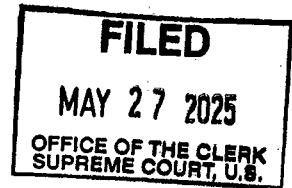


No. \_\_\_\_\_

ORIGINAL

24-7445

IN THE  
SUPREME COURT OF THE UNITED STATES



In Re JAMES MICHAEL FAYED — PETITIONER  
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS

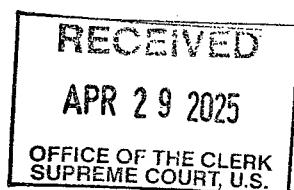
PETITION FOR WRIT OF HABEAS CORPUS

JAMES MICHAEL FAYED  
(Your Name)

#AK-3340 / PO BOX 213040  
(Address)

STOCKTON, CA 95213  
(City, State, Zip Code)

(Phone Number)



QUESTION(S) PRESENTED

No-01) IS NOT 18 USC§ 3142 (also known as the Congressional Bail Reform Act of 1984) and -ALL- provisions therein, Binding and Obligatory law upon the lower courts via United States Supreme Court (and) U.S. Court of Appeals-9th CCA, within (their) Appellate jurisdiction?

No-02) IF a U.S. District Court deliberately - wilfully and KNOWINGLY disobeys & ignores the mandatory provision(s) of 18 USC§ 3142, provision's requiring and demanding pre-trial release (based upon 'as charged in federal court') & instead, REVOKEs bail previously granted at a bail hearing three days prior, ruling in CLEAR ERROR with prejudicial intent (as shown on the record), IS NOT [that] now 'false imprisonment'?

No-03) IS NOT any/all evidence obtained as a Direct-Result (and) deriving from a deliberate, willful & knowingly 'false imprisonment' which was done in an entirely unlawful manner & procedure, NOW "tainted" as being subsequent from an unlawful seizure of person(s) - violating 4th Amd. (US Const) & 'Fruit of Poisonous Tree Doctrine?

No-04) IF petitioner can find NO similar or 'on-point' case or incident in entire Lexis-Nexis database (or) in entire jurisdiction of the 9th CCA, -WHERE- a U.S. District Court wilfully, deliberately and knowingly disobeyed and ignored mandatory law of the higher courts (mandatory law AS OUTLINED on the record in prior bail hearing) - IS NOT that a case of FIRST IMPRESSION?

No-05) IF (a) case presented before this Supreme Court of the United States meets the three general requirements of this court -AND- the five general requirements of the U.S. Court of Appeals-9th CCA for ISSUANCE of WRIT relief, should not that relief be granted?

END OF QUESTION(S) PRESENTED

## **LIST OF PARTIES**

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## **RELATED CASES**

- A) U.S.D.C. - Los Angeles, CA. #08-CR-0224-PSG (2008)
- B) U.S.D.C. - Los Angeles, CA. #08-CR-08.0224-UA (2008)
- C) U.S.D.C. - Los Angeles, CA. #09-CR-1731-PSG (2009)
- D) U.S.D.C. - Los Angeles, CA. #22-CV-05120-SPG (2022)
- E) WRIT - Certiorari, US Supreme Court, #20-244 (2021)
- F) WRIT - Certiorari, US Supreme Court, #22-6594 (2023)
- G) APPEAL - US COA / 9th CCA - #22-99010 (2022)
- H) Los Angeles Superior Court - #BA.346352 (2008)
- I) CA Supreme Court - #S198132 (2020)

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APPENDIX D : 'Opinion/Decision'-Direct Appeal, Calif Supreme  
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APPENDIX G: COPY of [Pro-Se] MOTION for 'en-banc' rehearing  
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APPENDIX H: COPY 24 page Complaint/Petition in U.S. COA-9th CCA,  
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APPENDIX I: COPIES of RELATED correspondence (with) both U.S.  
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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix "A" to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix "B" to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix "D" to the petition and is

reported at 9 CAL. 5th, 147 (2020); or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

### For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 15 September, 2022.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 27 October, 2022, and a copy of the order denying rehearing appears at Appendix C.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

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

### For cases from **state courts**:

The date on which the highest state court decided my case was 02 April, 2020. A copy of that decision appears at Appendix D.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

- \* Fourth Amend. (US Const) - 'Et Al'
- \* Fifth Amend. (US Const) - 'Et Al'
- \* Sixth Amend. (US Const) - 'Et Al'
- \* Eighth Amend. (US Const) - 'Et Al'
- \* Fourteenth Amend. (US Const) - 'Et Al'
- "Fruit of Poisonous Tree Doctrine" / 4th Amend. (US Const).
- \* 18 USC§ 1960
- \* 18 USC§ 3142 'Et Al'
- \* 28 USC§ 1254
- \* 28 USC§ 1257
- \* 28 USC§ 1331(a)
- \* 28 USC§ 1651
- \* 28 USC§ 2241
- \* 28 USC§ 2253
- \* 28 USC§ 2254
- \* 28 USC§ 2680(h)
- \* CA - 'Thomas Bane Civil Rights Act'
- \* CA - 'Ralph Civil Rights Act'
- \* "Malicious Prosecution" / "Abuse of Process" / "Abuse of Process with Ulterior Motive" / "Unlawful authority to Detain"
- \* Willful and Deliberate Commission of "HATE CRIME" in violation of Federal AND State statutory provisions prohibiting.

**STATEMENT OF THE CASE  
& RULE 20.4(A) STATEMENT**

- 1) Petitioner contends and believes the record supports [THAT] this case before this Supreme Court presents a 'Case Of First Impression'. Petitioner can find NO instance -where- a lower court acted in willful disobedience in a knowing manner, as presented herein and supported by the record.
- 2) Petitioner further contends and presents in (his) 'reasons to grant Writ' herein as to why this case meets the three general requirements of this Supreme Court -and- the five general requirements of the U.S. COA-9th CCA, for ISSUANCE of Writ relief and other relevant reason(s) supporting said relief requested.
- 3) As "Statement of Case", petitioner submits 'pages 03 thru page 24' of petitioner's Complaint/Petition (filed) in U.S. Court of Appeals-9th CCA, on/about 25 December 2024. A full copy of this document is attached as; APPENDIX-H herein..
- 4) Petitioner's Complaint/Petition in the 9th CCA presents egregious, willful, wanton and deliberate violations of petitioner's Constitutionally protected rights & privileges under the Constitution's of both the United States & State of California BY federal and state actors exercising (their) authority under the 'color of law'.

\*Note: Petitioner ask's & seeks this Court's forgiveness for the multiple "typo's" & grammatical errors therein, as at the time of drafting said document (it) had been about twenty years since petitioner had access to a typewriter.

- 5) Petitioner includes herein as 'Appendix-I' -all- related correspondence with this Supreme Court and U.S. Court of Appeals-9th CCA, for review and use by the court as needed.

6) Petitioner has NO alternate avenue of relief and seeks relief (via) extraordinary action of this court of last resort because the extraordinary circumstances throughout the record against petitioner WARRANT extraordinary relief.

\* Petitioner has made no less than eight attempts seeking relief and a 'fair & equitable' review of (his) claims -both- with prior retained counsel, and as 'Pro-Se' when petitioner became indigent.

\* Petitioner has been entirely unsuccessful in his attempts - through NO FAULT of his own - as shown on the record, from 2008 to-date. The State of California has either ruled 'in clear error' (or) ignored, virtually EVERY claim of federal right in State court.. Petitioner's attempts at federal relief have consistently been sent to USDC-Central (the same court that falsely imprisoned petitioner in 2008) -where- petitioner's claims have been summarily dismissed without even cursory consideration.

7) The State of California (has) ruled on petitioner's federal claims consistently in 'clear error' NUMEROUS times ('pre-trial, trial, 995 motion, post-trail') through to direct-appeal in the CA Supreme Court in 2020. The State has clearly made petitioner's federal claims in State court "exhausted", and further,, the State WILL NOT reconsider these federal claims even upon State Habeas as the State consider's them fully settled. As is abundantly clear - petitioner's claims of federal right(s) in State court are unequivocally 'exhausted'..

8) The State of California REFUSES to appoint post-conviction counsel to petitioner. Petitioner has requested Habeas attorneys several times, and has awaited "A.O.C." since 2011.. The State has an obligation and duty and responsibility to appoint petitioner counsel, but the State REFUSES (See; "Redd v. Guerrero, 84 F. 4th. 874 (2023), U.S. COA-9th CCA"). Petitioner contends (that) the State's action/inaction has -IN EFFECT- unlawfully suspended the WRIT of Habeas Corpus in violation of Art-One § Nine (US Const) & Art-One § 11 of the CA Constitution..

---

\* \* Begin Page #03 of COMPLAINT US COA-9th CCA

1 James M. Fayed  
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4 Stockton, CA 95213

5 CASE NO:

6 1) Petitioner, James Michael Fayed, a wrongfully convicted,  
7 innocent & falsely imprisoned condemned inmate of Calif's  
8 death row,, hereby MOST HUMBLY & respectfully petitions this  
esteemed Circuit Court of Appeals for determination on the  
merits of petitioner's claims (herein) - claims fully supported  
by the record of Federal and State action's against petitioner  
as described.

9 10 2) Petitioner seeks for this court to assert Jurisdiction  
11 under 28 USC§ 1651 (All Writs Act) - an extraordinary act -  
12 as the 'extraordinary' circumstances in this complaint warrant  
this court's extraordinary intervention.

13 14 3) The circumstances complained of herein are nothing short  
15 of astounding. The events and actions can be found on & off  
16 the record, via pleading's / motion's / determination's in  
17 both Federal & State courts in Los Angeles CA.

18 19 4) Petitioner was 'falsely imprisoned' & 'unlawfully incarcerated'  
20 under the jurisdiction of the U.S.D.C.- Central CA., by the  
21 U.S. Attorney's Office in Los Angeles, in 2008.

22 23 5) At the behest of the LAPD, Asst. U.S. Attorney - Mark Aevis  
24 colluded with LAPD Detectives a 'scheme' to deny petitioner  
25 (his) civil rights, subvert & negate petitioner's invocation  
of his 5th / 6th Amd (US Const.) rights (as well as to deny  
petitioner's access to petitioner's 'teams' of retained  
attorneys - corporate & personal) - BY - unlawfully incarcerat-  
ing petitioner (in) Metropolitan Detention Center, L.A., based  
on petitioner's (non-enumerated) charges (in Federal court) of  
'operating an unlicensed business'. A SIX month old / ONE  
count indictment / with a MAX sentence as a NON VIOLENT OFFENSE  
of five years.

26 27 6) Petitioner's false imprisonment (a 1st time offender at the  
28 age of 45) set in motion a running cascade of an unbelievable  
number of successive violation's of petitioner's Constitutionally  
protected rights, unlawful searches, unlawful seizures, denials  
of Due-Process (and) other violations by Federal & State  
authorities.

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5 CASE NO:

6 7) Petitioner has been in continual custody of (either) Federal  
7 or State authorities since his arrest in 2008. Petitioner  
8 claims A INTENTIONAL TORT (with enhancements- 'abuse of process'  
9 'conspiracy', 'malicious prosecution w/ ulterior motives',  
10 'absence of lawful authority to restrain', involuntary confinement,  
11 etc.) AND violations of; 4th / 5th / 8th / 14th Amnd.  
12 (US Const), violations of civil rights, and WILLFUL & wanton  
13 DISREGARD OF MANDATORY PROVISION'S OF - '18 USC§ 3142' the  
14 'BAIL REFORM ACT of 1984..

15 8) The "Bail Reform Act" (18 USC§ 3142) was narrowly drafted  
16 by US Congress to preclude challenges AND to severely RESTRICT  
17 a court's discretion on the issue of 'Intent'. The provision's  
18 therein are BINDING OBLIGATORY LAW on the lower courts "via"  
19 the U.S. Supreme Court and this Circuit Court. The USDC -  
20 Central HAD NO DISCRETIONAL AUTHORITY in interpreting the  
21 directives therein.

22 9) At petitioner's FIRST BAIL HEARING (upon arrest of petitioner  
23 by AUSA - Mark Aevis) the USDC - Central correctly applied  
24 the provision's of the Bail Reform Act (when) the USDC held  
25 an evidentiary hearing of the facts at hand,, determining (that)  
-AS CHARGED IN FEDERAL COURT- that the charges DID NOT rise to  
the level of 'pre-trial' detention (as demanded by AUSA-Aewis),  
and further,, MANDATORY/BINDING LAW (via the 9th CCA) prohibited  
pre-trial detention as the "charges & petitioner did not meet  
the standard or threshold allowing such".. Petitioner being  
charged in Federal Court with a WHITE COLLAR - NON VIOLENT -  
Statutory First Offense that carried a Five Year Maximum  
Sentence. The Court granted petitioner BAIL with conditions  
and secured by a \$500,000.00 Bond. Petitioner agreed to ALL  
conditions set by the court and asked to post bond same day  
through his retained counsel(s)..

10) AUSA Mark Aevis was apoplectic with the court's decision  
and demanded to appeal of decision with a different USDC  
Judge.

10) Petitioner was returned to custody at MDC-L.A. until  
the SECOND Bail hearing (re-hearing) was scheduled with  
Hon. USDJ - Otis Wright.

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4 CASE NO:  
5

6 11) At commencement of petitioner's SECOND BAIL HEARING -  
7 petitioner's counsel remarked: 'at the presence of two LAPD  
detectives sitting directly behind AUSA Aevis despite the fact  
that this hearing was considered a 'closed hearing'.. The  
court made no comment on counsel's observation and opened the  
hearing by stating to petitioner's counsel that:"The court was  
already inclined to accept the government's position (here)  
but petitioner's counsel is more than welcome to TRY to per-  
suade the court otherwise".

11 12) USDJ Wright subsequently 'sided' with AUSA Aevis' based  
12 on the AUSA's misleading of the judge by; Stating on the record  
13 that petitioner's charge was an enumerated charge under 18 USC§  
3142 (THAT) qualified for pre-trial detention, and further pre-  
14 sented UNSUBSTANTIATED ALLEGATIONS of uncharged Alleged State  
offenses, alleged State proffered accusations and even WENT  
15 FURTHER BY SUBMITTING A document [AUTHORED BY LAPD] - titled -  
16 "DETENTION SCRIPT", a document which contained reasons WHY  
LAPD wanted petitioner held in Federal custody,, eventhough  
the State could not even muster "probable cause" to arrest  
petitioner nevermind incarcerate petitioner.

17 13) Petitioner's Bail on conditions was REVOKED by USDJ Wright  
18 based on the AUSA's statements (unsupported by the record OR  
evidence) AND Uncharged 'alleged' allegations proffered by  
the LAPD - THROUGH - AUSA Aevis TO USDJ Wright,, AND a document  
20 AUTHORED by LAPD stating 'demands & reason's for why the State  
wanted to Federal Court to detain petitioner - something even  
the State lacked authority to lawfully do so. The US Attorney's  
21 Office AND the LAPD were successful in their use of subterfuge  
and unsubstantiated allegations regarding a ongoing State  
22 investigation to FALSELY IMPRISON PETITIONER IN FEDERAL CUSTODY  
23 CONTRARY TO MANDATORY FEDERAL LAW PROVISION'S of 18 USC§ 3142  
24 which, based on the charges in Federal court REQUIRED petitioner  
to be released (either) with or without conditions [as correctly  
applied at petitioner's first bail hearing].

25 26 14) WHILE PETITIONER WAS FALSELY IMPRISONED AT MDC-Los Angeles,  
the U.S. Attorney's Office, AUSA Aevis and the LAPD proceeded  
27 to do the following:

28 a) House petitioner with a known confidential Informant  
facing decades of time if found guilty in an upcoming trial, as  
informant had a extensive criminal history.

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4 CASE NO:

5 b) Using Warrants (later found by the courts to lack  
6 cause, overbroad, faulty and questionable affirmation's, etc)  
7 to justify the USAO and LAPD weeks long "rampage" of petitioner's  
8 home in Camarillo, his 288 acre ranch in Moorpark, and his  
9 business offices & warehouses. Where MULTIPLE AGENCIES of the  
10 Federal and State Government proceed to unlawfully seize pet-  
11 tioner's personal property, personal assets, company property  
12 company assets, bank account's, foreign bank accounts, assets  
13 in foreign countries, business records, and 'camped-out' at  
14 petitioner's business addresses for almost TWO WEEKS on a 24/7  
15 basis. Whatever property left THAT WAS NOT SEIZED - was  
16 broken or destroyed by Federal & State agents..

17 c) Petitioner was founder and majority owner of his  
18 ongoing and successful Worldwide business interest's - one  
19 of the largest physical precious metals dealers in the country  
20 AND a pioneer of "E-Currency" with (his) internet based  
21 digital currency (a business model that was replicated almost  
22 in entirety -later, with a few modifications- by "BitCoin".

23 d) Petitioner's business was worth roughly \$350 Million in  
24 2008 and growing at an exponential rate daily, with over 1.2  
25 million clients. Petitioner's net worth at the time (when)  
26 Federal and State authorities unlawfully DESTROYED petitioner's  
corporations was approximately \$125 Million (2008 dollars).

27 e) THE USAO & LAPD absolutely DESTROYED petitioner's businesses,  
28 seized personal & corporate assets (all over the globe) AFTER  
they sucessfully Falsey Imprisoned petitioner under the  
auspices & with tacit approval of the USDC - Central CA.

15) Petitioner HAD CLEARLY INVOKED his rights under the 5th  
and 6th Amd (US. CONST) - NUMEROUS TIMES - to State and Federal  
authorities. Petitioner was represented by 'Teams' of retained  
counsel (both personal AND corporate).. Defendants were WELL  
AWARE of this fact yet defendants colluded and conspired  
together to not only falsely imprison petitioner BUT ALSO to  
circumvent petitioner's legal advocates and attorneys and  
the protection's afforded by numerous, experienced and highly  
competent Attorneys under retainer by petitioner.

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4 CASE NO:

5  
6 16) Upon petitioner's arrival at MDG-Los Angeles, petitioner  
7 was initially housed with another inmate. Within an hour or  
8 two after assignment, petitioner was told by Bureau of Prisons  
Officers that: "they were ordered to assign me to a different  
9 cell-mate", wherein I was relocated to a different cell, a cell  
10 occupied by Shawn Smith,, a known informant of BOP, and a pre-  
trial detainee whom was facing decades in prison if convicted  
11 at his upcoming trial (because of Smith's EXTENSIVE criminal  
history, a history including crimes of violence, drug offenses  
fleeing and escape, absconding, etc...).. Petitioner was  
summarily LOCKED Down with Smith for weeks and months.

12 17) Smith CONTINUALLY harrassed, interrogated, and questioned  
13 petitioner about his businesses, his personal life, his family,  
14 his Federal case, the State (LAPD) investigation of petitioner  
15 and uncharged alleged State offenses.. Smith would regularly  
16 'tell' prisoner about his prison escapades as a "SHOT Caller"  
17 with a notorious prison gang known as "Aryan Brotherhood",  
about Smith's life of crime, the murders he committed, Smith's  
manufacturing of crystal meth & cocaine, and how Smith 'lost'  
one of his eyes in a bloody knife fight (Smith was missing an  
eye)..

18 18) After almost three months of Smiths incessant interrogations  
19 petitioner finally 'broke down' and engaged Smith in his  
conversations and Smith's unrelenting questioning (at the behest  
20 of AUSA Aevis AND LAPD) - petitioner decided to 'play along'  
21 with Smith and petitioner made untruthful and false admissions  
22 to Smith (while Smith recorded petitioner by a miniature wire-  
less microphone and recorder, fitted upon Smith, sewn into  
the 'crotch' area of his prison issue pants, BY the Federal  
Bureau of Investigations (FBI)..

23  
24 Petitioner ENGAGED with Smith simply out of desire to be  
25 left alone, hoping that Smith would cease his interrogations,  
26 hoping that Smith would stop his harrassment, his prodding,  
his obscene stories and gory tales of violence against others,  
27 his plans to use explosive laden trucks to (in Smith's words)  
"drive up the courthouse steps and blow up the courthouse and  
everyone inside".. Petitioner ALSO hoped to placate Smith  
so petitioner wouldn't have to sleep with one eye open any  
more.

28 Pg # 7 of # 24

1 James M. Fayed  
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5 CASE NO:

6 19) Within a matter of hours, after petitioner's false admissions  
7 to Smith, AUSA Aevis moved USDC-Central to DISMISS ALL  
8 FEDERAL CHARGES AGAINST PETITIONER and to TURN OVER PETITIONER  
9 TO the custody of Los Angeles Police Detective 'Abdul', with  
petitioner subsequently being transferred to custody of the  
Los Angeles Sheriff's Dept., at Men's Central Jail, classified  
"Hi\_Power" Keepaway, housed in "1750" / MCJ..

10 20) Petitioner's recorded statements were used in entirety,  
11 without edit or redaction, as virtually THE ENTIRE EVIDENCE  
12 AGAINST petitioner at trial. Defendants secured a guilty verdict  
and condemned sentence of petitioner in L.A. Superior Court.

13 21) ABSENT petitioner's false admissions, the State doesn't  
14 even have enough evidence (THEN and NOW) to qualify as 'probable cause', nevermind having enough evidence to support an  
arrest and/ or conviction.

15 THE UNLAWFUL INCARCERATION, FALSE IMPRISONMENT OF PETITIONER,  
16 THE UNLAWFUL ADMISSIONS OF EVIDENCE AGAINST PETITIONER AT  
17 TRIAL, THE UNLAWFUL SEARCHES & SEIZURE OF PETITIONER'S PERSON  
AND PROPERTY, THE UNLAWFUL ARREST, PROSECUTION, TRIAL AND VERDICT  
BY THE STATE OF CALIFORNIA - ALL are the DIRECT RESULT of  
18 petitioner's false imprisonment and unlawful incarceration by  
Defendants, and defendants WHOLESALE violation's of Constitutionally  
19 protected rights secured by Federal & State law,  
THROUGHOUT THE RECORD OF PROCEEDING'S against petitioner in  
20 both Federal and State Courts in Los Angeles.

21 PETITIONER HAS BEEN CONTINUALLY IN CUSTODY SINCE HIS INITIAL  
22 ARREST IN 2008 WITHOUT BREAK, AND REMAINS FALSELY IMPRISONED  
23 BY THE UNLAWFUL ACTIONS OF DEFENDANTS AS DISCUSSED - Supra  
(and) Infra.

24 \* INTENTIONAL 'TORT' / FALSE IMPRISONMENT

25 22) 'Tort' is defined: "A personal injury caused by the  
26 wrongful actions of another person (or) persons. False  
arrest & false imprisonment is an intentional tort (See  
'Prosser & Keeton on the Law of Torts / 5th Ed. 1984).

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4 CASE NO:

5 23) 'False Imprisonment' is defined: "involuntary confinement  
6 or imprisonment or detention, done in an unlawful manner (or)  
7 that is not LEGALLY Justifiable.

8 24) Individuals liable for falsely imprisoning another, ARE  
9 NOT subject to immunity (even Law enforcement & prosecutors  
DEFENDANTS IN THIS CASE ALL SHARE LIABILITY  
10 are liable under 'false imprisonment' claims). See - CA TORTS  
§ 42.04 and FTCA (Federal Tort Claims Act) 28 USC§ 2680(h)..

11 25) Petitioner is well aware (that) Courts and Judges enjoy  
12 'absolute immunity', however, the defendants in this matter  
13 are NOT immune. Under the FTCA & CA law, even Federal and  
State prosecutors are NOT Immune (See - 'Cousins v. Lockyer,  
538 F.3d. 1063-1068, 9th CCA)..

14 \* FACTS OF CASE / CAUSE(S) OF ACTION

15 A) On/About 28 July, 2008 - Petitioner, arrived at the Camarillo  
16 station of the Ventura County Sheriff's office,, accompanied  
17 by TWO of petitioner's attorneys. Petitioner-upon an inquiry  
/ welfare check with the Sheriff's, was asked to report to  
the Camarillo station (petitioner was concerned about the  
welfare of his minor daughter). Petitioner and his attorneys  
18 arrived at the sub-station after traveling from petitioner's  
19 ranch in Moorpark, CA. Immediately upon exiting from (his)  
vehicle (with his attorneys beside him), petitioner was  
20 approached by two unknown individuals.

21 These individuals identified themselves as; Detective Peletier  
& CAPT Williams with the Los Angeles Police Department.

22 Petitioner identified himself and his attorneys, invoked his  
23 5th & 6th amendment rights (in the presence of all present),  
while petitioner's attorneys proceeded to represent petitioner  
24 and address LAPD's concerns-question's.

25 Detective Peletier physically seperated petitoner from his  
26 attorneys, seized petitioners person, did a 'pat down' search  
27 of petitioner's person, seized the contents of petitioner's  
pockets (money / gold coin / wallet/ misc items) AND seized  
28 petitioner's personal & corporate cell-phones (a Motorola Razr  
and Blackberry phone)

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4 CASE NO:

5  
6 Petitioner and his attorneys were quite taken aback at the  
7 action's of LAPD. When the attorneys attempted to question  
8 LAPD about 'what is this about' - Det. Peletier replied for  
9 the attorneys "should shut up & back off" .. Det. Peletier  
10 then arrested petitioner (keeping ALL items alreday seized),  
handcuffed petitioner, placed petitioner in the rear seat of  
a unmarked LAPD Sedan. The Det. further told attorneys the  
petitioner was under arrest for murder & was being transported  
to Los Angeles. When the attorneys asked "where" - Det Peletier  
replied "figure it out yourself's".

11  
12 Det Peletier and Capt Williams (then) transported petitioner  
13 to a LAPD station in West L.A. (possibly Beverly Hills) at a  
high rate of speed with police lights (activated), no siren,  
14 using the left lane of freeway, in the dark of night-time AS  
petitioner arrived at the Camarillo Sheriff's approx 11 PM.

15 During the 65 mile trip to LA - the officers continually  
16 attempted to question petitioner, petitioner REINVOKE<sup>D</sup> his  
5th & 6th Amd. Rights and remained silent. The trip to Los  
17 Angeles took less than 45 minutes, it took hours for petitioner  
attorneys to locate petitioner and arrive at LAPD station trans-  
ported to.

18 Upon petitioner's arrival at LAPD station, petitioner was immed-  
19 iately taken to an Interrogation Room, cuffed to a table there-  
20 in and locked in the room. Det Peletier disappeared somewhere  
inside the station with petitioner's phones & property.

21 Shortly after being fully restrained in theinterrogation room,  
22 LAPD Detectives PORSCHE and SPEAR entered the room. Both  
23 detectives proceeded to interrogate petitioner, petitioner  
REINVOKE<sup>D</sup> his 5th & 6th Amd. rights (THE THIRD TIME IN ROUGHLY  
24 90 Minutes) and petitioner remained silent. The detectives  
tried this again a couple hours later, under the EXACT same  
circumstances with petitioner STILL FULLY RESTRAINED & CUFFED  
25 TO A TABLE - Petitioner REINVOKE<sup>D</sup> his rights [FOURTH TIME] &  
remained silent. The detectives left the room. Roughly two  
26 hours later petitioner's attorneys arrived at LAPD.

27 Pg #10 of # 24

28 Pg-13

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4 CASE NO:

5  
6 When the attorneys inquired on petitioner's whereabouts, the  
7 desk SGT replied "I don't know (who) you're talking about, take  
8 a seat & get in line".... At approximately 06:00 hours the next  
9 morning petitioner was released from custody of LAPD into  
custody of his attorneys and permitted to return to his Ranch  
home in Camarillo/ Moorpark CA. About 7.5 hours after petitioner  
arrived at Ventura Sheriffs.

10 The LAPD returned petitioner's pocket change, wallet, cash &  
11 misc. items. The LAPD refused to return petitioner's cell  
phones (both personal & corporate), and didn't return petitioner's  
12 keepsake Gold coin (which he carried always) - a "First Minted,  
first edition US GOLD 1oz EAGLE coin" first year of issue, in  
13 MS67 'mint-proof' condition - a personal keepsake worth thou-  
sands of dollars in 2008.

14 Petitioner returned home. LAPD had NO PROBABLE CAUSE, NO  
15 CHARGES, NO AUTHORITY to do [what] was done that night.

16 \* THIS WAS PETITIONER'S FIRST FALSE IMPRISONMENT  
SUBSEQUENT FROM A FALSE ARREST.

17  
18 B) Later that SAME DAY, LAPD began a SERIES of 'huddles'  
meetings with various law enforcement personnel, including;  
19 The Chief of Police (LAPD), a senior Police Commissioner (iden-  
tity unknown), representative's of the US Attorney's Office,  
20 AUSA Aevis and unknown AUSA's, The F.B.I., The criminal divi-  
sion of I.R.S., The U.S. Marshal's office, The Dept. of Homeland  
21 Security, SWAT personnel of LAPD - LA Sheriff's - Ventura  
Sheriff's, and (other) unknown law enforcement officers includ-  
22 ing LAPD Detectives; PORSCHE, SPEAR, PELETIER and possibly  
23 Det. ABDUL.

24 C) These 'huddles' continued for days. Somewhere along the  
line, the LAPD passed-on that "they had information from a  
25 confidential informant" [that] petitioner WAS a 'terrorist'  
& classified by LAPD as a "Level Three Terrorist". AN ASSERTION  
26 WHICH WAS A ABSOLUTE CANARD, A VICIOUS LIE NOT SUPPORTED BY  
THE TINEST SHRED OF ANY EVIDENCE.

27 Pg # 11 of # 24  
28

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4 CASE NO:

5  
6 D) To accuse and label petitioner as a "level-three" terrorist  
7 was a deliberate act of discrimination, an act done to besmerch  
and assassinate petitioner's character, and subjugate petitioner  
to the UNCHECKED POWER OF THE ENTIRE FEDERAL AND STATE GOVERN-  
8 MENT(S) - simply because petitioner's (surname) is of Middle  
Eastern origin.

9 E) The terrorist label would be laughable if it weren't so  
10 horrible (to those that know petitioner intimately). Those  
11 that 'grew-up' in Metropolitan Washington D.C. with petitioner  
12 and those that were friends of petitioner, and those that did  
business with petitioner & those that worked with petitioner  
13 when petitioner was employed for over 10 years by the U.S.  
14 Department of Defense, with duty stations at the H.Q. of the  
15 US Navy, Washington Navy Yard, Anacostia Naval Air Station,  
16 The Executive Office Bldg (Vice President's Residence), The  
17 Satellite Recon Building (C.I.A.), The Special Services Division  
18 (US Secret Service), The WHITE HOUSE COMMUNICATIONS  
Complex in Anacostia, NASA Goddard Space Flight Center, NASA  
White Sands Missile Range, US Army - White Sands Missile Range,  
El Toro Marine Corp. Air Station - CA, China Lake Naval Weapons  
Station - CA, Nellis AFB - NEV, Point Mugu Naval Air Station,  
San Nicholas Island, Naval Test Range / Pacific Test Range and  
outlying landing field.

19 Petitioner held security clearances which had to be re-  
20 newed every SIX MONTHS by the Defense Intelligence Agency AND  
the Federal Bureau of Investigation for about 10 years. Pet-  
21 was even cleared for access to (and regularly visited) -  
22 'HMX-ONE' the Hanger where "Marine One" is stationed at NAS /  
Anacostia WASH D.C., "Marine One" is the helicopter assigned to  
the PRESIDENT of USA., "HMX-ONE" is the Hanger Complex where  
23 all presidential 'helo' craft are stored - maintained - and  
dispatched from..

24 YET, ACCORDING TO LAPD - USAO Central CA - AUSA AEVIS -  
25 LAPD Detectives; ABDUL, SPEAR, PELETIER & PORSCHE, petitioner  
26 was a 'terrorist'. Petitioner's ancestors arrived in North  
America (New Amsterdam) circa - 1646..

27 PG #12 of #24

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4 CASE NO:

5  
6 F) At DAWN on 01 August 2008 - THE ENTIRE FORCE OF THE UNITED  
7 STATES & CALIFORNIA descended upon petitioner and petitioner's  
personal residences, business offices & warehouses.. HUNDREDS  
8 of Federal & State law enforcement agents began (their)  
assault. Unlawfully SEIZING and/or DESTROYING everything in  
sight, and everything Out of Sight (by forcing entry into  
9 petitioner's treasury grade safes & vaults - where petitioner  
held irreplaceable records, important items, trade secrets,  
10 confidential business records, AND MILLION's OF DOLLARS of  
GOLD / SILVER & PLATINUM BULLION.. About TWENTY Safes were  
11 broken into that day, PROPRIETARY property - servers - computers  
records - coding - technical trade secrets - were seized (these  
12 TECH secrets and associated computer coding later showed up  
when 'BITCOIN' first launched, somehow making their way from  
13 possession of the USAO to a private company which first launched  
about six months after petitioner's false imprisonment at MDC-LA..  
14

15 In addition, Defendants proceeded to unlawfully seize Domestic  
and Foreign Bank account, attempt to seize computer servers  
16 at various locations worldwide, foreign currency accounts,  
and precious metals stored in Switzerland and Australia and  
17 New York (USA)..

18 ALL of these items were lawful assets required to further  
19 petitioner's ongoing worldwide business interests.. As mentioned,  
20 petitioner was in the GOLD / SILVER / MONEY Business, businesses  
valued in 2008 at about \$350 Million USD and generating revenues  
of One to ONE & 1/2 MILLION IN SALES EACH & EVERY DAY.

21 \* JUSTIFICATION USED FOR THESE 'RAIDS'

22  
23 1) A Six Month old Indictment ofpetitioner by AUSA  
Aevis for "operating an unlicensed business" / a one count  
24 indictment statutory offense which carried a FIVE YEAR MAXIMUM  
sentence

25  
26 2) WARRANTS - Issued to AUSA AEVIS which were later ruled  
in court as "faulty" / insufficient / overbroad / containing  
27 questionable affidavits / and other deficiencies.

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4 CASE NO:

5 G) At the start of these massive raids by the Defendants,  
6 petitioner was rousted from sleep at his Moorpark Ranch slightly  
7 before dawn, by approximately 12 heavily armed and heavily  
8 armored Federal SWAT officers and placed in custody. Once in  
custody the rampage of petitioner's residences AND businesses  
began by the defendants with HUNDREDS of Agents..

9 H) Petitioner was mirandized (and invoke 5th & 6th rights) - by  
10 FBI, and the USAO charged with: ONE COUNT of operating an  
11 unlicensed business - subsequently ordering the FBI to transport  
petitoner to Ventura County Jail (Ventura), for further XFR  
to USDC\_Central..

12 I) Petitioner was housed in a 'holding cell' at the Ventura Jail  
(a cell with no toilet, no bed, no running water) from the  
13 time of his arrival on Friday (01 Aug, 24) until Monday (04 Aug)  
14 when the FBI picked-up petitioner and transported (him) to  
USDG-Central for arraignment & bail hearing.

15 \* PETITIONER'S (FIRST) BAIL HEARING / USDC- CENTRAL

17 1) Petitioner was brought before the Honorable USDJ Ralph  
18 Zarefsky for arraignment and determination of bail conditions.

19 [ at this 'closed' hearing - FOUR LAPD Detectives were  
20 seated DIRECTLY behind US Atty Aevis ]

21 2) Petitioner's attorney's even made mention of the 'heavy'  
22 presence of LAPD / LASO and other city & county law enforce-  
23 ment prsent asking "as to why such a heavy presence of State  
authorities were at the hearing, and to why,, by.. remarking;  
24 "as I look around this court I wonder to myself if I'm not  
at division-30 in LA Superior Court and NOT this Federal  
Court, and further, WHY were these officers even here on  
a simple charge of "one count, license violation, a WHITE  
25 COLLAR NON VIOLENT offense with a maximum sentence of Five  
years"

26 3) Throughout the hearing AUSA-Aevis continually demanded [that]  
27 the court detain petitioner in custody, pre-trial detention  
28 AT Metropolitan Detention Center - Los Angeles.

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5 3) Honorable USDJ Zarefsky considered argument from the USAO  
6 and the demand's of AUSA Aevis THOUROUGHLY (as shown on the  
7 record), the hearing was so thorough that extra time was  
allotted by the court. AUSA proffered UNSUBSTANTIATED ALLEGAT-  
8 IONS, HERESAY, DOUBLE HERESAY, TRIPLE HERESAY, Constant refer-  
9 ences to "an ongoing State investigation, allegations of a  
unsubstantiated murder charge, FALSE allegation's about a  
murder which occurred in Los Angeles on 28 July (a murder of  
petitioner's wife by Mexican Gang Members), and so on..

10 \* Even going so far (on the record) that, "the licensing violation  
11 should be considered the same as a federal murder charge AND  
12 that the murder victim was a federal witness". The victim WAS  
13 NOT a federal witness and AUSA Aevis was contradicted and  
perjured himself in petitioner's State trial (by cross exam-  
14 ination of victim's attorneys)..

15 4) Hon. USDJ Zarefsky thoroughly considered the USAO position,  
16 considered petitioner's attorneys argument's in a similarly  
17 thorough manner. Hon. USDJ Zarefsky ultimately decided  
against the USAO and PROPERLY applied the MANDATORY Provision's  
of 18 USC§ 3142 (Bail Reform Act-1984), provision's which  
18 governed petitioner's hearing, for the following reason's:

19 \* AS CHARGED IN FEDERAL COURT - PETITIONER'S CHARGES  
20 DID NOT RISE TO CONSIDERATION FOR PRE-TRIAL DETENTION,  
(AND) PETITIONER DID NOT MEET THE CONDITION'S NEEDED TO  
21 QUALIFY FOR CONSIDERATION FOR 'PRE-TRIAL' DETENTION.

22 a) To qualify for detention you FIRST must be CHARGED in  
court with an offense that RISES to the LEVEL 'for consider-  
23 ation' of detention.

24 b) Generally, offenses that RISE to the level of/ FOR  
consideration (for) detention are:

- 25 1) VIOLENT offenses
- 26 2) Crimes against minors & children
- 27 3) Crimes involving organized crime
- 28 4) Crimes that carry 10 years or more sentencing
- 5) Crimes that qualify for Capital Punishment
- 6) Crimes involving repeat FELONY offenders
- 7) Crimes involving immigration issues (ICE)

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5 c) EVEN (IF) the charges in court RISE to consideration FOR  
6 detention, they DO NOT guarantee that detention is warranted  
because [then] another set of consideration's are made such as

7 a) Is the charged a flight risk  
8 b) Is the charged a danger to the community  
9 c) Is the charged a danger to federal witnesses  
d) Is the charged a danger to federal jurors  
e) Is the charged a member of a Mafia Family  
f) Is the defendant a member of a Crime Syndicate

11 \* IF CHARGES SUPPORT AND CONDITIONS APPLY - THEN THE COURT HAS  
12 DISCRETION TO ORDER "PRE-TRIAL DETENTION & FEDERAL CUSTODY"\*

13 \*\* IF THE CHARGES DO NOT RISE TO CONSIDERATION (AND) THERE IS  
14 NO EVIDENCE TO SUPPORT DETENTION- THE COURT MUST ALLOW PRE-TRIAL  
RELEASE WITH CONDITIONS (OR) WITHOUT CONDITIONS, AS DECIDED BY  
THE HEARING JUDGE. \*\*

16 5) The provision's of the BAIL REFORM ACT ARE MANDATORY, and  
17 are NOT subject to ANY discretion of the lower courts. The  
U.S. Supreme Court (and) this 9th Circuit Court of Appeals has  
made OBLIGATORY & BINDING LAW to ALL LOWER COURTS 18 USC§ 3142

19 6) AS CHARGED in USDC-Central, petitioner was entitled to &  
20 HAD A RIGHT to pre-trial release. Petitioner MET NO CONDITIONS  
TO BE Detained by Federal Authorities.

21 a) Petitioner's charges were a first (ever) offense  
arrest at the age of 45 years old.  
22 b) The charges were a Non Violent first offense  
c) The charges carried a MAX sentence of 5 years  
d) The charges were a White Collar offense  
e) Petitioner HAD NO criminal history  
f) Petitioner had SIGNIFICANT TIES to the community  
including - a successful business enterprise worth \$350 Million  
at time of arrest,, owner of several properties and a 288 acre  
Ranch in Ventura County, The Father of one daughter & one  
step-daughter, with various other family members in the area  
(brothers / sisters / nephews / neices / etc.)..

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4 CASE NO:

5 6) HONORABLE USDJ Zarefsky correctly interpreted bail require-  
6 ments, as charged in court, and ORDERED BAIL with substantial  
7 conditions secured with a \$500,000.00 bond. Petitioner thru  
Counsel requested to post bond (same day), having means to do so.

8 7) AUSA Aevis was apoplectic at the granting of Bail for pet-  
9 itioner and demanded an appeal of decision. Petitioner was  
returned to MDC-LA awaiting his (SECOND) bail hearing.

10. \* PETITIONER'S SECOND BAIL HEARING - USDC Central.

11 8) Several days after first hearing petitioner was escorted  
12 by US Marshals to his second hearing before USDJ Otis Wright..

13 a) At the opening of petitioner's "rehearing" - USDJ Wright  
14 informed petitioner's counsel(s) that: "he was already inclined  
15 to accept the USAO position (here) but, petitioner was welcome  
to (try) to change his mind".

16 b) At this hearing - once again - LAPD detectives were  
17 present & seated directly behind AUSA Aevis.

18 c.) The Government continued to re-hash (it's) claims made  
19 at the first hearing virtually "verbatim" . . . EXCEPT, this time  
20 the USAO made misleading statement's to DJ Wright "that petition-  
21 er was charged with an enumerated offense that allowed detention",  
"that petitioner was directly implicated in a murder that recently  
22 occurred, "that the murder was caught on camera, that a rental  
23 car (rented by petitioner) was involved in the murder, "that  
the murder victim was a federal witness", etc..

24 ALL OF THESE STATEMENTS ARE/ WHERE FALSE, WITH NO SUPPORTING  
25 EVIDENCE (See record of Federal AND State proceedings).

26 d) Petitioner's Counsel vigorously OBJECTED to the USAO  
27 AUSA Aevis' statements and contradicted (them) whole & entirely.

28 e) AUSA Aevis introduced (into) the record and USDJ Wright  
allowed,, a DOCUMENT - Titled "DETENTION SCRIPT", a document  
authored by the Los Angeles Police Department.

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4 CASE NO:

5  
6 f) This document (Detention Script) outlined that the State  
7 demanded the USDC to detain petitioner, SOMETHING THAT LAPD  
COULD NOT DO (as they possessed no probable cause, no evidence,  
no lawful authority to even arrest petitioner nevermind detain  
him),, based on - entirely uncorroborated information, unsubsta-  
9 ntiated allegations, fantastical conclusions secured with no  
basis or evidence, double & triple heresay, etc.)..

10 \* THE LOS ANGELES POLICE DEMANDED THE USDC DO SOMETHING  
11 THEY HAD NO LAWFUL AUTHORITY TO DO, AND THE USDC OBLIGED..

12 USDJ Wright entirely ignored petitioner's counsel(s), even  
13 becoming combative with counsel over counsel objections (made  
on petitioner's behalf), as well as scorned petitioner's  
counsel for their vigorous representation of petitioner.

14 g) The USDC sided entirely with AUSA Aevis, USDJ Wright improperly  
15 cited wrongly to provision's in the Bail Reform Act (which allow  
for detention) clearly in error and with intentional prejudice,  
16 and REVOKED PETITIONER'S BAIL / Ordering continued incarceration  
at MDC-LA "IMMEDIATELY & FORTHWITH"

17 h) Petitioner was returned to his cell assignment, and to his  
18 cell-mate (Shawn Smith) - the known federal informant / menacing /  
19 sociopath / Shot-Caller Gang Member / Whom lost one of his eyes  
in a bloody knife fight.. Petitioner was once again locked  
20 down with Shawn Smith and would remain so for almost THREE Months.

21 8) After almost three months of being locked down with SMITH,  
22 petitioner made FALSE ADMISSONS to Smith (who was fitted with  
a miniature wire by the FBI) - AS DISCUSSED IN DETAIL ABOVE.

23 9) Within HOURS of petitioner's false admissions - The USAO &  
24 AUSA Aevis brought petitioner to court and DISMISSED IN ENTIRETY  
25 ALL CHARGES AGAINST PETITIONER..

26 \* Petitioner was turned over from Federal custody - to  
the Custody of LAPD Detectives waiting in the courtroom - and  
27 eventually made way to custody of LA Sheriffs / MCJ-LA

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4 CASE NO:

5 10) The State of California [then] used petitioner's false  
6 admissions, seized property from unlawful seizures resulting  
7 from unlawful searches, and a LITANY, a virtual PLETHORA of  
8 DOZENS of violations of petitioner's rights under the US Constitution,  
protection's afforded by doctrine and statute, and  
protection's under State law - TO - secure a wrongful conviction  
in State court and sentence petitioner to death..

9 11) Petitioner's false admissions were & are the sole basis  
10 for 'cause' to arrest, try & convict petitioner. WITHOUT the  
11 false admissions the State lacked even probable cause. Absent  
12 these false admissions (admissions obtained under duress, in an  
unlawful and entirely illegal manner) there is NO case against  
petitioner..

13 \* FEDERAL & STATE COURTS HAVE REFUSED TO ACKNOWLEDGE AND/  
14 OR ENFORCE THE MANDATORY LAW PROVISIONS OF 18 USC§ 3142.

15 A) The USDC-Central not only refused to enforce mandatory  
16 law, the USDC-Central approved & endorsed the unlawful con-  
ditions (of) and illegal imprisonment of Petitioner.

17 B) The Los Angeles Superior Court ruled "petitioner was  
18 lawfully detained" - in error - and in addition to dozens of  
other rulings contrary to established precedent, the LASG  
19 admitted petitioner's statements in entirety w/out edit or  
redaction of several hours of active interrogation(s) by in-  
20 forntman Smith about " Personal matters, uncharged alleged  
offenses, Smith's (unrelated to charges) 'escapades' in  
21 prison, Smith's close associations with Italian Mafia and  
Mafia 'hit-men', Smiths constant prodding to DELIBERATELY  
22 ELICIT statements from petitioner, AND PETITIONER's PENDING  
federal charges / Businesses / etc..

23 C) The defendants WERE WELL AWARE (that) PETITIONER WAS  
24 FULLY REPRESENTED BY AT LEAST (FOUR) DIFFERENT LAW FIRMS,  
AND A DOZEN ATTORNEYS FOR ALL MATTERS both private & corporate.

25 C) The California Supreme Court followed suit, and refused to  
26 enforce 18 USC§ 3142, ruling that petitioner was 'lawfully  
detained' on decision of direct appeal.

27 D) BECAUSE the State REFUSES to appoint appellate attorneys  
28 for petitioner (petitioner had retained attorneys to the level  
of direct appeal) petitioner submitted a 'Pro-Se" Habeas to  
USDC-Central.

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6 E) Petitioner submitted his pro-se' Habeas Petition (2254)  
7 to USDC-Northeérn, whereupon it was redirected to the USDC-  
8 Central District (CA).. See #22.cv.05120.SPG / 08.11.2022

9 F) In petitioner's habeas were presented ALL petitioner's  
10 claims of federal right in State court which were decided  
11 contrary to precedent and established interpretation. These  
12 claims are fully exhausted by the State because the State will  
13 NOT reconsider them even under State habeas. Petitioner  
14 INCLUDED his false imprisonment claim in his habeas, the USDC  
15 summarily dismissed petitioner's ENTIRE action (Without consid-  
16 eration of ANY claims or petitioner's argument) as "unexhausted".

17 G) Petitioner appeal the USDC's decision, and the denial of an  
18 appeal by the USDC. The 9th CCA deny review.  
19 Certificate of Appeal by the USDC.

20 H) Petitioner submitted a "Petition for Writ of Certiorari"  
21 to Supreme Court of the United States. Included with petitioner's  
22 Writ were FULL copies of "reporter's transcripts" of petitioner's  
23 First AND Second bail hearings in USDC-Central.. U.S. Supreme  
Court denied review. See: #22-6594 / 01-2023

24 \*\*\* PETITIONER BELIEVES (and the records support petitioner's  
25 beliefs) -- THAT -- Defendants actions show A CLEAR AND ONGOING  
26 CONSPIRACY TO DENY PETITIONER OF HIS CONSTITUTIONALLY PROTECTED  
27 CIVIL-RIGHTS, in an entirely WANTON & WILLFUL MANNER.

28 \*\* Petitioner FURTHER BELIEVES --THAT -- Defendants have  
willfully and wantonly engaged in conspiracy to DENY petitioner  
of access to a FAIR & EQUITABLE review of petitioner's claims  
throughout (his) defenses / motions / pre-trial / trial /  
AND thru todirect appeal to CA Supreme Court AND his submissions  
to USDC-Central District CA..

\*\* Petitioner believes that a THOROUGH REVIEW of the ACTION S  
of DEFENDANTS beginning with his FIRST FALSE ARREST by DET PELE-  
TIER IN JULY of 2008, continuing to present day, will and does  
expose an ogoing conspiracy against petitioner and SEEKS  
EXTRAORDINARY INTERVENTION BY THIS SUPERVISORY APPEALS COURT,  
Ninth Circuit Court of Appeal..

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5 BY THE DIRECT AND IN-DIRECT ACTIONS COMPLAINED OF HEREIN,  
6 DEFENDANTS HAVE ENGAGED IN A CONSPIRACY [TO] AND [HAVE INFILCTED]  
7 A "INTENTIONAL TORT" upon petitioner.

8 Further, Defendants have been ongoing, engaged in deliberate  
9 effort to falsely imprison petitioner AND wilfully deny a fair  
& impartial review of petitioner's claims in Federal and State  
court beginning in 2008 thru to present day.

10 Petitioner believes (and the record supports these beliefs)  
11 -- THAT -- among other motives, defendants actions are pri-  
12 marily motivated to "cover-up" and sweep under the rug (their)  
eggregiously unwarranted actions against petitioner.

13 a) Unlawful searches & seizures  
14 b) Unlawful and False Imprisonment  
15 c) Continual and continuing, massive violations of Constit-  
16 tionally protected rights.  
17 d) Unlawful admission of illegally obtained 'evidence'  
at petitioner's trial.  
e) Petitioner's unlawful arrest's / detention by Los Angeles  
authorities

18 \*\* AND PRIMARILY, TO ESCAPE LIABILITY FOR DEFENDANTS ABSOLUTE  
19 AND COMPLETE DESTRUCTION OF PETITIONER'S BUSINESSES, THE UNLAW  
20 SEIZURE OF ROUGHLY \$150 Million in corporate & personal assets  
AND THE DESTRUCTION OF A LAWFUL BUSINESS which would be worth  
BILLION'S of USD today. \*\*

21 1) The Federal Tort Claims Act (and) the CALIFORNIA Torts de-  
22 clare:

23 A) "Conspiracy to interfere with OR deny Civil-Rights" an  
action may be brought against any person(s) conspiring to  
24 deprive a person of ANY Right, Privilege, or Immunity secured  
by the United States and the State of California."

25 B) A person MAY EVEN BE Liable as a CONSPIRATOR without  
26 committing an overt act (or) without gaining benefit from the  
27 conspiracy..

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6 C) Normally, the formation of a conspiracy depends on projected  
7 "JOINT ACTION" to EFFECTUATE A COMMON PURPOSE.. If a person(s)  
8 has agreed to a plan [AS DEFENDANTS HAVE SHOWN] -which- is the  
9 BASIS of a plan/ conspiracy, THEN - LIABILITY ATTACHES.

10 \* CA Civil Code -52.1-"Tom Banes Civil Rights Act" states:  
11 'as remedy under California law for an aggrieved party against  
12 ANY person(s), REGARDLESS of whether He/She was acting 'under  
13 color of law' who INTERFERES or ATTEMPTS to interfere, with the  
14 exercise or enjoyment of rights secured by BOTH the Constitution's  
15 of the United States and the State of California.\*

16 D) Although courts and justices remain IMMUNE, the defendants  
17 in this action have NO Immunity whatsoever. See "FTCA and CA  
18 Torts-3/42.01

19 E) Defendants effectuated an Intentional Tort against  
20 petitioner and FURTHER enhanced their Tort by:

21 1) ABUSE of Process  
22 2) Conspiracy  
23 3) CIVIL Conspiracy  
24 4) FALSE IMPRISONMENT  
25 5) Abuse of Process with ULTERIOR Motive(s)  
26 6) Commision of "HATE CRIME" by falsely labling

27 petitioner as a 'Level-3 Terrorist" (to) JUSTIFY the use of FULL  
28 WEIGHT of Federal & State law enforcement to OBLITERATE petitioner's  
businesses and unlawfully SEIZE ten's of millions in assets  
belonging to petitioner.

29 THE FTCA GRANTS EXCLUSIVE JURISDICTION to Federal Courts ON  
30 claims against the United States, its Agencies, its employees.

31 Petitioner SEEKS "Pendent / Supplemental" Jurisdiction by  
32 this court on STATE Law claims herein.

33 DEFENDANTS LIABLE / CAUSE

34 1) UNITED STATES OF AMERICA - for actions herein of employees,  
35 agencies, officers (listed).

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4 CASE NO:

5 2) US Attorney's Office - Central CA  
6

7 3) AUSA Aevia, USAO Central CA

8 4) Office of Attorney General CA - whom knowing, petitioner  
9 was & remains falsely imprisoned under the Bail Reform Act - con-  
tinues to ARGUE in court that: "Petitioner was & is lawfully de-  
10 ained", in briefs/ reply briefs submitted in CA courts.

11 5) COUNTY of Los Angeles, Los Angeles CA

12 6) Los Angeles District Attorney's Office:

13 1) District Attorney - Steve Cooley

2) Deputy District Attorney - Alan Jackson

14 7) CITY of Los Angeles

15 8) LOS ANGELES POLICE DEPARTMENT:

16 1) Det. Peletier

2) Det. Porsche

3) Det. Spear

4) Det. Abdul

18 9) DOES #1 thru #25

20 Petitioner SEEKS for this Circuit Court to assume Jurisdiction  
21 (under 28 USC§ 1651) over petitioner's complaint, and the  
22 EXTRAORDINARY events (therein) AND FURTHER to grant relief  
23 in any / all manner deemed by this Circuit Court (as) fair.  
and appropriate and needed.

24 SHOULD this Court decline to assert Jurisdiction, the petitioner  
25 respectfully seeks for this Court TO ASSIGN his complaint to a  
IMPARTIAL Court within the jurisdiction of this court - for  
a fair and equitable review on the merits.

26 Petitioner seeks DISQUALIFICATION OF ALL FEDERAL AND STATE  
27 COURTS IN LOS ANGELES, AS petitioner has shown these courts  
show a CLEAR AND ONGOING BIAS AGAINST petitioner..

28 Pg # 23 of # 24

1 James M. Fayed  
2 #AK-3340  
3 PO Box - 213040  
4 Stockton, CA 95213

5 CASE NO:

6 Petitioner FURTHER SEEKS for this court to APPOINT LEGAL  
7 COUNSEL to pursue petitioner's claims, DUE to the EXTREME and  
8 EXTRAORDINARY set of circumstances therein..

9 A set of circumstances WHICH IS LIKELY A CASE OF FIRST  
10 IMPRESSION - as petitioner can find NO case in entire Lexis  
11 Nexis database which is similar to / or on point. Petitioner  
12 contends THAT IT IS HIGHLY LIKELY THAT NO FEDERAL COURT HAS  
13 EVER IGNORED MANDATORY LAW as has happened in this case.

14 S SHOULD this Court decline to appoint Private Counsel, pet-  
15 itioner prays this court to ASSIGN the FEDERAL PUBLIC DEFENDER'S  
16 OFFICE to pursue petitioner's claims, petitioner's POST CONVICTION  
17 APPEALS in State and Federal Court..

18 \*\* Petitioner, an indigent, pro-se' petitioner in this  
19 matter hereby MOST HUMBLY and RESPECTFULLY Submits this complaint  
20 to the US Court of Appeals / 9th CCA for consideration therein.  
21 Petitioner further declares -THAT- the aforementioned (IS)  
22 true and correct to the best of petitioner's knowlege - under  
23 penalty of perjury - on this day: 25 DEC, 2024

24 BY: \_\_\_\_\_  
25

26 James M. Fayed  
27 (Pro-Se)  
28

29 Pg # 24 of # 24

30 Pg-27

## REASONS FOR GRANTING THE PETITION

- 1) Petitioner IS a innocent, wrongly convicted and unlawfully incarcerated prisoner (who) remains falsely imprisoned as a result of 'malicious prosecution' and 'abuse of process' by the COMBINED efforts of the U.S. Attorney's Office (Los Angeles) and the State of California, in an entirely unlawful & unwarranted manner truly REPUGNANT to the Constitution's of the United States and the State of California.
- 2) Petitioner submitted a multitude of clear violation's of Federally protected rights in State court to this Supreme Court (via) 'WRIT of Certiorari' in 2020 (#20-244) - including petitioner's claim of false-imprisonment - in violation of '18 USC§ 3142'. The Supreme Court DENIED review.
- 3) Petitioner unsucessfully (through no fault of his own) attempted to seek relief (via) HABEAS - #2254, with USDC-Northern CA., petitioner's habeas was re-directed to USDC-Central (against petitioner's wishes). USDC-Central summarily dismissed petitioner's habeas as 'unexhausted' despite the fact that petitioner's claims were fully exhausted in State court and considered 'fully settled' by the State. The USDC-Central further, DENIED a Certificate of Appealability and CITED in (their) decision/holding to petitioner's original petition in clear error as petitioner had submitted a "Amended Petition" to the court, thusly petitioner's "original petition" was superseded and invalid.
- 4) Petitioner timely appealed (to) U.S. Court of Appeals - 9th CCA for 'de-novo' review of petitioner's Constitutional claims (including petitioner's claim of false imprisonment) -and- petitioner requested a 'certificate of appealabilty'.. 9th CCA denied review, and further denied a timely request for 'reconsideration 'en-banc'..
- 5) Petitioner (then) timely filed a WRIT of Certiorari with U.S. Supreme Court (#22-6594) in 'Pro-Se'.. Again, petitioner submitted all federal claims AND petitioner's claim of false imprisonment. Supreme Court of United States DENIED review.

\*For these reason(s) and other, through NO FAULT of petitioner, petitioner's attempts to seek relief in Federal courts, petitioner's attempt to seek 'fair & equitable' review of his claims, petitioner's attempts to seek relief of (his) ongoing unlawful incarceration and eggriegiously 'unjust' wrongful conviction have been precluded.

6) Circumstances presented herein clearly qualify as a case of FIRST IMPRESSION. Petitioner can find NO INSTANCE of a USDC wilfully, deliberately and KNOWINGLY disobeying mandatory and obligatory law from this U.S. Supreme Court (and) the supervising Circuit court (9th CCA).

7) The actions of the USDC-Central resulted in the 'deliberate & unlawful' false-imprisonment of petitioner in 2008. While unlawfully in custody at M.D.C.-Los Angeles, the U.S. Attorney's Office -then- proceeded to violate petitioner's Constitutionally protected rights & privileges on a wholesale basis. Including, the direct and deliberate elicitation by a 'planted' informant of 'false admissions' (admissions obtained under extreme duress in an entirely unlawful manner). These false admissions were (then) used as virtually the entire evidence against petitioner in State court at trial to secure a 'death sentence' in Los Angeles Superior Court. Further violating; 4th / 5th / 6th / 8th / 14th Amd (US Const),, Fruit of Poisonous Tree Doctrine, and other protections and rights asserted "pre-trial / trial / post-trial" as shown on the record..

Petitioner Meets Standards for WRIT Issuance

A) Supreme Court of United States has three general requirements for issuance of extraordinary relief:

- \* The petitioner must demonstrate (that) its right to issuance of WRIT relief is clear & indisputable.
- \* Petitioner must have NO other means to attain relief.
- \* The Court (via) its discretion, must be satisfied that the WRIT is appropriate under the circumstances.

Petitioner contends (that) the record in this matter clearly and unequivocally meets the requirements for Supreme Court of United States..

B) U.S. Court of Appeals - 9th CCA., has five general requirements for issuance of extraordinary relief:

\* Whether the party seeking the writ has any alternate means to obtain relief.

\* Whether petitioner will be damaged in any way not correctable on Appeal.

\* Whether the U.S. District Court's decision or order (is) clearly erroneous as a matter of law.

\* Whether the U.S. District Court's decision or order shows a manifest disregard of federal rule, law, precedent or statute.

\* Whether the U.S. District Court's decision or order raises new (or) important issues, or issues of FIRST IMPRESSION.

Petitioner contends (that) the record in this matter clearly and unequivocally meets the requirements for U.S. Court of Appeals - 9th CCA..

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8) Petitioner contends (that) for the aforementioned reason(s) -that- issuance of WRIT relief sought herein clearly and indisputably AIDS in the furtherance of this Courts appellate jurisdiction, and AIDS in furtherance the 'supervisory' capacity of the U.S. Court of Appeals-9th CCA., over the U.S. District Court - Central Calif..

Petitioner humbly and most respectfully prays this Supreme Court assert jurisdiction over petitioner's claims herein and grant any/all relief this Court necessary and appropriate.

### **CONCLUSION**

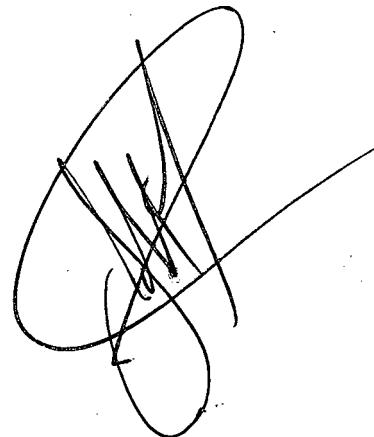
**\* FOR THE AFOREMENTIONED REASONS & IN THE INTEREST OF JUSTICE \***

The petition for a writ of habeas corpus should be granted.

Respectfully submitted,

James Michael Fayed [Pro-Se]

Date: 23 April, 2025

A handwritten signature in black ink, appearing to read "James Michael Fayed", is enclosed within a large, roughly oval-shaped outline.