., 1 Restatement (Third) of Agency § 1.01, Comment e, p. 23 (2005), and therefore an agent of the government has a fiduciary duty to the government and thus to the public it serves.").

(2) State Senate President Pro tempore Toni G. Atkins and State Assembly Speaker Anthony Rendon in their personal capacities and should not be cloaked with legislative immunity for legislative acts not in the sphere of legitimate legislative activity.

(2) Senate President Atkins and Assembly Speaker Rendon in their personal capacities (*Hafer v. Melo*, 502 U.S. 21, 27 (1991)) conspired to Federal Medicaid fraud and liable under the FCA and RICO Act because they used their political power, assented, and breached their fiduciary duty to provide honest services to the public it serves 18 U.S.C. § 1346; § 1347, executed a scheme or artifice to defraud Federal Medicaid by passing state legislations not in the sphere of a legitimate legislative activity and should not be cloaked with legislative immunity (*Tenney v.*

Brandhove, 341 U.S. 367, at 376 (1951)) because Senate Bill No. 88 initially provided COVID-19 relief for low-income individuals in California that included undocumented persons without satisfactory immigration status filed a tax return with an ITIN however, Senate Bill No. 88 deceitfully amended the Cal. Revenue and Taxation Code § 17052 subd (p)(1)-(p)(2) (“By substituting “federal individual taxpayer identification number or a social security number” for “social security number.”) alleged as a fraudulent substitution of tax identification numbers that effected a scheme or artifice to defraud Federal Medicaid 18 U.S.C. § 1346; § 1347 (Health Care Fraud) with the intention to conceal an ITIN (that expires in three years) or no longer valid in three years for a social security number, obtained by over 640,000 illegal immigrants initially qualified for COVID-19 relief, used in the following tax season in support of their false claims for welfare Medicaid and with the intention to permanently provide Medicaid to illegal immigrants working in California without federal work permits engaged with racketeering by virtue of their employment 18 U.S.C. § 1962(c) under a welfare law subsequently enacted, Senate Bill No. 184, Welfare & Institutions Code § 14007.8(a)(3)(A) (“An individual enrolled in the Medi-Cal program pursuant to this section and subdivision (d) of Section 14007.5 shall not be required to file a new application for the Medi-Cal program.”).

Further, they should not be cloaked with legislative immunity for legislative acts not in the sphere of legitimate legislative activity (*Kaahumanu v. County of Maui*, 315 F.3d 1215, 1220) (9th Cir. 2003) because welfare laws involves ad hoc

decision making (or something a governor would do and not by legislators), and does not bear all the hallmarks of traditional legislation because Senate Bill No. 184 does not apply to the working public at large, where there are numerous persons in California and working filing tax returns with low-income do not qualify for the state's Medicaid because of their citizenship.

Thus, it is alleged that Atkins and Rendon used their political power, assented and conspired to commit Medicaid fraud and liable under the FCA for the same course of conduct to conspiracy to engage with the affairs of racketeering 18 U.S.C. § 1962(d) that involves acts that breached their fiduciary duty to provide honest services effected a scheme or artifice to defraud Federal Medicaid 18 U.S.C. § 1346; § 1347 (Health Care Fraud) that stems from deceitful welfare laws that they passed and enacted to the detriment of public funds that benefited large business enterprises engaged with racketeering activity deceitfully avoided their share of cost to provide health care for their full-time workers filing tax returns under the Employer Mandate 26 U.S.C. § 4980H (Shared responsibility for employers regarding health coverage) with Medicaid provided to illegal immigrants working in California without federal work permits engaged with racketeering by virtue of their employment 18 U.S.C. § 1962(c) and assisted by large business enterprises reported money laundered tax returns in support of their false claims for Medicaid 18 U.S.C. § 1956 that are financial transactions that represents the proceeds of racketeering for illegal harboring and exploitation for cheap labor with wages less

than the state's minimum wage law 18 U.S.C. § 1961(1) subd. F. (harboring certain aliens for financial gains).

See *Hafer v. Melo*, 502 U.S. 21, 27 (1991) ("By contrast, officers sued in their personal capacity come to court as individuals. A government official in the role of personal-capacity defendant thus fits comfortably within the statutory term "person." Cf. *id.*, at 71, n. 10 ("A state official in his or her official capacity, when sued for injunctive relief, would be a person under § 1983 because 'official-capacity actions for prospective relief are not treated as actions against the State'" (quoting *Graham*, 473 U. S., at 167, n. 14).").

See *Tenney v. Brandhove*, 341 U.S. 367, 376 (1951) ("We come then to the question whether from the pleadings it appears that the defendants were acting in the sphere of legitimate legislative activity. Legislatures may not of course acquire power by an unwarranted extension of privilege. The House of Commons' claim of power to establish the limits of its privilege has been little more than a pretense since *Ashby v. White*, 2 Ld. Raym. 938, 3 id. 320. This Court has not hesitated to sustain the rights of private individuals when it found Congress was acting outside its legislative role. [Citations].").

See *Kaahumanu v. County of Maui*, 315 F.3d 1215, 1219 (9th Circuit 2003) ("The Supreme Court has long held that state and regional legislators are absolutely immune from liability under § 1983 for their legislative acts. [Citations]. They are immune not for the sake of private indulgence, but so they may freely discharge their public duties as legislators. *Tenney*, 341 U.S. at 377, 71 S.Ct. 783. Thus, the immunity attaches only to actions taken "in the sphere of legitimate legislative activity." *Id.* at 376, 71 S.Ct. 783.").

See *United States ex rel. Silingo v. WellPoint, Inc.*, 904 F.3d 667, 678 (9th Cir. 2018) ("In the taxonomy of conspiracy theories, a "chain conspiracy" is one in which "each person is responsible for a distinct act within the overall plan," while a "wheel conspiracy" involves "a single member or group (the 'hub') separately agreeing with two or more other members or groups (the 'spokes')."*Conspiracy*, Black's Law Dictionary (10th ed. 2014).").

See *Baumer v. Pachl*, 8 F.3d 1341, 1346-1347 (9th Cir. 1993) ("A RICO conspiracy "requires the assent of each defendant who is charged, although it is not necessary that each conspirator knows all of the details of the plan or conspiracy." *United States v. Brooklier*, 685 F.2d 1208, 1222 (9th Cir. 1982), cert. denied, 459 U.S. 1206, 103 S.Ct. 1194, 75 L.Ed.2d 439 (1983).").

The People of California and the United States, RICO enterprise.

Petitioner Limpin allege that the people of California and the United States, a RICO enterprise were made "victims or passive instruments" of their racketeering

to the detriment of \$Billions in annual state and federal funds used for Medicaid that stems from deceitful welfare laws provided to illegal immigrants working in California without federal work permits engaged with racketeering by virtue of their employment with racketeering enterprises 18 U.S.C. § 1962(c).

See *De Falco v. Bernas*, 244 F.3d 286, 307 (2nd Cir. 2001) (“The jury could reasonably have concluded that the RICO persons — Dirie, Bernas, JBI and JML — were a separate and distinct assortment of public officials, private individuals and corporations who used their political power to influence the Town of Delaware’s exercise of governmental authority over the plaintiffs’ development. From the evidence adduced at trial, there was sufficient evidence from which a reasonable jury could conclude that the named defendants were separate, culpable parties and that the alleged enterprise, the Town of Delaware, was the “passive instrument or victim of [their] racketeering activity.” *Id.*.”).

(3) Unknown Names of Tax Preparers in California

It is alleged that Tax preparers assisted by Governor Newsom extending the deadline to file tax returns during the COVID-19 (October 15 2021) in Senate Bills No. 88 and 139 (Welfare & Institutions Code § 8150) that deceitfully provided more time to fraudulently or falsely obtain a Federal Individual Taxpayer Identification Number (“ITIN”) used in tax returns from over 640,000 Doe defendants (illegal immigrants working without federal work permits) by concealing their deportable status and falsely certifying them as a qualified U.S. resident alien that meets the minimum 183 days (6 months) substantial presence test in the United States to obtain an ITIN from the IRS See 26 U.S.C. § 7701(b)(1)-(b)(3); 26 C.F.R. § 301.7701(b)-1 subd. (c)(1) and tax preparers falsely advertise a policy that the Internal Revenue Service (IRS) issues an ITIN regardless of immigration status, which is deceitful because the IRS does not implement such policy rather, the IRS

website only claims that an ITIN is issued for tax purposes. Tax preparers posing as non-profit organizations offering free tax services for individuals with low-income are co-conspirators 18 U.S.C. § 1962(d) because they promote illegal harboring with knowledge of reported wages paid less than the state's minimum wage law and profits by receiving \$millions in private donations in return for preparing annual tax filings for illegal immigrants as racketeering activity, 18 U.S.C. § 1961(1) subd. F (harboring certain aliens for financial gains).

Thus, the private action under the FCA should be allowed to proceed for discovery of such tax returns with an ITIN (that looks like a social security number but starts with a number 9) used in support of their claims to defraud the United States for Medicaid with California issued identification cards that concealed their deportable status presented to the welfare office used to defraud Federal Medicaid that should be preempted by the U.S. Supremacy Clause to the extent that Federal Medicaid requires proof of satisfactory immigration and lawful permanent resident status 42 U.S.C. § 1396b(v)(1); § 1396b(x)(4); § 1396b(x)(3)(B)(iv).

See *United States ex rel. Silingo v. WellPoint, Inc.*, 904 F.3d 667, 678 (9th Cir. 2018) (“In the taxonomy of conspiracy theories, a “chain conspiracy” is one in which “each person is responsible for a distinct act within the overall plan,” while a “wheel conspiracy” involves “a single member or group (the ‘hub’) separately agreeing with two or more other members or groups (the ‘spokes’).” *Conspiracy*, Black’s Law Dictionary (10th ed. 2014).”).

See *United States ex rel. Silingo v. WellPoint, Inc.*, 904 F.3d 667, 681 (9th Cir. 2018) (“These allegations, if true, give rise to the reasonable inference that the defendant organizations knowingly submitted false claims and used false records, or else acted with reckless disregard or deliberate indifference of the falsity of these claims and records. See *Corinthian Colleges*, 655 F.3d at 996.”).

(4) Unknown Names of large business enterprises and over 640,000 illegal immigrants working in California without federal work permits.

(4) Large business enterprises reported IRS Tax Form W-2 (Wage & Tax Statement) beginning tax year 2020 knowingly assisted over 640,000 Doe defendants (illegal immigrants without federal work permits) show low-income and qualify for welfare benefits (COVID-19 relief then Medi-Cal) or the state's Medicaid subsidized by Federal Medicaid (42 U.S.C. § 1396b) and liable under the FCA because such Medicaid claims involves acts of deliberate ignorance or acts in reckless disregard of information found in tax returns 31 U.S.C. § 3729(b)(1)(A)(ii)-(iii) with a false or deceitful ITIN assisted by tax preparers as co-conspirators that concealed the deportable status of illegal immigrants and falsely certified them as a qualified U.S. resident alien that meets the minimum 183 days substantial presence test in the United States to obtain an ITIN from the IRS, See 26 U.S.C. § 7701(b)(1)-(b)(3); 26 C.F.R. § 301.7701(b)-1 subd. (c)(1) and Medicaid claims that involves acts of deliberate ignorance or acts in reckless disregard of information found in tax returns 31 U.S.C. § 3729(b)(1)(A)(ii)-(iii) from money laundered tax returns 18 U.S.C. § 1956 that are financial transactions that represents the proceeds of racketeering with predicate acts of a pattern of racketeering: (1) illegal harboring and exploitation of illegal immigrants working without federal work permits for cheap labor paid with wages less than the state's minimum wage law and illegal immigrants with tenure in California continued to be exploited for cheap labor compared to a citizen's wage holding the same supervisor job description under 18

U.S.C. § 1961(1) subd. F (harboring certain aliens for financial gains), (2) money laundering of tax returns used in claims for Medicaid that are financial transactions that represents the proceeds of racketeering 18 U.S.C. § 1956, and (3) mail fraud using the U.S. postal service to mail IRS Tax Form W-2 (Wage & Tax Statement) that represents the proceeds of racketeering 18 U.S.C. § 1341 that amounts to a participation to a scheme or artifice to defraud \$Billions in annual federal funds used for Medicaid 18 U.S.C. § 1347(b) (Health Care Fraud) to deceitfully avoid their cost of doing business to provide health coverage for their workers filing tax returns under the Employer Mandate 26 U.S.C. § 4980H (Shared responsibility for employers regarding health coverage).

See *United States ex rel. Davis v. Long's Drugs, Inc.*, (1976) 411 F.Supp. 1144, 1153 (SD California) (“State medical assistance programs funded through the Medicaid Act (42 U.S.C. § 1396 et seq.), such as Medi-Cal (California Welfare and Institutions Code section 14000 et seq.), are subject to extensive federal regulations which govern virtually all aspects of the state programs. A substantial percentage of monies paid to claimants under these state programs originate with the federal government. Under these circumstances the court is persuaded that claims filed with state Medicaid programs are claims against the United States government within the meaning of the Federal False Claims Act, 31 U.S.C. § 231 et seq.”).

Standing, 18 U.S.C. § 1964(c).

Petitioner Limpin has standing under 18 U.S.C. § 1964(c) because as an indigent litigant was daily harmed by racketeering activity that affects interstate commerce because large business enterprises especially those located in 40 million acres in agricultural lands in California and quarries in California outrageously inflates or skyrockets the prices of their goods and services, when it does not cost them much in labor costs for illegal harboring and exploitation of illegal immigrants

for cheap labor, neither pay costs of doing business to provide health coverage under the Employer Mandate 26 U.S.C. § 4980H because of the state's Medicaid, where rent significantly increased and inflation skyrocketed according to the U.S. Bureau of Labor Statistics website, ("Consumer prices for all items rose 6.5 percent from December 2021 to December 2022. Food prices increased 10.4 percent, reflecting an 11.8-percent increase in prices for food at home and an 8.3-percent increase in prices for food away from home") retrieved online at,

<https://www.bls.gov/opub/ted/2023/consumer-price-index-2022-in-review.htm#:~:text=Consumer%20prices%20for%20all%20items,for%20food%20away%20from%20home>

IX. REASONS FOR GRANTING THE WRIT

(1) The petition for a writ of certiorari should be granted because it is the right thing to do that involves a compelling interest to address question No. 1 presented to the Court to end ongoing, annual federal funds for Medicaid (42 U.S.C. § 1396b) swindled to subsidize the state's Medicaid that is a scam that benefited large business enterprises to the detriment of public funds for Medicaid engaged with a pattern of racketeering activity, deceitfully avoided their cost of doing business to provide health coverage for their full time employees filing tax returns with an ITIN under the Employer Mandate 26 U.S.C. § 4980H (Shared responsibility for employers regarding health coverage) because of the state's Medicaid provided to illegal immigrants working without federal work permits in California and engaged with racketeering by virtue of their employment with

racketeering enterprises 18 U.S.C. § 1962(c), illegally harbored and exploited for cheap labor with wages paid less than the state's minimum wage law 18 U.S.C. § 1961(1) subd. F (harboring certain aliens for financial gains) especially those working in about 40 million acres in agricultural lands in California and in quarries in California that affects interstate commerce.

(2) The petition for a writ of certiorari should be granted to address Question No. 2 that the U.S. Constitution's Supremacy Clause preempts state legislations: (1) Senate Bill No. 184 (2021-2022 Reg. Sess.); Stats. 2022, ch. 47, § 82) (Welfare & Institutions Code § 14007.8) which provided health coverage through the state's Medicaid or Medi-Cal to undocumented foreigners of all ages without satisfactory immigration status and should be preempted to the extent that it promotes the carrying on unlawful activity under the RICO Act because Medi-Cal provided to illegal immigrants without federal work permits are engaged with racketeering by virtue of their employment with racketeering enterprises illegally harbored and exploited for cheap labor 18 U.S.C. § 1962(c), where large business enterprises engaged with racketeering benefited to the detriment of annual \$Billions in federal funds for Medicaid, deceitfully avoids their costs to provide health coverage for full-time employees Employer Mandate, 26 U.S.C. § 4980H because of the state's Medicaid; and (2) Assembly Bill No. 1766 (2021-2022 Reg. Sess.); Stats. 2022, ch. 482, § 10) (Cal. Vehicle Code § 12801.9) which authorized state issued identification cards for foreigners incapable of proving their immigration status that concealed their deportable status and presented to the welfare office to obtain their Medi-Cal

Benefits identification cards and should be preempted to the extent that Federal Medicaid that subsidizes the state's Medicaid requires proof of satisfactory immigration and lawful permanent resident status, 42 U.S.C. § 1396b(v)(1); § 1396b(x)(4); § 1396b(x)(3)(B)(iv).

(3) The petition for a writ of certiorari should be granted to address Question No. 3 presented to the Court (Question of federal law), where petitioner did not have a fair trial because the district court granted the Government's motion to dismiss despite the United States represented by the Assistant U.S. Attorney declined to intervene then moved to dismiss, for which conflicts with the Supreme Court's decision requiring intervention before moving to dismiss in *U.S. Ex Rel. Polansky v Executive Health Res.*, 143 S.Ct. 1720, 1724 (2023) ("The Government may move to dismiss an FCA action under § 3730(c)(2)(A) whenever it has intervened—whether during the seal period or later on.").

See also *United States v. Republic of Honduras*, 75 F.4th 1288, 1289 (11th Circuit 2023) ("On June 16, 2023, the Supreme Court issued its opinion in *United States ex. rel Polansky v. Executive Health Resources, Inc.*, 143 S. Ct. 1720 (2023). As relevant here, the Court held that § 3730(c)(2), which (among other things) permits the Government to dismiss or settle certain False Claims Act actions, "applies only if the Government has intervened, but the timing of the intervention makes no difference." *Polansky*, 143 S. Ct. at 1730. *Polansky* therefore abrogates our precedent, *Everglades*, in which we held that the Government may settle an action under § 3730(c)(2) without first intervening in the action. See *Everglades*, 855 F.3d at 1285-86.").

(4) The petition for a writ of certiorari should be granted to address Question No. 4 presented to the Court, where petitioner was deprived of meaningful access to the federal courts, deprived of due process, equal protection of the Fifth Amendment (*Davis v. Passman*, 442 U.S. 228 (1979)) because when the False Claims action was

unsealed on August 30, 2023, it allowed the summons and complaint be served to defendants (20 days after the complaint is unsealed) 31 U.S.C. § 3730(b)(3), where petitioner subsequently requested service of process by U.S. Marshal on October 04, 2023 under 28 U.S.C. § 1915(d) (*Neitzke v. Williams*, 490 U.S. 319, 324 (1989) however, denied as moot by the district court on October 24, 2023, and despite merits of the case to request an attorney 28 U.S.C. § 1915(e)(1), the appellate court dismissed the case as frivolous (Appendix A) based on the district court's referral (Appendix B), where petitioner did not have fair trial of the False Claims action because despite the Assistant U.S. Attorney had prior knowledge of petitioner Limpin proceeding in forma pauperis, cannot afford an attorney, used such situation to dismiss and thus, petitioner requested to disqualify the Assistant U.S. Attorney for he was representing the United States as the prosecutor neglected his duty to investigate, neither issued a civil investigative demand to requisition fraudulent tax returns with an ITIN used by over 640,000 illegal immigrants without federal work permits in support of their Medicaid claims as a matter of law 31 U.S.C. § 3730(a); § 3733.

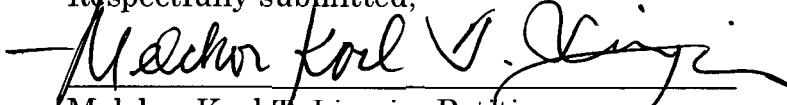
(5) The petition for a writ of certiorari should be granted to address Question No. 5 that involves constitutional violations, where petitioner Limpin did not have a fair trial of the private action between petitioner Limpin and the defendants under the False Claims Act because the Assistant U.S. Attorney declined to intervene 31 U.S.C. § 3730(c)(3) and thus, deprived of due process and equal protection of the Fifth Amendment (*Davis v. Passman*, 442 U.S. 228 (1979)) to receive a bounty

under the False Claims Act because the district court dismissed the private action on October 24, 2023, without waiting for the defendant Governor Gavin Newsom to reply to the summons and First Amended complaint with proof of service filed on October 25, 2025 and served by a registered process server on October 23, 2023. (Dist. Ct. Docket No. 30).

X. CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,



Melchor Karl T. Limpin, Petitioner
940 Park Blvd. #112
San Diego, CA 92101
(619)381-6330
In propria persona

Date:

April 16, 2025

CERTIFICATE OF COMPLIANCE

I, Melchor Karl T. Limpin, petitioner proceeding in *propria persona* certify that the petition for a writ of certiorari contains 7,597 words, counted with the use of MS Word, and complies with the 9,000-word limit as required by Supreme Court Rule 33.1(g)(i).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 16th day of April 2025.



Melchor Karl T Limpin
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San Diego, CA 92101
(619)381-6330
In propria persona