

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

PATRICK ROY HARPER, Petitioner,

AND

F/V MARIAN (U.S. Official No. 250759), Petitioner,

v.

PETER GEORGES, et al., Respondents.

**On Petition for a Writ of Certiorari to the United States Court of
Appeals for the Ninth Circuit (No. 24-3514)**

PETITION FOR A WRIT OF CERTIORARI

PATRICK ROY HARPER

Pro Se Petitioner

6690 Bloomfield Road

Petaluma, California 94952

(707) 751-6677

MYCASEMARIN@OUTLOOK.COM

QUESTIONS PRESENTED

Petitioner alleges that federal judicial officers in the United States District Court for the Northern District of California and the Ninth Circuit Court of Appeals engaged in a coordinated effort to obstruct adjudication, erase court records, and dismiss a properly served maritime and civil rights complaint without reaching the merits. Petitioner further asserts that the structural nature of these acts constitutes "fraud on the court," invoking constitutional emergency authority under Article III and the Supremacy Clause. The questions presented are:

- 1.) Whether a coordinated conspiracy by federal judges and clerks of the United States District Court for the Northern District of California and the Ninth Circuit Court of Appeals—to obstruct adjudication, erase court records, and dismiss a properly served maritime and civil rights complaint without reaching the merits—constitutes structural "fraud on the court" so profound that it triggers a constitutional emergency requiring direct monetary compensation to the injured party, a full federal investigation by oversight agencies, mandatory referral to oversight committees of Congress, and immediate Supreme Court intervention under Article III and the Supremacy Clause.
- 2.) Whether, having been put on direct notice of a systemic constitutional and maritime crisis corrupting the largest federal circuit in the United States, the Supreme Court must fulfill its duty under the Constitution to intervene, or abdicate its role as the ultimate guardian of federal rights, thereby compelling the Commander in Chief, under his oath to preserve, protect, and defend the Constitution of the United States, to initiate emergency corrective measures to restore the rule of law.
- 3.) Whether the failure of lower federal courts to address the voidness of a state court prosecution allegedly conducted without constitutional authority or subject matter jurisdiction—and their reliance on *Heck v. Humphrey* to shield the State

from accountability for ultra vires conduct in a field of exclusive federal jurisdiction—raises substantial federal questions warranting this Court’s review to clarify the limits of state power and reaffirm the supremacy of federal maritime law.

RELATED PROCEEDINGS

People of the State of California

v.

HARPER

Case No. CR218168, County of Marin, California.

Criminal charges-initiated March 2022. Proceedings remain unresolved with no lawful final disposition to date. The matter is constitutionally void ab initio for lack of jurisdiction and judicial due process. Federal adjudication is required to declare the matter nullified under constitutional and maritime supremacy.

PATRICK ROY HARPER, Petitioner,

AND

F/V MARIAN (U.S. Official No. 250759), Petitioner,

v.

PETER GEORGES, et al., Respondents.

Case No. 3:23-cv-05426-VC, United States District Court for the Northern District of California.

Filed October 23, 2023. Order of dismissal issued May 21, 2024.

Case remains unresolved on its core federal maritime and constitutional claims. The sua sponte dismissal, rendered without adjudication on the merits or

jurisdictional hearing, is constitutionally void ab initio and must be corrected by superior judicial authority.

PATRICK ROY HARPER, Petitioner,

AND

F/V MARIAN (U.S. Official No. 250759), Petitioner,

v.

PETER GEORGES, et al., Respondents.

Case No. 24-3514, United States Court of Appeals for the Ninth Circuit.

Appeal from N.D. Cal. Case No. 3:23-cv-05426-VC.

Notice of Appeal filed June 3, 2024; docketed June 4, 2024.

Panel: Judges Barry G. Silverman, Kim McLane Wardlaw, Roopali H. Desai.

Memorandum disposition issued and judgment affirmed February 26, 2025.

This appellate proceeding has been irreparably tainted by extrinsic fraud on the court, including concealment of jurisdictional defects, factual misrepresentations, and coordinated judicial misconduct. As a result, no lawful basis exists for rehearing or en banc review, whether to grant or deny. The appellate process is therefore concluded, and no further relief may be obtained from this circuit due to the structural fraud embedded in the panel's disposition.

HARPER

v.

COUNTY OF MARIN, et al.

Case No. 3:25-cv-00758-RFL, United States District Court for the Northern District of California (Judge Rita F. Lin).

Filed January 23, 2025. Date of last filing: 05/02/2025

The District Court's handling of *Harper v. County of Marin*, Case No. 3:25-cv-00758-RFL (N.D. Cal., Hon. Judge Rita F. Lin), further illustrates the pattern of judicial misconduct and obstruction of federal maritime rights. In that case, the Court denied Petitioner's motions for reconsideration (Dkt. Nos. 28, 29) via Order (Dkt. No. 30, May 2, 2025), fraudulently misapplying Civil Local Rule 7-9(a) (which governs interlocutory orders) to deny relief from a final judgment sought under Federal Rule of Civil Procedure 60(b). This procedural maneuver was used to avoid addressing Petitioner's claims that the underlying dismissal (Dkt. No. 25) was based on a void judgment from a prior case (3:23-cv-05426-VC) rendered by a disqualified judge, the Honorable Vince Chhabria. The Court's action in 3:25-cv-00758-RFL constitutes additional evidence of structural fraud on the court, a refusal to apply federal maritime supremacy, and a continuation of the conspiracy to deny Petitioner his rights, necessitating this Court's review.

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PARTIES TO THE PROCEEDING

Petitioner: Patrick Roy Harper, F/V Marian (U.S. Official No. 250759)

Respondents: Officer Peter Georges (California Department of Fish & Wildlife), Lori Frugoli (District Attorney County of Marin), Michael Wear (Deputy District Attorney County of Marin), Zachary Harmon (Deputy District Attorney County of Marin), and associated state and local actors.

OPINIONS BELOW

The final judgment of the United States District Court for the Northern District of California (Case No. 3:23-cv-05426-VC) was entered on May 21, 2024. The district court Sua sponte dismissed the complaint without adjudicating the served claims.

The United States Court of Appeals for the Ninth Circuit (Case No. 24-3514) issued an unpublished opinion on February 26, 2025, affirming the district court's decision. While procedurally framed as a routine affirmation, this unpublished ruling operates as a deliberate extension of a coordinated scheme to shield state

actors from liability. It represents not merely legal error, but extrinsic fraud on the court—a knowing, conspiratorial obstruction of federal maritime jurisdiction and constitutional due process. The court’s refusal to address controlling maritime precedents and jurisdictional mandates constitutes a structural denial of justice and reinforces a broader pattern of unlawful judicial collusion.

JURISDICTIONAL STATEMENT

This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1), which authorizes review of final judgments rendered by the United States Courts of Appeals. The decision of the United States Court of Appeals for the Ninth Circuit, in *Harper v. Georges et al.*, No. 24-3514, constitutes a final judgment that conclusively terminates petitioner’s rights under federal maritime law and the Constitution of the United States. Accordingly, jurisdiction properly lies with this Court for review.

This petition is timely under Supreme Court Rule 13.1, as it is filed within 90 days of the Ninth Circuit’s denial of the petition for rehearing on April 17, 2024. It squarely presents a timely and appropriate request for this Court’s review.

JURISDICTION FOR REMEDIAL ACTION

This Court possesses authority under 28 U.S.C. § 2106 to vacate, modify, or remand lower court judgments to ensure that justice is done. Petitioner respectfully seeks the exercise of this authority to vacate the judgment below, set aside orders tainted by constitutional and structural violations, and remand the case for adjudication consistent with established principles of federal maritime law and constitutional due process. Petitioner further requests that the lower courts be instructed to address the financial and personal injuries resulting directly from the deprivation of federally protected maritime and constitutional rights.

DISCRIMINATORY ANIMUS

This case is not merely a question of mistaken rulings or misapplied law — it is a direct confrontation with structural judicial bias and institutionalized discrimination, evidenced by repeated disregard for due process and the appearance of impropriety across multiple proceedings. The Plaintiff has been forced to litigate before judges with undisclosed or unresolved conflicts of interest, in forums rigged against a fair adjudication of maritime rights, constitutional protections, and civil liabilities.

Most egregiously, Judge Vince Chhabria, who was explicitly disqualified by demonstrated conflicts and who issued a prejudicial *Sua sponte* dismissal in Case No. 3:23-cv-05426-VC, was reassigned jurisdiction by the Clerk of Court, Mark Busby, despite being legally ineligible. This reassignment, undertaken without procedural justification or transparency, resulted in a void *ab initio* judgment and a direct violation of the fundamental principles of justice. As articulated by the U.S. Supreme Court in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 884 (2009):

“There is a serious risk of actual bias—based on objective and reasonable perceptions—when a person with a personal stake in a particular case had a significant and disproportionate influence in placing the judge on the case.”

This case exemplifies that concern. Here, Plaintiff was compelled to stand before a judge whose prior conduct and entanglements with the subject matter (and potentially with parties or institutional interests) rendered him unfit to preside — yet the system, through nonfeasance and clerical collusion, perpetuated this bias. The risk to impartial adjudication was not hypothetical — it materialized, and its consequences were severe: dismissal with prejudice, without full hearing or evidentiary review, and in direct contravention of maritime law, constitutional protections, and federal procedure.

The Petitioner asserts that such structural misconduct — which undermines not just a single case but the integrity of the judiciary itself — demands extraordinary intervention from this Honorable Court.

Petitioner submits that the misconduct detailed herein meets the standard for direct evidence of discriminatory intent, not based on protected classes like race, but on a deliberate intent to discriminate against Petitioner's federally protected maritime status and rights, and to obstruct justice through unlawful means. This intent is revealed through the documented actions of decision-makers, much like express classifications or overt discriminatory comments serve as direct evidence in other contexts.

Fraudulent Misapplication of Procedural Rules: The Order issued by Judge Rita F. Lin in Case No. 3:25-cv-00758-RFL (Dkt. No. 30, May 2, 2025) directly misapplied Civil Local Rule 7-9(a), which governs interlocutory orders, to deny Petitioner's motions seeking relief from a final judgment under Federal Rule of Civil Procedure 60(b). This documented act of applying an inapplicable rule to deny access to a federal remedy, especially when Petitioner alleged fraud on the court, is direct evidence of an intent to obstruct the lawful adjudication of Petitioner's claims and shield prior misconduct.

Documented Record Tampering: The timestamped editing of Petitioner's Emergency Motion (Docket No. 19 in Case No. 24-3514), filed on 02/19/2025 at 02:10 PM and later edited on 03/25/2025 at 11:12 AM, as well as the alleged erasure of critical filings like Docket No. 44, are direct, physical evidence of conduct by court personnel aimed at altering the official judicial record. This conduct is not accidental; it is a deliberate act that directly demonstrates an intent to manipulate the proceedings to Petitioner's detriment and conceal the truth.

Perpetuation of Void Judgments by Disqualified Judges: The reliance by Judge Rita F. Lin (Case No. 3:25-cv-00758-RFL) on the dismissal order from Judge Vince Chhabria (Case No. 3:23-cv-05426-VC), despite Petitioner's documented evidence of Judge Chhabria's disqualifying conflicts of interest and the resulting

voidness of his judgment, is direct evidence of an intent to perpetuate a legally invalid ruling and protect a disqualified judicial officer, thereby obstructing justice.

Unlawful Assertion of State Authority Over Federal Maritime Assets: Statements and actions by state officials (e.g., filings by Peter Georges of CDFW, prosecution efforts by Lori Frugoli and deputies Michael Wear and Zachary Harmon in Case No. CR218168) asserting state jurisdiction over Petitioner's federally documented vessel, the F/V MARIAN (U.S. Official No. 250759), in direct contravention of federal maritime supremacy, are direct evidence of their intent to unlawfully usurp federal authority and interfere with federally protected commerce.

These documented actions and procedural irregularities are not mere circumstantial evidence; they are direct manifestations of an intent by judicial and state actors to subvert federal maritime law, obstruct justice, and deny Petitioner his constitutional and statutory rights. This pattern of conduct, evidenced on the public record, demands review and correction.

The Petitioner asserts that such structural misconduct — which undermines not just a single case but the integrity of the judiciary itself — demands extraordinary intervention from this Honorable Court.

IRREPARABLE HARM AND EXCEPTIONAL CIRCUMSTANCES

Petitioner has suffered — and continues to suffer — irreparable harm as a direct consequence of the obstruction of justice and denial of constitutional and maritime protections, including ongoing financial losses, impairment of federally protected maritime interests, and significant personal hardship. Given the extraordinary and systemic nature of the violations at issue, there exists no adequate remedy at law, and immediate intervention by this Court is necessary to preserve the integrity of maritime law, protect constitutional rights, and prevent further injustice.

This case presents extraordinary circumstances warranting this Court’s exercise of its supervisory power under Supreme Court Rule 10(a) and (c). The lower courts have not merely erred, but have systematically departed from ordinary judicial procedure, implicating profound violations of constitutional due process, judicial integrity, and the supremacy of federal maritime law. The County of Marin has acted in complete absence of constitutional authority, maliciously prosecuting the Petitioner for over two years, including a full jury trial. This alone is historically unprecedented—no state or county in the history of the United States has ever prosecuted a citizen under such ultra vires authority absent any lawful jurisdiction.

Moreover, the federal judiciary has conspired to mislabel the Petitioner—a law-abiding small business owner and operator of a federally documented commercial fishing vessel—as a convicted prisoner. This unlawful misrepresentation facilitated an unprecedented usurpation of federal maritime supremacy by the State. The Ninth Circuit compounded the injury by allowing this conspiracy to persist, effectively dismantling the rule of law and reducing the judicial structure to a tyrannical engine enabling state overreach.

All of these events are fully and publicly documented across the official records of *Harper v. Georges*, Case No. 3:23-cv-05426-VC (N.D. Cal.), Ninth Circuit Appeal No. 24-3514, and the underlying state matter, *People v. Harper*, Marin County Superior Court Case No. CR218168—stemming from a malicious prosecution carried out in complete absence of constitutional authority. A cursory review of these public dockets reveals widespread fraud on the court, extrinsic to the merits, orchestrated to suppress constitutionally protected maritime rights and to permit state usurpation of exclusive federal jurisdiction. This petition therefore presents rare and exceptional grounds justifying this Court’s immediate intervention under its supervisory authority to redress structural and historic violations of law.

EMERGENCY NATURE OF THE CASE

This case presents a constitutional and maritime emergency of historic unprecedented magnitude. Petitioner alleges that multiple federal judges and clerks within the U.S. District Court for the Northern District of California and the Ninth Circuit Court of Appeals conspired to obstruct adjudication, erase docket entries, and fraudulently dismiss a properly served civil rights and maritime complaint without reaching the merits. The coordinated misconduct has deprived Petitioner—and by extension millions of citizens within the Ninth Circuit—of fundamental access to federal rights, remedies, and maritime protections guaranteed under the Constitution and federal law.

The integrity of the federal judiciary itself is imperiled. Absent this Court’s immediate intervention, the largest judicial circuit in the United States will remain structurally compromised, and the supremacy of the Constitution, Article III courts, and maritime law will continue to be gravely undermined. Petitioner further requests that this Court, if necessary, directly refer this matter to appropriate federal oversight bodies and Congressional committees for investigation and systemic reform.

STATEMENT OF THE CASE

Petitioner, Patrick Roy Harper, respectfully petitions this Court for a writ of certiorari to review the fraud on the court and judicial misconduct that have tainted the proceedings in the case *Harper v. Georges et al.*, No. 3:23-cv-05426-VC.

On October 26, 2023, Petitioner commenced an action in the United States District Court for the Northern District of California, invoking federal maritime and constitutional jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1333. The verified complaint sought redress under 42 U.S.C. § 1983 for violations of federally protected maritime and constitutional rights and demanded compensatory relief. Proper service was effectuated, and Petitioner duly requested entry of default pursuant to Rule 55 of the Federal Rules of Civil Procedure, which the Court has repeatedly refused to enter judgment.

No adjudication on the merits occurred. On May 21, 2024, the district court, *Sua sponte* and without notice or hearing, dismissed the case without addressing the merits or the pending default. Subsequent review of the docket revealed that Petitioner's default submission had been unlawfully removed, constituting fraud on the court and spoliation of federal judicial records.

Petitioner timely filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit (Case No. 24-3514). The appeal was docketed on March 5, 2024. On February 26, 2025, the Ninth Circuit affirmed the lower court's ruling, denying all pending motions and issuing a final judgment. Petitioner subsequently filed petitions for panel rehearing and rehearing *en banc* on February 27, 2025, which remain pending. The fraud on the court has rendered the appeal void, and intervention by the Supreme Court is needed to correct this violation of due process and systemic fraud on the court.

Despite clear evidence of fraud on the court, including the unlawful erasure of Docket 19—an emergency motion filed on November 21, 2023, detailing Judge Vince Chhabria's disqualifications and his continued presiding over the case—the Ninth Circuit has failed to address these serious violations. The erosion of Docket 19, which exposed ongoing obstruction of justice, constitutes a direct hindrance to Petitioner's legal rights.

Moreover, the fraudulent reassignment of the case back to Judge Chhabria, despite documented conflicts of interest, including the erasure of court docket number 44, has perpetuated judicial fraud on the court, further obstructing Petitioner's right to a fair and impartial tribunal. The failure to respond to these issues is not only a significant procedural error but contributes to a broader pattern of judicial fraud.

Historically, the preservation of judicial integrity is paramount, particularly in maritime law, as mandated by the Supremacy Clause of the Constitution. The decision in *The Lottawanna*, 88 U.S. (21 Wall.) 558 (1875), reinforces that federal courts have a non-discretionary obligation to apply maritime law uniformly and

fairly. The continuing failure to address the documented conflicts of interest and judicial misconduct subverts this obligation and undermines the foundations of maritime jurisprudence.

Petitioner has repeatedly sought relief through the judicial process, yet the failure to address these issues has left Petitioner with no viable recourse. Immediate intervention by this Court is necessary to rectify these grave errors, restore integrity to the judicial process, and ensure that Petitioner's constitutional and maritime rights are protected.

In light of these substantial inequities, Petitioner respectfully requests that this Court grant the petition for a writ of certiorari to address the fraud on the court, correct the judicial misconduct, and re-establish the obligations of the federal judiciary in preserving maritime rights and access to justice.

REASONS FOR GRANTING THE PETITION

I. Structural Collapse of Judicial Integrity Necessitates Supreme Court Intervention

The U.S. Constitution vests this Court with the ultimate duty to maintain the rule of law, particularly where systemic violations threaten the national judicial framework. In this case, Petitioner, a federally documented seaman entitled to the protections of uniform maritime law, has been wholly denied adjudication through acts of judicial fraud and unlawful concealment of meritorious claims — conduct fundamentally repugnant to the duties imposed under Article III.

Under The *Lottawanna*, 88 U.S. (21 Wall.) 558 (1875), federal courts have a non-discretionary obligation to faithfully administer maritime law to ensure national uniformity and supremacy. By obstructing maritime claims and insulating public defendants through structural fraud, the lower courts have engaged in an unprecedented betrayal of those constitutional mandates. This misconduct implicates not only the rights of the Petitioner but of all citizens relying on lawful access to federal courts.

II. Fraud on the court “is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society.” *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246, 64 S. Ct. 997, 1001 (1944).

III. Preservation of Maritime Supremacy and National Security Interests Compels Immediate Correction

Petitioner's claims arise squarely under federal maritime law, an area of exclusive federal competence critical to national sovereignty, commerce, and international obligations. The constitutional mandate for uniformity in maritime affairs is a necessity, ensuring that the United States speaks with one voice on matters affecting domestic and international waterways. See *Southern Pacific Co. v. Jensen*, 244 U.S. 205 (1917).

The obstruction of maritime rights through judicial fraud injures Petitioner and risks impairing the United States' ability to fulfill treaty obligations and preserve navigational security. It threatens national maritime uniformity, historically safeguarded by this Court.

Accordingly, this Petition presents matters of profound constitutional and national significance, warranting immediate review and corrective relief under this Court's supervisory authority.

CONCLUSION

This Court must act to preserve the Republic from the internal collapse of its judicial function. When judicial officers collude to prevent citizens from accessing remedies guaranteed by the Constitution and use federal positions to conceal misconduct, the only recourse left is Supreme Court review.

Petitioner respectfully requests that this Court grant the petition for a writ of certiorari, vacate the tainted proceedings below, and remand for lawful adjudication under Article III and federal statutes.

DECLARATION UNDER 28 U.S.C. § 1746

I, PATRICK ROY HARPER, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

I am the Plaintiff and Petitioner in the matters arising under Harper v. Georges, et al., No. 3:23-cv-05426-VC (N.D. Cal.), No. 24-3514 (9th Cir.), and related proceedings. I am also a citizen of the United States, and the owner/operator and steward of the federally documented commercial fishing vessel MARIAN (U.S. Official No. 250759) engaged in commerce under maritime law.

I have firsthand knowledge of the systematic and intentional actions of Article III judges and clerks within the United States District Court for the Northern District of California and the United States Court of Appeals for the Ninth Circuit, who have engaged in coordinated acts constituting fraud on the court, obstruction of justice, falsification and spoliation of public judicial records, denial of constitutional due process, and conspiracy against rights in violation of 18 U.S.C. §§ 241, 242, 1512, and 1519.

Specifically, material filings were unlawfully and intentionally erased from the court docket (including Docket No. 44 U.S. District Court California Northern District (San Francisco) CIVIL DOCKET FOR CASE #: 3:23-cv-05426-VC action which is non existant) and (Docket No. 19 United States Court of Appeals for the Ninth Circuit) (02/19/2025 Docket No. 19 Emergency MOTION Circuit Rule 27-3 Certificate filed by Appellant Patrick Roy Harper. [Entered: 02/19/2025 02:10 PM] [Edited: 03/25/2025 11:12 AM]) to obscure constitutional violations, obstruct public record transparency, and shield state and county actors from federal accountability, effectively defrauding the United States, its citizens, and the Supreme Court itself.

The misconduct is not isolated or negligible. It is a coordinated, deliberate, and sustained conspiracy involving federal judges, their clerks, and staff at the U.S. District Court Northern District of California and the United States Court of Appeals for the Ninth Circuit.

Judges and clerks have acted in concert with full knowledge and intention to deprive litigants of constitutional protections under the Fifth and Fourteenth Amendments, to deny access to a fair and impartial tribunal, and to shield unlawful state and county conduct in direct violation of the Supremacy Clause and the constitutional command for a transparent federal judiciary.

These actions constitute a documented structural attack on the U.S. Constitution, amounting to an insurrection against the rule of law and an act of domestic treason against the United States. The continued obstruction, concealment, and judicial fraud threaten the integrity and survival of the United States Constitutional order itself.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 1st day of MAY 2025.

Respectfully submitted,

PATRICK ROY HARPER,

Plaintiff and Petitioner

F/V Marian (U.S. Official No. 250759)

A handwritten signature in black ink, appearing to read "Patrick Roy Harper" followed by the date "5/24/2025".

Vessel in Admiralty

VESSEL STANDING AND RIGHTS

The Fishing Vessel MARIAN (U.S. Official No. 250759) is a federally documented commercial fishing vessel under Title 46 of the United States Code, bearing a valid fishery endorsement issued by the United States Coast Guard. Pursuant to federal maritime law, including but not limited to the Ship Mortgage Act, the Federal Maritime Lien Act, and general maritime principles recognized under Article III, Section 2 of the United States Constitution, the F/V MARIAN stands as a distinct legal entity entitled to assert claims, seek remedies, and demand protection independent of her owner, master, or crew.

It is well-established that federally documented vessels possess an independent juridical status, recognized and protected under federal law, federal maritime traditions, and Supreme Court precedent, including but not limited to *The Moses Taylor*, 71 U.S. 411 (1866); *The Lottawanna*, 88 U.S. 558 (1875); and *Southern Pacific Co. v. Jensen*, 244 U.S. 205 (1917). The vessel's rights, obligations, and entitlements cannot be obstructed, impaired, or unlawfully dismissed by judicial, state, or private actors without violating the Supremacy Clause, due process rights secured by the Fifth and Fourteenth Amendments, and the exclusive jurisdiction vested in the federal judiciary over maritime and admiralty matters.

Accordingly, any interference with the F/V MARIAN's independent maritime claims, including unlawful dismissal, deprivation, misrepresentation, or obstruction, constitutes a direct violation of federal law, constitutional protections, and maritime public policy, and shall be opposed as a structural defect in the proceeding requiring corrective action, including vacatur of tainted rulings and provision of appropriate relief.

The Court is duly reminded that it bears a non-delegable, constitutionally mandated duty to uphold and protect the vessel's maritime rights and to adjudicate

maritime claims in strict compliance with federal law, maritime tradition, and constitutional guarantees.

DIRECT CONSTITUTIONAL DEMAND

This matter now commands the immediate intervention of the United States Supreme Court. Petitioner has not merely alleged injustice — he has proven, with sworn affidavits, certified transcripts, forged state documents, official DHS notices, and federal filings, that the State of California acted in absolute and admitted absence of constitutional authority. It prosecuted, convicted, and labeled a federal maritime citizen as a criminal — without jurisdiction, without probable cause, and without lawful statute.

The federal district court was presented with this evidence in full. It took no action. The appellate court affirmed that inaction. What now stands before this Court is not a request for review, but a fully documented crisis that implicates every level of the judiciary in a conspiracy of silence. This is misprision of felony. This is obstruction of justice. This is insurrection by robe.

Under the Supremacy Clause, Article III, and 18 U.S.C. §§ 4 and 242, every judicial officer reviewing this petition — including the Clerk's Office, legal aides, and assigned Justices — is now personally accountable. This record invokes national authority. It documents systemic betrayal. It constitutes a living proof of constitutional collapse in real time.

If this Court refuses to act, it becomes complicit. If this demand is denied, it is not denial — it is abdication.

At that moment, the structural guarantee of the Constitution ends, and authority to reform the judicial system returns by necessity to the Commander in Chief and the People of the United States. The judiciary is not above the law. Its silence in the face of treasonous conduct becomes treason itself.

The Court is hereby called to immediate action.

Judicial Review Cannot Be Waived Where Structural Fraud Is Alleged

The *Lottawanna*, *Southern Pacific Co. v. Jensen*, and modern admiralty precedent affirm that federal courts must act where the integrity of maritime law is challenged—especially when the claim involves state encroachment into exclusive federal territory. If judicial officers actively shield that encroachment, they abandon their oath and trigger review by the higher courts, including SCOTUS.

Statutory Mandate Under 28 U.S.C. § 1916

Pursuant to 28 U.S.C. § 1916, this Petition is properly filed without prepayment of fees or furnishing of security, as the Petitioner is a federally documented seaman and owner/operator of the F/V *Marian* (U.S. Official No. 250759), seeking redress under the Constitution and maritime law.

The statute provides:

“In all courts of the United States, seamen may institute and prosecute suits and appeals in their own names and for their own benefit without prepaying fees or costs or furnishing security therefor.”

This statutory protection is rooted in the longstanding federal policy recognizing the vital national interest in protecting seafarers’ rights, health, and livelihood. The statute operates self-executingly, and no court—district, appellate, or Supreme—possesses discretion to deny a maritime plaintiff’s right to access the judiciary on these terms when federal maritime jurisdiction is properly invoked.

Yet, despite the clear invocation of maritime and constitutional law, and valid service of process in the lower courts, no adjudication has occurred. The fundamental safety, health, and legal protections afforded by this statute remain unaddressed, in direct violation of both the plain text of § 1916 and the Constitution's guarantee of access to justice under Article III and the Supremacy Clause.

Therefore, Petitioner respectfully demands that the Supreme Court accept this petition as properly filed under § 1916 and adjudicate the merits to fulfill its constitutional and statutory obligations to seamen seeking lawful remedy under federal maritime law.

 5/24/2025

**(ATTACHMENT 1.) ACMS Docket Report
United States Court of Appeals for the Ninth Circuit**

Court of Appeals Docket #: 24-3514

DOCKET REPORT IN FULL

**AND MEMORANDUM DISPOSITION (Barry G. SILVERMAN,
Kim McLane WARDLAW, Roopali H. DESAI) All pending motions
are denied. AFFIRMED. FILED AND ENTERED JUDGMENT.**

[Entered: 02/26/2025 09:25 AM]

NOT FOR PUBLICATION

FILED

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

FEB 26 2025

**MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**

PATRICK ROY HARPER,

Plaintiff - Appellant,

v.

PETER GEORGES, individually and in his official capacity as California Department of Fish and Wildlife; LORI FRUGOLI, individually and in her official capacity as District Attorney County of Marin; MICHAEL WEAR, individually and in his official capacity as Deputy District Attorney County of Marin; ZACHARY HARMON, individually and in his official capacity as Deputy District Attorney County of Marin,

Defendants - Appellees.

No. 24-3514

D.C. No. 3:23-cv-05426-VC

MEMORANDUM*

**Appeal from the United States District Court
for the Northern District of California
Vince Chhabria, District Judge, Presiding**

Submitted February 18, 2025**

***** This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

****** The panel unanimously concludes this case is suitable for decision without oral argument. *See Fed. R. App. P. 34(a)(2).*

Before: SILVERMAN, WARDLAW, and DESAI, Circuit Judges.

Patrick Roy Harper appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging federal claims related to an incident involving his commercial fishing vessel and his subsequent state law conviction. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under *Heck v. Humphrey*, 512 U.S. 477 (1994). *Whitaker v. Garcetti*, 486 F.3d 572, 579 (9th Cir. 2007). We affirm.

The district court properly dismissed Harper's action as *Heck*-barred because success on Harper's claims would necessarily imply the invalidity of his conviction, and Harper failed to show that his conviction had been invalidated. *See Heck*, 512 U.S. at 487 (1994) (if "a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence . . . the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated").

Denial of Harper's motion for default judgment was proper. *See Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986) (providing the standard of review and setting forth factors that courts may consider in determining whether to enter default judgment).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

All pending motions are denied.

AFFIRMED.

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Information Regarding Judgment and Post-Judgment Proceedings

Judgment

- This Court has filed and entered the attached judgment in your case. Fed. R. App. P. 36. Please note the filed date on the attached decision because all of the dates described below run from that date, not from the date you receive this notice.

Mandate (Fed. R. App. P. 41; 9th Cir. R. 41-1 & -2)

- The mandate will issue 7 days after the expiration of the time for filing a petition for rehearing or 7 days from the denial of a petition for rehearing, unless the Court directs otherwise. To file a motion to stay the mandate, file it electronically via the appellate electronic filing system or, if you are a pro se litigant or an attorney with an exemption from the electronic filing requirement, file one original motion on paper.

Petition for Panel Rehearing and Petition for Rehearing En Banc (Fed. R. App. P. 40; 9th Cir. R. 40-1 to 40-4)

(1) Purpose

A. Panel Rehearing:

- A party should seek panel rehearing only if one or more of the following grounds exist:
 - A material point of fact or law was overlooked in the decision;
 - A change in the law occurred after the case was submitted which appears to have been overlooked by the panel; or
 - An apparent conflict with another decision of the Court was not addressed in the opinion.
- Do not file a petition for panel rehearing merely to reargue the case.

B. Rehearing En Banc

- A party should seek en banc rehearing only if one or more of the following grounds exist:
 - Consideration by the full Court is necessary to secure or maintain uniformity of the Court's decisions; or
 - The proceeding involves a question of exceptional importance; or

- The opinion directly conflicts with an existing opinion by another court of appeals or the Supreme Court and substantially affects a rule of national application in which there is an overriding need for national uniformity.

(2) Deadlines for Filing:

- A petition for rehearing or rehearing en banc must be filed within 14 days after entry of judgment. Fed. R. App. P. 40(d).
- If the United States or an agency or officer thereof is a party in a civil case, the time for filing a petition for rehearing is 45 days after entry of judgment. Fed. R. App. P. 40(d).
- If the mandate has issued, the petition for rehearing should be accompanied by a motion to recall the mandate.
- See Advisory Note to 9th Cir. R. 40-1 (petitions must be received on the due date).
- An order to publish a previously unpublished memorandum disposition extends the time to file a petition for rehearing to 14 days after the date of the order of publication or, in all civil cases in which the United States or an agency or officer thereof is a party, 45 days after the date of the order of publication. 9th Cir. R. 40-4.

(3) Statement of Counsel

- A petition should contain an introduction stating that, in counsel's judgment, one or more of the situations described in the "purpose" section above exist. The points to be raised must be stated clearly.

(4) Form & Number of Copies (9th Cir. R. 40-1; Fed. R. App. P. 32(c)(2))

- The petition shall not exceed 15 pages unless it complies with the alternative length limitations of 4,200 words or 390 lines of text.
- The petition must be accompanied by a copy of the panel's decision being challenged.
- An answer, when ordered by the Court, shall comply with the same length limitations as the petition.
- If a pro se litigant elects to file a form brief pursuant to Circuit Rule 28-1, a petition for panel rehearing or for rehearing en banc need not comply with Fed. R. App. P. 32.

- The petition or answer must be accompanied by a Certificate of Compliance found at Form 11, available on our website at www.ca9.uscourts.gov under *Forms*.
- Attorneys must file the petition electronically via the appellate electronic filing system. No paper copies are required unless the Court orders otherwise. If you are a pro se litigant or an attorney exempted from using the appellate ECF system, file one original petition on paper. No additional paper copies are required unless the Court orders otherwise.

Bill of Costs (Fed. R. App. P. 39, 9th Cir. R. 39-1)

- The Bill of Costs must be filed within 14 days after entry of judgment.
- See Form 10 for additional information, available on our website at www.ca9.uscourts.gov under *Forms*.

Attorneys Fees

- Ninth Circuit Rule 39-1 describes the content and due dates for attorneys fees applications.
- All relevant forms are available on our website at www.ca9.uscourts.gov under *Forms* or by telephoning (415) 355-8000.

Petition for a Writ of Certiorari

- The petition must be filed with the Supreme Court, not this Court. Please refer to the Rules of the United States Supreme Court at www.supremecourt.gov.

Counsel Listing in Published Opinions

- Please check counsel listing on the attached decision.
- If there are any errors in a published opinion, please send a letter **in writing within 10 days** to:
 - Thomson Reuters; 610 Opperman Drive; PO Box 64526; Eagan, MN 55123 (Attn: Maria Evangelista, maria.b.evangelista@tr.com);
 - and electronically file a copy of the letter via the appellate electronic filing system by using the Correspondence filing category, or if you are an attorney exempted from electronic filing, mail the Court one copy of the letter.

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 10. Bill of Costs

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form10instructions.pdf>

9th Cir. Case Number(s)

Case Name

The Clerk is requested to award costs to (*party name(s)*):

I swear under penalty of perjury that the copies for which costs are requested were actually and necessarily produced, and that the requested costs were actually expended.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

COST TAXABLE	REQUESTED (each column must be completed)			
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Excerpts of Record*			\$	\$
Principal Brief(s) (<i>Opening Brief; Answering Brief; 1st, 2nd, and/or 3rd Brief on Cross-Appeal; Intervenor Brief</i>)			\$	\$
Reply Brief / Cross-Appeal Reply Brief			\$	\$
Supplemental Brief(s)			\$	\$
Petition for Review Docket Fee / Petition for Writ of Mandamus Docket Fee / Appeal from Bankruptcy Appellate Panel Docket Fee			\$	\$
			TOTAL:	\$

***Example:** Calculate 4 copies of 3 volumes of excerpts of record that total 500 pages [Vol. 1 (10 pgs.) + Vol. 2 (250 pgs.) + Vol. 3 (240 pgs.)] as:

No. of Copies: 4; Pages per Copy: 500; Cost per Page: \$.10 (or actual cost IF less than \$.10);
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Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

ACMS Docket Report
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 24-3514

Docketed: 06/04/2024

Nature of Suit: 3440 Other Civil Rights

Harper v. Georges, et al.

Appeal From: San Francisco, Northern California

Fee Status: Paid

Case Type Information:

- 1) Civil
- 2) Private
- 3)

Originating Court Information:

District: Northern District of California : 3:23-cv-05426-VC

Trial Judge: Vince Chhabria, District Judge

Date Filed: 10/23/2023

Date Order/Judgment:
05/21/2024

Date Order/Judgment EOD:
05/21/2024

Date NOA Filed:
06/03/2024

Date Rec'd COA:
06/03/2024

Prior Cases:

Current Cases:

PATRICK ROY HARPER

Plaintiff - Appellant

Patrick Roy Harper
[Pro Se]
Direct: 707-751-6677
Email: mycasemarin@outlook.com
6690 Bloomfield Road
Petaluma, CA 94952

PETER GEORGES, individually and in his official capacity as California Department of Fish and Wildlife
Defendant - Appellee

LORI FRUGOLI, individually and in her official capacity as District Attorney County of Marin
Defendant - Appellee

Scott Gregory Drexel, Deputy County C
Direct: 415-473-6127
Email: scott.drexel@marincounty.gov
[Government]
Marin Office of the County Counsel
Firm: 415-473-6127
3501 Civic Center Drive
Suite 275
San Rafael, CA 94903

MICHAEL WEAR, individually and in his official capacity as Deputy District Attorney County of Marin
Defendant - Appellee

Scott Gregory Drexel, Deputy County C
Direct: 415-473-6127
Email: scott.drexel@marincounty.gov
[Government]
Marin Office of the County Counsel
Firm: 415-473-6127
3501 Civic Center Drive
Suite 275
San Rafael, CA 94903

ZACHARY HARMON, individually and in his official capacity as Deputy District Attorney County of Marin
Defendant - Appellee

Scott Gregory Drexel, Deputy County C
Direct: 415-473-6127
Email: scott.drexel@marincounty.gov
[Government]
Marin Office of the County Counsel
Firm: 415-473-6127
3501 Civic Center Drive
Suite 275
San Rafael, CA 94903

PATRICK ROY HARPER,

Plaintiff - Appellant,

v.

PETER GEORGES, individually and in his official capacity as California Department of Fish and Wildlife; LORI FRUGOLI, individually and in her official capacity as District Attorney County of Marin; MICHAEL WEAR, individually and in his official capacity as Deputy District Attorney County of Marin; ZACHARY HARMON, individually and in his official capacity as Deputy District Attorney County of Marin,

Defendants - Appellees.

06/04/2024	1	CASE OPENED. A copy of your notice of appeal / petition filed in 3:23-cv-05426-VC has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number 24-3514 has been assigned to this case. All communications with the court must indicate this Court of Appeals docket number. Please carefully review the docket to ensure the name(s) and contact information are correct. It is your responsibility to alert the court if your contact information changes.
		Resources Available For more information about case processing and to assist you in preparing your brief, please review the Case Opening Information (for attorneys and pro se litigants) and review the Appellate Practice Guide . Counsel should consider contacting the court's Appellate Mentoring Program for help with the brief and argument. [Entered: 06/04/2024 03:52 PM]
06/04/2024	<input type="checkbox"/> 2	SCHEDULE NOTICE. Appeal Opening Brief (No Transcript Due) (Appellant) 7/15/2024, Appeal Answering Brief (No Transcript Due) (Appellee) 8/15/2024. For appeal no. 24-3514, 3:23-cv-05426-VC. All briefs shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1. Failure of the petitioner(s)/appellant(s) to comply with this briefing schedule will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1. [Entered: 06/04/2024 03:54 PM]
07/12/2024	<input type="checkbox"/> 3	OPENING BRIEF submitted for filing by Appellant Patrick Roy Harper. [Entered: 07/12/2024 07:17 PM]
07/15/2024	<input type="checkbox"/> 4	ORDER FILED. Opening Brief submitted at DE 3 by Appellant Patrick Roy Harper is filed. Within 7 days of this order, Appellant must file 6 copies of the brief in paper format. Each copy must include certification at the end that the copy is identical to the electronic version. The paper copies must be sent to the Clerk's principal office. [Entered: 07/15/2024 08:48 AM]
07/17/2024	5	Paper copies (6) of Opening Brief submitted at DE 3 by Appellant Patrick Roy Harper received. [Entered: 07/17/2024 04:02 PM]
08/14/2024	6	Streamlined Request for Extension of Time to File Brief filed by Appellee Lori Frugoli, Appellee Michael Wear, Appellee Zachary Harmon. [Entered: 08/14/2024 02:42 PM]
08/14/2024	7	ORDER FILED. Streamlined Request for Extension of Time to File Brief (DE 6) granted. Amended briefing schedule: Answering Brief Due (Appellee) 9/16/2024. Optional Reply Brief due 21 days after service of Answering Brief. All briefs shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1. [Entered: 08/14/2024 03:25 PM]
09/16/2024	<input type="checkbox"/> 8	ANSWERING BRIEF submitted for filing by Appellee Lori Frugoli, Appellee Michael Wear, Appellee Zachary Harmon.--[COURT UPDATE: attached corrected PDF of brief.] [Entered: 09/16/2024 03:26 PM] [Edited: 09/18/2024 01:48 PM]
09/17/2024	<input type="checkbox"/> 9	EXCERPTS OF RECORD submitted for filing by Appellee Lori Frugoli, Appellee Michael Wear, Appellee Zachary Harmon.--[COURT UPDATE: attached corrected PDF of excerpts] [Entered: 09/17/2024 03:09 PM] [Edited: 09/18/2024 01:49 PM]
09/18/2024	10	DEFECTIVE --- EXCERPTS OF RECORD submitted for filing by Appellee Lori Frugoli, Appellee Michael Wear, Appellee Zachary Harmon.--[incorrect entry, correct entry at DE 9] [Entered: 09/18/2024 01:35 PM] [Edited: 09/18/2024 01:50 PM]
09/18/2024	<input type="checkbox"/> 11	ORDER FILED. Answering Brief submitted at DE 8 by Appellees is filed. Within 7 days of this order, Appellees must file 6 copies of the brief in paper format bound with red front cover pages. Each copy must include certification at the end that the copy is identical to the electronic version. The excerpts of record submitted at DE 8 by Appellees are filed. Within 7 days of this order, Appellees must file 3 copies of the excerpts in paper format securely bound on the left side, with white front covers. The paper copies must be sent to the Clerk's principal office. [Entered: 09/18/2024 01:53 PM]
09/20/2024	12	Paper copies (3) of Excerpts of Record in 1 Volume submitted at DE 9 by Appellees received. [Entered: 09/20/2024 10:51 AM]
09/20/2024	13	Paper copies (6) of Answering Brief submitted at DE 8 by Appellees received. [Entered: 09/20/2024 12:19 PM]
10/02/2024	<input type="checkbox"/> 14	REPLY BRIEF submitted for filing by Appellant Patrick Roy Harper. [Entered: 10/02/2024 12:31 AM]
10/02/2024	15	CLERK ACTION: Reply Brief submitted at DE 14 by Appellant Patrick Roy Harper is filed. No paper copies are required. [Entered: 10/02/2024 10:09 AM]
12/03/2024	<input type="checkbox"/> 16	MOTION to Expedite filed by Appellant Patrick Roy Harper. [Entered: 12/03/2024 06:45 PM]
12/16/2024	<input type="checkbox"/> 17	Emergency MOTION Circuit Rule 27-3 Certificate filed by Appellant Patrick Roy Harper. [Entered: 12/16/2024 11:30 AM]
01/21/2025	<input type="checkbox"/> 18	NOTICE of Delay filed by Appellant Patrick Roy Harper. [Entered: 01/21/2025 12:48 PM]
02/19/2025	19	Emergency MOTION Circuit Rule 27-3 Certificate filed by Appellant Patrick Roy Harper. [Entered: 02/19/2025 02:10 PM] [Edited: 03/25/2025 11:12 AM]
02/26/2025	<input type="checkbox"/> 20	MEMORANDUM DISPOSITION (Barry G. SILVERMAN, Kim McLane WARDLAW, Roopali H. DESAI) All pending motions are denied. AFFIRMED. FILED AND ENTERED JUDGMENT. [Entered: 02/26/2025]

09:25 AM]

02/27/2025 21
72 pg. 13469 KB **PETITION FOR PANEL REHEARING and PETITION FOR REHEARING EN BANC** filed by Appellant Patrick Roy Harper. [Entered: 02/27/2025 04:13 AM]

03/02/2025 22 **DEFECTIVE -- PROOF OF SERVICE** filed by Appellant Patrick Roy Harper. [Wrong filing type used, corrected in DE's 23 & 24] [Entered: 03/02/2025 11:31 PM] [Edited: 03/04/2025 12:21 PM]

03/02/2025 23
7 pg. 224 KB **Miscellaneous Pro Se Filings Filed. Document in support of Petition for Rehearing and Rehearing En Banc (DE 21).** [Court entered filing to correct DE 22. PDF from DE 22] [Entered: 03/04/2025 12:18 PM]

03/02/2025 24
1 pg. 258 KB **BILL of COSTS** filed by Appellant Patrick Roy Harper. [Court entered filing to correct DE 22. PDF from DE 22] [Entered: 03/04/2025 12:20 PM]

03/04/2025 25
1 pg. 192 KB **ORDER FILED. Bill of Costs (DE 24) DENIED** as filer is not the prevailing party. [Entered: 03/04/2025 12:28 PM]

03/15/2025 26 **DEFECTIVE - MOTION for Release from Detention** filed by Appellant Patrick Roy Harper. [Wrong filing type used, corrected in DE 27.] [Entered: 03/15/2025 12:23 AM] [Edited: 03/17/2025 02:21 PM]

03/15/2025 27
13 pg. 288 KB **MOTION for Publication of Memorandum Disposition** filed by Appellant Patrick Roy Harper. [Court entered filing to correct DE 26.] [Entered: 03/17/2025 02:20 PM]

03/24/2025 28
11 pg. 224 KB **MOTION for Production of Transcripts at Government Expense** filed by Appellant Patrick Roy Harper. [Entered: 03/24/2025 01:49 AM]

05/15/2025 29 **DEFECTIVE---STATUS REPORT** filed by Appellant Patrick Roy Harper. [Wrong filing type, corrected in DE 30] [Entered: 05/15/2025 07:02 AM] [Edited: 05/15/2025 09:04 AM]

05/15/2025 30
4 pg. 224 KB **MOTION to Expedite** filed by Appellant Patrick Roy Harper. [Court entered filing to correct DE 29] [Entered: 05/15/2025 09:03 AM]