

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

_____*

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 STAY TO THE NINTH CIRCUIT COURT OF APPEALS;
CASE NOS. 16-16261; related to 18-15106 (Dismissed).

PETITIONER/PLAINTIFF'S MOTION FOR A STAY
TO THE NINTH CIRCUIT COURT

Petitioner/Plaintiff in pro per:

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Christopher D. Schneider
16291 Stone Jug Rd.
Sutter Creek CA 95685
Email: Horsefun69@yahoo.com
Phone: —none—
(Both remain unavailable miles away)

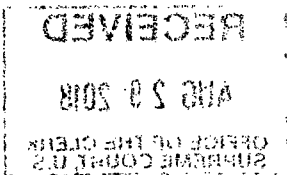
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QUESTION PRESENTED

1. Is Mr. Schneider entitled to a stay of the Ninth Circuit's briefing schedule — opening brief due date of August 28, 2018—when there is a pending Supreme Court mandamus petition (No. 17-9240) involving extraordinary facts and the now forced filing of his opening brief that will irreparably moot out his case, and the critical issues argued in the mandamus petition dealing with fundamental fairness before a neutral and detached appellate tribunal (both in appearance and actuality) that includes full public disclosure—from the beginning of the case—of the composition of the secret appellate tribunal?



PARTIES TO THE PROCEEDINGS

Petitioner, Christopher D. Schneider, was/is the appellant & plaintiff below.

Respondents, Bank of America N.A., and other defendants, were/are the appellees and defendants below.

TABLE OF CONTENTS	Page(s)
Question Presented.....	2
Parties to the Proceedings.....	3
Table of Authorities.....	3
Petition for a stay to the Ninth Circuit Court (1¶ summary).....	5
Opinions Below.....	5
Jurisdiction.....	5
Statutory Provisions.....	6
Statement of the case.....	7
I. The Ninth Circuit's forced filing will irreparably damage Schneider and <i>unilaterally</i> moot out the critical issues before the pending mandamus petition can be even considered by the U.S. Supreme Court.....	8
Conclusion.....	12

TABLE OF AUTHORITIES

<i>Abington School Dist. v. Schemp</i> , 374 U.S. 203, 295 (1963).....	8
<i>Gomez v. U.S.</i> , 490 U.S. 858, 876 (1989).....	11

<i>Groppi v. Wisconsin</i> , 400 U.S. 505, 509 (1971).....	11
<i>In re Oliver</i> , 333 U.S. 257 (1948).....	8
<i>In re Murchison</i> , 349 U.S. 133 (1955).....	8
<i>Jones v. Flowers</i> , 547 U.S. 220 (2006).....	9
<i>L.A. Brush Mfg. Corp. v. James</i> , 272 U.S. 701, 707 (1927).....	9
<i>Laird v. Tatum</i> , 409 US 824, 838 (1972).....	8
<i>Will v. Calvert Fire Insurance Co.</i> , 437 US 655, 677 (1978).....	9

CONSTITUTION AND OTHER AUTHORITIES

First Amendment.....	Passim
Fifth Amendment.....	Passim

STATUTES AND LAWS

28 U.S.C. § 452.....	7, 9
28 U.S.C.A. § 1651(a).....	5
28 U.S.C.A. § 2101(e).....	6
Appellate Rule 45(a)(2), (b)(1), (b)(3).....	9

APPENDIX V. 1 OF 1

June 28, 2018 Ninth Circuit's Order denying stay/brief extension.....	1
Ninth Circuit's Order of March 1, 2018 denying appellate transfer motion.....	3
November 12, 2017 Schneider's amended notice of appeal No. 1 (never filed).....	4
Schneider's Letter of April 3, 2017 as posted in 16-16261.....	7

Schneider's list of current common issues to both Ninth Circuit Cases.....	8
January 15, 2018 Amended notice of Appeal No. 2 filed EDCA Dkt. No. ?	10

PETITION FOR A STAY TO THE NINTH CIRCUIT COURT OF APPEALS

Christopher D. Schneider, ("Schneider") respectfully petitions for a stay to the Ninth Circuit Court of its briefing schedule to prevent irreparable damage from the forced actions of that Court that will in effect moot out this case and the pending U.S. Supreme Court (S.Ct.)¹ mandamus petition. Thereby *unilaterally*, and without due process, doing a complete "end run" around the *entire* judicial process, Schneider's right to *meaningful* review and appropriate full Supreme Court consideration of Schneider's pending Mandamus petitions (17-9240).

OPINIONS BELOW

June 28, 2018 the 9th denied Petitioner's ("Schneider") motions for a stay 9th (Dkt. 20?); requested in light of the *then pending* S.Ct. mandamus petition and *also* denied an extension to file his opening brief; App.1. March 1, 2018 the 9th denied Schneider's injunctive relief motion (actually a stay motion served from Washington D.C.) and his key Appellate transfer motion, App.3.

JURISDICTION

The court's jurisdiction is invoked pursuant to 28 U.S.C.A. § 1651(a) to

¹ U.S. Supreme Court = S.Ct., Ninth Circuit Court = 9th, BAC = *Bank of America*, C.I.R. = *Schneider v. C.I.R.* case; No. = Dkt. No. without prefix is to BAC case; Decl. = Schneider Decl.; R = EDCA Dkt. No. District Court Record; all general abbreviations used solely due to forced censorship in very limited stamp, page count vs. envelope space, restricted rural mailbox size, and no fundamental personal mobility without a driver's license issues/rural limitations. All long in the record in *all* courts and repeatedly declared/stated and RJN -ed; e.g. Dkt. 182 Exh. 1 (March 20, 2015); Dkt. 199 1-5; S.Ct. Stay application 17A612 & Decl. ISO.

petition for a redress of the final orders of June 28, 2018 denying Schneider's; (1) days earlier motion for a stay *due to the* pending a U.S. Supreme Court Mandamus petition ruling; and (2) motion for immediate disclosure of composition of secret appellate tribunal (App. 1) and the 9th's order of March 1, 2018 denying Schneider's motion to transfer to Tenth Circuit, App. 3. If the full court considers this a petition for a writ of certiorari, the jurisdiction is invoked pursuant to 28 U.S.C.A. §2101(e) (or other as appropriate)².

The timely Notice of Appeal was filed on July 18, 2016 (R. 303); after a three and ½ day jury trial concluded on May 20, 2016 (R.291-295) in defendant's favor; Schneider filed a motion for a New Trial on June 17, 2016 (R. 297); the November 12, 2017 *First* Amended Notice of Appeal, App. 4; this notice and POS were *attempted* to be filed on November 13, 2017 ("*jurisdictionally last* due date") at the Ninth Circuit's San Francisco Courthouse when Schneider was refused all entry³ (S.Ct. 17A612; Schneider Decl. Exhibit R1; R2 ?; see also BAC 3 page Opp. filed December 18 2018 with 150 page + Exhibits), with copies served on defendants in San Francisco on November 13, 2017 (App. 6).

STATUTORY PROVISIONS INVOLVED

² Because of the retaliation by the CA Dep't of Motor Vehicles, and *continued* to this day *Blacklisting* of Schneider in the National Driver's Register (RJN R. 332 Exh. 1), without the help of neighbor's **with cars**, he cannot safely and effectively travel, leave his home, or exercise almost all purported "fundamental rights" (e.g. R. 319) let alone have access to the law and even authorities cited **by the court itself**, this case remains fundamentally and structurally unfair also justifying mandamus.

³ In BAC 9th Cir. case 18-15106 (now closed) June 26, 2018 the 9th issued an Order ordering the District Court to treat Schneider's second Amended notice of appeal "as an amended notice of appeal in 16-16261" but nowhere are the issues of the court's evisceration of my rights by their refusal to allow me to file the First Notice of Appeal (App. 4) ever mentioned *or accounted for* in law. I object.

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 grievances.”

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

28 U.S.C. § 452: “All courts of the United States shall be deemed always open for the purposes of filing proper papers...and making motions and orders.”

STATEMENT OF THE CASE/ISSUES

This case is a companion to *Schneider v. C.I.R.*, Ninth Circuit Case No. 17-70768, with a *second* served/pending U.S. Supreme Court Mandamus petition over almost exactly identical relevant facts and central issues completed and served only days ago (August 19, 2018) in that case. Many of the key facts of this case⁴ are also highlighted in 17A612 (stay application denied by Justice Kennedy) and supporting and unchallenged Decl. Exhs. R1 & R2 concerning the refused entry dates with the other, now, related critical issues of both cases highlighted in App. 8 (9th C.I.R. Dkt. 23; Exh. B). A few page summary of the larger case context can be seen in Judge Karlton’s TRO Order: R. 12. Due to forced prejudice by having to “mail” this vs. Fed Ex or hand delivering it to the Court (both more time to prepare, and would be preferable; but are now impossible in practical terms), combined with the 9ths

⁴ On the merits of both cases (R. 331 Exh. 1—court’s exh. 3) there are issues directly involving Schneider’s TY2010 Form 1098, filed falsely by *Bank of America* during critical timeframes involving Schneider’s largest tax deduction of over \$10,000; See Also R. 331 Exhs. 5-6 re Prior attempted file S.Ct. Stay application served via Fed Ex on BAC in June 2015; Venue motion at 6; Dkt. 11(?).

demands of the now dual tracking⁵ of *both* Schneider's cases (see also 9th Dkt. 11 venue motion at 20-25; S.Ct. Mandamus), and a host of other deadlines, motions, etc. that never would have been forced dual tracked step-in-step all while Schneider has extremely limited ability to do anything: e.g. can *only* mail tiny envelopes.

I. The Ninth Circuit's forced filing will irreparably damage Schneider and *unilaterally* moot out the critical issues before the pending mandamus petition can be even considered by the U.S. Supreme Court

The 9th Order to file his opening brief by the end of August (App.1), is forcing Schneider into a Draconian—no due process at the least situation that will moot out the very heart of the pending mandamus petition (S.Ct. 17-9240): Schneider's right to a neutral and detached tribunal: both in appearance and actuality. *In re Oliver*, 333 U.S. 257 (1948); *In re Murchison*, 349 U.S. 133 (1955), "What may not be done directly may not be done indirectly least the [First Amendment right to petition] become a mockery." *Abington School Dist. v. Schemp*, 374 U.S. at 230; *Laird v. Tatum*, 409 US 824, 838 (1972) "Every litigant is entitled to have his case heard by a judge mindful of his oath." The (and CIR just served) mandamus stemming in large part from the insane irreparable discrimination/censorship issues by the *court itself* in refusing to admit Schneider (and others like him, e.g. appearing poor/*forced* to sleep on the streets) and *continuing* damages over the deliberate/malicious refusal to file and notify Schneider—in spite of his April 3, 2017 letter—of very key

⁵ I continued to this day to be severely prejudiced in both cases by the 9ths usurpation of my vested property rights by their actions/inactions regarding my letter of April 3, 2018 and in the schedule that was forced upon me vs. had I been (1) informed of very key information; and (2) allowed into the "public" courthouse I would have been able to properly and timely defend my purported rights.

Court orders; deadlines etc. and other unexplained events that are a 9th deliberate course of action of unequal specific treatment (see below, both now *and in the past*; e.g. Venue motion at 20-27); see also *Jones v. Flowers*, 547 U.S. 220 (2006).

What use is Schneider's "clear and indispensable" right to; (1) have 28 U.S.C. § 452 command of "All courts of the United States shall be deemed always open for the purposes of filing proper papers...and making motions and orders." become a mockery of *injustice*; (2) Appellate Rule 45(a)(2) "must be open during business hours" *and* (b)(1) "must record all papers filed with the court" *and* (b)(3) "must immediately serve a notice of entry ...with a copy of any opinion;" and (3) have a mandamus petition to the S.Ct. considered—as the **only** option to "justice" under the facts known to the courts themselves about *repeatedly* refusing Schneider entry, discrimination, "unwritten" rules, protocols, apparent neutrality etc.—when the very court who have *directly* created this situation can *sua sponte* (under the guise of ?), and *unilaterally* do an "end run" around the *entire meaningful review system* by demanding that Schneider file his "opening brief" (in *both* cases) **before** the S.Ct. mandamus petitions can *even* be heard or considered. *Will v. Calvert Fire Insurance Co.*, 437 US 655, 677 (1978) "Mandamus would lie to correct a [fundamental structural error] and to preserve a proper federal court determination of a federal issue." And how "Were it to find that the rules have been practically nullified by [an appellate court] 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).

All while at the *same* time forcing Schneider to *immediately* file two stay applications to a S.Ct. justice simultaneously in *both* case as if a Death Row inmate set to be ~~executed~~: and x2 extraordinary petitions! Leaving aside all the other motions, objections, declaration etc. that Schneider has *had* to file since he was barred from the public courthouses on a dual track in both of his cases. Schneider is one man who is effectively under a forced home detention for the exercise of his First Amendment (and Fifth) rights. There is only so much he alone can write, file, without fundamental mobility as he is ~~now forced into~~ since March 30, 2014.

The recent timeline (declared under penalty of perjury) illustrates the lack of due process forced upon Schneider since the 9ths June 28, 2018 order, App. 1, received July 1, 2018 and illustrated here dual tracking must file demands. July 4-5 Schneider prepares multiple objections to 9ths CIR orders and files a RJN in PDF motion (9th CIR case Dkts. 22, 27) which is 9th censored in an Order of July 10 received July 15; on July 6 another CIR related Order is received, that on July 7th Schneider objects to also demanding researching, writing, preparing and filing extensive documents *again*. July 16 letter Schneider in CIR demands back his RJN motion DVD and (1) *immediately* begins researching and preparing a S.Ct. mandamus petition over the 9ths refusal to file his common everyday RJN in PDF format with resulting *further* First Amendment censorship/prior restraint; and (2) *stops* working on his vs. CIR S.Ct. mandamus petition demanded to be filed now ALSO by 9th (or risk *insane* waiver) over the CIR case June 27 Order **denying** his stay pending the outcome of BAC mandamus 17-9240 (see also App.1). July 30

Schneider receives notice that his RJN is now being filed without any explanation whatsoever and writes another 10+ page motion/objections and serves this on July 31. Then continues the CIR mandamus petition that was finished (very delayed by 9ths events over RJN censorship) and served on August 19, 2018 with another CIR motion prepared and filed on August 21 and then Schneider immediately begins to write this *very* stay application. At no time between receipt of the BAC 9th Order on July 1 (App. 1) until today have I had any chance to do *anything but* preparing brief-after-brief-after-brief-after brief (all back to back) to the 9th Cir. and S.Ct.! So I apologize for the unintentional late filing of *this* stay application (in this BAC related to CIR case) but the actions and demands of the 9th *continue* to *deny* my fundamental rights to *meaningfully* prepared petitions for redress and due process.

Analogously, the *structural* constitutional issues that animate why a “change of venue” motion would be a *mandatory* right in a *misdemeanor* criminal trial by “a panel of impartial, ‘indifferent’ jurors”; *Groppi v. Wisconsin*, 400 U.S. 505, 509 (1971); also illustrates the *structural* errors in *this* instance, but with much *more* force as the 9ths actions and inactions have now made that court *the* key interested litigant, while at exactly the same time: (1) *sua sponte* allowing them to *also* be the First Amendment censor, judge, jury, and executioner; “Among those basic fair trial rights that ‘can never be treated as harmless’ is a defendant’s ‘right to an impartial adjudicator, be it judge or jury’.” *Gomez v. U.S.*, 490 U.S. 858, 876 (1989).

I planned on/would like to prepare and argue this *very* stay application more thoroughly, but mail times to D.C. and the S.Ct.’s security delays already are

cutting my First Amendment right to petition for redress off irreparably. Leaving aside the fact that I *only* have a *few* stamps left to prepare this very stay application with, no 6 x 9 envelopes, and not even the ability to get anymore anytime soon (see also vs. CIR Mandamus petition of Aug. 19, 2018 Decl. ISO; July 4, 2018 Schneider Decl. ISO vs. CIR 17-70768 Dkt. 22 or 23—maybe—if my filing was **ever** even *filed* in the Ninth Circuit Court, as docket is vague and appears to not even show my objections served on July 5, 2018 yet *very very* oddly *does* show the receipt of the RJN in PDF on DVD that were all included in the *same* envelope.

V. CONCLUSION

Petitioner, Mr. Schneider, respectfully requests that the Ninth Circuit's demanded briefing schedule and opening brief filing due date on August 28, 2018 in this case be stayed for good cause until such time as 35 days after the U.S. Supreme Court can consider and decide his pending mandamus petitions.

Verification: I Christopher D. Schneider declare under penalty of perjury that the forging facts are true and correct and that all attached appendix, exhibits and/or declarations are true and correct copies of documents I have received, written, or copied.

Dated: August ~~21~~ 22, 2018 in Sutter Creek California

22 

Respectfully Submitted,



Christopher D. Schneider, Petitioner in pro per
16291 Stone Jug Rd.
Sutter Creek CA 95685

Phone: none; Email: Horsefun69@yahoo.com (Both remain unavailable miles away)