

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

_____*

In re SCHNEIDER

_____*

CHRISTOPHER D. SCHNEIDER,

PETITIONER-Plaintiff

vs.

BANK OF AMERICA N.A, FHLMC LBAC 173 a.k.a. FEDERAL HOME LOAN
MORTGAGE CORPORATION (FREDDIE MAC), BANK OF AMERICA HOME
LOANS SERVICING LP, BALBOA INSURANCE CO, BANK OF AMERICA
MORTGAGE, QUALITY LOAN SERVICE CORP., HOME RETENTION GROUP,
DOES 2-40

RESPONDENTS- Defendants

_____*

ON PETITION FOR A WRIT OF MANDAMUS AND/OR PROHIBITION to the
NINTH CIRCUIT COURT OF APPEALS; IN RE: NINTH CIRCUIT COURT OF
APPEALS CASE NOS. 16-16261 (AND related 18-15106).

PETITIONER/PLAINTIFF'S *VERIFIED* MOTION FOR A WRIT OF

MANDAMUS AND/OR PROHIBITION

Petitioner/Plaintiff in pro per:

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QUESTIONS PRESENTED

1. Is every citizen's right to educate himself an—unalienable—fundamental human *personal* right foundationally needed for every Democracy and “life, liberty, and the pursuit of happiness” as guaranteed by the Constitution? If Yes:

- A. Then does that unalienable human right include equal and full access to “public libraries” located in any “public” U.S. courthouse?
- B. Then does the denial of that right also become a “structural error” that irreparably impedes and implicates—a many miles from any town—*very* “rural” citizen's “access to the courts” so that he may defend his rights in every court after he has had his driver's license “immediately” suspended /seized over four years ago in retaliation for his published editorial speech of March 21, 2014 criticizing the California Department of Motor Vehicles?
- C. Then when a citizen and paying litigant is physically, summarily, and invidiously barred from entering any open “public” courthouse: is that denial (and all consequences that naturally follow) a “structural error” and First Amendment “prior restraint” implicating the integrity of the entire judicial process as well as the neutrality of that court both in appearance and actuality? Particularly, when such deliberate/personal denials are both; (i) an “unwritten” and “unpublished” rule and; (ii) a custom, practice, or protocol that is known and directly/tacitly sanctioned by that court and its highest officials.

2. When a U.S. citizen and paying litigant has *personally* and repeatedly been “locked out” of the entirety of the Ninth Circuit’s “Public courthouse” and petitions that court for a “redress” in the form of substantial motions for a change of venue and associated stay/injunctive relief, is he entitled to a more substantive ORDER than a two-word “is denied” (App. 1) cursory/pretermitted statement on the merits?

PARTIES TO THE PROCEEDINGS

The petitioner is Christopher David Schneider, who is the plaintiff-appellant below.

The respondents are Bank of America N.A. ("BAC"), FHLMC LBAC 173 a.k.a. Freddie Mac, Bank of America Home Loans servicing LP, Balboa Insurance Co., Bank of America Mortgage, Home Retention Group, Quality Loan Service Corporation, Does 2-40 who were the defendants below.

The real party in interest is the Ninth Circuit Court, its chief judge, the Honorable Alex Kozinski in his official capacity, the U.S. Marshal Service, and Does 1-50.

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PETITION FOR MANDAMUS AND/OR PROHIBITION TO THE NINTH CIRCUIT COURT OF APPEALS

Petitioner, Christopher D. Schneider, (“Schneider”) respectfully petitions for a writ of mandamus and/or prohibition and/or other relief directed to the Ninth Circuit Court of California e.g. from the opinion entered on March 1, 2018.

OPINIONS BELOW

The Ninth Circuit’s order was issued on March 1, 2018 (App. 1) denying Schneider’s earlier filed motions for a change of appellate venue and a stay pending appeal. The District Court denied an identical stay motion on December 19, 2017 (App. 2). Mr. Schneider also served a copy of his change of venue motions, and all supporting papers, on the Tenth Circuit Court that ruled it lacked jurisdiction in both related cases (App. 3-5).

In addition, there are two related cases/issues pending by the lower courts; (1) a Ninth Circuit duplicate served on December 27, 2017 motion for a change of appellate court venue in *Schneider v. C.I.R.* CA9th 17-70768 (Tax Ct. No. 14514-14) (“CIR” see Dkt. 331 Exh.3); and (2) Schneider’s post-trial objection (Dkt. 358?; Ninth

Cir. Dkt. Ukn.; also Dkt. 2) to the imposition of an additional \$505.00 fee demand for a purportedly “new” appeal (App. 6, No. 18-15106) for Schneider’s January 15, 2018 *second* filed “amended notice of appeal” (fully discussed below).

JURISDICTION

The court’s jurisdiction is invoked pursuant to 28 U.S.C.A. § 1651(a) to petition for a redress of the invidious class and personal discrimination of the lower courts¹ combined with the Ninth Circuit’s deliberate conduct in refusing to allow petitioner to personally exercise his First Amendment rights and *inter alia* to file necessary paperwork in person in 16-16261 (*and* related cases identified above). If the court considers this a petition for a writ of certiorari then the jurisdiction is also invoked pursuant to 28 U.S.C.A. §2101(e) (or other as is appropriate).

Schneider’s last Amended notice of appeal, which represented a continuation of the earlier filed one, was filed on January 18, 2018 (App. 8) from the District Court’s Order of December 19, 2017 from the Ninth Circuit’s summary refusal to allow petitioner into their courthouse on November 13, 2017 to *inter alia* timely and personally file his *first* “jurisdictionally” due *that day* “Amended notice of appeal” (App. 10-12) from the District Court’s order of October 12, 2017 (Dkt. 352; App. 13-14) adopting the *Magistrate* judge’s findings and recommendations (Dkt. 347) on Schneider’s “Post-Trial” “New Trial” Rule 59 motion (Dkt. 297) and related to the

¹ Petitioner has been physically locked out/denied all entry into (1) the Ninth Circuit Court as argued here; (2) the Northern District of California Court and San Francisco Tax court as argued in 17-70768 and Supreme Court stay application 17A612; (3) the Tax Court’s District of Columbia courthouse on December 1, 2017; and (4) on July 18, 2016 in the Eastern District Court of California Sacramento, Mr. Schneider specifically verified as a prior restraint that he will be (is) personally locked out pursuant to policy if he does not identify himself (also demanding a “photo ID”) to be allowed to enter that public courthouse and thus remains *de facto* barred from that court also.

Ninth Circuit's order of August 30, 2016 (App. 15-16) simply stating "appellant must file an amended notice of appeal within the time prescribed by the Federal Rule of Appellate Procedure 4." Id.² and ultimately from the original notice of appeal filed on July 18, 2016 (App. 17-18).

The fairly complex chain of all Schneider filed notices of appeal and other associated court orders, not outlined above (Dkt. 310, 315 at 2), is complicated by the fact that Schneider³ has *twice*—August 11, 2017 and November 13, 2017—during normal business hours been summarily refused *any and all* entry into the Ninth Circuit's "public" courthouse when that building (and the Northern District Court/Tax Courthouse) was *fully* open to *other* litigants and *other* members of the public: including a "Foreign National" NON-U.S. Citizens "without" a photo ID (17A612 Decl. ISO Exhibit R2 at 3 and all associated exhibits related to facts here).

STATUTORY PROVISIONS

First Amendment: Congress shall make no law ... abridging the freedom of speech, or of the press ... and to petition the government for a redress of

² Pursuant to this statement Schneider attempted to file his first "Amended notice of appeal" in the Ninth Circuit Court on November 13, 2017 as stated above.

³ Petitioner does not waive any issue of fact and/or law so long he remains without a "Photo ID" that was seized along with his driver's license and all without **any** due process, let alone *pre-deprivation* due process as mandated by *Bell v. Burson*, 402 U.S. 535, 542 (1971) (See U.S. Supreme Court Stay Application 13A1264). Petitioner lost his *only* form of "Photo ID" after the California DMV "immediately" suspended his Driver's License in retaliation for his published editorial Speech of March 21, 2014 (App. 19; Dkt. 331 Exh. 1) with the unjustified *continuing* denial of any Driver's License (*verified* numerous times) *in all 50 states* and *verified* "blacklisting" of his "good name" *Paul v. Davis*, 424 U.S. 693 (1976) in National Driver's Registry as of June 27, 2016, and a letter received April 22, 2017 (App. 20-21; Dkt. 332 RJN Exh. 1; see also Dkt. 297 at 2). Petitioner therefore objects to the *fundamental* denial of his "right to travel" right to "access to the courts" and to necessary legal resources needed for *this* very petition, and *all* issues in *this* case/in *all* courts. *Bounds v. Smith*, 430 U.S. 817 (1977); *Sunal v. Large*, 332 U.S. 174, 192-193 (1947) ("[A] trial that forecloses the basic right to defend...becomes almost meaningless if the larger right to defend is itself cut off.")

grievances.”

Fifth Amendment: “[N]or be deprived of life, liberty, or property, without due process of law ...”

Seventh Amendment: “In suits at common law, ... the right of trial by jury shall be preserved ...”

STATEMENT OF THE CASE

This action began November 11, 2011 as a RICO/wrongful foreclosure case at the height of the foreclosure crisis. Mr. Schneider’s rural *Mitchell v. Budd*, 350 U.S. 473, 478 hn. 3 (1956) *hovel* of a home is located miles from town on 26 acres that is currently valued by the County Tax Assessor at \$187,091 (RJN Dkt. No. 332 at 6) but at trial Mr. Schneider was directly *and* sua sponte prevented from testifying to his own home’s value because “he’s not--unless he is an appraiser, he can’t give that opinion.” Tr. 236:15; that the tax assessor’s statement was “hearsay” Id. at 237:9.⁴ Schneider was one of Bank of America’s “customers” who got forced into a Nationwide Forced Placed Insurance scam involving “approximately 12 Million” homeowners (App. 22-24) in the “aligned portfolio” beginning on “January 1, 2010” (Id. 4.6.1(c) at 23) of home loans serviced⁵ by Bank of America after it purchased

⁴ Yet, paradoxically that same home Tax statement, then from 2001-2002, was OK as a *public record* Tr. 200:14 to 201:5 to illustrate that the Defendants from almost “day 1” of the loan and continuing into a *decade* long pattern had acquiesced (waiver by action) in late payments without objection. Similarly, the court ruled that in order for Schneider to introduce **any** of his U.S.P.S. Proof of delivery tags showing *timely* key mortgage payments; TR 20-22 Court stating “you have a hearsay problem with that, unless you are going to call someone from the post office” 22:5-7. Both highlighting in brilliant fashion why Schneider needs access to the law to correct critically important prejudicial “mistakes” of law during the trial and the six years this case has been active so far.

⁵ To this day Mr. Schneider has no clue as to who REALLY is; (1) the purported “owner” of his “loan/note” (Dkt. 91 SAC Exhibit Q) and (2) exactly who is the purported “servicer” under RESPA. No

Countrywide Home Loans in about 2008; which purchase also included defendant Balboa Insurance. See generally SAC Dkt. 91 at 6-9; Dkt. 31. This case is probably the last one in the nation after the majority were settled in *Hall v. Bank of America*, Force Placed Insurance class Action (SDFL 1:12-cv-22700-FAM; see also MDL No. 2388; Schneider Dkts. 104 at 2; 115-1 at 2-3).

A TRO was issued the day before Schneider's home was to be sold (Dkt. 12) and that order represents the most concise/accurate 3-page summary of the case to this day. The case was finally set for trial more than three years later (Dkt. 158), and took place over 3 1/2 court days with a jury verdict for Defendants (Dkt. 291.). Inter alia, Mr. Schneider filed a Rule 59 motion on June 17, 2016 (Dkt. 297) that began a period of dispute with the court over numerous issues from the court's improper interference with Schneider's right to Counsel at trial (Dkts. 297 at 2-3; and after 298-320+), to service of documents, and him again being *forced* (Dkts. 306, 310) before a magistrate judge for determination of all further post-trial motions; including the pending Rule 59 one.

This case is one of the worst in the nation and epitomizes "literally" *everything* that was wrong (and illegal) with the large banks from 2008 onward thru

evidence was ever admitted at trial by *Defendants* to in *any* way dispute the totally inconsistent notices Schneider received: *every* mortgage statement beginning with the first one dated *January 28, 2010* (Tr. Pgs. 455 13 to 460 21) begins with "We appreciate the opportunity to service your loan." (Dkt. 91 Exh. H-L, N-O) vs. Transcript pg. 228 14:20 on December 23, 2010 saying "BAC Home Loans, LP owns your mortgage"; vs. three days earlier on December 20, 2010 the notice of intent to accelerate stated "BAC Home Loans ... services the home loan" vs. Tr. 343 2 to 344:16 that said "FHLMC LBAC 173" was the owner in July of 2011 (and also the "owner" in a notice from November 24, 2009 that is not in the trial record, but is BANA 713-716). If any of this is true then the right to foreclose (the true "owner" of the note if properly executed etc.) seems to have been transferred at least three times between January 2010 statement and the July 2011 notice. Yet, Schneider was provided notice of one transfer via the July 2011 notice (Tr. 343-344).

the foreclosure crisis and great recession (Dkt. 43 Exhs. R4 at 2-3 “comptroller’s findings,” see also MDL Case No. 2388 Dkt. 206 pgs. 2-40). The BAC docket takes up about 45 pages, with the record + trial exhibits being tens-of-thousands of pages if MDL 2388, and the *Hall* class action (both involving Schneider) are counted. Appellant’s opening brief is due April 9, 2018 (App. 1), and a foreclosure sale by defendant Quality Loan Service Corp. is set for April 10, 2018 (see e.g. 17A612).

Further, there is now the related purportedly new “appeal” pursuant to the Ninth Circuit Court as case No. 18-15106 with yet another appellate brief from the exact same issues due April 30, 2018: which Schneider is disputing in full (Dkt. 358?) particularly in light of the Ninth Circuit’s violation of Schneider’s First, Fifth, and Seventh Amendment rights denying him *inter alia* access to the very law library resources needed to exercise his personal right to educate himself, (App. 25):

“My right to know what the law is, and to defend those rights to the best of my ability is the point. My knowledge and ability to do needed legal research in the past has gotten this case to this point, and that concept is what is at stake right now.” when “I have done nothing ‘wrong’ other than believing that the Constitution stands for more than hollow words of encouragement to the poor populace.” (Dkt. 207-9 pg. 2 of 2 re: Discovery dispute; see also Dkt. 185 at 4-6; 187).

and, the opportunity to file necessary court paperwork, look up *public* court files including his and other docket entries, etc. let alone be able to have any chance to *effectively* oppose the court’s actions that petitioner justifiably feels are retaliatory and not those of a neutral and detached tribunal both in appearance and actuality. Schneider therefore petitions the U.S. Supreme Court as the only court left under

the extraordinary facts shown; where if not dealt with now: in reality will NEVER be dealt with while the continued irreparable damages to Mr. Schneider's speech as argued below continue and he is forced before the very court who has harmed him.

REASONS FOR GRANTING THE PETITION

I. PERSONAL PUBLIC EDUCATION IS THE FOUNDATION OF EVERY HEALTHY—NON-TOTALITARIAN—GOVERNMENT AND IMPLICATES EVERY OTHER “FUNDAMENTAL” CONSTITUTIONAL RIGHT.

Other than National defense, public education in America is consistently one of the top expenditures of tax dollars. Amounting to hundreds of Billions of dollars each year on a state and national level. Countless state and federal laws directly relate to “education” as a personal and necessary right for every citizen, with mandatory curriculums of about 12 years of primary education and hundreds of public universities for higher education. Parents can be criminally punished for refusing/neglecting to educate their children under the laws. The right of any parent to educate their children is “fundamental” and no citizen/parent can be forced to place their children into a public school; *Pierce v. Society of the Holy Names*, 268 U.S. 510, 535 (1925) “ The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only.” Citizen/parents have a “high duty” to society to “prepare [their children] for additional obligations [of citizenry].” *Id.* and the U.S. Supreme Court held nearly *seventy* years ago that segregated schools are unconstitutional; *Brown v. Board of*

Education, 349 U.S. 294 (1954) of the “nationwide importance of the decision” *Id.* at 298 and how “at stake is the *personal* interest ... in admission to public schools ... on a nondiscriminatory basis” (emphasis added) *Id.* at 300 and to the “revision of local laws and regulations which may be necessary in solving the [unconstitutional discrimination]” *Id.* at 301; see also *Ballard v. C.I.R.* 544 U.S. 40, 42 (2005).

If learning is a *personal* “fundamental” right for young adults (via parents) to be able to educate themselves then why is the right to personally engage in continuing education (in any subject, including the “law”) not *also* a fundamental right applicable to every other American *adult*: including Mr. Schneider? Why do court “public law libraries” (or “public clerk’s offices”) even exist if the right to educate oneself by actually being able to “enter” them is restricted by the *very* public courts that state that they are neutral and detached? This seems to go against the very holding of *Brown v. Louisiana*, 383 U.S. 131 (1965) on invidious discrimination. There is **no** mistaking what the Ninth Circuit’s employees/agents/ stated to Mr. Schneider on November 13, 2017 when he wanted to enter the building *inter alia* to use the law library: “You could go to the public library, but not this one.” “Everything is closed.” with the parting comment of “Go back to where you came from!” See verified Appellate Dtk. No. 11 at 10-15, 20-27; *verified* 17A612 at 10, supplemental Decl. at 2, Exhibit R1; Exhibit R2 at 2, Exhibit 1.

Since the dawn of human traits 3.2 million years ago (a.k.a. “Lucy”) the existence of our capacity to learn (“education”) and “tool making” have been the *very* defining characteristics of being “human.” Yet today, as a de facto prior restraint,

the idea that Mr. Schneider is NOT entitled as an American citizen to even “enter” *any* public courthouse—the Ninth Circuit Court—with a “public law library” to *educate himself* in defense of his purported First, Fifth, and Seventh Amendment “rights” including to hold those working under “color of law” (a.k.a. Bank of America Defendants/Freddie Mac) who have harmed him and millions of other homeowners responsible under the Seventh Amendment guarantee to a *fair* Jury Trial and intimately related fair both in appearance and actuality appellate tribunal makes no sense at all, is arbitrary/discriminatory, and a structural error; “The right of jury trial is fundamental, courts indulge every reasonable presumption against waiver.” *Aetna Insurance Co. v. Kennedy*, 301 US 389, 393 (1937).

II. BARRING ANY CITIZEN FROM A PUBLIC COURTHOUSE FOR NO CONSTITUTIONALLY VALID REASON, OR TO SILENCE THEIR SPEECH, IS AGAINST A LONG LINE OF FUNDAMENTAL SUPREME COURT HOLDINGS DEALING WITH “PUBLIC” FACILITIES I.E. A LIBRARY.

Brown and a host of other opinions long ago abrogated the Machiavellian idea of a “separate-but-equal” class or *Dalits* Caste system and similar schemes in any and all public schools: but the same has been held to apply to; (1) public libraries; *Brown v. Louisiana*, 383 U.S. 131, 141 (1965) (“We are here dealing with an aspect of a basic constitutional right—the right under the First and Fourteenth Amendments ... to petition the government for a redress of grievances.”); (2) public courtrooms *Johnson v. Virginia* 373 U.S. 61 (1963) (“[Invidious Discrimination] in a court of justice is a manifest violation of the [appellate court’s] duty to deny no one

equal protection of its laws”); (3) public transportation a.k.a “Amtrak” or “airlines” (see 17A612 R2 at 7-8); Dkt. 182 Exh. 1 at 8-10) (4) public parks, (5) public laundry business; *Yick Wo v. Hopkins*, 118 U.S. 356 (1886); (6) public restaurants; (7) public hotel/hostel etc.; (8) public amusement parks; (9) private housing and restrictive CC&Rs; (10) Voting/redistricting (one-man one-vote); and literally *every* other area of hundreds of millions of citizen’s daily public lives.

These rights should *not* be subject to some kind of “balancing” test (*Eldridge*) on a case-by-case basis, and are classified under “strict scrutiny” like Schneider’s First and Seventh Amendment rights that are immediately and irreparably implicated by the Ninth Circuit’s deliberate actions, unwritten rules and policies. If “Congress [can not] require a federal court to take action in violation of the Constitution” *United States v. American Friends Service Committee*, 419 US 7, 16 (1974) then surely no court can “take [such] action” as continues to occur here?

Many of these “public” access case holdings also deal either directly with citizen’s “fundamental” rights or are so closely associated with those as to be subject to the same “independent examination” and exacting review of the “whole record” by the reviewing court; *Bose Corp. v. Consumer Union of United States, Inc.*, 466 U.S. 485, 499 (1984) is more important here, since it involves the court’s own actions. “Even though the government purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved. The breadth of legislative abridgment must be viewed in the light of less drastic means for achieving the same basic

purpose.” *Shelton v. Tucker*, 364 US 479, 488 (1960). “A [court] ... may of course, regulate the use of its libraries or other public facilities. But it must do so in a reasonable and nondiscriminatory manner, equally applicable to all and administered with equality to all. It may not do so as to some and not as to all ... And it may not invoke [published or unpublished] regulations as to use [or entry] as a pretext for pursuing those engaged in lawful, constitutionally protected exercise of their fundamental rights.” *Brown v. Louisiana*, 383 U.S. at 143.

Particularly, “where the parties will presumably object loudly, perhaps through legal action...” *Haig v. Agee*, 453 US 280, 315 (1981) as the only effective means to vindicate their rights⁶ and unlike “The rich [who] can buy advertisements in newspapers, purchase radio, or television time, and rent billboard space. Those less affluent [or those driven to poverty by spending Seven years *and counting*: fighting *Bank of America/Freddie Mac* with Trillions in assets] are restricted to the use of handbills, or petitions...” *Walker v. Birmingham*, 388 U.S. 307, 336 (1967).

If Mr. Schneider can be summarily denied all access to a large law library of resources for personal education to *protect* his First Amendment rights and petition the government for a redress: then what use is the *uneducated* “right” to; (1) earn a living or *learn* any trade; *Slaughter-house cases*, 83 U.S. 36 (1872); (2) *unrestricted*

⁶ Schneider has briefly by mail petitioned the Executive and legislative branches—Senate Judicial oversight committee only: as he ran out of stamps—over the repeated events of him being deliberately locked out of the lower courts. But such “petitions” are not a realistically effective remedy for the “average” American without the options of wealth, extensive news media coverage or pressure for public rights. Nor, without fundamental mobility, access to banking, buy “postage stamps” or pursue a common calling anymore (See 13A1264 Renewed Decl. ISO)—all requiring a “photo ID” when living in a very rural area—can Schneider organize First Amendment protests as he has already done in the past, when he ran for State senate, to *effectively* bring wide attention to very important public issues.

interstate travel; *Crandall v. Nevada*, 73 U.S. 35 (1868); (3) Citizenship and the right to reside abroad without penalty; *Schneider v. Rusk*; 377 U.S. 163 (1964); *Trop v. Dulles*, 356 U.S. 86 (1958); (3) personal privacy/medical Info etc. *Roe v. Wade*, 410 U.S. 113 (1973); (4) Due Process; *Mathews v. Eldridge*, 424 U.S. 319 (1976); (5) right to choose who to live with; *Moore v. City of East Cleveland* 431 U.S. 494 (1977) and; (6) right to vote (and actually have it matter); *Reynolds v. Sims*, 377 U.S. 533, 561 (1964); “involves one of the basic civil rights of man (“human rights”)” as a “fundamental matter... preservative of other basic civil and political rights...[that] must be carefully and meticulously scrutinized.” *Id.* at 562 that without question “demands judicial protection” *Id.* at 566.

The personal right to educate oneself in a public library is the *most* important human right imaginable after eating; and libraries have existed since classical time as a foundation for entire *civilizations* long before the United States. Even the “right to Vote” is secondary to the right to personally and continually educate oneself. *Reynolds v. Sims.* stated the truth that all “Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right.” *Id.* at 560 quoting *Wesberry v. Sanders*, 376 U.S. 1 (1964) stressing how the “invidious discrimination [rights violated] ...are individual and personal.” *Id.* at 561.

Yet, if any citizen is ignorant of the law and cannot educate themselves in a library on the details of their actual civil rights, vs. what propaganda may be/is being pushed on them by a candidate for office, any governmental agent, or a media

outlet etc. Then, the “right to vote” is almost meaningless without a personal foundational education. Even the use of the Internet to self-publish directly to the *world* e.g. a video of American police brutality in Baltimore or St. Louis on unarmed citizens, or similar governmental corruption at the highest levels (e.g. President Nixon/Watergate) clearly requires the ability to personally educate oneself.

No direct “holding” on a “fundamental” right to access a “public courthouse law library” or to “file any court paperwork *in person*” as speech *N.A.A.C.P. v. Button*, 371 U.S. 415 (1963); *N.A.A.C.P. v. Alabama*, 357 U.S. 449 (1958) should be required, but it seems that it is *in this case*: justifying a writ of mandamus. If Schneider is denied “access to the law” and multiple courts’ “public libraries” then it is structurally impossible for Schneider to highlight “questions of law [that] become the focus of appellate review” *Salve Regina College v. Russell*, 499 US 225, 232 (1991) (see n.4 above) that apply to state laws reviewed “de novo” *Id.* and as to federal laws: both immediately and extraordinarily implicated in this action. Nor should *any* citizen *ever* need to “get arrested,” or (on August 11, 2017) submit to a demand to produce an approved “photo ID,”⁷ (17A612 Decl. Exh. R2 at 2-3) in order to personally, effectively, and equally use the public courthouse, restroom, drinking fountain, restaurant, clerk’s office, copier, court docket computers etc.

III. What has been deliberately done to Mr. Schneider is a “structural” error that is irreparable, not “correctable” at some later time, and for over

⁷ Particularly, as here, where “in the absence of any basis for suspecting [Schneider] of misconduct ... such a stop [“requiring him to identify himself”] violated the Fourth Amendment because officers lacked any reasonable suspicion [of criminal conduct]” *Brown v. Texas*, 443 U.S. 47, 52 (1979).

four years has already proven to implicate the integrity of the entire judicial process justifying discretionary mandamus.

The truth of facts of Mr. Schneider's repeated denials of any and all entry into the Ninth Circuit Court as declared by Schneider in 17A612 and Ninth Circuit Dkt. 11, are **completely** known to the Ninth Circuit Court via their own security video, audio (if it exists), internal emails, computer files/ESI etc. and prior instances of similar/identical class and personal discrimination against others as a matter of unwritten rules, policy, and protocols. But the substantive deprivations of Schneider's rights are not fully known by the court, nor can they be calculated by *any* "after the fact" simple "harmless" error analysis, because "The nature of the violation allow[] a presumption [of] ... prejudice" and "any inquiry into harmless error would ... require[e] unguided speculation." *Bank of Nova Scotia v. U.S.* 487 U.S. 250, 257 (1988); see also *Tumey v. Ohio*, 273 U.S. 510.

How can any court who has such a direct interest in what has transpired *already* with Schneider being locked out of the courthouse and then including the facts dealing with Schneider's letter of April 3, 2017 (App. 26) to the court (*see* Ninth Circuit Dkt. 11 incorporated in full for *all* events concerning this letter) put a denial of "justice" value on the series of continuing multi-court events daily impacting the inability of Mr. Schneider to not only research fundamental legal knowledge, but also in the past as stated in his letter (see also BAC Dkt. 325 at 4, and *CIR* 17-70768 change of venue Motion) asking **simply** to be served by USPS mail—which was deliberately *not* done to his detriment—and to file a jurisdictionally

due Amended notice of appeal, and of not being *allowed* in person to file an earlier writ of mandamus, stay application, interlocutory appeal that he was prepared to file in person over *inter alia* the entire insanity of the lower court again unconstitutionally forcing him back into their “poor-person’s” court (RJN Dkt. 332 Exhibit 4, pg. 26821 of Congressional Record) under EDCA Local Rule 302(c)(21) in direct opposition to *express* legislative intent of the Magistrate’s Act for all post-trial issue including his “rule 59” motion; 28 U.S.C. § 636 (b)(1)(a); see Dkts. 306, 310, 315 et al. “Even a sensible and efficient use of the supervisory power, however, is invalid if it conflicts with constitutional or statutory provisions. A contrary result ‘would confer on the judiciary discretionary power to disregard the considered limitations of the law it is charged with enforcing.’ *United States v. Payer*, 447 US 727, 737 (1980); *Thomas v. Arn*, 474 US 140 (1985); “Were it to find that the rules have been practically nullified by a district judge or by a concert of action on the part of several district judges, it would not hesitate to restrain them.” *L.A. Brush Mfg. Corp. v. James*, 272 U.S. 701, 707 (1927).

In a similar fashion, Schneider has filed a change of venue motion to the Tenth Circuit Court and has no effective redress by *any* later appeal *regardless* of how the Ninth Circuit Court will decides the “merits” of his *two* pending appeals. Nor should any distinction between a “civil” vs. “criminal” case matter. The fact that Schneider is being forced before a secret appellate tribunal (See e.g. *Schneider vs. CIR 17-70768* Dkt. 5 at 2) and court, that has done the deliberate actions complained of in *multiple verified declarations*, is legitimate grounds to challenge

both the appearance and actuality of judicial neutrality which is not “correctable” by a later *discretionary* writ of certiorari (or even en banc rehearing motion) in exactly the same way a defendant’s double jeopardy structural rights *cannot* be vindicated at a later time if erroneously decided by the lower courts in the first instance.

IV. Mr. Schneider is entitled to a more substantive ruling on the issues now pending than a two-word “is denied” order on the merits, so that the Supreme Court can effectively review those related orders.

The Ninth Circuit’s order of March 1, 2018 says nothing about what factual or legal considerations or even constitutional law *concepts* went into the court’s “is denied” order as to both petitioner’s stay motion⁸ (which has a lower standard than an injunction: that the Ninth Circuit did not consider) and the change of appellate venue motion. If nothing is stated for any reason for the denials, then how is the Supreme Court to decide if the Court’s decision is or is not legally constitutionally reasonable/clearly erroneous or even an abuse of discretion? Similarly, since defendants filed **nothing in opposition** to Schneider’s change of venue motion, the Ninth Circuit Court in essence took up their cause sua sponte; this was at minimum a denial of due process to Mr. Schneider where the court without any two-sided

⁸ Just to be allowed to file his December 5, 2017 stay application Mr. Schneider was forced to write, serve, and file—on the fly with almost no resources—: all also without a shower for 13 days, by the time he returned home from Washington D.C. While Schneider was yet again also simultaneously being forced to sleep on the streets for four nights in D.C. because without a “photo ID” no hotel that he directly questioned in D.C. would rent him a room paying cash; See also e.g. App. 27-30; Schneider Decl. ISO 17A612 R2; Dkts. 331 Exh. 3 at 2, 11, 15; 297 at 2. Further, the defendants’ Ninth Circuit opposition only spoke of a rules issue of a stay application in the district court: which became *moot* in December (App.2) and BAC waived any right to argue the other points by not filing a Supreme Court stay opposition when they had the chance: Schneider served the application on November 27, 2017—USPS received on November 30, 2017—contrary to BAC’S declaration in the Ninth Circuit Court implying service much later on December 3.

argument in essence became the Cheval de bataille/knight solely for the defendants. Heads you loose—if *you* as a pro se do *not* file extensive motions challenging the Ninth Circuit’s deliberate actions; Tails You Loose—even when defendants file *nothing* in opposition. Nor is Schneider’s extraordinary change of appellate venue motion “frivolous,” and was serious enough for President Trump, the Executive Branch, White House to acknowledge Schneider’s lower court related facts in its letter of February 9, 2018: Appendix 31. Not that this is an Executive branch issue *per se*, but is noted for the seriousness of the issues that the Supreme Court should take on so all Americans can observe our justice system at work, and how fair it is.

Likewise, for Schneider to effectively argue and immediately challenge such an order there must be *some* basis to go off of particularly here as the events leading up to this have been extraordinary with Schneider stating that no one *in the history of the United States* has been so grossly discriminated against by so many courts (Ninth Cir. Dkt. 11 at n.3) and where the personal, property, and legal stakes (Dkt. 297; Decl. ISO 17A612) are so high; at times literally life and death issues with (1) Schneider’s repeatedly being forced to sleep on the streets in order to personally attempt to exercise basic fundamental human rights; “What is fair in one set of circumstances may be an act of tyranny in others” *Snyder v. Massachusetts*, 291 U.S. 97, 117 (1933); and (2) the “blacklisting” and insanity of a lack of personal transportation freedom miles from any town when (without any public transportation for miles RJN Dkt. 186 Exh. 4; 336 at 5-7) to even get such necessities as “food” “postage stamps” etc. intimately involved in the case e.g. Ninth

Circuit Dkt. 11 n.2, 9. “In the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness ... that they should have like access to the courts ... for the protection of their persons and property, the prevention and redress of wrongs.” *Barbier v. Connolly*, 113 U.S. 27, 31 (1885) that “will have immediate importance far beyond the particular facts and parties involved” *Borg v. MacDougall*, 454 U.S. 364, 368 (1982) involving every courthouse that is a quintessentially “public forum” that “by long tradition or by government fiat have been devoted to assembly and debate.” *Perry Education Assn. v. Perry Local Educators’ Assn.*, 460 U.S. 37, 45 (1983) “open for use by the public as a place for expressive activity.” *Id.* at 46; *N.A.A.C.P. v. Button*, 371 U.S. 415 (1963).

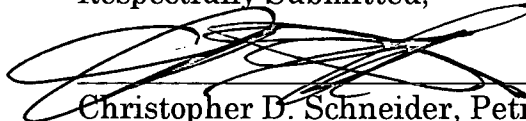
V. CONCLUSION

Petitioner respectfully requests; (1) a writ of mandamus and/or prohibition be issued to the Ninth Circuit Court requiring that they immediately allow all “public” persons regardless of their perceived wealth, Photo ID, and content of their speech—including petitioner Schneider—into their building and to immediately publish their unwritten rules, so that the public can comment or challenge them; (2) the Ninth Circuit Court provide a more legally/factually substantive Order than an “is denied” ruling on Schneider’s motion for a change of venue and related motion for a stay; and (3) any other appropriate relief as Schneider remains without access to the very legal resources he needs to intelligently even formulate other relief requests that should be done: e.g. granting a rehearing for a stay on 17A612 or issuing a stay of the Ninth Circuit’s briefing schedule.

Verification: I Christopher D. Schneider declare under penalty of perjury that the forging facts are true and correct and that all documents attached as an appendix are true copies to the best of my abilities given my situation.

Dated: March 23, 2018 in Sutter Creek California

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Christopher D. Schneider', is written over a horizontal line.

Christopher D. Schneider, Petitioner

16291 Stone Jug Rd.

Sutter Creek CA 95685

Email: Horsefun69@yahoo.com/ Phone: —none—

(Both currently remain unavailable)