

CASE NUMBER: _____

**IN THE SUPREME COURT OF THE UNITED STATES OF
AMERICA.**

ROYAL PORTER MCHENRY
PETITIONER

V

THE STATE OF CALIFORNIA
RESPONDANT (S)

**This Petition for Writ of Certiorari is taken from California Supreme
Silent on the opinion of the Court of Appeal 2nd District of California.**

PETITION FOR WRIT OF CERTIORARI

Royal Porter McHenry
1103 East 22nd Street
Los Angeles, California, 90011

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QUESTION PRESENTED

Does an illegal Notice from a Government administration violate Due Process of Law?

Can a Vexatious Litigant claim rights to their Constitutional Rights?

Can a Vexatious Litigant claim Constitutional Rights without harassment?

LIST OF PARTIES

(1) **Royal Porter McHenry**

1103 East 22nd St

Los Angeles, California, 90011

Plaintiff/Petitioner

V

(2) **The City of Los Angeles California**

City Attorney Office

200 North Main Street

Los Angeles, California

(3) **The Parking Bureau of the City of Los Angeles**

P.O. Box 30420

Los Angeles, California 900121-1214

Defendant/Respondent

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Vexatious Litigant Pursuant to CCP 391.7

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TABLES OF AUTHORITIES CITED

CASES: -----PAGE NUMBER

Weiss v City of Los Angeles (Aug 8, 2016) 2 Cal.App.5th 194; 206 Cal. Rptr. 3d 213

STATUTES AND RULES:

Vehicle Code 40202

Vehicle Code 40215

OTHER:

☐ reported at Weiss v. City of Los Angeles (Aug 8, 2016) 2 Cal.App.5th 194; or 206 Cal. Rptr. 3d 213

☐ has been designated for publication but is not reported; or

☐ is unpublished.

The opinion of the United States Courts of Appeal at Appendix _____ to

The petition and is

☐ reported at: or

☐ has been designated for publication but is not reported; or

☐ is unpublished.

☒ reported at Weiss v. City of Los Angeles (Aug 8, 2016) 2 Cal.App.5th 194; or 206 Cal. Rptr. 3d 213

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IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

☐ For cases from Federal Courts

The opinion of the United States Courts of Appeal at Appendix _____ to

The petition and is

☐ reported at: or

☐ has been designated for publication but is not reported; or

☐ is unpublished.

The opinion of the United States district courts appear at Appendix _____ to

The petition and is

☐ reported at _____; or

☐ has been designated for publication but is not reported; or

☐ is unpublished.

☐ For cases from state court

The opinion of the highest state court to review the merits appears at Appendix "A" to

The petition and is:

☒ reported at: Weiss v City of Los Angeles (Aug 8, 2016) 2 Cal.App.5th 194; or 206 Cal.

Rptr. 3d 213

☒ has been designated for publication but is not reported; or

☐ is unpublished.

The opinion of the Courts of Appeals at appendix "A" to the petition and is

☐ reported at Weiss v City of Los Angeles (Aug 8, 2016) 2 Cal.App.5th 194; or 206 Cal.

Rptr. 3d 213

☒ has been designated for publication but is not reported; or

☐ is unpublished.

JURISDICTION

[] For cases from Federal Court

The date on which the United States Court of Appeals decided my case was _____

[] No Petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeal on the following date: _____, and a copy of the order denying rehearing appears at Appendix.

[] An extension of time to file the petition for writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. _____.

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 December 18, 2017. A copy of that Supreme Court decision appears at Appendix "B"

[] A timely petition for rehearing was thereafter denied in the following date _____, and a copy of the order denying rehearing appears at appendix _____.

[] An extension of time to file the petition for writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. _____

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

The date on which the State Court of Appeal decided my case was September 26, 2017

A copy of the Court of Appeal decision appears at Appendix "C"

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Plaintiff/ Petitioner invoke his constitutional rights pursuant to the 5th and 14th amendment.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; **“nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”**

14th amendment.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **“nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”**

California’s Vehicle Code 40215 (a) that states and declare” 40215 (a).

- (a) For a period of 21 calendar days from the issuance of a notice of parking violation or 14 calendar days from the mailing of a notice of delinquent parking violation,

exclusive of any days from the day the processing agency receives a request for a copy or facsimile of the original notice of parking violation pursuant to Section 40206.5 and the day the processing agency complies with the request, a person may request an initial review of the notice by the issuing agency. The request may be made by telephone, in writing, or in person. There shall not be a charge for this review. If, following the initial review, the issuing agency is satisfied that the violation did not occur, that the registered owner was not responsible for the violation, or that extenuating circumstances make dismissal of the citation appropriate in the interest of justice, the issuing agency shall cancel the notice of parking violation or notice of delinquent parking violation. The issuing agency shall advise the processing agency, if any, of the cancellation. The issuing agency or the processing agency shall mail the results of the initial review to the person contesting the notice, and, if following that review, cancellation of the notice does not occur, include a reason for that denial, notification of the ability to request an administrative hearing, and notice of the procedure adopted pursuant to subdivision (b) for waiving prepayment of the parking penalty based upon an inability to pay.

The Honorable Justice: Willwhite, concurring Justice Epstein and Collins decided the question of law and fact in *Weiss v City of Los Angeles* 2 Cal. 5th 194. Affirmed by the Supreme Court. Does this ruling apply to all citizens?

Statement of the Case

During the years of 2014 until 2017 Plaintiff/Petitioner has received over 46 ambiguous tickets. Petitioner/Plaintiff has requested administrative review for each ticket. Plaintiff/Petitioner believes and contend he was entitled to legal notice and Notice of the review decision by the issuing agency, in the following tickets: Plaintiff has a few of the ticket numbers that was ambiguously written, Plaintiff immediately requested administrative review to the issuance agency. The “issuing agency” administration failed to review and give adequate legal Notice, of their decision of review, for appeal purposes:

**1)4224163381...2) 4228967013...3) 422897013...4) 4225134771...5) 423281980..
6) 4242798501...7) 4234395966...8) 423281980...9) 423086950...10) 4238875196...
11) 2122991832...12) 4290022996 13) 429002696...14) 4268554570...15)4266123643
16)4266618860...17) 4286432942... 18) 4256065050...19) 4283031745 20) 4272910154
21) 4281602500...22) 4281776122... 23) 4207609386...24) 4208104471...25) 4210621225
26) 1106163601...27) 4214722853...28)4212696563...29) 4227375434...30) 4242798501
31) 42251347002...32)4228467013...33) 4224163381...34) 423086950...35) 4234395966
36) 4232816980...37) 4262501692...38) 4255034655...39) 4254025381...40) 426488001
41) 426668860...42) 1109988983 (refund)...43) 4262885023...44) 4256174086
45) 4271775051...46) 4269643486 and several others that were dismissed due to false claims
of “Ticket Writers” and Lack of legal Notice.**

Plaintiff has lost several cars, paid over \$25,000 for tickets, illegal reviewed that ultimately denied Plaintiff his 14th amendment rights to Due Process. In addition to threats, intentional infliction of emotional distress, discriminatory practice from an entity that knew or should have known since 1995 the date of the enactment of VC 40215, there representation of the decision making determination of tickets under review was fraudulent.

RULE. Vehicle Code 40215

(b) For a period of 21 calendar days from the issuance of a notice of parking violation or 14 calendar days from the mailing of a notice of delinquent parking violation, exclusive of any days from the day the processing agency receives a request for a copy or facsimile of the original notice of parking violation pursuant to Section 40206.5 and the day the processing agency complies with the request, a person may request an initial review of the notice by the issuing agency. The request may be made by telephone, in writing, or in person. There shall not be a charge for this review. If, following the initial review, the issuing agency is satisfied that the violation did not occur, that the registered owner was not responsible for the violation, or that extenuating circumstances make dismissal of the citation appropriate in the interest of justice, the issuing agency shall cancel the notice of parking violation or notice of delinquent parking violation. The issuing agency shall advise the processing agency, if any, of the cancellation. The issuing agency or the processing agency shall mail the results of the initial review to the person contesting the notice, and, if following that review, cancellation of the notice does not occur, include a reason for that denial, notification of the ability to request an

administrative hearing, and notice of the procedure adopted pursuant to subdivision (b) for waiving prepayment of the parking penalty based upon an inability to pay.

APPLICATION

California Supreme court finalizes parking ticket ruling (for profit) private vendors/companies may no longer decide the guilt or innocence of motorists who contest parking tickets in California. Los Angeles can no longer pawn off review of parking tickets to a private vendor after the California Supreme court finalized a lower court's ruling. The justices turned away the appeal of city officials and their for-profit parking ticket vendor, Xerox, which means that they will now have to pay motorist Cody Weiss \$721,995 to cover the costs he incurred in his challenge of a parking ticket he received for allegedly exceeding the two-hour limit on La Jolla avenue in March 2012. Weiss insisted the \$55 ticket was bogus and that he did not overstay his time at the meter. Weiss contested the ticket, but Xerox sent him a letter on city letterhead denying his claim. In 2013, Xerox conducted 135,291 of these reviews, deciding which of 97 pre-written form letters to send to the motorist. Parking tickets are a significant source of revenue for the city, generating \$158 million in annual profit.

REASONS FOR GRANTING THE PETITION

To The Most Honorable Supreme Court Justices, I pray you each of you or the Justice of interest Please write an Opinion, even if its reason why this Writ is not Granted. The reason Plaintiff/Petitioner believes and contend he is entitled to the same relief, and should not be treated in no wise way any different than Cody Weiss. To grant to Cody Weiss, relief pursuant to Vehicle Code 40215 supported by the equal protection and due process of law Is the precedent Plaintiff/Petitioner relies on.

CONCLUSION

Plaintiff/Petitioner believes and contend the standard for review by both the California Court of Appeal and the California Supreme Court was rudimentarily exhausted and decided in the case of Weiss v City of Los Angeles. In this case in chief the petitioner was order by the Court of Appeal to show Cause for the in writing why this Appeal had merits. See Appendix _____. The merits were clearly based on Weiss v City of Los Angeles and a disclosure of tickets written against petitioner was cited in the Request to Appeal as a Vexatious Litigant. The evidence of Petitioner Case is solely the evidence of Weiss v City of Los Angeles 2 Cal App. 5th 194. The law of the case is based on Vehicle Coe 40215 (a).

The Petition for Writ of Certiorari should be granted.

Respectfully submitted:

Royal Porter McHenry

Signature_____

Date:_____