

APR 06 2018

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NO. _____

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

**RICHARD HERBERT – PETITIONER
VS**

CVS ET.AL. – RESPONDENT(S)

ON PETITIOIN FOR A WRIT OF CERTIORARI TO

UNITED STATES COURTS OF APPEALS FOR NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

**RICHARD HERBERT
P.O.BOX 83056
LOS ANGELES ,CALIFORNIA 90083
1-213-999-8549**

RECEIVED

JAN 31 2018

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SUPREME COURT, U.S.

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QUESTION(S) TO THE COURT

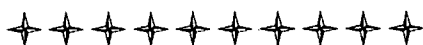
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1] Can a State Court Case (14M07814)¹¹ with the misinterpret(error) of the cause of action with a Fraud judgment²² {small claims California} {primary right issue}⁸⁸ be use as Rez Judicata³³ in Federal Court⁴⁴ as grounds for summary judgment without Adequate representation⁷⁷ , allowing this to affect a Federal Case cause of action not presented as Civil Rights 42 U.S.C sec. 1981 prima facia⁵⁵ Case or Discrimination Case(error done on purpose to clearly make the incident insignificant in nature).?

2] Can any major(over 10,000 employees) private United States corporation escape repercussions and create Court Fraud by instructing it's legal department to Fix the Court ? And of said action by a corporation is it legal to depriving Richard Herbert a NDE and Black American His United States Civil Rights under the Constitutional protection ? **[Appendix-C]**

3] Can protected minority in pro per Plaintiff in the State of California Court be denied (his) there Federal Civil Rights if it was presented as Racial Discrimination , yet was not address by a Pro Temp Judge till after judgment and presented on merits *Hypertouch, Inc. v Azoogole .com, Inc., 2009 WL 734674(N.D. Cal.Mar19,2009)* as legal in Federal Court action ? Petitioner Richard Herbert being protected by law- a born black minority of born black parents of the United States of America. [

4] **Allow** Richard Herbert a Black Person and Near Death Survivor to collect Ten Million Dollars from the Corporation of CVS for providing a Near Death Experience that only God save the life of Richard Herbert- "CVS stop my Heart and cause trauma of fighting a person to Death" APPENDIX-E [near death experience] **APPENDIX-F ALLOW ?**



5] **Allow** Richard Herbert a Black Person and a protected minority under the 42 U.S.C. sec 1981 to collect unlimited by law an addition Ten Million Dollars for the outrages act of CVS et al. to set a Motto not to do to the Black Race as CVS et al. makes Billions in Profit from All United States Citizens with out Discrimination I ask the Courts for the Good of the United States as God Blesses America-**ALLOW ?**

Footnotes-above

11] 14M078014 Stanley Mosk Court ,small claims Hon.Kenji Machida

22] final Judgment (disguised appealed) Hon.Mark D.Priver

33]summary Judgment (Rez Judicata) 16-56063-Hon Steven Wilson

44] United States Central District

55] Prima facia, claim on face value as true (video tape –evident)

77]Adequate representation- is a concept often used in procedural contexts and it refers to a close alignment of interests between actual parties and potential parties in a lawsuit, so that the interests of potential parties are sufficiently protected by the actual parties.

88] For these reasons California should abandon the primary rights definition of a cause of action. In its place, California should require mandatory joinder of plaintiff's claims by statute if the claims arise out of the same transaction or occurrence. Alternatively, California courts should adopt the same transaction definition operative. Either way, the primary rights theory would be relegated to its rightful place in history where it belongs. [*Robin James 11-1-1989 Law Review Los Angeles Loyola Law School-Rez Judicata: Should California Abandon Primary Rights*]



LIST OF PARTIES



RICHARD HERBERT(pro per).....P.O. BOX 83056
PLAINTIFF-APPELLANT-PETITIONER LOS ANGELES,CALIFORNIA 90083
(213) 999-8549

Vs

CVS et al*.[includes all involved :CVS Pharmacy and Others]
DEFENDANT(S)-APPELLEE(S)-RESPONDENT(S).......;

Legal TEAM: Rule 14.1(b).

JEFFREY M. LENKOVesq..[156478]
ARTIN AVETISOVE esq.....[258777].
ORCHID BRAZIN esq.....[274442]
ROBERT WARGO esq.....[175177].

BY

MANNING & KASS,ELLROD,RAMIREZ,TRESTER LLP
801 S. FIGUEROA ST 15TH FL.
LOS ANGELES ,CA 90017
(213) 624-6900

***et al.** ; (CORPORATE DISCLOSURE STATEMENT)

Rule 29.6 requires the identification of a party's "parent corporations" and "any publicly held company that owns 10% or more of the [party's] stock," if the petition is filed on behalf of one or more nongovernmental corporate entities. If the petitioner is an individual, this section is not needed.

CVS /PHARMACY,.....(doing business as Garfield Beach CVS LLC)
[Location of 1050 W Sunset blvd Los Angeles, California 90012]

John Doe(William Ngo- CVS/Pharmacy at 1050 sunset blvd Los Angeles, Ca.-Manager)

Jan Doe 1.....(Unknown name-CVS employee at 1050 sunset blvd Los Angeles, Ca.-worker)

Jan Doe 2.....(Unknown name-CVS employee at 1050 sunset blvd Los Angeles, Ca.-cashier)

Jan Doe 3.....(Natalie Valerrama CVS employee at 1050 sunset blvd Los Angeles, Ca.-supervisor)

CVS PHARMACY INC.^a.....1 CVS Drive, Woonsocket, Rhode Island, United States

CVS RX SERVICES INC.^a.....1 CVS Drive, Woonsocket, Rhode Island, United States

^a[Agent for Service C T Corporation System(co168406)....818 7th st#930 Los Angeles, Ca 90017

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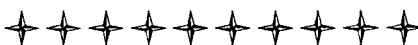
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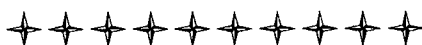
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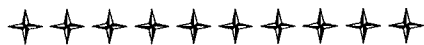
State Poceeding Afforded Res Judicata Effect in Subsequest Civil Rights Action Brought Under Section 1981(Mitchell v National Broadcasting Co.)

Res Judicata in California..Arlo E.Smith... California Law Review oct.1952 Volume 4 /article 5

Primary Right Theory. An action is considered to constitute the right or power to enforce an obligation” The violation of each primary right of the plaintiff gives rise to a separate cause of action.[www.courts.ca.gov>opinions>archive](http://www.courts.ca.gov/opinions/archive).....page 18,15



OPINIONS BELOW



Rule 14.1(d).

Decision of United States District Court Central District Of California

The Ninth California District Court of Appeal 9TH Circuit did not issued its opinion on the California Court of Appeal denied petitioner's request for rehearing. PENDING

OCTOBER 30,2017 MANDATE .

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JURISDICTION

✦ ✦ ✦ ✦ ✦ ✦ ✦ ✦ ✦ ✦

This Jurisdiction is proper and the Venue as granted by the Lower Courts as Follows: Appeal from the United State District Court for the Central District of California – Stephen V. Wilson, District Judge, Presiding submitted [OCTOBER 23,2017] **FILED OCT.30 2017.**

This in persuit of 28 U.S.C.sec 1257 final judgment.

With this Memorandum October 30,2017 this Writ is Timely within the 90 days limit. APPENDIX- A

The correction letter dated February 12,2018 under rule :14.5 within 60 days of date of APPENDIX – A-1

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

✦ ✦ ✦ ✦ ✦ ✦ ✦ ✦ ✦ ✦

- 1) The procedural¹⁻¹ and jurisdictional²⁻² issues- involve the lower Court's decision based on Fraud and Malfeasance of the Court in the Violation of the law of "**Due Process**"³⁻³, the rights of Richard Herbert. As a Born United States American Citizen in which every American enjoys the freedom regardless of skin color the statue of "Due Process" of the Law is a right. Here we have a denial of this process done by the Court at the State and Federal level in perspective of not being fair and responsible of providing Richard Herbert his day in court about his Civil rights⁴⁻⁴ being violated .

Without formal detail of the foundation of issues involved being sought after in this WRIT OF CERTIORARI. Constitutional issues involved is about a case that was attended by a lower court that involves the Civil Rights of Richard Herbert. A winning verdict was put in place to deprive Richard Herbert his "Due Right" by not addressing the pain and suffering bestowed by CVS et al. If the change of judge to support CVS et al. by the use of malfeasances⁵⁻⁵ to deliver a message of this Giant corporation in its way of addressing a Civil Rights Matter- it is Criminal offense. The thought of CVS et al. telling the Black society that worth of a gift card ,if not a hundred dollars ,is the same in their wishes for the Black pain given by them with racial amunis. It is CVS et al. using the Courts to say that their company is not suppressing the Black Race where evidence shows different. Why did not CVS et al. just pay Richard Herbert - before any legal filings ? CVS et al did admit to a gratitude of a gift card of \$50.00 and how they judge and jury. The incident of Racism that is on Camera by their own surveillance is worth of malfeasance logically to them, to cover up because CVS et al is a Civil rights Violation Store.

- 2) The used of the statue of Rez Judicata⁶⁻⁶ as Summary Judgment⁷⁻⁷ in Federal Court , could have been planned for simple reason of logic. Does California Statue of Small Claims Court Limited stand for merit in Federal Court and it is shown it has merit to a point. These cases not like Richard Herbert vs CVS et.al where the small claim case ,with a winning judgment and with Civil Rights issues not address. Here is Mark D. Priver giving a\$100.00 to the plaintiff and \$110.00 to the Court,"



clever”-“very clever” because the cost to file in that Court is \$75.00 why the Court cost of \$110.00 .?[**APPENDIX-E**]. **Simply-** Mark D. Priver (pro-temp Judge) made a judgment of \$210.00 for damages in the State case[14M07814] standing for merit ! Than Judgment for the Plaintiff of a;\$100.00 and a \$110.00 for the State of California Court = (equal) .To Mark D. Priver a real disguise of Corporation malfeasances in the Judicial system by this collaborator of bigotry tactical logic to make it look Legal. He Charged CVS et al. \$210.00 like He(Hon Mark D. Priver) was the Corporation-the Defendant (CVS et al.) in facts wishes of a Gift Card(a offer stated in cause of damages cvs et al. agree to)of \$50.00 and lets say He allow double of \$100.00 no explanation of what it is for. Yet \$110.00 of the Defendant damages is to pay the State of California Court in which He must know that CVS et al. can afford the \$110.00 before the person suing gets paid, the \$100.00. by pre-knowledge of a bias judgment of personal interest as if speaking for the Defendant {CVS et al.} .(\$110.00 court fees -\$75.00 for damage of more than \$5,000 and \$35.00 for Service of summons) where more money for damages are paid to the Court where the plaintiffs damages are not paid ? As noted [**APPENDIX –F**]

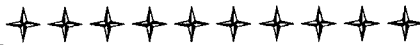
Propositional Logic

1)Logic- Modus Ponens **P**> implies **Q** , - **P** is asserted to be **True**,- So

Therefore: **Q** must be **True** = Premises Argument of Logical Consequences

2)This Logic applies to Small Claims Judges in State Court. –Mark D Priver was not standard to Hear this Case Than CVS et al. Has Malfeasance with this arrangement, regardless the Judge and Judgment is Supporting CVS et al. **Logic without a Doubt.**

3) The judgment in small claims court is not given collateral estoppel⁸⁻⁸ effect because the parties are not bound by formal rules of pleading, evidence, and therefore, the issues may not be fully (i.e., technically) framed and considered. Consequently, issues decided in small claims proceedings should not be considered conclusively decided in a second action between the parties on a different cause of action, whether



the second action is commenced in small claims court or in a different division of the superior court. See Sanderson v Niemann, supra.. In agreement with respect to small claims proceedings heard de nova in superior court is Rosse v DeSoto Cab Co. (1995) 34 Ca 4th1047, 1052, 40 Cr2d 680

4) With the statues ,and law issued by the Courts ,the legal defense of CVS et al. choose to use these in favor of their argument.[**APPENDIX – F**](Rez Judicata and Claim Preclusion⁸⁻⁸ in California/ **Summary Judgment use of small Claims Limited Case**, all of these statues circle the Civil Rights violations never addressed in State Court. The State Court use of the Civil Rights laws are not present and why are they not ? The Pro Temp. Mark D. Priver made a support of the Court with a cash judgment to state a point of what intent ?

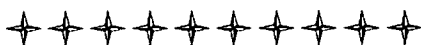
5) In stated in the case of; *The Robbins court cited approvingly Jenson v Olson supra 353 F. in which the court did not regard federal claims as barred by res Judicata , even though the plaintiff could have presented them in a earlier state court proceedings. The Robbins and Jensen cases are fully consistent with the view that a section 1983 challenge to a state processing is barred as res Judicata only if the federal claim wasteful . And in Case 16-56063 federal two cause of action in Prima Facia⁹⁻⁹ status as to make a strong claim with video tape coverage. As mention to this Federal Court of the State mis taken of justices . (Civil Rights) the use of the statue of Rez Judicata as stated:*

6) With the Courts interest **only** under the statues and laws of Rez Judicata this is viewed: and **Violated** by the State under this:

‘It is in the interest of state that litigation should come to an end’ Section-11(Rez Judicata three Maxims as example);

Interest repubicae est st finis litium’

It is in the interest of state that litigation should come to an end



Nemo debet bis vexari pro una et eadem causa

No man ought to be vexed twice for the same cause of action

Res judicata pro veritate seliptor

Judicial decision must be accepted as correct

7) As viewed in the formal state of the statute and its purpose the debate is on the issues in this case of Richard Herbert v CVS et al of- what is Correct ? And is this vexed a Man or a Machine of different parts acting in different bodies ? With this case to the Supreme Court along with the errors of the Justice system in view of the Defendants legal team , -judicial misconduct explains fuzzy rationale of the Civil Rights of Richard Herbert . With the Prior judgment is res judicata under the applicable statutory provisions in California as reasonably interpreted[[[68 cal app.3d 380]Civil discovery statutes (code civil procedure sec.2016-2034California Supreme Court initial lily decided in the 1941 ,17 Cal 2nd 563,571(inp.2d 1025);Case **Sanderson V Niemann** That due to the informality of small claims proceedings they cannot be used as the basis for issue Procedural and fundamental fairness and substantive; Allen v McCurry 449, U.S. 90,949(1980)—vital public interest full and fair opportunities As video tapes of the incidents/ Elements of the statute fail on various test of the statute of Res Judicata and it's close statutes of claim preclusion.

8) In the citation of ;*Eichman v fotomat corp.* the claims of federal and state 1981 of California discrimination laws on discrimination damages are min.\$4000.on etc. to unlimited. ALSO- after the Court proceeding of SC-105 pleading to the State court about not being heard in Court. I had ask for Discriminatory¹⁰⁻¹⁰ issues ; The use of the Plaintiff words in a SC -105 as being litigated by mis reading of records in the former proceeding, adequately reflects the issues



actually litigated and decided in that proceeding.”*Nafes v Willmark Communities, Inc.*, 2012 WL 234024, at (S.D. Cal. June 20, 2012) (quoting *Pitzen*, 120 Cal., App. 4th at 1384); *Hypertouch, Inc. v. Azoogole.com, Inc.*, 2009 WL 734674 (N.D. Cal. Mar. 19, 2009) (“Azoogole has not offered the complaints filed by Hyper touch in small claims court or otherwise established with ‘clarity and certainty ‘the nature of the claims that were asserted by Hyper touch therein.”) (Citing *Clark v. Bear Stearns*, 966 F.2d 1318, 1318 (9th cir 1992) (The party asserting preclusion bears the burden of showing with clarity and certainty what was determined by the prior judgment.”)) **My action was not Clear in small claims Court.** By not allow the cause of action to be heard or address in the Hon. Mark D Priver Court has shown ramification of a un nature Bais; In; *Alpha Mechanical Heating & Air Conditioning, Inc. v Travelers Casualty & Surety Co. of America* (2005) 133 Cal. App. 4th 1319, 1333, 1334) The California cases follow the rules set forth in the Restatement that”in the case of a judgment entered by confession, consent, or default, none of the issues is actually litigated” and therefore collateral estoppels⁸⁻⁸ does not apply in a subsequent action. (Rez Judicata related)

9) Although *Halpern v Schwartz* raised valid concerns about the res Judicata effect of un appealed, independently sufficient alternative determinations, a general rule of non preclusion unnecessarily undermines the valid objectives of res Judicata. A general rule of res Judicata with discretionary exceptions would promote complete litigation in the first action, **yet avoid unfairness.** Parties would not be able to use alternative determinations to sidestep res Judicata unless they had a substantive reason (incomplete litigation by the parties, **inadequate reasoning by the court of first decision**, or purely cautionary appeal) caused by the existence of the multiple grounds. Discretionary exceptions to preclusion adequately handle these situations. Absent these circumstances, a general preclusion rule would promote full and fair resolution of the initial action, consistent with the goals of res Judicata. *E. William Stockmeyer* E. William



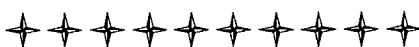
Stockmeyer, Res Judicata Effects of Unappealed Independently Sufficient Alternative Determinations, 70 Cornell. L.Rev.717(1985)

10) And with the Primary Rights⁹⁻⁹ the issue also discuss in Robin James, and Res Judicata *Robin James, Res Judicata: Should California Abandon Primary Rights*, 23 Loy.L.A.L.Rev.351(1969).

However claims without any category-based limitations. Therefore, the fairness¹¹⁻
¹¹ as ¹¹⁻¹¹ attention. Thus the Author has used the term” **Cause of Action**” in the discussions of California and amendment so that the language in those sections is consistent with the language in California statutes and case law. In Conclusion the Judge in the State Court that set the path for Appeal Courts of the use of the State Case as blockage of the Civil Rights of Richard Herbert.

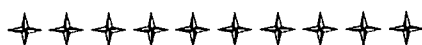
11) In the Malfeasance of the Court in State of California in which Federal Court allow this Hon. Kenji Machida or Pro tem Mark D. Priver establishment of Collusion¹²⁻
¹² in a sudden appearance for this case as shown. Canon 6 Malfeasance¹³⁻¹³ of Bais in the California Judicial Handbook § 2.10(a) and as the Federal Court of section 7.04 consequences of failure to disqualify when required as State case is presented that should have been voidable or vacated under procedure 170.3 in the Judicial Laws under California state Legislature. **Rule 60(b)**¹⁴⁻¹⁴ is so phrased as to imply that “fraud on the court” is grounds for invalidation of a judgment different from the grounds which will sustain a “independent action” As California Discrimination Laws are in fact when to use .? *Thomas P. Gonzalez Corp. v. Consejo Nacional de Produccion de Costa Rica*, 614 F.2d 1 247, 1255 (9th Cir. 1980).The capacity to address the issues as Federal as the State are in place to do.

12) The Supreme Court decision in *England v Louisiana State Board of Medical Examiners*.-There a federal court had abstained pending state court resolution of a dispute over unclear bound against their will by any state court direction on federal issues: [Any conclusion that a litigant who has properly invoked the jurisdiction of a Federal District Court to consider federal constitutional claims can be compelled.....to accept instead a state court’s determination of those claims. would be a war with the unqualified terms in which Congresshas conferred specific categories of jurisdiction upon the federal courts.....]



13)United States. The Law of 42 U.S.C. sec 1981 made it illegal to Discriminate because the Color of a person's skin to fulfill to enforce a contract. Negroes in the past where now equal in the class of a United States Citizen with equal rights as the dominant race White [APPENDIX – D](*Pavon v Swift tranp.co.192 F.3d 909(9th cir.1999.)*) This or should I say the Civil Right Laws allows the equal of life styles that We Great Americans the only ones on the planet can enjoy. We are Americans and we deserve the best not for the few in this Great Country and not for the countries outside of the United States , for American in America ! We about 4% of the World population ,the United States has become, the leader of the World in all good things that effect people. The United States of America by it's laws is not Prejudice ,or Discriminating against any race and that includes the Black Race the initiators of the Civil Right Laws in America. With a Country of a dominate Race of White the Blackman and Black society remains and will always be a minority in the United States of America ,that is fact. The wisdom of the United States freedom shares no color or gender in which makes some of the other 96% world population to be a United States citizen an ambition. Even the world total Black population only add up to about 20% of the world population with the White population majority Race this is giving the Great United States of America the leader of equality in freedom's directive. [Appendix – B] With an investigation of Court Fraud , as the small claims pleading for "Hurt, Pain ,Thief, Discrimination etc." as California Law min. is four thousand dollar judgment – Richard Herbert a hundred Dollar given in a goal of depriving the Black Race from the same freedoms as the White Race. With the Federal Hon Steven v Wilson 9th and the CONSTITUTION OF UNITED STATES OF AMERICA PROVISIONS He Should have seen That ! in the State Court(*Matsushita Elec insus,Co. v Esptein 516 US 367,396 (1996) (Ginsburg)* and (*Marrese v. American Academy of Orthopaedic Surgeons*) (18 C. Wright, A. Miller, 8: E. Cooper, *Federal Practice and Procedure* § 4405, p. 82 (2d ed. 2002)

14) Finally in;"*Judge and officers shalt thou make thee in all thy gates , which the lord thy God giveth thee, tribe by the tribe; and they shall judge the people with righteous judgment, thou shalt not wrest judgment; thou shalt not respect persons: neither shall thou take gift: for a gift doth blind*



the eyes of the wise, and pervert the words of the righteous. Justice, Justice shalt thou follow, that thou mayest live, and inherit the land which the lord thy God giveth thee.

DEUTERONOMY 16:18-20¹⁵⁻¹⁵

1-1 procedural -official way of doing something / 2-2 jurisdictional -official power to make legal decisions / 3-3 **Due Process** -fair treatment through the normal judicial system, especially as a citizen's entitlement / 4-4 **Civil rights** -are a expansive and significant set of rights that are designed to protect individuals from unfair treatment / 5-5 - **malfeasances** -wrong doing, especially by public official / 6-6 **Rez Judicata** -matter that has been adjudicated / 7-7 **Summary Judgment**⁷ -without full trial-issued on merit / 8-8 collateral estoppels / doctrine that prevents a person from re litigating an issue / **Claim Preclusion**⁸ -re litigation the same cause of action / 9-9 **Prima Facia** -at first look, on its face / 10-10 **Discriminatory/ discrimination** -unjust or prejudicial treatment / ¹¹⁻¹¹ **Cause of Action** / -fact or facts the action against another / **Civil / Rights** -rights of citizens to political and social freedom and equality / ¹²⁻¹² **Collusion** -secret, illegal cooperation or conspiracy / ¹³⁻ ¹³ **Nonfeasance** / -failure to act, especially by a public official
¹⁴⁻¹⁴ **Rule 60(b)** -relief judgment order ¹⁵⁻¹⁵ **DEUTERONOMY** -Bible.

Federal case: .sec1985—*prima facia / California Unruh Civil Rights Act—*prima facia/ Intentional Infliction of Emotional Distress—*without ORIGINAL FEDERAL CLAIMS: 42 U.S.C.sec.2000(9)—*without prejudice / 42

U.S.C.sec1981—*without prejudice/42 U.S.C prejudice-----

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STATEMENT OF THE CASE

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Under the Final decision of the United States Court Of Appeals for Ninth Circuit, a drawn path of injustices and violation of the rights of Richard Herbert a protected minority under Federal Laws and State Laws. Constitutional actions involved in this case to place Richard Herbert (Plaintiff) in the status of an "untouchable"^{aa} in the view of the titrations^{bb} 'to effect the whole. Placed by Court fraud and Deceit of the use of *Res Judicata* and other statutes that mislead the foundational elements of the United States of America Judicial system CVS et. Al. has(*Allen v McCurry* 449, U.S. 90,949(1980)—*vital public interest full and fair opportunities*). Not only has(CVS et al.) this multi –billion dollar organizational company our Nations largest pharmacy and combined convenient establishment has created fraud in the legal process. CVS et.al.(Defendant) intentionally created a false path of justice by officers of the Court to deprive Richard Herbert (Plaintiff) His due process^{dd} *Phillips Petro Co. v Shutts* 472 U S ,797,805(1985)

of the Law in this Great Country of United States of America .

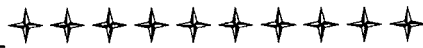
With the Bigotry and Racism of this company CVS et.al. as shown in case:[16:56063 Federal 9th] low and inferior resources are in fact given to Black America by CVS et.al. The America Dollars is less of worth in the Hands of a Black person compare to the increase value in the Hands of a White person. A citation of articles of Anne-Marie G Harris^{ee} explains the belittling of Black America a disguised business practice similar to the philosophy of CVS et al.in the case of Richard Herbert also a Near Death Experienced person. The will with intend to attack a innocent customer because of His skin color and actions that CVS et al. causes hurt and pain to the Black Race is the basic practiced rules of CVS et al. A major company

^{aa}Untouchable(social system),people belonging to a group of very low social status[Society]Wikipedia/2018

^{bb} Titration(English)A method of finding exactly how much of a substance there is in a solution by gradually adding measured amounts of another substance that reacts to it in a known way, for example by causing a colour change[Cambridge Dictionary]2018

^{dd}Due process (fifth amendment to u.s .constitution)application in all states 14th amendment)

^{ee}Anne-Marie Harris esq.-Shopping While Black/published Boston College Third World Law Journal, Retrieved 19 August 2012



in the arms of treating Black people as targets of “shopping while black ”phrase used” SWB” and within their reason for vacating a gift judgments with legal officials instead of customer service to satisfied

WHAT HAPPEN ?

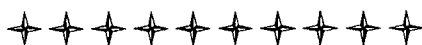
- 1) On that sad day in August of 2014 ,Richard Herbert a victim of being pointed out and disgraced by an outrageous act preformed by a well trained CVS supervisor official. Richard Herbert a[APPENDIX- C]Near Death Survivorⁱⁱ has seen his life flash in front of Him before as the accuser ,Natalie Vallerrama ,the CVS employee that brought emotional and physical and un repairable harm to Richard Herbert. Richard Herbert with a treatment other than if He was a White person ,elements in(a) 42 U.S.C.sec.1981-*the right to be free to make a contract, civil rights law*. was broken. Also, (b)California Unruh Act on Discrimination had been violated with the action of this representative shameful act. With out an apology from CVS et al ,Richard Herbert decided to take His claim in a matter of days to the Stanley Mosk Court House as a State Small Claims Court action.
- 2) On this path to find justices for a wrong, Richard Herbert a published novelist [Amatimas I Am Time]ⁱⁱⁱ goes to Court to tell the story of the incident at CVS establishment and what their solution was to the judge Hon. Kenji Machida in the Stanley Moss Los Angeles Court House. He grief's with the story as Himself of minority status and that of a Japanese American. He intend to add a comments about the Defendant CVS et.al. and Natalie Vallerrama for not showing up and leaves it at “They were most likely too embarrass to show up” and proceed with the judgment against the Defendant CVS et al.(noted as Garfield Beach subsidiary on the west coast) the judge did do and said. With the point of bringing this wrong to the Authorities in this Great Country of United States of America ,Richard Herbert had a feeling of prevention for any Black United States law abiding Citizen to be subject to. It promoted the worst Racism of any, even your money is not good enough to be in this establishment, while being portrayed as the Dirt of the Earth and get out. You are a entrusted to be in the wrong place because CVS et.al has it's employee(s) objective is to beat down on the Black Race as first their problem with their shrinkage^{iv} in their establishment. In an



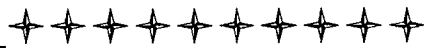
incident of this motto Anthony Kysler ^v ,caught for stealing a tube of tooth paste by a CVS et al. employee and Died in the hands of that CVS et al. employee. A Black life over the Health of Our Great Country of United States of America ,a Pharmacy outlet that their Profits are generous given by all Americans, yet it's filth of Third World mottos and greed with in justice has no place in the United States of America.

Feeling justice has been carried out to try to make a partial recover from(punitive and infliction of distress) the incident at the Establishment of CVS et al.,a token in submission the verdict was \$7610.00 (seventy –five hundred dollars)plus(court fee of \$110)the price of a shopping spree after refusing the gift card of \$50.00(fifty dollars) .*California Supreme Court initially decided with (1941) 17 Cal 2nd 563,572(inp,20 2d) . Case ; Sanderson v Nieman that due to the informality of small claims proceeding the cannot be used as the basic issue,[Appendix -B] docket judgments -11/06/2014. With the law firm of Manning & Kass, Ellrod, Ramirez Trester LLP , I was personally insulted with words of Artin Avetisove after CVS et.al. filed to vacate the judgment(I protested under *Phillips Petro Co. v Shutts* 472 U S ,797,805(1985)*

*The **Due Process Clause** requires notice, an opportunity to appear in person or by counsel, an opportunity to "opt out," and adequate representation⁷⁷. It does not require that absent class members affirmatively "opt in" to the class, rather than be deemed members of the class if they did not "opt out." The procedure followed by Kansas, where a fully descriptive notice is sent by first-class mail to each class member, with an explanation of the right to "opt out," satisfies due process.)*for this case of small claim to be used for Rez Judicata and it's elements for the use of same parties. ERROR this would have to be in effect for Richard Herbert (Plaintiff) Constitutional Rights to be violated- YET ! the issued by the Hon. Kenji Machida of 11/06/2014 allowed ! [Vacated Judgment].”I will see that you won’t get a dime ! “said Artin Avetisove of Manning & Kass, Ellrod, Ramirez Trester LLP , I Richard Herbert was shock at the rude behavior and also the whole CVS et al. incident of Bigotry and Racism duplicating the same behavior of August 2014 anti Black race. I had the nerve to go to Court for some of my rights of clearly, it was not for customer service and now the service had progressed to team of lawyers speaking for CVS et al. telling me Richard Herbert you are a “Nigger”.



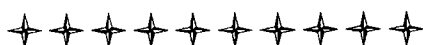
- 3) That day where the CVS et al. employee(s) acted in clear understanding of denying Richard Herbert his natural rights to be free from Discrimination in a establishment that service the public in this Great United States of America had changed. Elements of the Civil Rights Laws of 1964 exclusively for the Black-United States of America Race were violated in a way that no customer of any retail establishment should be subject matter of I restate . This is what Happen in a manner of steps and the reaction by Richard Herbert that day of the incident that called out racial animus and shame was fatal.
- 4) With the progress of the action in a few words was of Richard Herbert enter and made it known that He was going to return a gift that CVS by policy is obligated to take back without a receipt. After the transaction was completed the shock that a Black Person could have brought these items legally had to be the Motto of CVS et al. taught. The supervisor under this mind set “STATE OF MIND”^{vi} to attack for no reason except for His Black skin is what Natalie Valderrram did do. Her trained Bigotry and Racist ways was made by CVS et al. towards the Black Race because is what they do. Richard Herbert did not have the chance to make a purchase or enjoy the right of White America because it was planned by the practice of CVS et al. An incident that under video tape is still is not enough for CVS et al employees to care what they do will be in the Corporation possession in their favor against Customers. They are instructed as a History of ill treatment to the Black population for a reason of belittling the Black Race. Kick out of the establishment that day un like the other incidents of CVS et al. giving a Million dollars to a Korean woman[mrs. Lee-nj cvs] for race discrimination on a receipt. Here un known to Richard Herbert of any incident at this establishment was now a victim by the Hate for the Black Race by CVS et al. Yes out of the establishment in tears of a incident I still to this day have sad memories of -,just because it happen. This should not have happen in this Great County of United States with the laws saying not to Discriminate against the Black Race. CVS et al. is the example of America of progress and services that people use, yet their cheap products of impost buying items to fulfill their pharmacy needs is a Socialist idea. They (CVS et al.) are not showing any progress towards the Black Race yet to take advance of the Black Race with products and prices that is a different treatment towards the White Race .



THE TRUMP EFFECT

As I , Richard Herbert a born United States Citizen ,have never been under any President that I do not support a hundred percent - let it be know. With the look in to the past of all Presidents in my lifetime, I find the Good within all of them because We are Americans , -We Own the World through are strength and technology. I was raised to do for the Country and not against the values and morals of the United States of America. As stories of America's History of how and who developed the United States of America and it's people - has becomes -imagines of Media and Television shows we view. This History of United States has becomes fake to sell a message of the Media and Television shows that is far from the truth. As far from the truth about the Country as a Whole , a people working to make life easier and worth living as a Country and World under God. And God loves the United States of America because I, had an experience where that I can with out doubt say is true.

- 5) "THE TRUMP EFFECT" The United States of America is not a Racist or Prejudice County ,we believe in the truth and not of a small minded establishments of people. And those people influenced by a foreign masquerade of un educated believes locked in their minds and souls,- to make America look Bad. If Civil Rights did not allow the minority such as: Asian, Hispanic to become equal in wealth as the White population in the United States ,does that not show Equality and "THE TRUMP EFFECT" all about making America Great ! [APPENDIX-E]. Most of the Population of United States in fact, do not understand,- that three to four hundred million people here in the USA, is nothing more than approximately four percent of the worlds population. With the United States of America being four percent of the worlds population ,- that is a logical possible thought that ninety six percent would have the want to be a United States Citizen. Reality and Logic shows that it is not possible in History and in the Future of being born or becoming an United States citizen from the six billion people in the world. The United States where I was born and yes where I hope to die -(leave the body forever -we never die) is Closer to Heaven than any other place on this planet Earth. "THE TRUMP EFFECT" give pride to be an American not to put down other County, but We are the front runners on this planet, we are the motto to get to Heaven, what other reason for a Country to be for it's people.



- 6) “**THE TRUMP EFFECT**” on racism where the use of the word “**Nigger**” or “**Black Nigger Thief**” as it was use with ammius and intend that the state of mind was different .” I” do not use this word ”**Nigger**” even with friends as a Black Man because of the history of racism and hatred behind it. To prove a point- “Go to your White friends and say with good intention “**Hey My “White Trash”**” or Go to your Japanese friends and say “**Hey “My Tight Eye Jap”**” or Go to your Hispanic friends and say “**”Hey” Beaner”**” .In words of this Great County we come to accept “**Nigger**” as common , as what this lack of knowledge has made, when it is use **with racial animus**. “Money” maybe American “I do not think so” Strife is not apart of the “**THE TRUMP EFFECT**”. I conclude with “**Amatimas I Am Time**” in a quotation “ We hurt and there are better things to Do !” United States of America is not a Racist Country my Home. Here we have Fake Judge giving a Fake judgment in the United States of America ,what in God name is Mark D Priver thinking ? and the people around Him ?
- 7) It Happened “**THE TRUMP EFFECT**’ continues on racism , the effect of judgment [stated]. Appendix B has letter of Hon. James Kaddo explaining the audio tape of the court hearing ,yet the Hon Steven Wilson uses evident of after proceedings (SC-105) of why the verdict. The tape explains the truth ,just like the video tape of evident of original incident ,it shows the truth of evident used that was never said in Open Court making a un appealable verdict. Things of what the Hon Steven Wilson a Federal appointed Judge in(late) President Ronald Reagan administration (**Republican**)^{RR} explains what was heard in court is un true and the recording on 3/30/2015 reviewed by James A.Kaddo in letter dated November 29,2016 in Appendix B. (**Republican**)^{RR}
- 8) It was know to be un true presented[civil rights issues] by the Defense attorneys as formal evident in Federal Court.”**THE TRUMP EFFECT**” here the important reasons are ignored to circle the law,-Yet, the total Wrong(tort(s)) are from CVS et al. in statements that Deprive a Black Man his Civil Rights . here this Company CVS the CIVIL RIGHTS VIOLATION STORE made the incident ? Making violations of the law is how CVS does business in this Case and that does explain the Violation in the Courts with Court malfeasance around Mark D. Priver’s. His day- Mark D Priver in Court the husband of a Criminal Court Judge, that may



explain His Racism and Bigotry. There is a reason in this Great Country of why this person decided to deprive a Black Man with no Criminal record his equal rights in Court – He planned to do so.

- 9) .”**THE TRUMP EFFECT**” reason are know as views of plotting individuals in the Court system allowed this case to continue to unreasonable duration that explains the wrongs of incident on tape and evident is undisputable.
-

(Republican)- The values of this Great Country of United States bestowed by our Great Leaders of Presidents that the Job is the progress of Freedoms. Ronald Reagan 40th President knew that we as American acknowledge his endowment to all United States Citizens to keep us free and strong. *”Trust but Verify”* may never be out done with all United States Citizens as Reagan quotations are true. This Leadership statement not only clears perplexity, it also seeks the Truth in which the solution is to Do ! Hon Steven Wilson a Rep. appointed by the Late President Ronald Reagan, can see that In evident presented because of the State Small Claims (14m07814) lack of issues presented and thus merit. As another Great Late President stated a a(Democratic) *”The rights of every man are diminished when the rights of one man are threatened”* **John F Kennedy**

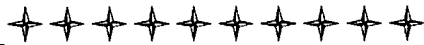
10) To the major issues of this case of how the effect is of many reason of explaining the racism and bigotry around a Corporation operations in United States. This is basic issue of how the treatment of the Black Population by this Corporation is well extended to harm for lack of resources applied to this part of the population in this Corporation The fact that the tapes of Kenji Machida Court proceeding were available the Truth is what this is all about. **“The Trump Effect”** continues...!

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REASONS FOR GRANTING THE WRIT

✦ ✦ ✦ ✦ ✦ ✦ ✦ ✦ ✦ ✦

- 10) In the History of the United States of America a Government of Laws about how people should live in peace within the borders of this Great Country to enjoy. We enjoy the gifts that God has bestowed on the United States people to teach the world through the love we have for each other. This is done by the History of America even through confrontation against US the Faith of the United States does leads the world as supremacy in all fields , even if the solution looks foreign. With that said, ; Here is a Born United States Black person violated under the laws of this Great Country in a way the Laws of United States have seem to not exist for Richard Herbert a Black-Man. Even the will to Fix the Court for CVS et al.to what is captured on video tape of the Civil Rights violation of Laws that has infest the Court itself. CVS et al. used lawyers to make sure the rights of Richard Herbert would not be given under a proper Court for fairness. Instead Mark D Priver a fake judge use to place weakness in the Court to satisfy a Corporation that is big and wealthy to do anything. As the investigation **APPENDIX – B** the reason continue to be given on what involvement the officers of the Court have done.
- 11) Granting the Writ will allow this Corporation to change it policies towards the Black Race and provide assistance instead. Allowing the CVS et al. to paid for the lack of care of a minority race of the population of the United States of America.CVS et al.
- 12) Granting the Writ would do good for Richard Herbert an employer to help the United States of America and the people within it's borders with income.
- 13) Granting the Writ would do good for United States of America and Black America giving a notice to change harassing policies of CVS et al. to the Black population is wrong and hurtful.
- 14) Granting the Writ would allow Civil Rights Law 42 U.S.C. 1981 with punitive damages to be bestowed to the Plaintiff Richard Herbert and even to the point of

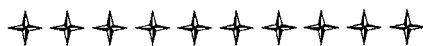


allowing the Courts to fined and control this United States Company -Black Race Policy to change or close it's doors.

- 15) Granting the Writ would allow the History of this Company CVS et al. to help others with the complaints of similar values of Discrimination make a change.
- 16) Granting the Writ would allow a solution of why this (these)type of incidents happen in this Great Country of United States of America by CVS et al. and make a solution by study.
- 17) Finally; By Granting the Writ it is a fact that the Court has a discretion on allowing a large Corporation with a large Law firm make the United States into a Socialist Country with a future of Communist values. Fixing the rights of a United States Citizen as set example of Power, CVS et al. and their legal team went along with the Court Fraud along a path of years of paying to hide dishonesty.
- 18) Granting the Writ is of national important for the Greater United States of America and the Power of the Supreme Court to correct and maintain rules of the Court and Corporation interest on the rights in their establishments.
- 19) Granting the Writ would show the lower Courts of the erroneous nature of the proceeding in view of Civil Rights of America and the expense of violation of it's laws that seem worthless if you are not Black –CVS et al. civil right legal argument. Richard Herbert is Black
- 20) Granting the Writ would allow under oath charges of Conspiracy to be allow after ,being denied without prejudice in case 16-56063
- 21) Granting the Writ would allow Superior of the State of California County of Los Angeles to allow charges of Assault and Battery to be re filed denied without prejudice in case BC 631548 against Natalie Valderrama a CVS et al. employee.



CONCLUSION



The petition for Writ of Certiorari should be granted.

Richard Herbert.....**SUBMITTED**.....March. 10,2018