

No.

In The
Supreme Court Of The United States

JOSE MANUEL LOPEZ, Plaintiff-Appellant,

PETITIONER

vs.

CITY OF SANTA ANA A MUNICIPAL CORPORATION,

CITY OF SANTA ANA POLICE DEPARTMENT,

CITY OF SANTA ANA POLICE DEPARTMENT

POLICE OFFICER A. GARCIA #3233, Defendants

Respondents, *RESPONDENTS.*

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Plaintiff / Appellant / Petitioner

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QUESTIONS PRESENTED

Question Presented 1

1. Is [defendants conduct of systematic government body politic, systematic government operations unconstitutional]? When, where and by government body politic. Within city council meetings, city council minutes, relevant to Measure BB City Of Santa Ana Proposed Ordinance No. NS-2864. Operated to justify defendant municipality agreement of majority and/or by vote. To meet the end of government body politic objective. To Regulate The Establishment, Operation And [Taxation Of Medical Marijuana Collectives And Cooperative]. To achieve patent for inventing tax. To levy upon medical marijuana dispensary operations, by municipality code, ordinance, policy. Until the objective reflected within Defendant City of Santa Ana A Municipal Corporation, Code of Ordinance(s) Chapter 18 Health and Sanitation Article XIII - Medical Marijuana To Regulate The Establishment, Operation And [Taxation Of Medical Marijuana Collectives And Cooperative] is met. Under the provisions of enforceable obligations within State of California Health & Safety Code Section 34179 (a) (10) (i). Under United States of America Constitution 14th Amendment Section 1 [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.]. From within defendant municipality government body politic city council meeting(s) operating, government systematic operation(s) within 1996, the California electorate approved

Proposition 215, the Compassionate Use Act of 1996, and WHEREAS, in 2003, the California legislature passed Senate Bill 420 (Medical Marijuana Program Act) which amended the Health and Safety Code, under the credibility of *Gonzales v. Raich*, 545 U. S. 1 (2005) – *Gonzales v. Oregon*, (2006) 546 U.S. 243, 271- 273, under the credibility of Controlled Substances Act (CSA) (21 U. S. C. § 811), under the credibility of Comprehensive Drug Abuse Prevention and Control Act of 1970, Pub. L. 91-513, 84 Stat. 1236 (Oct. 27, 1970) Lanham Act, 15 U. S. C. §1115, 15 U. S. C. §1125 (a). To permit the establishment of medical marijuana dispensaries for the distribution of marijuana for medical purposes. From action pursuant to official municipal policy of some nature, causing a constitutional tort and/or occasional harm(s), damage(s). Upon petitioner, from defendants knowingly failing to perform, an act which defendant(s) are legally required to perform. Upon all results of defendants' city council meetings, city council minutes. From conduct of inactions and/or omissions. Resulting in third effects. From medical marijuana dispensary operations manifesting into criminal actions interested in benefitting. From defendants' medical marijuana politics. By committing marijuana propaganda, crimes, to directly and/or proximately influence. Decriminalizing marijuana use and/or medical marijuana laws. By proximately and/or directly causing. On going occasional harms, within the specific relevance to petitioner and petitioner's communities. To conquer enough votes through marijuana propaganda and by criminal actions. To manipulate City of Santa Ana A Municipal Corporation residents by fear. Specifically, the petitioner's civil activities. Relevant to the herein law suit, the petitioner's neutral vote. To defendants' government body politic(s) and petitioner's lifestyle. Reflecting no medical

marijuana use whatsoever. Within the relevant times, in this whole relevant normal record. By two, or more persons forming an agreement to a common conspirator purpose. About emotions, feelings and ideals. Regarding shared medical marijuana politics and/or policy of the defendants. Proximately and/or directly causing an increase of relevant violence and crime within a fact a pattern of actions. Apparently engaged at provoking petitioner. To seemingly violence, use of drugs. To achieve result of discrediting petitioner. To default petitioner of his civil rights. Specifically, petitioner`s civil rights to law suit(s). Within petitioner`s communities, that interfered with and/or intended to deprive. The petitioner of his civil rights horizontally. To access U. S. Courts. To deprive petitioner of his civil rights. To the herein causes of actions within meanings of 42 U. S. C. § 1983; 42 U. S. C. § 1985 [1]; [2]; [3]). By conspirator criminal actions and/or by medical, recreational marijuana. Shared motives and/or by active use of all marijuana propaganda. To cause the patented legalities within legal construction U. S. A. Seal, Compassionate Use Act of 1996, and WHEREAS, in 2003, the California legislature passed Senate Bill 420 State of California Health and Safety Code. Relevant to medical marijuana prescribed use, with the illegality of non medical prescribed marijuana use. Impacting petitioner`s communities by associated crimes. Under the defendants` lack of safeguards. Pursuant to official municipal policy of some nature. Causing a constitutional tort and/or occasional harm(s), damage(s). Upon petitioner`s communities. In the purview of the defendants` counterparts and/or partnerships. Within weight of authority of jurisdiction coordinating significant aspects of public relations. Behind a blue wall of silence, blue code of silence, blue shield

code of silence (nationwide law enforcement code of silence). Relevant to legal activities insured by oath. To office, to shared medical marijuana politic(s). To achieve defendants' medical marijuana purpose and to make joined by preposterous propaganda attempts. To end the federal ban on marijuana. Shared by the popular voters of City of Santa Ana A Municipal Corporation. Through propaganda, organized crime and fear.

Question Presented 2

2. Is [defendants conduct of systematic government body politic, systematic government operations unconstitutional]? When, where, defendants' city code, ordinance, policy of Defendant City of Santa Ana A Municipal Corporation Code of Ordinances Part 1 Chapter 18 Health and Sanitation Article 1 In General 2. – Division Flies *Sec. 18-279*, Defendant City of Santa Ana A Municipal Corporation, Defendant City of Santa Ana Police Department Community Oriented Policing (C. O. P.), Orange County Fire Authority, Orange County Mosquitoe (counterparts/partnerships) And Vector Control District (OCVCD) (counterparts/partnerships) action(s). Under the provisions from enforceable obligations within State of California Health & Safety Code Section 34179 (a) (10) (i)]. Under the United States of America Constitution 14th Amendment Section 1 ([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]). Within the relevant times, places, persons and circumstances. Specifically pertaining to the direct and/or proximate cause(s) of the petitioner's continued occasional harm(s).

of serious medical injuries and irreparable damage(s). Directly and/or proximately caused by defendants' government systematic operations. Within the relevant dates of January 2013 through February 2014, (on going). From within the relevant internal, external government body politic, government systematic operations. Engaged in a fact patter of actions of activities that interfered with petitioner`s civil rights and/or deprived petitioner of civil rights. Within petitioner` causes of actions. Within the meanings of 42 U. S. C. § 1983; 42 U. S. C. § 1985 [1]; [2]; [3]). Interfering with and/or to depriving. The petitioner of his civil rights relevant. To the herein causes of action and relevant horizontally. To access the U. S. Courts. By two, or more persons within a formed agreement. From a shared in concert coordinated motive. To conduct of conducted inactions and/or omissions. To a fact pattern of activities. Engaged in actions of negligent and/or reckless disregard and/or deliberately indifferent and/or gross negligence of engaged adverse actions. Behind a blue wall of silence, blue code of silence, blue shield code of silence (nationwide law enforcement code of silence). Upon petitioner`s civil rights and upon petitioner. Resulting in petitioner, not commencing his law suit, sooner than when he did. Based on serious medical injuries, proximately and/or directly caused. By defendants' government systematic operations. Relevant to vector control, OCFA and counterparts.

Question Presented 3

3. Is defendants actions, motivated by biases within proximate complete meaning(s) of gender bias, implied bias, explicit bias, invidious discrimination animus, within an existing custom, within Defendant City of Santa Ana Police Department Community

Oriented Policing (C. O. P.), specifically relevant to petitioner, within the relevant traceable circumstances, occurring at separate circumstances and within the occasioned harms upon petitioner, by defendants, from proximately and/or directly, caused by improper training(s), improper supervision(s), within a police department foreknowledge of petitioner, to deny petitioner reasonable actions from police officers, to reasonable evidence, to deny petitioner reasonable evidences satisfying the standard of convincing doubt, to relevant circumstances on times, there was convincing evidence petitioner did not commit any crime, to satisfy the existence of evidence, within the totality of the circumstances that the important elements of the crimes petitioner were falsely accused of committing, by knowingly made false criminal allegations, based knowingly making lies of state criminal offenses, pertaining to the relevant knowingly made false crime(s) allegation(s), could not be independently corroborated, corroborated by any evidence(s), could not be proven beyond a reasonable doubt, could not be proven beyond reasonable suspicion, could not be proven beyond reasonable justification, to seize petitioner`s computers without a felony warrant, to false arrest petitioner to sixty seven days of incarceration, without felony warrant to false imprison petitioner, here defendants denied petitioner constitutional obligations, constitutional protection to due process of the laws, equal protections of the laws, continuously denied petitioner, reasonable police officer actions, by defendant`s unreasonable actions, color of law actions of false arrest false imprisonment, without a felony warrant from petitioner`s former residential address and a reasonable expectation of privacy, upon petitioner and petitioner`s law abiding morals and behaviors, by defendants` unreasonable designed custom of behind a blue wall of silence, blue code of silence, blue shield code of silence (nationwide law

enforcement code of silence) arresting petitioner by threatening the use of deadly force of a few and/or several firearms pointed at petitioner's face and upper torso chest area body parts, the immediate instant the petitioner opened his residential address back kitchen door, petitioner did not consent to defendants' actions, could not reasonably object to defendants' actions, within the threat of death, upon petitioner by the use of deadly firearms, reaching the design of point, to discredit petitioner's evidences, by an informal rule existing among police officers within code, within the meaning(s) of behind a blue wall of silence, blue code of silence, blue shield code of silence (nationwide law enforcement code of silence), through inactions and/or omissions, to a with us or against us mental state on misconduct, serious misconduct, outrageous misconduct, and/or malice, brady process material violation of non-disclosures, about material facts, substantiating the existence of no evidence, from any facts that satisfy reasonable suspicion, probable cause, justification that petitioner committed any relevant crimes pertaining to people knowingly making false criminal allegations adverse to petitioner and/or on top of circumstances in which petitioner was subject of criminal conspirators subjecting petitioner, to be victim of crimes, defendants to not give credit to petitioner's evidences, unreasonably impugning adverse to petitioner, discrediting petitioner, by denying petitioner cooperation, collaboration, falling under police standards, to proper and faithful investigations, detectives, internal affairs investigation, to the consistency of petitioner's evidences, credible evidence of facts that satisfy the elements of facts, into light of high stakes that petitioner was victim of crime, from knowingly made false criminal allegations, based on lies, motivated by race, race, racial, racism, non-law abiding morals and/or on top of criminal conspirator circumstances, adverse to petitioner,

subjecting petitioner to violence, real, present, imminent dangers, by the knowingly making of lies, to defendants of knowingly false criminal allegations, intended upon inflicting cruel and unusual punishment, upon petitioner, to use the exercise of knowingly making lies within knowingly making false criminal allegations, to manipulate defendants into actions of false arrest and false imprisonment of petitioner, adverse to petitioner, to use in a court of law, the knowingly made false criminal allegations, intended upon inflicting cruel and unusual punishment of petitioner of arrest and imprisonment, defendants unreasonably, inactions and/or omissions, within a with us or against us mental state on misconduct, serious misconduct, outrageous misconduct, and/or malice, covered up by attempt, whether, or not to conceal evidence of wrongdoing, error, incompetence or other embarrassing information(s), in a passive and/or aggressive cover up of all exonerating evidence of the non-discretionary false arrest, non discretionary false imprisonment based on lies, no evidence, scintilla, weak unreasonable evidence, from the lies, mere say so reflective of unreasonable evidence of ongoing lies crime reported to defendants` police department officer employee(s) and/or Defendant Police Officer A. Garcia #3233, of knowingly false criminal allegations of hitting a person on the shoulder, theft from purse in the amount of \$250.00 U. S. Currency Dollars and Child Pornography in the Petitioner`s computers, Rape When Victim Unconscious of the Nature of the Act (violation) and/or violated the conditions of his adult parole, defendants filed one sex crime report describing petitioner`s unlawfully seized computers, to be evidence of a sex crime, defendants filed one crime report describing petitioner`s involvement in a felony violent sex crime of rape, respectfully requesting from the OC District Attorney`s Office Criminal Filing of the Crime Report and declared petitioner

arrested on violent felony rape, within defendants' crime report and counterpart crime reporting, within State of California, Department of Justice, Record Management/Record Sealing Unit Form BCII 8270 Rev. (7/08), Record Sealing Unit P. O. Box 903417, Sacramento, CA 942103-4170, Petition To Seal And Destroy Adult Arrest Records (Pen. Code 851.8); Signature of Agency or Court Officer Date 05/20/2008, Name of Law Enforcement Agency or Court: Santa Ana Police Dept.; Law Enforcement Agency Case Number of Court Number: 12-03888; Section To Be Completed By Law Enforcement Agency (851.8 (a) PC); Print of Type Name of Agency: Santa Ana PD, PETITION DENIED, defendants false arrested and false imprisoned petitioner without a felony warrant on non-discretionary actions, without justification, adverse to petitioner, by defendants' actions, based on a gender bias, implied bias, explicit bias, invidious discriminatory animus and/or racial motivations, behind a blue wall of silence, blue code of silence, blue shield code of silence (nationwide law enforcement code of silence within counterparts), adverse to petitioner, within the months of June 2011, through September 2011 and/or on February 5th 2012, through April 10th 2012 and/or engaged in action(s) and/or omissions motivated, by a designed custom, to cover up petitioner's credible evidence, by preferring to engage in actions within a with us or against us mental state on misconduct, serious misconduct, outrageous misconduct, and/or malice, to cover up defendants' color of law actions, adverse to petitioner, based on no justification, from knowingly false criminal allegations, adverse to petitioner of incredible, unreasonable evidence, specifically adverse to petitioners' presumption of innocence of what a reasonable man would do in the circumstances, to all constitutional protections, adversely impacted by all knowingly made false criminal allegations based on lies

from unreasonable persons, being the basis of knowingly false criminal allegations used by defendants, to engage in actions adverse to petitioner's constitutional protections, to interfere and/or deprive petitioner of civil rights, by two, or more persons within a formed agreement, from a shared in concert coordinated motive, to conduct of conducted inactions and/or omissions, to a fact pattern of activities, engaged in actions of negligent and/or reckless disregard and/or deliberately indifferent and/or gross negligence of engaged adverse actions to petitioner, to cover up conduct and/or actions, from a with us or against us mental state on misconduct, serious misconduct, outrageous misconduct, and/or malice conducted actions, adverse to petitioner interfering with petitioner's civil rights, depriving petitioner of civil rights, thus denying petitioner victim rights and/or reasonable evidence petitioner may justify Witness Security Program needs (WITSEC), were defendants all aforementioned relevant engaged without justification, unreasonable actions within design of custom adverse to petitioner covering up actions unconstitutional?

**In The
Supreme Court Of The United States
ON PETITION FOR A WRIT OF CERTIORARI**

1. The Petitioner (JOSE MANUEL LOPEZ), prays that his petition. Under the jurisdiction of this U. S. Supreme court. To a writ of certiorari, “invoked by 28 U. S. C. § 1254 (1)”. To be granted, “to review the judgment of the Court of Appeals for the Ninth Circuit”. Pursuant to United States Supreme Court Rule 10 Part III Jurisdiction on Writ of Certiorari Rule 10, Considerations Governing Review On Certiorari (a) and in connection. To Title 28 U. S. C. § 1654, “in all courts of the United States the parties may plead and conduct their own cases personally, or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein”. (In Pro Se; For One`s Own Behalf; In Person). U. S. Supreme Court Rule 29 (b) 28 U. S. C. § 2403 (a) may apply. The constitutionality of an Act(s) (42 U. S. C. § 1983; 42 U. S. C. § 1985 [1]; [2]; [3]) of Congress is drawn into question.

OPINIONS BELOW

2. A) The order(s) of the United States District Court Central District of California Interim Report(s) Recommendation(s) Final Report And Recommendation And Judgment appears at Appendix__A__to the petition numbered page(s) 1 - 67.

B) [X] For cases from federal courts: The Ninth Circuit U. S. Court Of Appeal Memorandum Disposition appears at Appendix__B__to the petition and is [X] unpublished numbered page(s) 1-4.

C) [X] For cases from federal courts: The Ninth Circuit U. S. Court Of Appeal Memorandum Disposition on Petition For Rehearing en banc, request for publication of ,

the memorandum disposition are denied appears at Appendix___C___to the Petition and is [x] unpublished num. page(s) 1 - 2 (MANDATE DATE FILED FEBRUARY 9, 2018)

JURISDICTION OF THE COURT

3. A) The jurisdiction of this court is invoked under United States Code Title 28 Part IV Chapter 81 § 1254 (1) and is timely.; U. S. Supreme Court Rule 10.

B) [X] For case from federal courts: The date on which the United States Court of Appeals decided Petitioner`s Appeal case is October 6th, 2017, Ninth Circuit U. S. Court Of Appeal Memorandum Disposition.

C) [X] Petition For Rehearing en banc was timely dated October 16th 2017 to be filed soon after: The full court was advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. See Fed. R. App. P. 35. Lopez` petition for rehearing en banc and request for publication of the memorandum disposition (Docket Entry Nos. 32 and 35) are denied. No further filings will be entertained in this closed case. Dated February 1st 2018. Before: SILVERMAN, TALLMAN and N.R. SMITH, Circuit Judges.

D) On February 12, 2018. Petitioner received from United States Postal Service Mail Carrier Services. One United States Court(s) of Appeals For The Ninth Circuit MANDATE; Filed February 9th 2018. (The judgment of this court, entered October 06, 2017, takes effect this date). Pursuant to Rule 41 (a) of the Federal Rules of Appellate Procedure.)

E.) Petitioner`s footnote to U. S. Supreme Court Justices: At this point. It is unclear to petitioner, whether all federal court decisions and judgments. Are unobstructed. To be completely without fabrication, without forgery, without counterfeit and without interference and/or interception. Committed in violation of federal law. Providing the petitioner is subject of ongoing conspirators, organized crime, RICO. Within an ongoing civil and criminal conspiracy laws. Petitioner at no point. Was heard in person for his entire

cause(s) of federal actions. All information provided to the petitioner. From the U. S. courts relevant to the herein law suit. Has been electronic, by mail, world wide web, or by telephone. The petitioner has not experienced any in person court hearing. At all, regarding his relevant herein, federal law suit.

F.) The district court had jurisdiction under 18 U.S.C. § 3231.

G.) The 9th Circuit Court of Appeal had jurisdiction under 28 U.S.C. § 1291.

PERTINENT CONSTITUTIONAL AND STATUTORY PROVISIONS

4. 1 - Violation of U. S. C. Eighth Amendment Freedom From Cruel

And Unusual Punishment And The State Occasioned Harm; 2 - Violation of U. S. C.

Fourteenth Amendment Due Process Of Law Equal Protection Of The Laws; 3 - Violation

of U. S. C. Fourth Amendment Freedom From Unreasonable Search And Seizure/Arrest

Upon A Warrant Based Upon Probable Cause Under Oath Of Affirmation While

Government Intruded At Private Residential Property; 4 - State of California Penal Code

Section(s) False Arrest And False Imprisonment Section(s) 236, 237; 5 - State of

California Civil Code Section(s) 51.7 Right To Be Free From Violence; 6 - State of

California Civil Code Section 52.1 Right To Be Free From Interference of Rights; 7 - State

of California Civil Code Section(s) 1708-1725 Intentional Infliction of Emotional Distress;

8 Breach of Defendants Portable Uniform Contemporary Citizen Based Social Contract

([City of Santa Ana A Municipal Corporation Code of Ordinance(s) (Charter)]); 9 –

Violation of 42 U. S. C. Code Section 1985 ([1]; [2]; [3] Conspiracy to Interfere With Civil

Rights). (See Appendix D Number 1 Settled Rule of Law As If Set Forth Fully Herein)

U. S. SUPREME COURT RULE 29.6 DISCLOSURE STATEMENT

5. U. S. Supreme Court Rule 29.6 Disclosure Statement: The Petitioner Jose Manuel Lopez (petitioner). Is a natural borne citizen of the United States of America, State of California, County of Orange, City of Orange. Natural Borne American Nationality (ethnicity American). The petitioner is not a parent or publicly held company owning 10% or more of the corporation's stock. This is the notation to this effect included in the Petition For Writ of Certiorari (document). (Footnote See Appendix D Number 3 Petitioner Rule 29.6 Disclosure Statement As If Set Forth Fully Herein)

STATEMENT OF THE CASE

INTRODUCTION

A. Petitioner's Direct and Concise Argument Amplifying The Reasons Relied On For Allowance Of The Writ

6. The Petitioner (JOSE MANUEL LOPEZ), prays that his petition. Under the jurisdiction of this U. S. Supreme court. To a writ of certiorari, "invoked by 28 U. S. C. § 1254 (1)". To be granted, "to review the judgment of the Court of Appeals for the Ninth Circuit". Pursuant to United States Supreme Court Rule 10 Part III Jurisdiction on Writ of Certiorari Rule 10, Considerations Governing Review On Certiorari (a) and in connection to Title 28 U. S. C. § 1654. (In Pro Se; For One's Own Behalf; In Person). U. S. Supreme Court Rule 29 (b) 28 U. S. C. § 2403 (a) may apply. The constitutionality of an Act(s) of Congress is drawn into question. (42 U. S. C. § 1983; 42 U. S. C. § 1985 [1]; [2]; [3])

7. The lower court(s), "district court". Did treat the defendants motion for Federal Rules of Civil Procedure Rule 12 (c), "A Rule 12 (c) Motion For Judgment On The Pleadings". As a motion under Federal Rule of Civil Procedure Rule 56 (a) Motion For

Summary Judgment. By, "1) entirely disposing of the petitioner's, causes of action from his civil suit". Also, "2) by dismissing the petitioner's federal civil suit without leave to amend". The Ninth Circuit U. S. Court of Appeals. Affirmed the judgment and denied Petition For Rehearing En Banc. By no further filings will be entertained in this closed case. Dated on February 1st 2018.

8. United States District Court Central District of California Interim Report(s) Recommendation(s) Final Report And Recommendation And Judgment; Ninth Circuit U. S. Court Of Appeal Memorandum Disposition; Petition For Rehearing en banc And Request For Publication Of The Memorandum Disposition. Is an ultimate judgment that does not rest on substantial evidence. Abusing by discretion summary judgment law, in plain error. From the courts arbitrary process. To the petitioner's material facts.

9. The petitioner's burden of production remains in existence. At Petition For Writ of Certiorari. In prayer to the United States Supreme Court. Arising from the lower court's. With out dispute. To petitioner's facts and/or a succeeding argument. Based on defendants' burden of production. To support the basis of motion with required evidence, not only attorney legal argument, on the rule of point: Federal Rules of Civil Procedure Rule 12 (c), "A Rule 12 (c) Motion For Judgment On The Pleadings".

10. The petitioner's expectation of the requirements. From the defendants' burden of production. To dispute petitioner's material fact based evidence of direct evidence and/or circumstantial evidence. On a Motion For Judgment On The Pleadings (FRCP 12 (c)). To prove the defendants did not do the actions claimed in the petitioners' law suit. Remains a controversy of petitioner and a dispute that remains in issue. To petitioner within a

legal issue, or issue of law.

11. Petitioner argues against the foundation of the judgment in his case. The issue of petitioner requires the U. S. Supreme Court opinion, on Petition For Writ of Certiorari. From the petitioner's legal quest about a legal point. On which the evidence of petitioner is undisputed. By defendant's unreasonable evidence supported only. By legal arguments. The outcome of which depends on the court's interpretation of the law(s). Relevant to the applicable laws and rule of laws. Applied to the nature of the case.

12. Petitioner's argument is. There are undisputed material facts of petitioner that defendants have not contradicted, controverted, or defended against. The material facts within petitioner's burden of production of fact-based evidence remains uncontested. Without argument to contradict the controversy, the dispute. By in depth analysis and/or justice.

13. The U. S. Courts decisions, "Ninth Circuit U. S. Court Of Appeal Memorandum Disposition; petition for rehearing en banc and request for publication of the memorandum disposition, denying petition for rehearing; order(s) of the United States District Court Central District of California Interim Report(s) Recommendation(s) Final Report and Recommendation And Judgment". Are without an in-depth analysis of petitioner's civil law suit nature of case, is abstract to judgment, against the logic of the petitioner's all of proffered fact-based material substantial evidence, uncontroverted material facts, undisputed material facts, the logic. From all within reality based circumstances. Under the legal standards of evidence laws, summary judgment law and the legal rule of law. On defendants' motion. By: 1) Abuse of Discretion; 2) In Plain Error

Of Law; 3) Arbitrary

14. The defendants were motivated to engage in unreasonable actions. Adverse to petitioner. By false criminal allegations (lies) reported on, or about June 2011. From the knowingly made false criminal allegations of Paige Stackhouse that petitioner hit her on shoulder (lies), theft in the amount of \$250.00 U. S. Currency Dollars from purse (lies), child pornography (lies) in petitioner`s computer(s). Made adverse and/or against petitioner. Lies made from Paige Stackhouse adverse to petitioner. On the fact basis of petitioner`s identity, cultural, minority, race identity. To lie adversely to petitioner. Intended upon inflicting unusual and cruel punishment. To manipulate defendants into a mental state of mind amounting to malice and compel actions of false arrest.

15. Lies of Paige Stackhouse. From racial motives, or racism motives of Paige Stackhouse that motivated Paige Stackhouse. To lie adversely to petitioner. Intended upon inflicting cruel and unusual punishment. Upon petitioner, based on petitioner`s race identity and in retaliation. Adverse to petitioner based on petitioner`s making of phone calls. To defendants` 911 systems. To report to defendants. The erratic behaviors of Paige Stackhouse, unjustified harassment and trespassing. Adverse to petitioner from Paige Stackhouse. At the petitioner`s infrastructure of former residential address. Within the relevant times on, or about June 2011, July 2011. In general, Paige Stackhouse` behaviors, harassment and false allegation that petitioner hit her on the shoulder at the infrastructure of the residential address. Threatened petitioner`s conditional variations of freedoms. By cruel, unusual punishment of incarceration and/or imprisonment. Based on the aforementioned. In a period when petitioner was under [strict conditions of adult parolee] supervision. Paige Stackhouse threatening behaviors upon petitioner`s freedoms.

Occurred approximately seven months, prior to defendants' predicate actions [claimed in petitioner's 1st cause of action 42 U. S. C. § 1983 civil right violations of false arrest and false imprisonment]. (State of California Penal Code Section(s) 236-237 - False Arrest And False Imprisonment)

16. On February 5th 2012. Defendant's created a basis. From Alishia Marie Hernandez` knowingly made false allegations of rape (lies). Claiming forcible violent felony rape. Motivated by rent money in the amount of \$250.00 U. S. Currency Dollars owed to petitioner. Based on an ambiguous motive to make false criminal allegations of rape adverse to petitioner. On top of circumstances. Where at a place, at a time. Persons within a cultural community of racism, drugs, crime, organized crime, social indecencies, social injustice. Adverse to petitioner. Engaged in actions adverse to petitioner. Alishia Marie Hernandez, "created a knowingly false narrative". To claim the existence of a debt owed to petitioner in the amount of \$250.00. In money exchanged to pay rent. To lie adversely to petitioner. Intended upon inflicting unusual and cruel punishment. To manipulate defendants into a mental state of mind amounting to malice and compel actions of false arrest. By the exercise use of lies, from unreasonable person(s).

17. At the time of the predicate engaged defendants (government official) actions. Within the meaning of 42 U. S. C. § 1983 civil right violations. Were defendant actions on top of circumstances, from ongoing organized crime conspirator(s) action(s). Within a private, public and/or government official actions coexisting within legal meanings of 42 U. S. C. § 1985 [1]; [2]; [3] conspiracy. Within the purview of the defendants' counterparts and/or partnerships. Defendants Proximately and/or directly caused. By improper training and improper supervision. To all defendants' motivations of gender bias,

bias. Engaged in unreasonable actions, adverse to petitioner. By shared feelings, within foreknowledge of the common shared purpose of two, or more persons. Within a police department not sufficiently trained. On an invidious discriminatory animus, an implied bias, an explicit bias. From animosity, prejudice, hostility and/or an injustice within oath of officer. To petitioner's reasonable, credible evidences. Within foreknowledge of false criminal allegations made, uncorroborated by evidence. To influence the laws. By manipulating defendants' feelings with false theft crime allegations and false sex crime allegations. Defendants did make actions adverse to petitioner. Based on invidious discriminatory animus. In connection to petitioner's minority identity of nationality, ethnicity, culture and/or race and/or in connection. To a basis of comments of racial and/or racism motives. From Paige Stackhouse. Within comments to the effect, "just because of petitioner's white identity (skin pigmentation) and petitioner informing Santa Ana Police Department of petitioner's identity being the reason. From Paige Stackhouse. To harass and false accuse petitioner of crime. Quoting of Paige Stackhouse comments, "just because of that i'm going to have sex with a black man". To reach defendants within a police department not sufficiently trained and/or improperly supervised. To provoke defendants by manipulation, into actions of unlawful arrest and unlawful imprisonment of petitioner. Based on lies made intended upon inflicting, upon petitioner cruel and unusual punishment. Through manipulating the mind(s) of defendants into malice. Defendants City of Santa Ana A Municipal Corporation, Santa Ana Police Department Employee Det. A. Nguyen #2879. Responded to the lies amounting to false criminal allegations of child pornography in the petitioner's

computers (and/or theft in the amount of \$ 250.00 U. S. Currency Dollars from purse, that petitioner hit her on the shoulder). In a frame of timeline. By stating to petitioner. The reason appellant was receiving the treatment he was getting of being handcuffed at the petitioner`s rental residential property and detained. By City Santa Ana Police Department. Was Paige Stackhouse knows how to dress like a lady and petitioner was on parole. A proximate and/or direct result of defendants` actions. Based on discrimination and/or a gender bias adverse to petitioner. (It should be noted. Material fact-based evidence of a gender bias motive: Paige Stackhouse was dressed like a lady in a long, or low dress; Paige Stackhouse is a female gender and was barefooted at the time.; Petitioner is a male gender, he was on adult parole law.) On, or about the dates of July 2011. Motivated by unjustified feelings within police authority of mental reservations. Reflecting the preference of the sexuality in dressing like a lady, or feelings of sex attraction. From sex appeal of Paige Stackhouse. In relation to Paige Stackhouse comments. About mix race relationships. In stating she was going to have sex with a black man, based on petitioner`s white race identity (white skin). Defendant`s City of Santa Ana Police Department Employee Det. A. Nguyen #2879. Made actions based on petitioner`s former parolee conditions. Soon after seizing petitioner`s computer properties without a warrant. Based on the apparent discrimination motives. To document petitioner`s computer properties within an official defendant City Santa Ana Police Department sex crime report. In scope of Paige Stackhouse`s statements to Det. A. Nguyen #2879. (State of California Civil Code Section(s) 51.7 Right To Be Free From Violence or intimidation by threat of violence, committed against their persons or property (a) because of political affiliation, or on account of any characteristic listed or

defined in subdivision (b) or (e) of Section 47 (7) "Sexual Orientation"). Considering the totality of the circumstances. Denying petitioner good faith authority. To faithfully executing the laws of the state. To uphold state and/or federal constitutions. Reflecting actions of misconduct, serious misconduct and/or outrageous misconduct. From a within us, or against us mental state within actions, inactions and/or omissions, within the nationwide code of silence. To benefit nationwide law enforcement with personal loyalty and/or trust. Without type(s) of legal consequences to rouge policing, based on bias and discrimination. Relevant to defendants improper training, improper supervisions. Improper internal affairs operations. Rogue policing meanings. To misconduct and/or serious misconduct and/or outrageous misconduct that interfered with petitioner's civil rights and/or deprived petitioner of civil rights. Resulting in unusual and cruel punishment. Caused upon petitioner. Proximately and/or directly caused. By defendants' fact pattern of actions, conduct of conducted inactions and/or omissions, misconduct, serious misconduct, outrageous misconduct within a conspiracy knowledge of a code of silence. To seizing petitioner's computers without a warrant on, or about June 2011, July 2011, false arrest without a warrant on February 5th 2012. Resulting to interfere or deprive petitioner of civil rights. (See *Dick v. New York Life Ins. Co.*, 359 U. S. 437, 79 S. Ct. 921, 3 L. Ed.2d 935)

18. Defendants made actions. On top of circumstances of an existing. Ongoing in concert criminal conspiracy and civil conspiracy. From City of Santa Ana residential, private, public community members racial hatred, political views adverse to petitioner and in connection. To criminal conspirators and/or civil conspirators. Adverse actions to petitioner. From private criminal and/or civil conspirators. Within circumstances through

out the County of Orange and within the State of California.

19. From criminal and/or civil conspirator actions. Operating under the defendants' weight of authority, and under the defendants' counterparts weight of authority and under partnerships weight of authority. Adverse to petitioner. To cause permanent injury to petitioner of cruel and unusual punishment. Under defendant's city jurisdiction.

20. By knowingly making criminal actions. Within meanings of criminal gang stalking, criminal gang harassment. Including criminal conspirator operations. From within a culture of community gang stalking, community gang harassment, criminal community gang stalking, criminal community gang harassment. To deprive petitioner's causes of actions legal standing versus defendants. Civil and/or criminal conspirators. Intended upon manipulating defendants C. O. P. To apparently reach the common conspirator purpose. To incarcerate petitioner, upon the remainder of his natural life. Based on motives. To influence and/or manipulate of the laws. By false crime allegations and in connection. To retaliation adverse to petitioner. Based upon hostility, animosity, racism. To petitioner's minority identity within defendant's jurisdiction. Motivated by a common conspirator purpose need. To dominate petitioner's racial/ethnic American Nationality category by fear. Thereby, to deprive petitioner of basic human rights and civil rights. Intended upon alienating petitioner of his civil rights. Guaranteed by petitioner's American Borne Nationality. To deprive petitioner of his constitutional civil rights. To citizenship birth identity, "a Natural Borne American, American Nationality". An individual person with Constitution of the United States of America civil rights and with Universal Declaration of Human Rights, "human rights".

21. The petitioner's arguments, points and authorities. Versus the defendants'

motion. Is the petitioner has met the required legal standards. To satisfy the requirements on a sufficient pleading(s). Seen in the petitioner's First Amended Complaint (1AC). Under the federal standard set by the U. S. Supreme Court and Accordingly. To federal rules of laws and federal precedent. As found in: *Leatherman v. Tarrant County Narcotics Intelligence & Coord. Unit*, 507 U. S. 163, 164, 113 S. Ct. 1160, 122 L. Ed. 2d 517 (1993); *United States v. Gaubert*, 499 U. S. 111 S. Ct. 1267, 113 L. Ed. 2d 335 (1991); Fed. R. Civ. P. 8 (a) (2), Mc. Henry, 84 F. 3d at 1177, Fed. R. Civ. P. Form 9; That the petitioner is not required in his 1st AC, "to plead his evidence or specific factual details not ascertainable in advance of discovery". (*Ivey v. Board of Regents*, 673 F. 2d 266, 268 (9th Cir. 1982)) That the district court's determination regarding whether the appellant's (petitioner) 1AC is sufficiently plead is clear error. That the decisions from the judges, are against the logic of all the evidence. That the decision from the judges lies beyond the pale of reasonable justification. Under fact-based evidence of the material facts. From, "all the circumstances".

22. Therefore, the defendants have not contested all the evidence. From the petitioner's second cause of action. Based on producing evidence of fact. That U. S. Magistrate Judge Ralph Zarefsky limited petitioner. To writing the petitioner's First Amended Complaint to fifteen (15) pages. (15 pages length limitation Memorandum and Order Dismissing Complaint With Leave To Amend IT IS SO ORDERED, Dated September 10th 2014); That the defendants have not controverted, contradicted, disputed, defended against the petitioner's burden of production of material facts of substantial evidence. To meet the standards within mandatory primary authority of legal precedent. See *Richardson v. Perales*, 402 U. S. 389, 401 (1971); *Gebhart v. SEC*, 595 F.

3d 1034 1043 (9th Cir. 2010); That the petitioner is entitled to the mandatory authority. From the standard of summary judgment and summary judgment rule of law.: Federal Rule of Civil Procedure Rule 56 (a) Motion For Summary Judgment (judgment as a matter of law), all allegations in the complaint are accepted as true and viewed in the light most favorable to the plaintiff and dismissal is appropriate [only if it appears that plaintiff would prove no set of facts that would entitle him to relief]. See *Griffen v. Breckenridge*, 403 U.S. 88, 102, 91 S. Ct. 1790, 1791, 29 L. Ed.2d 338 (1971); *Corp. v. Catrett*, 477 U. S. 317, 322-27 (1986); *Anderson v. Liberty Lobby Inc.*, 477 U. S. 242, 257 (1986). Petitioner's 1AC is based on material facts, "not vague conclusory allegations".

23. In *United States v. Gaudin*, 515 U.S. 506, 115 S. Ct. 2310, 132 L. Ed. 2d 444, 1995 U.S. LEXIS 4068, materiality is an issue to be determined by the jury. The Gaudin case. Held that it was error for a trial court to refuse to submit the question of materiality to the jury in a prosecution under the first prong of 18 U. S. Code § 1001 – Statements or entries generally (a). Petitioner has established a set of facts that would entitle him to relief. (See Exhibit D Number 1 Settled Rule of Law As If Set Forth Fully Herein). (Footnote See Appendix D Number 9 Conspiracy Actions And/Or Conspiracy Crimes Impacting Petitioner As If Set Forth Fully Herein)

24. The petitioner controverts the defendants' arguments about the statute of limitations, "limits of two years". With his burden of production proffered substantial material fact-based evidence. At the lower court in pleadings. Reflective of fact based evidence of circumstantial evidence and/or direct evidence. From the fact of petitioner directing himself en route. To arrive at hospital emergency room admissions. To receive medical treatment. To his serious emergency medical conditions. By diagnosis and/or to be provided with treatment. To petitioner's serious medical injuries. Proximately and/or

directly caused by defendants internal, external government systematic operations. Relevant to counterpart(s) and/or partnership(s). Within circumstances of aerial ground spraying and/or air vector control spraying.; Fact based evidence of crime reports made to defendants' world wide web COP Logic website electronic software systems and/or 911 Emergency Phone Call(s). To report crime(s) upon petitioner`s person, properties of unlawful break ins, trespassing, property vandalism [without suspect information]. Set into motion by a series of actions adverse to the petitioner. Proximately and/or directly. Caused by defendants internal, external government systematic operations and/or government body politic(s). Relevant to medical marijuana and/or vector control and/or defendants declaring petitioner. To be involved in the characterizations of criminality of sex crimes, within defendants' crime reports. Stating within defendants' police report(s). The petitioner to be a sexual offender and implying petitioner to be a sexual predator, within the relevant crime reports. That defendants denied basic police services, or failed to provide basic police services. To knowingly false criminal allegations of rape and/or to all knowingly false criminal allegations of sex crimes. Fact based evidence of petitioner`s due diligence. To commencing his law suit sooner than when he did. Within the totality of all the circumstances.; Fact based evidence of invidious discriminatory animus, pertaining to actions of law enforcement defendants partnerships, on, or about November 2011, the petitioner`s former parole agent Morissey #5797, falsified petitioner`s former parole conditions. Within a mental state in Law Enforcement. From "within us, or against us mental state, amounting to malice"; to further the nation wide law enforcement code of silence". To reflect petitioner intended upon sexual deviancy and sex offender profile behavior characteristics with a documented

history which reflects actions of predatory sexual behavior. Fabricating an official State of California document. Without a basis of fact.; Fact based evidence of defendants' conduct, misconduct, serious misconduct, outrageous misconduct, an implied bias, an explicit bias, a mental state of malice, motives within all relevant circumstances. To false arrest without a felony warrant. In conscious disregard of the law, "to influence the law".; Fact based evidence of defendants improper training. To petitioner's former parolee conditional release civil right(s) for an offense committed on or about April 1995.; Fact based evidence of crime reports and/or communications to defendants. At all relevant defendants' relevant actions set into motion actions that created dangerous circumstances injuring petitioner. Relevant to defendants and/or defendants' counterparts/partnerships. About City of Santa Ana residential, private, public community members. Operating under the defendants' weight of authority. Adverse to petitioner. Intended upon causing permanent injury to petitioner and/or to dominate petitioner's civil rights into extinction. Based on racism and/or petitioner's identities and/or defendants' communities. By knowingly engaging in a fact pattern of criminal actions within meanings of gang stalking, gang harassment. Attempts to provoke petitioner into physical violence, attempts to provoke petitioner into verbal violence, attempts to provoke petitioner into drug use and drug addiction, attempts to provoke petitioner into committing state and/or federal violations of laws, attempts to provoke petitioner into entrapment of petitioner. Including criminal conspirator operations. From within a culture of gang stalking, gang harassment and instructing children, to harass and to stalk petitioner by harassment. Traceable to dates of March 2010 and May 2009, Criminal conspirator fact pattern actions of community and/or gang. Intended upon

manipulating defendants C. O. P. To apparently reach the common conspirator purposes basis. To incarcerate petitioner for the remainder of his natural life. Based on false crime allegations and in connection to retaliation of culture. Directly impacting petitioner.; Fact based evidence. To infer from the circumstances petitioner`s civil rights were directly subject of conspiracy actions. To interfere with or deprive petitioner of civil rights. By conspirator operative actions. Engaged in a fact pattern of actions. To interfere with, to deprive, and/or deny petitioner of civil right(s) in question. To deny petitioner national security and national safety within defendants` jurisdiction. Fact based evidence defendants, defendants` counterparts, defendants` partnerships. Did not reasonably cooperate, collaborate. To petitioner`s claims relevant to petitioner`s claims about criminal conspirators` conspiracy crimes impacting petitioner, injuries upon petitioner. At the relevant times. (Footnote See Appendix D Number 9 Conspiracy Actions And/Or Conspiracy Crimes Impacting Petitioner As If Set Forth Fully Herein) (See Appendix D Number 9 Conspiracy Actions And/Or Conspiracy Crimes Impacting Petitioner As If Set Forth Fully Herein)

25. The defendant's Motion For Judgment On The Pleadings. Was granted without the defendants` motion having the merit of reasonable evidence. Required to convince petitioner. The defendants have proven to the court and to petitioner. Based on material fact evidence. There is no material fact remaining in dispute within petitioner`s causes. The defendants` basis of motion in the following: Any and all of the plaintiff's claims premised in his February 5th 2012 arrest are barred by the two year statute of limitations.; The plaintiff has failed to plead facts sufficient to establish a claim for conspiracy under 42 U. S. C. § 1985 in support his claims for violation of his Fourteenth Amendment Rights; The plaintiff has not plead any evidence. To support a claim for Civil Conspiracy under 42 U. S. C. § 1985 of the granting of the judgment resting on what

seems to be. Bringing all the laws into the scope of an injustice upon the requirements. The rule(s) of law require. From the defendants' motion. Upon petitioner's evidences and nature of the case of law suit. To grant the defendants' motion for judgment on the pleadings. Defendants have not met the burden of producing evidence that is convincing. To base the defendants' legal argument. About petitioner exceeding the preposterous, inadequate two year, "State of California Statute of Limitations". (State of California Code of Civil Procedure § 335.1. Within two years: An action for assault, battery, or injury)". The petitioner argues is an inadequate state two-year statute of limitations that is not applicable to the nature of his federal causes of action. United States of America Title 42 United States Code Sections 1983 and Section 1985 [1]; [2]; & [3]. As if the defendants and district court. Do not know the law of conspiracy. Defendants have not proven with evidence that defendants more likely did not do the acts. Alleged in the petitioner's law suit. (Footnote Defendants' legal arguments are: 1. Any and all of the plaintiff's claims premised in his February 5th 2012 arrest are barred by the two year statute of limitations.; 4. The plaintiff has failed to plead facts sufficient to establish a claim for conspiracy under 42 U. S. C. § 1985 in support his claims for violation of his Fourteenth Amendment Rights.; 7. The plaintiff has not plead any evidence to support a claim for Civil Conspiracy under 42 U. S. C. § 1985)

26. The defendants initial burden of production. To make some prima facie showing of the absence of any conspiracy with evidence. Does not carry defendants shifted burden of production to make some prima facie showing of the absence of an unlawful conspiracy. From defendants to violate, interfere and/or deprive the petitioner of his civil rights. (Defendants: 7. The plaintiff has not plead any evidence to support a claim for Civil Conspiracy under 42 U. S. C. § 1985) To constitute sufficient substantiality to support the verdict. The evidence must be reasonable in nature, credible, and of solid value.

Therefore, it cannot be said. The defendants motion for judgment on the pleadings and arguments. Is: Based on evidence reasonable in nature, credible, and of solid value.

27. Here, petitioner meets his burden of production of proffered substantial evidence. Based on facts that is reasonable in nature, credible, and of solid value. Showing defendants did engage in a fact pattern of actions. Occasionally harming petitioner and predicate actions. From defendants depriving petitioner of civil rights, by more than two persons. Conspiracy is, "a continuing offense and/or the rule of equitable tolling should be applied". Equitable tolling, also means that a person is not required to sue within the statutory period if he cannot in the circumstances reasonably be expected to do so. (*Lantzy v. Centex Homes*, (2003) 31 Cal. 4th 363, 370; *Dixon v. United States*, 1999 U. S. App. LEXIS 13215 (10th Cir. Okla. 1999).

28. The federal laws 42 U. S. C. § 1983; 42 U. S. C. § 1985 [1]; [2]; [3]. Are a catch all legal remedy. To the inadequate Cal. Civ. Proc. Code § 335.1. state statute(s). (See *Jackson v. Barnes*, 749 F. 3d 755, 761 (9th Cir. 2014); *Jones v. Blanas*, 393 F. 3d 918, 927 (9th Cir. 2004); *Lantzy v. Centex Homes*, 31 Cal.4th 363, 2 Cal.Rptr.3d 655, 660, 73 P.3d 517, 523 (2003); *Davison v. Columbia / HCA Healthcare Corp.*, 241 F. 3d 1131, 1137(9th Cir.2001) (en banc); *Cervantes v. City of San Diego*, 5 F. 3d 1273, 1276 (9th Cir. 1993); *Griffen v. Breckenridge*, 403 U.S. 88, 102, 91 S. Ct. 1790, 1791, 29 L. Ed.2d 338 (1971); *United States v. Northern Imp. Co.*, 814 F.2d 540 (8th Cir. 1987); *United States v. Coia*, 719 F.2d 1120 (11th Cir. 1983), *cert. denied*, 466 U.S. 973 (1984); in example: 18 U.S.C. § 371; *Fiswick v. United States*, 329 U.S. 211 (1946); *United States v. Butler*, 792 F.2d 1528 (11th Cir. 1986); RICO (18 U.S.C. § 1961) or 21 U.S.C. § 846 - Conspiracy is a continuing offense. (Defendant City of Santa Ana A Municipal Corporation filed the

instant Motion for Judgment on the Pleadings ("Motion") on April 8th 2015. ECF No. 112. The Plaintiff filed an Opposition to the Motion on May 6th 2015 ("Pl. Opp."). ECF No. 117. Defendant filed a Reply in support of its Motion on May 18th 2015. ECF No. 122. Plaintiff filed an ex parte motion for leave to file a sur – opposition on June 1st 2015. ECF No. 125; The appellant on October 29th 2015, did file his Plaintiff's Response To The Court's Order To Show Cause Dated October 13th 2015 & 1ST Amended Notice Of 1ST Amended Written Objection And Legal Ground For Objection, 1ST Amended Declaration; Memorandum And Order Dismissing Complaint With Leave To Amend, Page 2, Line 26, Page 3 Line 3.

29. It cannot be said. Defendants have met the initial burden to prove with substantial material. From evidence requiring the burden of production that the defendants did not do the actions claimed in petitioner's causes of actions. To show there is undisputed facts and that there are no disputed facts that remain. (Aguilar, supra, 25 Cal. 4th at p. 850.) Therefore, it cannot be said, "there is no facts that are in dispute". Pertaining to petitioner's proffered substantial evidence of defendants' fact pattern actions of more than two persons, behind a blue wall of silence, blue code of silence, blue shield code of silence (nationwide law enforcement code of silence).

B. STATEMENT OF THE CASE SETTING OUT THE FACTS MATERIAL TO CONSIDERATION OF THE QUESTIONS PRESENTED

I. The Defendants Apparent Government Systematic Deficiencies Imperfections Within Failing To Disclose Exonerating Evidence To Petitioner's Factual Innocence About Knowingly False Criminal Rape Allegations That Are Complete Lies At The Same Time Defendants Should Have Coexisting Knowledge Of The Falsity Basis Used To Not Comply And To Not Codify To Good Standing Laws Creating Legal Irregularities Impacting By Harming And Damaging The Petitioner By Irreparable Damage(s) Caused From Defendants Non Discretionary Duties And Brady Disclosure Non Compliance(s)

30. Petitioner has been deprived of his constitutional civil rights. To due process of law and equal protection of the laws. Resulting in protection from liability. By defendant's bizarre misconduct, misconduct, serious misconduct, outrageous misconduct, at investigation and failed detective activities. Upon Alishia Marie Hernandez` knowingly false allegations of rape and defendant(s) non-discretionary false arrest, false imprisonment actions. (State of California Penal Code Section 148.5; State of California Penal Code Section 118; State of California Penal Code Section 132 and 134. As If Set Forth Fully Herein) *People v. Bravo*, 738 P. 2d 336 (Cal. 1987) (Footnote See Appendix D Number 7 Petitioner`s Petition For Factual Innocence Hearing Redacted As If Set Forth Fully Herein)

31. Defendant(s) interfering with and/or depriving petitioner of civil right(s). To be released and to exit. From the State of California Department of Corrections and Rehabilitation. Interfering with and/or depriving. Petitioner`s civil rights on parole. To transition into entering petitioner`s reality-based communities, work facilities, residence, stores, properties. Petitioner rights to, "satisfactorily and effectively integrate into reality based non-criminal communities". Purpose of petitioner, "to assimilate into every non-criminal based reality of communities". Purpose of petitioner. "to live in every non-criminal based reality of the United States of America Freedom Society Civilization". Without cruel and unusual punishment and/or without slavery only to punish crime. (U. S. C. 8th Amendment cruel and unusual punishment; U. S. C. 13th Amendment Neither slavery nor involuntary servitude, except as a punishment for crime) All of the actions from the defendants were without legal justification. Based on lies of one, or two persons. Who made false allegations. To manipulate defendants into misconduct, serious misconduct, outrageous misconduct. Covering up the defendants' liabilities.

32. To interfere with, or deprive order from petitioner`s civil rights, “to restore his previous numerated civil right forfeiture(s)”. (Wrongful Conviction to Count(s) 1, PC 245 (a) (2) found in ABSTRACT OF JUDGMENT – PRISON COMMITMENT. Is in the Superior Court of California, County of Orange; Court I. D. 530000; PEOPLE OF THE STATE OF CALIFORNIA versus DEFENDANT, JOSE MANUEL LOPEZ; Date of Hearing 05/09/1997); See Appendix D Number 7 Petitioner`s Petition For Factual Innocence Hearing Redacted As If Set Forth Fully Herein; See Appendix D Number 7 Petitioner`s Petition For Factual Innocence Hearing Redacted *Caminetti v. United States*, 242 U. S. 470 (1917) Plain Meaning Rule Wrongful Conviction to Count(s) 1, PC 245 (a) (2) Found In Abstract of Judgment) (Footnote See Appendix D Number 8 Petitioner`s Civil Rights To Adult Parole As If Set Forth Fully Herein)

II. Deliberate Indifference, Reckless Disregard And/Or Negligence Material Fact(s) of Evidence To Infer From The Circumstantial Evidence And Direct Evidence Relevant To Civil Right(s) Interferences And/Or Civil Right(s) Deprivation(s) Created By The Defendants` Right(s) Or Liabilities(s) Enjoined To A Shared Agreed Upon Conspiracy Common Purpose Upon Petitioner`s Civil Rights By Conspiracy

33. At all relevant times. There was an existing fact pattern of government systematic operations. Engaged in internal, external, government body politic operations, internal, external government systematic actions of activities. To a series of sets of conducted facts. To engage in actions. To organize and carry out. Aerial spraying and ground airborne spraying. Under the weight of authorities. From the defendants` rights and liabilities. Operating government internal, external systematic operations. Upon the petitioner`s surrounding atmosphere and environment. In active use of elements creating changes. To the petitioner`s environment and the petitioner`s atmosphere. The elements

used are believed to be. By petitioner within his assumptions. To be elements from within objects used. To control vectors. By ground and aerial spraying. Directly causing changes to the petitioner's environment and atmosphere. Specifically, relevant to petitioner's serious medical injuries. Resulting in serious medical injuries, needless time consumption that prevented the petitioner. From commencing his law suit sooner. Then when the petitioner did.

34. The change of the petitioner's environment and atmosphere. Was the direct cause of the petitioner's good health. Changing into an altered over all bad health depleted of good health. From serious medical injury. The proximate and/or direct causes of petitioner's serious medical injuries. Was a direct and/or proximate cause. From Defendant City of Santa Ana A Municipal Corporation use of elements. To presumably control vectors and/or other non-disclosed reasons in connection. To government systematic operations. Under the weight of authority. From defendants' rights and liabilities. Operating government internal, external systematic operations, within the dates of September 2013, through February 2014 (approximately occurring nine months before the defendants' argued legal argument of a two-year statute of limitation legal deadline of April 2014). By a fact pattern of defendants' government systematic operations, within actions of negligent and/or reckless disregard and/or deliberately indifferent and/or gross negligence engaged adverse actions. To petitioner's environment, petitioner's atmosphere, to petitioner's civil rights, to petitioner. From defendants' internal, external government body politic and/or government systematic operations of two, or more persons. Enjoined upon defendants' rights and liabilities. To engage in

actions that set into motion a series of actions. Proximately causing the creation of actions. To motives between more than two persons. In writing, tacit, or expressed, or in foreknowledge of the common shared purpose. Enjoined upon the defendants' government systematic rights and liability operations establishing an agreement. Without legal notice to petitioner.

35. By actions engaged in actions of defendants' government internal, external systematic operations. To organize and carry out. Aerial spraying and/or ground airborne spraying. To change the petitioner's atmosphere and environment. By actions to make the following: deliberate air borne environmental/atmosphere spraying of foreign elements added into the petitioner's immediate and surrounding. Environments and atmospheres. Within a narrative of vector control, or not.

36. By airborne spraying that was constant, consistent, persistent, unrelenting, within negligent and/or negligence per se and/or deliberate indifferent and/or reckless disregard use of the elements and/or harmful elements. From contract forming a relationship of counterpart(s) and/or partnership(s). With City of Santa Ana Fire Department, [Division #6; Fire Station 75; Fire Station 74 [in general] – Orange County Fire Authority Officers. Orange County Mosquito And Vector Control District (OCVCD) and any other relevant counterpart and partnership. Within and between. The dates of approximately September 2013, through February 2014 and in a separate timeline. Reflected within July 2011, through the current date. By the use of objects containing harmful elements used that petitioner assumes to be within the use of objects. Containing the approximate elements in the following: Aerial and ground spraying of bug spray, insecticides, pesticides, chemicals, natural gas, poisons.

37. Pertaining to Defendant City of Santa Ana A Municipal Corporation Code of Ordinances Part 1 Chapter 18 Health and Sanitation Article 1 In General 2. – DIVISION FLIES Sec. 18-279 and/or Orange County Mosquito And Vector Control District (OCVCD) counterpart/partnerships operations. Proximately causing and/or directly causing to interfere and/or to prevent the petitioner`s civil rights. To sue defendants on petitioner`s first cause of action 42 U.S.C. § 1983. By causing specifically, upon the petitioner, “directly and/or proximately”. Direct serious medical injuries, needless time consumption. From medical conditions. Reflective of serious, significant medical harms. Caused by serious medical injuries. Recognized nationally to be within the meanings of American English. From all but not limited to the following. Consistent with: Moderate to serious stroke(s), symptoms of moderate to serious heart attacks, sudden memory loss, short term memory loss, long term memory loss, learning impairments, Post Traumatic Stress Disorder (PTSD), Depression, reasonable probability of a cause of death by heart attack, needless time consumption. (Footnote See Appendix D Number 2 Incident Reports` Of OCFA As If Set Forth Fully Herein; See Appendix D Number 4 Petitioner New Discovered Evidence Of Proximate And/Or Direct Cause(s) Of Last Overt Covert Act(s) Causing Petitioner Serious Medical Injury Hospital Emergency Treatments Caused By Internal, External Government Body Politic Government Systematic Operations As If Set Forth Fully Herein)

38. Had it not been from causes of defendants directly and/or proximately causing Petitioner. To discover occasioned harm(s) upon him, occasioned serious medical injuries, occasioned needles time(s) consumption(s). Petitioner`s federal law suit would have commenced on, or around October 2013. Instead of the first date petitioner, “based upon the best of his recollection”. Traces the date of commencing his federal law suit. The date is to the herein relevant federal matter at law. To the first initial commenced filing of his federal causes of action, Case No.: SACV 14-00738; To the Date of May 12, 2014.

(Footnote See Appendix D Number 5 Petitioner's Recollection About When He Initially Commenced His Law Suit As If Set Forth Fully Herein)

39. However, petitioner was compelled to make actions. To be treated for serious medical conditions. Caused by Defendants' City of Santa Ana A Municipal Corporation. Directly and/or proximately. On, or about the following calendar dates: 7/28/2013 through 12/15/2013, through February 2014. The petitioner did not in part recover from his serious medical injuries. Until an approximate date in May 2014. Petitioner's serious medical injuries are the factual basis of the petitioner permanently evacuating. By moving out of his former residential address. On, or about: February 2014.

III. Defendants Have Not Reasonably Complied To All Disclosures Of Objective Evidence of Material To Petitioner's Facts Relevant To The Defendants Government Body Politics and Government Internal External Systematic Operations In Question And Pertaining To Marijuana Government Internal External Systematic Operations Government Systematic Methodology

40. The defendants' actions within the relevant proximate dates of January 2013, through February 2014. Pursuant to official city council meetings, city council committee, city agendas, municipal government body politics, government body systematic operations. Reflected from Measure BB City Of Santa Ana Proposed Ordinance No. NS-2864. Justifying the defendant municipality agreement. To meet the end of government body politic objective. Found in Defendant City of Santa Ana A Municipal Corporation Code of Ordinances Chapter 18 Health and Sanitation Article XIII – Medical Marijuana policy of some nature caused a constitutional tort and/or created *adverse third effects of medical marijuana dispensaries* that set into motion. A series of criminal actions directly impacting petitioner and/or proximately impacting petitioner. At all relevant times.

41. Relevant adverse actions to petitioner. Also, were set into motion. From like ideals reflective from within the National Organization for the Reform of Marijuana Laws (NORML) organizations, marijuana activists' organizations, marijuana enterprises, marijuana drug cartels' organizations. Including the politics and ideals of former State of California Attorney General Kamala D. Harris, traceable to on, or around December 2013 and issuing one of her stronger statements of feelings to believe in official former Attorney General's support for medical cannabis. Around the approximate date of May 19th 2015. Promoting the legalization of medical cannabis in the 2015 Democrat Convention of 2015. (Footnote See Appendix D Number 6 Defendant City of Santa Ana A Municipal Corporation Measure B. B. As If Set Forth Fully Herein)

REASONS FOR GRANTING THE PETITION

42. Petitioner incorporates by reference paragraphs 1 through 41 of this Petition as if set forth fully herein.

43. Granting the petition will provide answer of uniform law. To whether government internal, external government body politic, internal, external government systematic operations. Proximately causing serious medical injuries to petitioner, within the legal meanings of incorporation, succession, rights and liabilities. Is action from, "a right, or a liability that is unconstitutional". From specific government, systematic operations. Knowingly, failing to perform an act. Legally required to perform when belief that failure to act is likely. To cause another person to be deprived of his constitutional rights, and defendants' failure to act. Did cause such deprivation. By scope of foreknowledge conspiracy, joined by foreknowledge conspirators within defendants' rights and/or liabilities weight of authority. To a conspiracy to interfere, or deprive civil rights,

adverse to petitioner`s constitutional protections and constitutional guarantees. (U. S. Constitution Article IV, Section 2 and Section 4.; *Bell v. Hood*, 327 U. S. 678, 683 (1946). That the claim is unsubstantial must be very plain.) Under the Constitution of the United States of America Amendment I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. (U. S. C. 1st Amendment) (Footnote See Appendix D Number 9 Conspiracy Actions And/Or Conspiracy Crimes Impacting Petitioner As If Set Forth Fully Herein) (Note - Petitioner sues defendants not dispensable parties barred from civil law suit.)

A. Granting Petition Will Settle Whether The 9th Circuit U. S. Court Of Appeal Has Exceeded The Bounds Of Reasoning That Invalidates Primary Authority of Title 42 U. S. C. § 1983 And Title 42 U. S. C. § 1985 [1], [2], [3] Law And Secondary Authority To Create New Policy From The Bench That Overturns The Decisions Of A Democratically Elected U. S. Congress In Order To Make Policy Without Judicial Restraint Relevant To Petitioner

44. It is well settled that a person subject to liability can be an individual sued in an individual capacity (see *Devereaux v. Abbey*, 263 F. 3d 1070, 1074 (9th Cir. 2001) (en banc), or in an official capacity (see *Hartmann v. Cal. Dep`t of Corr. & Rehab.*, 707 F. 3d 1114, 1127 (9th Cir. 2013). A person subject to liability can also be a local governing body (see *Waggy v. Spokane Cnty., Wash.*, 594 F. 3d 707, 713 (9h Cir. 2010). A local governing body is liable under 42 U. S. C. § 1983 only when an action pursuant to official municipal policy of some nature. Caused a constitutional tort and not based on respondeat superior. (*Monell v. Dep`t of Social Servs. Of City of New York*, 436 U. S. 658, 692 (1978).

45. Here, defendants operated three separate internal, external city codes (ordinance(s)/police(s)) and government body politics. Actions from official municipal

policy of some nature. Directly causing and/or proximately causing. Serious fact based medical injuries and/or constitutional deprivations. Preventing petitioner from commencing his law suit sooner than when he did (U. S. C. 1st Amendment). Proximately caused and/or indirectly caused. By actions, inactions, omissions, conduct, misconduct, serious misconduct, outrageous misconduct, activities engaged in actions of negligent and/or reckless disregard and/or deliberately indifferent and/or gross negligence of engaged adverse actions. Within C. O. P ongoing gender bias, implied bias, explicit bias, invidious discriminatory animus, animosity hostile mental state. Proximately and/or Directly caused by improper training, improper supervision. To the scope of the conspiracy, "Behind a blue wall of silence, blue code of silence, blue shield code of silence (nationwide law enforcement code of silence)". Based on information and belief. The petitioner believes vector control of mosquitoes and/or OCFA. Engaged in actions of the same shared conspiracy scope. Intended upon not providing petitioner. Fact based education, prevention and providing petitioner. Unreasonable evidence of inactions and/or omissions. To any of the risks of hazardous elements. Representing lack of environmental, atmosphere condition(s) notices, or legal notices, to not provide petitioner reasonable information and in responding to petitioner 911 calls without sufficient skill. From a reasonable standard. Based on the same scope of defendants' conspiracy actions and/or in retaliation. To share the same scope of retaliation to petitioner's law suit. Affecting petitioner with the inability to reasonably distinguish whether the defendants' actions in connection to counterparts, partnerships, were justified to vector control, were actions, intended to deprive petitioner from his civil suit, or were actions of defendants at

war to overthrow U. S. A. government powers, or were actions of war. From foreign enemy nations. Petitioner suffered serious medical injuries.

46. On, or about. The date(s) of January 26th 2013. Defendants city politics to achieve a city system. By trademark representing authority of patent on inventing tax, to levy upon medical marijuana dispensary operations, by municipality code, ordinance, policy. Within city council meetings inactions, omissions and/or disproportionate negligence, specifically, to petitioner and petitioner's minority, within defendant's demographics. By justifying the guise of City of Santa Ana A Municipal Corporation Measure B. B. Within city council meetings, operations on government body politics. To medical marijuana drugs/medicine. In connection, to defendants C. O. P. relaxed customs. Upon medical marijuana dispensary operations. By weight of municipality corporation authority. A result of defendants' interests. In conflict to petitioner's civil right interests, constitutional civil right protection(s) and under the official seal of the Controlled Substances Act (CSA) Great Seal of the United States, enacted by 91st United States Congress effective May 1st 1971; Comprehensive Drug Abuse Prevention and Control Act of 1970, Pub. L. 91-513, 84 Stat. 1236 (Oct. 27, 1970); enacted by 91st United States Congress effective October 27th 1970. Supremacy Clause of the United States Constitution, Article VI, Clause II effective March 4th 1789; Lanham Act, 15 U. S. C. §1115, 15 U. S. C. §1125 (a). Within a minority neutral vote under the weight of defendants' authority. Until all federal marijuana ban is repealed. See *Gonzales v. Raich*, 545 U. S. 1 (2005) – *Gonzales v. Oregon*, (2006) 546 U. S. 243, 271- 273.; Defendant City of Santa Ana A Municipal Corporation seems to be inconsistent, or without regularity. To the rule of law, established. Within the legal system of the United States of America

and/or under the United States Supreme Court. Within the relevant dates. (Footnote: Defendant City of Santa Ana A Municipal Corporation Code of Ordinances Part 1 Chapter 18 Health and Sanitation Article 1 In General 2. – Division Flies Sec. 18-279.; Defendant City Santa Ana A Municipal Corporation Code of Ordinances Chapter 18 Health and Sanitation Article XIII – Medical Marijuana To Regulate The Establishment, Operation And [Taxation Of Medical Marijuana Collectives And Cooperative.]

47. Furthermore, defendants were disproportionately negligent within unreasonable inactions and/or omissions. To petitioner`s requesting safeguards. Upon all actions involving marijuana/cannabis third effects of an increase of violent conspiracy crime upon petitioner. Reflecting social influences, social envy, social discrimination, social animosity, social racism, social hatred, social injustices, social indecencies, social influences, social changes, a pattern of crime (a mental state to seemingly decriminalizing marijuana). On top of crime and marijuana preposterous propaganda. Used adverse to petitioner, within criminal conspirator circumstances impacting petitioner. In addition, to defendants` guise justifying government system operations of airborne poison(s), hazard(s) in question through weight of authority to control vectors. In *Venegas v. Wagner*, 704 F. 2d at 1146; The court applied the "last overt act" test in determining when a cause of action for a conspiracy to deny civil rights accrued. In *Bergschneider v. Denver*, 446 F. 2d 569 (9th Cir.1971), a cause of action for conspiracy. To violate civil rights accrue upon the occurrence of the last overt act of the conspirators. Alleged to have caused damage. (Footnote See Appendix D Number 4 New Discovered Evidence Of Last Overt Act of Petitioner Serious Medical Injury Hospital Emergency Treatments Caused By Internal, External Government Systematic Operations As If Set Forth Fully Herein) (Appendix D Number 5 Petitioner`s Recollection About When He Initially Commenced His Law Suit As If Set Forth Fully Herein)

48. In *Caballero v. City of Concord*, 956 F. 2d 204, 205 fn 1 (9th Cir. 1992). The Ninth Circuit Court of appeals has explained. Deliberate indifference, or knowingly

failing to perform an act which he is legally required to perform. When *he believes that his failure to act is likely to cause another person. To be deprived of his constitutional rights*, and his failure to act does cause such deprivation. Or *knowingly sets in motion a series of acts by others. When he believes such acts will be likely to cause the deprivation of their constitutional rights, and such acts of others do cause such deprivation.*

49. Rather than imposing a government body politic trademark ban. On medical marijuana and government body code, ordinance. To banning medical marijuana dispensaries in the City of Santa Ana. See *City Of Riverside, Plaintiff and Respondent, v. Inland Empire Patients Health And Wellness Center, INC., et al., Defendants and Appellants.*, 56 Cal.4th 729, 300 P.3d 494, 156 Cal.Rptr.3d 409. Defendants invented a city system, deliberately indifferent, or knowingly failed to perform an act which he is legally required to perform. By city trademark politic, city code, ordinance, policy. To officially justify an invention of a city patented trademark system of tax levy. To regulate and tax medical marijuana dispensary operations and providing official incentives. To medical marijuana dispensaries of police collaboration, cooperation. Pertaining to crime. Disproportionately excluding safeguards of collaboration, cooperation. To statutory social contract obligations. Under weight of authority of safety, to good health, peace and tranquility of the City of Santa Ana A Municipal Corporation communities of private residents that were not any part of medical marijuana dispensary operations.

Specifically, relevant to petitioner's civil rights. To be neutral in non-swinging vote to not vote. Upon Measure BB City Of Santa Ana Proposed Ordinance No. NS-2864 (Measure B.

B.). (Footnote See Appendix D Number 10 Defendants Basis Of The Respondeat Superior Doctrine And Sued On The Basis Of The Official Municipal Policy Of Some Nature Causing A Constitutional Tort From Defendants Liabilities As If Set Forth Fully Herein)

50. Defendants are sued based on two separate liability theories, "1.) the liability theory of suit based on the respondeat superior Doctrine. From causes of defendants' actions of false arrest and false imprisonment of petitioner; 2.) the liability theory of suit". From causes of action pursuant to official municipal policies of some nature. Causing a constitutional tort (42 U. S. C. § 1985 1; 2; 1).

51. In the herein record. The defendants have not provided. Discovery in compliance, or codification. To Federal Rules of Civil Procedure Rule 26. (Federal Rules of Civil Procedure Rule 26. Duty to Disclose; General Provisions Governing Discovery (a) Required Disclosures) and the defendants have not provided the whole record. Reasonable discovery. (Brady process material, disclosure, discovery.) Petitioner's law suit is a surviving civil law suit, is not. At criminal proceedings and propounds the production of substantial evidence. To prove the defendants' civil liabilities. (Footnote See Appendix D Number 10 Defendants Basis Of The Respondeat Superior Doctrine And Sued On The Basis Of The Official Municipal Policy Of Some Nature Causing A Constitutional Tort From Defendants Liabilities As If Set Forth Fully Herein)

52. The petitioner does show substantial evidence he was not negligent in discovering his serious medical injuries, person injuries. By petitioning defendants for safeguards, person crime reports made to defendants, property crime reports made to defendants, evidence of hospital emergency room admissions based on petitioner reporting serious medical injuries, preventing petitioner. From commencement of his civil suit, sooner and petitioner. Did exercise reasonable diligence to file his law suit. In *Bergschneider*, 446 F.2d at 569; the Ninth Circuit Court of Appeals determines the accrual in civil conspiracies for limitations purposes. (See *Pace Industries, Inc. v. Three Phoenix Co.*, 813 F. 2d 234 (9th Cir. 1987) overt, covert acts) (Footnote See Appendix D Number 11 Legal Precedent Stari Decisis As If Set Forth Fully Herein)

53. The Ninth Circuit Court of Appeals, does not seem to take into consideration, within affirming the district court's judgment. The relevant conspiracy law(s) and petitioner's facts-based evidence. Propounded to support his conspiracy claim(s).

54. At the relevant times. The defendant's seem to provide improper training. Within police officer departmental unreasonable policy. Adverse to the petitioner's over all identity. As a person, or a class of persons [class category as a former parolee]. *Griffen v. Breckenridge*, 403 U.S. 88, 102, 91 S. Ct. 1790, 1791, 29 L. Ed.2d 338 (1971); *Hirabayashi v. United States*, 320 U. S. 81 (1943); *Korematsu v. United States*, 323 U. S. 214 (1944) (See Appendix D Number 11 Legal Precedent Stari Decisis As If Set Forth Fully Herein) *Klehr v. A. O. Smith Corp.* (1997) 521 U. S. 179, 189, 117 S. Ct. 1984, 1990 (civil rico violation) Defendants relevant conspiracy. To cover up liabilities, did not end.

55. The petitioner was denied exculpatory evidence that tends to exonerate the petitioner. At all proceedings to factual innocence procedures. A complete investigation, a complete detective interview and a conclusion upon the knowingly false criminal allegations of rape. Based upon facts. State of California Penal Code Section 851.8. (a). United States Supreme Court Case Number: 13-7758, denied 02/24/14. Proximately and/or directly causing petitioner on going damages. Brady violations. (See State of California Civil Code Section 3287 - 3291) (*Brady v. Maryland*, 373 U.S. 83 (1963); *Jackson v. Barnes*, 749 F. 3d 755, 761 (9th Cir. 2014) (Footnote See Appendix D Number 11 Legal Precedent Stari Decisis As If Set Forth Fully Herein)

56. The Not FOR PUBLICATION MEMORANDUM OPINION, Before:
SILVERMAN, TALLMAN, and N. R. SMITH, Circuit Judges. Is a decision. From a

United States court of appeals that has entered a decision reflecting an unreality.

Created by a conflict that is not consistent. With the decision of another United States court of appeals, or the same. On the same important matter that has decided an important federal question in a way that has so far departed from the accepted and usual course of judicial proceedings, as to call for an exercise of this Court's supervisory power; a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court and other court of appeals and seems to provide an injustice to the logical relevant evidence of a continued conspiracy to interfere with, or deprive petitioner of his civil rights. Within meanings of

42 U. S. C. § 1985 1; 2; 3. (Footnote See: *United States v. Northern Imp. Co.*, 814 F.2d 540 (8th Cir. 1987); *United States v. Coia*, 719 F.2d 1120 (11th Cir. 1983), *cert. denied*, 466 U.S. 973 (1984); in example: 18 U.S.C. § 371; *Fiswick v. United States*, 329 U.S. 211 (1946); *United States v. Butler*, 792 F.2d 1528 (11th Cir. 1986); RICO (18 U.S.C. § 1961) or 21 U.S.C. § 846 – Conspiracy is a continuing offense. For statutes such as 18 U.S.C. § 371, which require an overt act in furtherance of the conspiracy, the statute of limitations begins to run on the date of the last overt act.)

57. In *United States v. Kissel*, 21 U. S. 601, 608, 31 S. Ct. 124, 126, 54 L. Ed. 1168 (1910). "[T]he crucial question in determining whether the statute of limitations. Has run is the scope of the conspiratorial agreement, for it is that which determines the duration of the conspiracy.

58. Here petitioner alleges the scope of the conspiracy shared purpose is to interfere, deny, deprive the petitioner's civil rights, without legal consequences. With out reasonable actions, fairness, due process, equal protection and justification. As if petitioner is not entitled to protections from inhumanity actions and/or protections. From relevant Constitution of the United States of America. To declare defendants misconduct

and/or serious misconduct and/or outrageous misconduct. To the scope of defendants conspiracy forbidden by federal statute of law. Under 42 U. S. C. § 1985 [1]; [2]; [3] and under 42 U. S. C. § 1983. On top of dangerous on going conspiracy circumstances. Intended upon actions. To achieve manipulation of petitioner`s mind, body, soul, spirit and faith. To achieve discrediting petitioner to manipulating petitioner`s evidence, the applicable laws to petitioner`s evidence, petitioner`s constitutional protected activities, dismissal of petitioner`s law suit. By jurisdiction community joint actions, intended upon, reaching incentives, by dominating petitioner, by dominating petitioner`s law abiding behaviors, to conquer petitioner through overt, covert actions, domestic terrorism, domestic torture. To conquer incentives shared from municipality corporation jurisdiction.

59. By foreknowledge within a politic, a government system so massive and effective that supplants the defendants` authorities and on top of the opinion. From Paige Stackhouse (she/her) on, or about July 2011, "within the opinion petitioner`s anthropology origins, is traceable to the Africa continent". Opposing petitioner`s (he/his) values and beliefs. About his, "identity within white skin pigmentation (Caucasian) DNA; traceable to Europe continent archaeological findings, a descendant of Europeans. To common ancestor origin(s). To the Neanderthal Man (German[ic] value) and informing Paige Stackhouse. He did not value her opinion whatsoever. She informed petitioner this belittled her black friends. Soon after in the herein time in the day and two days one after another of the same week. Paige Stackhouse, based on motives to criminalize petitioner`s innocence and identity relevant to race and based on retaliation to petitioner`s 911 calls to defendants. Made knowingly false criminal allegations that petitioner hit her on the

shoulder, theft from her purse in the amount of \$250.00 U. S. Currency Dollars; child pornography in petitioner`s computers, based on lies motivated by race and/or racism. Knowingly making false crime allegations based on knowingly made lies adverse to the petitioner. On the material fact basis petitioner identifies to be of white race (within petitioner`s American Nationality). Paige Stackhouse intended to manipulate defendants with lies about bogus, knowing false criminal allegations. Defendants responded to Paige Stackhouse`s race hatred motives to knowingly make false criminal allegations. Based on factual lies, to criminalize petitioner`s white race skin and to punish petitioner. Paige Stackhouse`s made comments that just because of that she was going to have sex with a black man, "in the presence of defendants' (employee) City of Santa Ana Police Department Det. A. Nguyen #2879". Defendants employee Det. A. Nguyen #2879, responded with a gender bias, an implied bias, explicit bias, "invidious discrimination animus". Informing petitioner, the reasons he was getting the treatment he was getting. Was, "because petitioner was on parole and Paige Stackhouse knows how to dress like a lady". (Paige Stackhouse was wearing a dress [an object of material], extended over the legs and barefooted. At the relevant time.) Adverse to petitioner, as a person, or a class of persons [class category as a former male parolee of white race American Nationality]. With defendants behind a blue wall of silence, blue code of silence, blue shield code of silence (nationwide law enforcement code of silence, to invidious discrimination animus]. To interfere with, to deprive petitioner of his equal protection civil rights. To petitioner`s minority disparate impact. Based on a preceding gender bias, invidious discrimination animus. Specifically, upon petitioner`s identity on parole, without justification within purposeful preference. Upon the causal relationship of gender-based mere say so. Based

on gender over the coexisting bias of defendants. To all facts within petitioner's 911 calls to defendants, retaliation from Paige Stackhouse adverse to petitioner. Facts indicating there was no evidence of any of the lies of bogus knowingly false criminal allegations. To prove that the lies were not lies, or mere say so. Intended upon actions resulting in officially declaring by force and effect. Petitioner's computers evidence of sex crime. Defendants Police Department Employee Det. A. Nguyen #2879", actions were apparently biases. Upon the elements of false criminal allegations that petitioner committed crime(s). As if the biases were elements satisfied by mere say so of crimes, that petitioner committed crimes and to seize petitioner's computers reflecting evidence of sex crime(s). Unreasonable to petitioner's evidence. On February 5th 2012, defendants improper training, improper supervision. Further went on purposeful motivations adverse to petitioner. To false arrest petitioner from his home. Based on lies, consistent with knowingly false criminal allegations (bogus) of rape. Made by Alishia Marie Hernandez. Defendants motivations were intended upon control and punishment. To the remaining natural life of petitioner. Presumably within every reality of imprisonment. At defendants' counterpart place. The State of California Department of Corrections and Rehabilitation and to control the remaining sex life of the petitioner. (*Loving v. Virginia*, 388 U. S. 1 (1967); *Pace v. Alabama*, 106 U. S. 583 (1883); *Zablocki v. Redhail*, 434 U. S. 374 (1978); *Lawrence v. Texas*, 539 U. S. 558 (2003); *Obergefell v. Hodges*, 576 U. S. (2015) On the fact of unconstitutional fact basis of numerous lies; defendants were purposeful unreasonable to petitioner's evidences. By government systematic operations, conducted inactions and/or omissions. To the facts defendants and Defendant Police Officer A. Garcia #3233. Unreasonably reported injuries, on Alishia Marie Hernandez`

neck that was not evidence of injuries on the neck. Rather, discoloration bruising color on the neck of Alishia Marie Hernandez. Was fact-based evidence of consensual mutual sexual intercourse of passionate kisses (hickeys). On Alishia Marie Hernandez neck area from petitioner. There was no fact-based evidence of strangulation injuries and strangulation was not reported. Defendant Police Officer A. Garcia #3233, was unreasonable to petitioner's evidence that the lies of rape adverse to petitioner. From Alishia Marie Hernandez, was evidence based on an orchestrated plan among peers intended upon cruel and unusual punishment of maximum punishment, adverse to petitioner of imprisonment. For the remaining natural life of petitioner based on concrete lies upon evil motivations. From unreasonable person(s). (Defendant's Police report, page 9: He suggested that her peers told her to orchestrate a plan, alleging him of raping her. Officer Price transported Lopez to the Santa Ana Jail. He was booked for PC 261(a) (4)-rape. A parole hold was also placed per PC 3056-parole violation. All of the recorded interviews have been booked into DIMS (The information within the digital conference recording of Alishia Marie Hernandez acknowledging to petitioner the knowledge that petitioner did not rape her, that she felt used by everyone and wanted to know why this was all happening to her, approximately ten minutes before defendant's arresting petitioner without a felony warrant); She contemplated wrapping a bathroom cord around her neck so she would stop breathing. After the examination was done, Officer J. Garcia #3232 transported (name excluded per government code) Royal/ETS where she was admitted on a 5150 hold to be clinically evaluated. For details, please refer to Officer Garcia's report under case number 12-03911; I respectfully request this report be forwarded to the OC District Attorney's Office for review and filing.; Officer A. Garcia

#3233 Santa Ana Police Department; Crime Arrest Report Case No. 2012-03888).

60. Because of all the reasons stated above. The defendants' legal arguments must stand to fail. (Footnote See Appendix D Number 12 Defendants Inconsistencies In Policies Rights And Liabilities And Lack Of Codifying To State And/Or Federal Law Partnerships And/Or Counterparts As If Set Forth Fully Herein)

B. Is The Fact Pattern Of Engaged Actions In Activities From Internal External Government Body Politic Government Systematic Operations Causing Petitioner Serious Medical Injuries A Constitutional Question Best Left To The Political Question Doctrine

61. Petitioner incorporates by reference paragraphs 1 through 60 of this Petition as if set forth fully herein.

62. The 115th U. S. Congress may, "make the required actions to congressional subpoena, or not defendants"? 28 U. S. C. § 2403 (a) may apply. See 18 U. S. Code § 3287 – Wartime suspension of limitations; United States of America Constitution may also apply to petitioner's nature of case. (Footnote See Appendix D Number 13 U. S. A. Constitution Congressional U. S. Powers As If Set Forth Fully Herein)

CONCLUSION

63. Petition for Certiorari should be granted.

64. I, In Pro Se Plaintiff Jose Manuel Lopez, Petitioner vs. City Of Santa Ana A Municipal Corporation, City Of Santa Ana Police Department, City Of Santa Ana Police Department Police Officer A. Garcia #3233, Defendants -Respondents, am the author of Petition Writ of Certiorari filed with this Honorable Supreme Court of the United States. I declare all its contents to be true and correct to the best of my knowledge and abilities. Executed on this April 3rd day for the year 2018, at the State of California, County of Orange, City of Santa Ana.

Respectfully submitted,
Attorney In Pro Se

BY: 
ATTORNEY JOSE MANUEL LOPEZ
Attorney for Plaintiff / Appellant In Pro Se
JOSE MANUEL LOPEZ

No.

In The

Supreme Court Of The United States

JOSE MANUEL LOPEZ, Plaintiff-Appellant,

PETITIONER

vs.

CITY OF SANTA ANA A MUNICIPAL CORPORATION,

CITY OF SANTA ANA POLICE DEPARTMENT,

CITY OF SANTA ANA POLICE DEPARTMENT

POLICE OFFICER A. GARCIA #3233, Defendants

Respondents, *RESPONDENTS*.

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

CERTIFICATE OF COMPLIANCE TO PETITION

FOR WRIT OF CERTIORARI

Plaintiff / Appellant / Petitioner

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**Supreme Court Of The United States
CERTIFICATE OF COMPLIANCE TO
SUPREME COURT RULE 14;
SUPREME COURT RULE 33;
SUPREME COURT RULE 34.**

1. The Petition For Writ of Certiorari complies with Supreme Court Rule 14.

Content of a Petition for a Writ of Certiorari; Supreme Court Rule 33. Document Preparation: [Booklet Format; 8 1/2 by 11-Inch Paper Format]; Supreme Court Rule 33.2; Supreme Court Rule 34. Document Preparation: General Requirements. (See Footnote 1)

Footnote 1: Supreme Court Rule 33. Document Preparation: Booklet Format; 8 1/2 by 11-Inch Paper Format: Rule 33. Document Preparation: Booklet Format; 8 1/2 by 11-Inch Paper Format 1. Booklet Format: (a) Except for a document expressly permitted by these Rules to be submitted on 8 1/2- by 11-inch paper, see, e. g., Rules 21, 22, and 39, every document filed with the Court shall be prepared in a 6 1/8- by 9 1/4-inch booklet format using a standard typesetting process (e. g., hot metal, photocomposition, or computer typesetting) to produce text printed in typographic (as opposed to typewriter) characters. The process used must produce a clear, black image on white paper. The text must be reproduced with a clarity that equals or exceeds the output of a laser printer. (b) The text of every booklet-format document, including any appendix thereto, shall be typeset in a Century family (e. g., Century Expanded, New Century Schoolbook, or Century Schoolbook) 12-point type with 2-point or more leading between lines. Quotations in excess of 50 words shall be indented. The typeface of footnotes shall be 10-point type with 2-point or more leading between lines. The text of the document must appear on both sides of the page. (c); (d) Every booklet-format document shall comply with the word limits shown on the chart in subparagraph 1 (g) of this Rule. The word limits do not include the questions presented, the list of parties and the corporate disclosure statement, the table of contents, the table of cited authorities, the listing of counsel at the end of the document, or any appendix. The word limits include footnotes. Verbatim quotations required under Rule 14.1(f) and Rule 24.1(f), if set out in the text of a brief rather than in the appendix, are also excluded. (e) Every booklet-format document shall have a suitable cover consisting of 65-pound weight paper in the color indicated on the chart in subparagraph 1(g) of this Rule. If a separate appendix to any document is filed, the color of its cover shall be the same as that of the cover of the document it supports. The Clerk will furnish a color chart upon request. Counsel shall ensure that there is adequate contrast between the printing and the color of the cover. A document filed by the United States, or by any other federal party represented by the Solicitor General, shall have a gray cover. A joint appendix, answer to a bill of complaint, motion for leave to intervene, and any other document the cover of the document it supports. The Clerk will furnish a color chart upon request. Counsel shall ensure that there is adequate contrast between the printing and the color of the cover. A document filed by the United States, or by any other federal party represented by the Solicitor General, shall have a gray cover. A joint appendix, answer to a bill of complaint, motion for leave to intervene, and any other document not listed in subparagraph 1 (g) of this Rule shall have a tan cover. (g) Word limits and cover colors for booklet-format documents are as follows: Type of Document (i) Petition for a Writ of Certiorari (Rule 14); Motion for Leave to File a Bill of Complaint and Brief in Support (Rule 17.3); Jurisdictional Statement (Rule 18.3); Petition for an Extraordinary Writ (Rule 20.2); Word Limits 9,000 Color of Cover white; (h) A document prepared under Rule 33.1 must be accompanied by a certificate signed by the attorney, the unrepresented party (If the certificate is signed by a person other than a member of the Bar of this Court, the counsel of record, or the unrepresented party, it must contain a notarized affidavit or

declaration in compliance with 28 U. S. C. § 1746.); Supreme Court Rule 33. 2. 8 1/2- by 11-Inch Paper Format: (a) The text of every document, including any appendix thereto, expressly permitted by these Rules; prepared under this paragraph. (b) Page limits for documents presented on 8 1/2- by 11-inch paper are: 40 pages for a petition for a writ of certiorari, jurisdictional statement, petition for an extraordinary writ, brief in opposition, or motion to dismiss or affirm; and 15 pages for a reply to a brief in opposition, brief opposing a motion to dismiss or affirm, supplemental brief, or petition for rehearing. The exclusions specified in subparagraph 1(d) of this Rule apply.

2. The Petition For Writ of Certiorari, "Appendix(s)". Are filed pursuant to Supreme Court Rule 14. Content of a Petition for a Writ of Certiorari (c) (Rule 33.2. (b) 1. (d).

3. The jurisdiction of this court is invoked under United States Code Title 28 Part IV Chapter 81 §1254 (1) and the Petition For Writ of Certiorari is timely, (Supreme Court Rule 13. Review on Certiorari: Time for Petitioning; Supreme Court Rule 14 Content of a Petition for a Writ of Certiorari; Supreme Court Rule 12. Review on Certiorari: How Sought; Parties; RULES OF THE SUPREME COURT OF THE UNITED STATES EFFECTIVE NOVEMBER 13 2017 PART III. JURISDICTION ON WRIT OF STATES EFFECTIVE NOVEMBER 13 2017 PART III. JURISDICTION ON WRIT OF CERTIORARI Rule 10. Considerations Governing Review on Certiorari, PART VII. PRACTICE AND PROCEDURE Rule 29. 1.; 2.; 3.; Filing and Service of Documents; Special Notifications; Corporate Listing; (b); 5.; Supreme Court Rule 10. And RULES OF THE SUPREME COURT OF THE UNITED STATES EFFECTIVE NOVEMBER 13 2017 PART VII Rule 39. Proceedings In Forma Pauperis 1.; 2.; 4; 5.; The respondent or appellee in a case filed in forma pauperis shall respond in the same manner and within the same time as in any other case of the same nature, except that the filing of an original and 10 copies of a response prepared as required by Rule 33.2, with proof of service as required by Rule 29, suffices. The respondent or appellee may challenge the grounds for the motion for leave to proceed in forma pauperis in a separate document or in the response itself.; Supreme Court Rule 1. Clerk).

4. Therefore, Petition For Writ of Certiorari complies with the required filing

and service of documents. To Practice and procedures of the RULES OF THE
SUPREME COURT OF THE UNITED STATES EFFECTIVE NOVEMBER 13
2017.

Date: April 3rd 2018

Respectfully submitted,
Attorney In Pro Se

BY:  _____

ATTORNEY JOSE MANUEL LOPEZ

Attorney for Plaintiff / Appellant

In Pro Se

JOSE MANUEL LOPEZ