No. 17A612

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

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ON PETITION FOR A STAY to the EASTERN DISTRICT COURT OF CALIFORNIA 2:11-cv-2953-JAM-EFB; IN RE: NINTH CIRCUIT COURT OF APPEALS CASE NO. 16-16261

PETITIONER/PLAINTIFF'S INJUNCTIVE RELIEF/STAY APPLICATION DIRECTED TO JUSTICE KENNEDY

Petitioner/Plaintiff in pro per:

Christopher D. Schneider
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QUESTIONS PRESENTED

(1) Under the law and fundamental fairness/due process: Is the Preliminary Injunction[1] in this case *likely* still in effect, and if Yes, does that warrant a new Injunction by a Justice acting individually directed to the defendants?

(2) If the Preliminary Injunction is likely NOT in effect: Is it error to change the "status quo" as it existed for the last seven years of litigation, by *irreparably* allowing the "now" pending foreclosure sale on December 5, 2017 over the second mortgage alleged non-payment of $120.00 per month (about two-thousand $2000.00 **total**) when the *foundational* integrity of the *entire* underlying home real estate security (Note/Deed of Trust) remains in dispute and pending on appeal?

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[1] Reference to the "TRO" is related to the original TRO Order of November 17, 2011 (App. 1-8) and the first extension by Judge Karlton on December 1, 2011 (App. 9-11). Reference to the "Preliminary Injunction" is to all further continuations after December 1, 2011.

TABLE OF AUTHORITIES

PETITION FOR INJUNCTIVE RELIEF/STAY

Christopher D. Schneider, ("Schneider") respectfully petitions for injunctive relief and an immediate stay of the **December 5, 2017** (APP. 30-31) scheduled foreclosure sale of his home and 25 plus acres of property located at 16291 Stone Jug Rd. Sutter Creek, California 95685 under the defendants' deliberate violation of the currently valid Preliminary Injunction that began with a TRO issued by Judge Karlton on November 17, 2011; enjoining defendants from a "foreclosure of Plaintiff's Property." (App. 7, 9). Because, petitioner has been repeatedly and physically "locked out" of the Ninth Circuit Court's building (and the same "photo ID" requirements exist in the District Court) he has no place at all to petition "the government for a redress" *except* the U.S. Supreme Court.

OPINIONS BELOW

The last District Court Order was on October 12, 2017 adopting in full the magistrate judge's Findings and Recommendations on Petitioner's June 17, 2016 "post-trial" "New Trial" motion (Denied) (App. 12-13). The last operative court document filed directly related to this injunctive relief/stay application was the district court's sua sponte decision to restate the obvious "The TRO is legally not in effect any longer." as the *very* last item the court mentioned during the Trial on May 20, 2016 (App. 14-15). The last Ninth Circuit order was dated August 30, 2016 and was filed as Exhibit 1 to petitioner's F & R objections (App. 16-22, 21-22).

JURISDICTION

The court's jurisdiction is invoked *at least* pursuant to 28 U.S.C.A. §§ 2101(f) and §1651(a) to prevent the imminent sale of petitioner's only home and 25 acres of property on December 5, 2017 combined with the Ninth Circuit's conduct in refusing to allow petitioner to personally exercise his right to petition the government for a redress and *inter alia* to file necessary paperwork in person in *this* and a related case (*Schneider v. C.I.R.* Ninth Circuit Case No. 17-70768 concerning defendant Bank of America's deliberate filing of an inaccurate 1098 for TY2010 home interest of about $10,000 paid when the events complained of in this case were proximately in dispute).

Petitioner as a U.S. Citizen[2] has *twice*, during normal business hours, been summarily refused *any and all* entry into the Ninth Circuit's "public" courthouse when that building was *fully* open to *other* litigants including a "Foreign National" NON-U.S. citizen "without" a photo Id. This conduct was knowing and

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[2] 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). 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. 23) with the unjustified <u>*continuing*</u> 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. 24-29, 26-27). Petitioner objects to the *fundamental* denial of his "right to travel" right to "access to the courts" and to necessary legal resources needed for *this* application, and for *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 ("[A] trial that forecloses the basic right to defend...becomes almost meaningless if the larger right to defend is itself cut off.")

deliberate. The dates of these complete refusals (and additional pains and disabilities; like being forced to sleep on the streets; getting sick etc.) for no constitutionally valid reason were August 11, 2017 and again on November 13, 2017 (Schneider Declaration at 1, Exhibit R2 at 2-3, 5-8, 9-10, Exhibit 1).

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 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 ..."

Fed. R. Civ. P. Rule 65

(a)(1) "The court may issue a preliminary injunction only on notice to the adverse party."

(b)(2) "Every temporary retraining order issued ... expires at the time after entry—not to exceed 14 days—that the court sets, unless ... for good cause the court, for good cause, extends it for a like period..."

(b)(4) Motion to Dissolve: On 2 days' notice ..."

Fed. R. Civ. P. Rule 1: These rules in all civil actions and proceedings ... should be construed and administered to secure the just, speedy, and inexpensive determination of every action and proceeding."

California Code of Civil Procedure § 405.21

"Requirement of Signature by Attorney or Approval by Judge" in part reads: "Alternatively, a judge of the court in which an action that includes a real property claim is pending may, upon the request of a party thereto, approve a notice of pendency of action. A notice of pendency of action shall not be recorded unless ... (b) it is signed by a party acting in propria persona and approved by a judge as provided in this section,"

STATEMENT OF THE CASE/ISSUES

On Tuesday *December 5, 2017* petitioner's ("Schneider") home is improperly due to be sold via a foreclosure auction (App. 30-31) by *inter alia* defendants Quality Loan Service and Bank of America over a *$120.00 monthly payment* (App. 32-34) amount on a second lien that is behind proximately due to the underlying seven year extremely expensive[3] and intensive litigation on nationally important issues from the massive mortgage bank foreclosure fraud crisis of 2010-2013. This immanent and irreparable events/sale is in violation of the original TRO issued by Judge Karlton on November 17, 2011 (App. 1-8) and the day before these same defendants attempted to sell Schneider's home when the home in 2010-2011 tax assessor's property value was $171,584 (App. 35-36,

[3] Petitioner has already spent an estimated $100,000 and defendants have *easily* spent another $500,000 or more combined over a property that defendant's valued at "$126,623" (App. 58; SAC ECF No. 91, pg. 20, ¶ 75) with a total alleged balance due of $122,801.92 on the original *undated and unsigned* purported "copy" of the Notice of Trustee's Sale around late 2011(?) (App. 59-60; Trial Exhibit 16; SAC Exhibit P).

25) and has always been *far* in exceeds of the amounts *allegedly* owed on both the First and Second mortgages *combined* (App. 25).

The defendants have *deliberately* misconstrued (1) the key fact that the "TRO" was *replaced*-converted as a "matter of law" into a Preliminary Injunction over 6 years ago and *still* remain in effect; and (2) that any statements by the District Court regarding "The TRO is legally not in effect any longer" at the very end of trial (App. 15) is nothing more than restating the obvious as to the existence of a *binding upon defendants* Preliminary Injection that remains in effect.

This action is currently on appeal to the Ninth Circuit Court as Case # 16-16261. However, as argued below the Ninth Circuit Court has deliberately, discriminatorily, and *repeatedly* barred plaintiff, and countless other in the same class as him, from *even* **entering** the courthouse in San Francisco in violation of his First, Fifth, and Seventh Amendment rights. This "structural error" of invidious class discrimination and *personal* legal case discrimination *continues* to this day and irreparably denies Schneider, as a U.S. Citizen and paying litigant, his personal and fundamental rights "to petition government for a redress," substantive and procedural due process, have the laws of the United States followed, and to get a fair and neutral judicial tribunal that in all circumstances ultimately includes the Ninth Circuit court. Schneider therefore petitions the U.S. Supreme Court as the *only* court left under the extraordinary facts shown below and in the related declaration of Mr. Schneider with attached collateral exhibits.

REASONS FOR GRANTING INJUNCTIVE RELIEF/A STAY

I. TIME IS OF THE ESSENCE TO AVOID IRREPARABLE INJURY TO PETITIONER

A. The Ninth Circuit's repeated refusal to allow petitioner into the courthouse to file paperwork etc. is a structural error

In the early afternoon on November 13, 2017, petitioner went into the Ninth Circuit Courthouse to personally file paperwork in this case. However, he was refused *any and all* entry into the building to file necessary and time critical paperwork, motions, etc. in addition other lawful Constitutional and statutory rights he possessed. The U.S. Marshals commanding in part "*Everything* is closed! !" and another Marshal ending the conversation with "Go back to where you came from." Immediately prior to this petitioner had *inter alia* also requested access to the building in order to use the public law library to which the Marshal replied, "You could go to the public library, but not this one." And it was *abundantly clear* beyond a doubt that regardless of **any reason** petitioner stated the U.S. Marshals (all three of them, with two *physically* blocking the entrance) were specifically refusing to let Schneider enter the building to do *anything*. Similar, events happened on August 11, 2017[4] when petitioner was also denied entry specifically due to the fact that he does not have a photo ID, when he attempted to personally file necessary and timely paperwork in both the *Schneider v. C.I.R.* case and also in this *Bank of America* Case (Schneider Decl. Exhibit R2 2-3, Exhibit 1).

[4] This stands in contrast to the events of November 13, 2017 when NO REASON AT ALL was given.

Every courthouse is a building *Every* American has a significant interest in. From having a "fair" court system where millions of citizens will find themselves in a disagreement requiring them to enter/petition the government for redress in the federal courts or to simply looking up *free* public records "by law" in the clerk's office. This "public access" is every citizen's *fundamental right* in the organization of our society "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) and no less fundamentally so then their right to travel, vote, or speak.

A courthouse is quintessentially a "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). A courthouse is property "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). Yet, petitioner remains barred from the building and has *inter alia* repeatedly not been able to file needed paperwork in person, as is his right. This represents a continuing irreparable structural error of the highest order that justifies an immediate injection. For if petitioner cannot personally enter the courthouse to file lawful and necessary paperwork...then it is impossible to effectively challenge the defendants' conduct in a timely and legally meaningful fashion; *Steffler v. U.S.*, 319 U.S. 38 (1943). In essence abrogating petitioner's Seventh Amendment rights (on appeal), and is a deliberate and invidious *prior restraint* upon petitioner's speech that is not justified, nor the least restrictive means; *Elrod v. Burns*, 427 U.S. 347 (1976); *Schneider v. State*, 308 U.S. 147 (1939).

B. Schneider being locked out of the lower court is a prior restraint

Schneider being locked out of the lower courts amounts to a prior restraint coming to the court as "presumptively unconstitutional" *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539, 558 (1976) and justifying "strict scrutiny" as well as an "independent examination of the whole record;" *Bose Corp v. Consumer Union of U.S. Inc.*, 466 U.S. 485, 499 (1984). "For if the government can deny a benefit to a person because his constitutionally protected speech or association, his exercise of those freedoms would in effect be penalized and inhibited. This would allow the government to produce a result which it could not command directly." *Rutan v. Republican Party of Illinois*, 497 U.S. 62, 86 (1990)(Stevens, concurring) quoting *Speiser v. Randall*, 357 U.S. 513, 526 (1958). As long as petitioner is barred from personally entering the lower courts there arbitrarily is no redress (a.k.a. tyranny that our founding fathers sought to prevent).

II. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS

A. The District Court Judge sandbagged petitioner

One minute, as the "very" last thing mentioned in the trial (App. 14-15), the parties are talking about jury instructions and questions and then the next the court is *Sua Sponte* going into a discussion dissolving the TRO and thus giving defendants an "argument" (even if erroneous) to reinitiate an issue that never should have been ruled upon in the first place; *Granny Goose Foods Inc. v. Teamsters*, 415 U.S. 423, 439 (1974). Let alone in an oral fashion that was misleading as to the obvious, without briefing, substantive argument, Fifth Amendment DUE PROCESS/ADEQUATE NOTICE[5], and all in apparent violation of Fed. R. Civ. P. Rule 65 (and at least) 65(a)(1), (b)(2), (b)(4) and related codes.

Petitioner spent huge amounts of energy and pre-litigation expense in researching and ultimately prevailing on the entire "injunction" issue from almost "Day 1" —Seven years ago. He should not be required to "now" reargue the issue *again*, while every issue that was relevant than, continues to be relevant to this day. Further, defendants have had that *exact* same six year period to seek any clarification or motion to dissolve the preliminary injunction that represents the "law of the case" after the issues were briefed very early on by *both* parties: Yet, since then, they have not filed a single thing! This is so even in light of the apparent confusion (and back-and-forth positions) by *everyone* it seems when the injunction came up regarding petitioner's "approval" to file a lis pendens (App. 37-40). What *continues* to transpire is patently unjust/unfair to petitioner, and goes against everything that Fed. R. Civ. P. Rule 1 stands for.

B. The earlier magistrate orders were ultra vires and misleading

The TRO was not ambiguous as written by the District Judge Karlton, it was stated in plain open terms (App. 1). But it appears, in looking at the record that

[5] Adequate notice on not just the issue of dissolving *any* injunction; but more fundamentally on what **exactly** exists, under what conditions, and what the parties expectations are/were etc.

the magistrate judge initially assigned to the case, (1) In the March 5, 2012 "Order" he created an ultra vires[6] and invalid condition upon the injunction "3. ... until plaintiff has filed an amended complaint found to state a cognizable claim or the matter is dismissed;" (App. 41-47, 46), (this error then continued forward to the next magistrate judge); (2) did *not* allow *any* testimony or *even* discussion at the hearing on the preliminary injunction issue *at all*; transcript stating: "I wouldn't get to preliminary injunction ... deny the preliminary – or motion for preliminary injunction ... keep the TRO in place" (App. 48-50) and even went further to deny any witness testimony (App. 51-52) (on behalf of Petitioner *after* he has subpoenaed them e.g. APP. 53; Record ECF No. 52 pg. 37) including a very key bank Witness—Amber Lolier—who later *died* (App. 54) as well as another key Witness Margaret Doll (neither of which were available for trial). All extremely prejudicial to petitioner and particularly now based on defendants' actions.

C. Petitioner was stonewalled/denied approval on the lis pendens issues

In addition to the injunction, petitioner had a legal right to file a *valid* lis pendens, which would also negate the need for this Supreme Court brief, but he has never been able to *actually* exercise that right to this day, even after multiple attempts to get a "signature" and "approval" on his original document as he was told was necessary by the recorders office in Amador County. After a

[6] The Magistrate Judges Act *requires* that all injunctions be heard/ruled upon *only* by a district judge (App. 10 6:9) and that is *exactly* who petitioner properly noticed it before initially, then only after being ORDERED to re-notice it before the (forced upon him; against his will) magistrate judge did petitioner do as he was ORDERED.

battle over the law (App. 61-66) lasting over three years and about 4 attempts at getting a two second simple "signature" and one word "approved" as required by California Code of Civil Procedure § 405.21 petitioner was finally only able to get a signed court purported COPY document with a notation where petitioner's signature would be stating "signature on original" and then backdated.[7]

However, this document is not in compliance with the code in at least two critical respects; (1) nowhere on this court document is there ever anything that says "approved" or implicates such a term; and (2) the document provided to petitioner by the court is not even in "recorder's format" as required by the code (App. 56-57)[8] (and as supplied *numerous* times by petitioner; See App. 67-68, ECF Nos. 6, 11, 121, 139, 140-142) and does *not* have *his* signature on it as *required* by the California Code and pre-supposes that the original paper copy is truly still on file.

III. THE BALANCE OF EQUITIES TIP IN PETITIONER'S FAVOR

Defendants stand to loose nothing by the enforcement and continuation of the injunction that was originally entered in this case as found already (App. 6-7). Without an injunction defendants In fact stand in an improper far *superior*

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[7] In a similar fashion when petitioner filed a *Cohen* notice of appeal (App. 69-70) after the events complained of here, the Ninth Circuit Court *sua sponte* dismissal without any chance for petitioner to even argue why and under what facts he was justifying that appeal/mandamus (App. 71-72) in part over the *critical* refusal of the district court to *simply sign his provided original copy* and grant him *unambiguous* "approval" under the code so that he could <u>attempt</u> to protect his property rights under California *and* Federal lis pendens laws!
[8] Petitioner has specifically asked the recorder's office about the required format and intended to follow that code and form (App. 55).

position to plaintiff in that they can simply do an *end run* around the courts and attempt to improperly sell the home at auction (App. 30-31) Vs. Petitioner who was told years ago while trying to list his home for sale with his realtor Gail Harris (in essence) "Why would I bother even listing it, when the bank and you are in litigation and no one even knows what is truly owed (or even if there is good title.)" (App. 73-76). While it is true that there was a 3 ½ day trial held, that does not change the fact that there are very serious issues that will be argued on appeal—IF—petitioner can even personally get into the courthouse in the first place, to file paperwork/look up his (and other) court filed documents etc.

The housing market in California is improving and significantly smaller properties located *almost right next door to the subject property* are selling for *very* significant sums; 17001 Shakeridge Rd. Sold postcard from April 28, 2017 for Four Hundred and Eighty One Thousand Dollars" ($481,000) (App. 77-81) which was RJNed in the District Court and ignored[9].

In stark contrast to the Defendants: Petitioner lives in a very very rural location, miles from any town of substance, and is under the most insane and *continuing* extreme "blacklisting" of his "good name" in the National Driver Register (App. 25-28) over his "immediate" "six-weeks later" retaliatory Driver's License Suspension for publishing an editorial criticizing the CA DMV (App. 23, Schneider Decl. Exhibit R2 pg. 2). In fact, petitioner cannot even safely get to

[9] To petitioner's knowledge *every single* Request for Judicial Notice in the District Court has been ignored, even such common and relevant facts as the property's location legally Accessed value under CA Revenue and Taxation Code § 401 (App.25).

the location of the foreclosure auction in Jackson, when no public transportation exists anyplace around his home. Therefore, in the event of an improper foreclosure auction and resulting irreparably likely chain-of-events, petitioner is *extraordinarily* being deprived of *also* the ability to *even* move the extensive and often heavy and large personal/business property that is in his home <u>and</u> on the property; all of which was brought to the property via *large* vehicles! Nor can petitioner even move property out of state so long as he remains "blacklisted," let alone to do the simple task of moving truckloads of his property to a storage unit (or large facility such as an airport) only miles away! All of this requires *fundamental* liberty/livelihood/real freedom of movement.

IV. Bond should be waived based on home's increasing value

Bond should not be required: This case revolves around one piece of real property that has a value *far* in excess of what is/was purportedly owed under *both* the First and Second mortgages combined! The same asset secures[10] both, and as the District Court found in its TRO Order "In contrast, defendants will suffer no serious hardship as the security in the home will remain" (App. 6). Freddie Mac and Bank of America are *many multi* 100s of BILLION dollar corporations vs. petitioner is a lone individual who *inter alia* "faces irreparable harm of foreclosure of his home" (App. 6) and has a limited net worth now *irreparably* <u>tied up by the bank</u> (App. 73-76) and their six years of "win at any

[10] Petitioner filed a Chapter 7 bankruptcy in 2003, and both the first and second were included in the estate, which was closed on August 12, 2013 (App. 82). Since then, petitioner continued to make payments on these liens until the legal issues/implications thereof and fraud *ab initio* at the inception and signing of the loan documents came to light. Defendants brought this issue up.

cost" litigation[11] strategy.

V. CONCLUSION

Petitioner respectfully requests injunctive relief enjoining any of the defendants, and those in privy with them, from listing, showing, or attempting to sell Petitioner's home while this case remains pending in any court.

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: November 22, 2017 in Sutter Creek California

Respectfully Submitted,

Christopher D. Schneider, Petitioner
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[11] Something is fundamentally wrong with a system where the financial staying power measured over years of litigation counts *more* for who "wins" then anything else. Justice should not be dependent upon who can "outlast" and "outspend" the other where justice then becomes an arbitrary game of attrition instead of a search for truth in fact and law.

No. ___________

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RESPONDENTS- Defendants

ON PETITION FOR A STAY to the EASTERN DISTRICT COURT OF CALIFORNIA 2:11-cv-2953-JAM-EFB; IN RE: NINTH CIRCUIT COURT OF APPEALS CASE NO. 16-16261

Additional supplemental argument in support of Petitioner's Injunctive Relief Stay Application directed to Justice KENNEDY

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COMPOSE REVIEW DISTRIBUTE SHARE

Additional supplemental argument IN SUPPORT OF PETITIONER'S INJUCTIVE RELIEF STAY APPLICATION DIRECTED TO JUSTICE KENNEDY

Additional Question: DOES PETITIONER HAVE A FUNDAMENTAL RIGHT UNDER THE FIRST AND FIFTH AMENDMENTS TO PETITION THE GOVERNMENT FOR A REDRESS BY FILING HIS COURT PAPERWORK "IN PERSON" AT ANY COURTHOUSE WHEN A PUBLIC WINDOW IS AVAILABLE VS. BEING DISCRIMINATORILY FORCED TO FILE HIS BRIEFS VIA MAIL ONLY?

A. THE COURTS SUA SPONTE, SUB SILENTIO, AND DE FACTO FORCED FILING IN THE LOWER COURT IS NOT AN EQUIVILANT TO THE ABILITY TO FILE A DOCUMENT IN PERSON AT ANY COURT'S OPEN "PUBLIC" COUNTER

No case law says that any court has authority to force a free citizen/petitioner to file a brief "by mail" when based on repeated mistakes and issues in multiple courts he wishes to file his key and important briefs (petitioning the government) "in person" at the public clerk's window. *Schneider v. State*, 308 U.S. 147, 163 (1939) stated "One is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place." (i.e. to petition the government and file court paperwork *in person* in the lower courts vs. being forced to "mail" them in as an improper *forced* "substitute" when that method *lacks MANY critical aspects* of an "in person" filing and lawfully mandated research of "free public records" in this case especially).

There is no significant difference between petitioner's right to distribute a flyer in *Schneider v. State* and the government dictating in that case that an inferior "substitute" is available by eliminating the "streets and alleys" but allowing "other public places." 308 U.S. at

COMPOSE REVIEW DISTRIBUTE SHARE

163 being improper and what the court here is demanding of petitioner. Petitioner is in essence being told the exact same thing that was struck down as improper in *Schneider v. State*, but not just with a flyer or handbill, but with *multiple* court filings (e.g. an earlier attempted to file writ of mandamus, stay application to the Ninth Circuit Court, *timely* Amended Notice of Appeal, timely petition for rehearing and rearing en banc etc.) All attempting o be filed "in person" and in defense of his rights, his home, and to properly prevent a wrongful foreclosure from a trial and seven years of litigation filled with critical errors. What use is a "public clerk filing counter" if petition's personal rights can be *conditioned* on the court's apparent sua sponte arguement (after the fact) that he should have filed his documents "by mail" rather than attempting to file them "in person" to avoid mistakes, lost or delayed mail, etc. vs. petitioner guaranteed solution to protect his rights to appeal and numerous other things by simply filing documents "in person" if he can.

That is exactly what the secondary issue is in this case *right* now is. U.S. Supreme Court rule 23 states "shall state with particularity why the relief sought is not available from any other court or judge." Petitioner has stated in his brief and declaration how he has been locked out of numerous lower courts, forced to sleep on the streets because of these same judges rulings, and prevented from filing in person multiple attempted filings, as well as the attendance of his own tax court "fair" trial in the related *Schneider v. C.I.R.* Case as well as even challenging the court's security protocols and other federal laws such as the "Real ID" act (Schneider Decl. at 2-3, 5-8).

Further, the lower court's security protocols and alleged most recent discrimination described in the main brief continues to this day. Petitioner has a fundamental right to physically file court documents on *equal terms with every other citizen*. That is being denied to him in violation of at least the First and Fifth Amendments, as well as cases such as *Schneider v. State*. He has been denied that right and continues to be denied that right so long as the lower courts require him to produce a photo ID, arbitrarily discriminate based on a person's legal stance, looks, or perceived economic status, and ultimately refuse him entry into the lower courts to

COMPOSE REVIEW DISTRIBUTE SHARE

even file for a "stay application" "writ of mandamus" amended notice of appeal etc. etc. These are just the figurative tip of the Ice burg of disabilities inflicted when a person is locked out of entire "public" courthouses (lower and appellate)!

B. PETITIONER HAS NO TIME FOR AN EFFECTIVE REDRESS BASED ON THIS CASE'S FACTS

Due to the pending foreclosure sale schedule for December 5, 2017 the fact remains that petitioner will not be able to return home from Washington D.C. within the time available before his home is improperly put up for sale again and in spite of the valid Preliminary Injunction that already exists. Because of the retaliatory "blacklisting" of his good name in the National Driver Register (~~App. ____~~), petitioner remains without a photo ID and thus cannot travel by commercial air, cannot ride Amtrak, cannot open a bank account, cannot rent a hotel room without ID and a credit card or ATM card. Even the preparation of this document has been *nearly* impossible (and not in conformity with the Court's Rules) given the fact that petitioner in order to even petition the courts has *repeatedly* been forced to "sleep on the streets" (as he is again being forced to do NOW in Washington D.C.). Petitioner has committed no crime, done nothing wrong, yet almost 4 years later the loss of his driver's license and only form of ID continues to negatively impact *every* single thing in his life on a daily basis, including all of his interactions with every single court at all times since March 30, 2014 (Stay Brief Note 2). I can not even "write" and "format" and "print" this document properly with the very limited resources I am forced to use spur of the moment in an unfriendly location and circumstances.

Main Stay Application Note 2, Pg. 6; Schneider Decl. ISO " " Exhibit R2 Pg. 2, 3, 9, 13.

In support of this additional U.S. Supreme Court stay application petitioner has also enclosed and mailed to *both* of the lower courts his "Motion for a stay and/or injunctive relief" along with a copy of "Additional supplemental argument in support of petitioner's injunctive relief stay application directed to justice Kennedy" being served upon all defendants in this case. These copies are attached and incorporated to this as EXHIBIT 1, and the Proof of service is filed separately. However, getting a ruling before petitioner's home is sold is nearly impossible.

The latest known Ninth Circuit Court's opinion dated October 12, 2017 is attached as EXHIBIT 2, which petitioner saw for the first time *ever on December 1, 2017* while here in Washington D.C. at the U.S. Supreme Court. This Order was *never* received (or apparently *ever* mailed) by him at *any* time before he left his home on Tuesday November 28, 2017, and to his knowledge has *never* been served on him in spite of his *very specific* request of April 3, 2017 attached as EXHIBIT 3 here; specifically "requesting that I timely be mailed any and all Court correspondence ... " (Schneider Decl. ISO Stay Exhibit R2 (Exhibit hand written Page 18); see record EDCA ECF No. 325, Exhibit 1).

Nor could petitioner even VIEW, or PRINT this when he *attempted* in person to simply enter the Ninth Circuit Court on November 13, 2017 where he was told "Everything is closed" and to "Go back where you came from" Schneider Decl. ISO at 1. What use is *any* "public" courthouse when U.S. Citizens, paying litigants, and members of the public are arbitrarily barred from using "any" of the court's "public" facilities, filing court paperwork, or pulling legally mandated by *Congress* free open access to ECF files via a Court Clerk's Public terminals.

Dated: December 2, 2017

Respectfully Submitted,

Christopher D. Schneider in Pro Per

Case Number: 16-16261

United States Court of Appeals

for the Ninth Circuit

_______*_______

CHRISTOPHER D. SCHNEIDER,

Plaintiff-Appellant
v.

Bank of America, N.A.; et. al.;

Defendants-Appellees

Appeal from the United States Eastern District
Case No. 2:11-cv-02953-JAM-EFB

Proof of Service

Petitioner-Appellant: Christopher D. Schneider
16291 Stone Jug Rd.
Sutter Creek CA 95685
Email: Horsefun69@yahoo.com
Phone: —none—

EXHIBIT 1

COURT: United States Ninth Circuit Court
CASE NO: 16-16261
CASE NAME: Schneider v. Bank of America

PROOF OF SERVICE

I, the undersigned, am a citizen of the United States, resident of the ~~State of California~~ U.S. Washington D.C. My Address is: 60 O St N.W.
Washington D.C. 20010

I am over the age of 18, and am a party to the above-entitled action and on Dec 3 2017 I served via ECF and first-class mail, a copy of: Plaintiff's (Appellant's) motion for a stay/injunctive relief and proof of service.

I, filed and served via ~~filing with Court ECF System plus~~ US Mail an extra hard copy of the above mentioned on:

Leslie M. Werlin Esq. **	Matthew Learned Esq. **	Ninth Circuit Court
McGuireWoods LLP	McCarthy & Holthus LLP	PO Box 193939
1800 Century Park East 8th Floor	1770 4TH Avenue	San Francisco CA 94119
Los Angeles, CA 90067	San Diego, CA 92101	

* Also via Fax (310)315-8210 ; (619) 685-4811

By placing the sealed envelopes with the United States Postal Service, the envelopes were addressed and mailed as follows:

Leslie M. Werlin Esq.	Matthew Learned Esq.	Ninth Circuit Court
McGuireWoods LLP	McCarthy & Holthus LLP	PO Box 193939
1800 Century Park East 8th Floor	1770 4TH Avenue	San Francisco CA 94119
Los Angeles, CA 90067	San Diego, CA 92101	

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 3, 2017
at Washington D.C.

John Spears
(Name) John SPEARS

CHRISTOPHER D. SCHNEIDER
IN PROPRIA PERSONA
16291 Stone Jug Rd.
Sutter Creek CA 95685

IN THE UNTITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER D. SCHNEIDER, Plaintiff, vs. Bank of America N.A., et al Defendants.	Case No. 2:11-CV-2953-JAM-EFB PROOF OF SERVICE

I, the undersigned, hereby certify that I am over the age of eighteen years and on December 3 - 2017, I served the following with all exhibits (1) PLAINTIFF'S Motion for a stay/ Injunctive relief and Proof of Service.

The above named documents were addressed and mailed on the same day to the parties listed below.

1) Leslie Werlin Esq **	2) Mathew Learned Esq. **	3) Eastern District Court of CA
McGuire Woods LLP	McCarthy & Holthus LLP	Clerk's Office
1800 Century Park East 8th	1770 4TH ~~Street~~ Avenue	501 I Street STE 4-200
Los Angeles CA 90067	San Diego CA 92101	Sacramento CA 95814-2322

** Also Faxed @ (310)315-8210 (619)685-4811

I declare under penalty of perjury that the foregoing is true and correct.

Executed on @ Dec 3, 2017 at Washington D.C.

x John Spears

(Name) John Spears

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 12 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CHRISTOPHER D. SCHNEIDER, Plaintiff-Appellant, v. BANK OF AMERICA, N.A.; et al., Defendants-Appellees.	No. 16-16261 D.C. No. 2:11-cv-02953-JAM-EFB Eastern District of California, Sacramento ORDER

On August 30, 2016, this court issued an order staying appellate proceedings pending disposition of the motion for new trial in the district court. On October 12, 2017, the district court denied the motion. The stay order filed August 30, 2016, is lifted and this appeal shall proceed.

Briefing shall proceed as follows: appellant's opening brief is due November 30, 2017 ; appellees' answering brief is due January 2, 2018; and appellant's optional reply brief is due 21 days from service of appellee's answering brief.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Joseph Williams
Deputy Clerk
Ninth Circuit Rule 27-7

EXHIBIT 2

JW/Pro Se

Christopher D. Schneider
16291 Stone Jug Rd.
Sutter Creek CA 95685
Horsefun69@yahoo.com

Christopher D. Schneider

April 3, 2017

Ninth Circuit Court Clerk
PO BOX 193939
San Francisco, CA 94119-3939

Re: Courts service of all documents

Dear Ninth Circuit Clerk,

Less then a month ago I filed an Appeal of a Tax Court decision (Schneider v. CIR; ninth circuit case number unknown), and about nine months ago an appeal in a civil case (16-16261).

I do not know if anything has been generated in either of these cases over the prior 45+ days as I have not had any access to any email (I had my Driver's License/Picture ID[1] seized). I can only view such emails at a public library located a 20 minute drive away from my home in a very rural and isolated location without public transportation, and do not know when I may again be able to access email. I therefore request that I be timely mailed any and all Court correspondence, this has already been long discussed in multiple prior court filings. But, out of an abundance of caution I am reiterating the facts.

Sincerely,

Christopher D. Schneider

[1] For over three years now my *continuing* "pains and disabilities" inflicted upon me in all 50 states **ex parte** (Verified Blacklisting via National Driver's Registry on June 27 2016, and again refused a license via California DMV on Decermber 6, 2016) **all** in direct retaliation for my First Amendment editorial speech criticizing the California Department of Motor Vehicles who then "Immediately" suspended my only form of Photo ID and Driver's License.

EXHIBIT 3

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 EASTERN DISTRICT COURT OF CALIFORNIA 2:11-cv-2953-JAM-EFB; IN RE: NINTH CIRCUIT COURT OF APPEALS CASE NO. 16-16261

PETITIONER'S SUPPLEMENTAL DECLARATION IN SUPPORT OF INJUNCTIVE RELIEF/STAY APPLICATION DIRECTED TO JUSTICE KENNEDY

Petitioner/Plaintiff in pro per:

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

This document was: Prepared and Printed using 100 % local portable SOLAR ENERGY

I CHRISTOPHER D. SCHNEIDER DECLARE:

1. I am competent to stand as a witness and have first hand knowledge of the facts stated here.

2. Attached as Exhibit R1 are the receipts from my in San Francisco trip time on November 13, 2017 when at about 12 PM I was unmistakably, summarily, and — without any reason *whatsoever* **except** "Everything is closed" "The buildings not open to the public" "You cannot enter the building"—refused any and all entry into the Ninth Circuit Court of Appeals Courthouse with *Three* U.S. Marshals present, and two of them "physically" blocking my entrance into the entire building. With the *final* statement by one of the U.S. Marshals being beyond all belief: **"Go back to where you came from."** Without exception, this *deliberate* conduct towards me as a U.S. Citizen and paying litigant—simply trying to file lawful court papers and use a "public" *appellate* courthouse's public facilities and resources etc. was the <u>most</u> vile, discriminatory, and reprehensible thing I have ever experienced in my life!

3. The Carl's Jr. receipt is from my lunch less then one block away, the BART Pleasanton receipt is from riding BART that morning, as is the "Wheelsbus" Livermore bus ticket in the upper right. The center SF MUNI BUS ticket "Monday 13 NOV [20]17 Control Number 186528" was purchased after I had been refused all entry into the Courthouse. All of the writings on each of these receipts is mine and was done at the date time so noted.

4. That afternoon I also rode the Amador County Transit Bus back up to Jackson

with that bus not providing any receipts and arriving at about 7:30PM and after calling a neighbor; it was impossible for me to get a ride home. I then spent that night (in the rain, if memory serves me correctly) sleeping on the streets again up at the Jackson airport, next to the Transit headquarters (since no hotel will rent me a room with only "cash" and no Photo ID or Credit Card—re-verified again at the Best Western next to the SF Courthouse also on November 13, 2017).

5. Attached as Exhibit R2 and incorporated as if separately declared is a declaration I completed for a prior stay application dated September 17, 2017 in my *Schneider v. C.I.R.* case that was summarily denied by the U.S. Supreme Court Clerk in a letter dated October 11, 2017 but is redeclared here as relevant to the issues in this stay application.

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: November ~~26~~, 2017 in Sutter Creek California

27

Respectfully Submitted,

Christopher D. Schneider, Petitioner
16291 Stone Jug Rd.
Sutter Creek CA 95685
Email: Horsefun69@yahoo.com
(Currently remains unavailable)
Phone: —none—

EXHIBIT R1

C55h SF ~ Amended
BAC Notice of Appeal

DID OUR STAR SHINE FOR YOU? LET US KNOW!
(415)431-3905

Carl's Jr.
CHARBROILED BURGERS

Restaurant 1100717

10 United Nations Plaza
San Francisco, CA 94102
(415)431-3905

11/13/2017 11:25:14 AM
Order 475074 Cashier: TARIQ M

1 Chz Quesadilla	3.84
SubTotal	3.84
Tax	0.33
Total	4.17
Cash	20.17
Change	16.00

To Go
Thank you for visiting!
Ticket #56

@ ~ 10:20AM

TVM No.: 5560
BART
Dublin / Pleasanton
5801 Owens Drive

DATE: 11/13/17
TIME: 09:32 AM

Debit Card Sale

CARD NO. 4892

BAD PIN

Thanks for riding BART.

MONDAY
13
NOV 17
CONTROL NUMBER 186528

NOT FOR SALE

THIS TRANSFER/ FARE RECEIPT AS PROOF OF PAYMENT

100% Refund to Only 9:17

TRAVEL MUST BE COMPLETED BY TIME INDICATED

7 8 :00 9 10 :30 11 12 :00 1 2 :30

Bus # 8813 8:13 Loop

• Transfers are void if improperly used, and will not be accepted if rolled, mutilated, torn or if the information is not readable.
• Transfers may not be shared with another passenger.

Política de Trasbordos

• Los trasbordos deben ser solicitados por el pasajero al abordar el autobús.
• Los trasbordos son sólo válidos el día en que fueron y son aceptados en cualquiera de las rutas de los autobuses Wheels durante dos (2) horas después de abordar el autobús.
• Wheels acepta trasbordos de County Connection y no cobra una tarifa adicional.
• No hay trasbordos hacia el sistema de BART.
• Los trasbordos serán anulados si se usan inapropiadamente. Los trasbordos no serán aceptados si están enrollados, mutilados, rotos o si no se puede leer la información.
• Los trasbordos no pueden ser compartidos con otro pasajero.

THANK YOU FOR RIDING WHEELS
455-7500
www.wheelsbus.com
dillinghamticket.com

2:00 AM
11/13/17 9:45

Black strip replaced with White stip

Black strip replaced with White stip
INSERT THIS SIDE UP
BART
A
64514-16070116

Nov-13-17 2.75

Basic Single Fare
$2.75
RT
Regional Transit
T9/Richards Blvd
Expires
04:33 PM
TVM 600
534572 - 600

2.75 Nov-13-17

EXHIBIT R2

No. __________

IN THE SUPREME COURT OF THE UNITED STATES

———*———

In re: CHRISTOPHER D. SCHNEIDER

CHRISTOPHER D. SCHNEIDER,
PETITIONER-Plaintiff

vs.

C. I. R.

RESPONDENTS-
Defendants

———*———

On Petition for a Stay from NINTH CIRCUIT Case # 17-70768;
UNITED STATES TAX COURT Case 14514-14;

DECLARATION OF CHRISTOPHER D. SCHNEIDER IN SUPPORT OF STAY APPLICATION

PETITIONER-Plaintiff in pro per: Christopher D. Schneider[1]
16291 Stone Jug Rd.
Sutter Creek CA 95685
Email: Horsefun69@yahoo.com
(Currently unavailable)
Phone: —none—

This document was: Prepared and Printed using 100 % local portable SOLAR ENERGY

[1] For non-repetition I incorporate here as if separately redeclared any and all earlier declarations in any court record that is an official court record (i.e can be a Request For Judicial notice) from any of my current or prior cases, including those specifically in the record with this stay application. Including I.e. App.11-15, 16-30, 38-46, 55-86; and RJN pgs. 30-36.

I CHRISTOPHER D. SCHNEIDER DECLARE:

1. I am competent to stand as a witness with first hand knowledge of the facts here stated and certify that any exhibits attached here and in the accompanying Request for Judicial Notice and Appendix are true and accurate documents collected by me as to the news stories, or written (or received) by me as to any motions, letters, court documents etc. and that all photographs here were taken by me on the date indicated.
2. For simplicity, I redeclare each and every fact stated in my Stay application addressed to Justice Kennedy in the "Limited facts necessary here in rough reverse chronological order" as attached and incorporated here as Exhibit 14 (i.e. Pages 17-20).
3. At all times since I had my license "immediately" suspended effective March 30, 2014, in retaliation for my published editorial speech, I have not had any valid photo ID and have been refused a replacement ID by the California DMV without paying for a new one when I had done nothing wrong to have my vested license seized in the first place. Similarly, on April 2, 2014 I surrendered my license to the U.S. Eastern District Court so as to attempt to not be in violation of California Vehicle C. § 14610(a)(1).
4. At all times prior to the events of March 30, 2014 I have always held a valid and unrestricted driver's license in the State of California and for over a decade that driver's license has been my only valid "Photo ID."
5. When I was refused entry into both the Ninth Circuit and Northern District

of California/Tax Court's Courthouses I *very specifically* monitored that not *only* was my license "taken" from my hand on August 11, 2017 but I DID NOT in <u>any way</u> *willingly* "HAND" it to the federal officer. The entire specific routine of "NO, I need you to remove it" from your wallet "so they could see it" was *exactly* like an officer when a person is "pulled over" in a vehicle stop and was to (1) physically "inspect" it, and (2) to retain "possession" of it so that if they needed to detain the person/me they **already** had that person's critically important information. This entire routine was executed **exactly** as I have seen many times when I was a firefighter working around officers, as well as when I was living on/regularly going to U.S. Government military bases/Gov't properties etc. I also ***very specifically*** was asked <u>every</u> single time "where are you going" and was thus *force* to answer, least I look "suspicious" and be arrested for exercising my right to remain silent. Further, the second time (November 28, 2016) I was refused entry to my own Tax court trial at the Northern District of California court building the "first" Security "Checkpoint" had been dramatically moved to the *very* entrance of the building. Thus, forcing me and all U.S. Citizens to "stand outside in the cold (and/or rain)" and again there was a new sign showing acceptable forms of ID "required" to enter the building. The *only* one that was *not* a "Photo ID" was for a "**foreign national**." So in fact: a **Non**-US-Citizen *could* enter the building but I as a U.S. Citizen was refused entry!

6. Since March 30, 2014 I have been forced to spend about 20 days literally sleeping on the street, and often times in <u>completely</u> random locations where I happened to be dropped of when I was forced to hitchhike and had gotten picked up by random strangers. The first such instance of sleeping on the street was as summarized in the record from my *Bank of America* deposition as (App. 22-23) where I had to ask a homeless guy "Where can I sleep tonight that is mostly safe?" He luckily informed me of a Church next to the Sacramento Convention center, that has a handicapped ramp in the back and said I would be OK there. The last instance of forced sleeping on the streets was the evening of Thursday August 10, 2017 as that was the only ride I could get to the Bay Area in order to first and foremost *inter alia* file my Ninth Circuit Court paperwork in person at 95 Seventh Street San Francisco, CA.

7. As to the March 5-7, 2016 forced sleeping on the streets, I was not only sick from the extreme weather, dampness, there was always a puddle of water in my tent and my sleeping bags, backpack, court paperwork[2] had all gotten either "soaked" or very wet. My **very** sore throat and bad head cold from that trip lasted at least 2 weeks, plus I had a headache from

---

[2] The March 7, 2016 trip I brought about 30 pounds extra in court trial related paperwork to file including **all** correspondence with the C.I.R. "for the record" to show the fraud upon the court as to the entire "stipulation" true facts (vs. C.I.R.'s deliberately false and misleading statements; as related to Court's findings App. 3) as well as "disclosures" issues (RJN Pgs. 41-43) vs. C.I.R.'s statements in Court (App. 93) and use all as support for my trial. I.E. the most that I could "carry" along with my 40# backpack of food and general supplies for 3-4 days of forced homelessness, and walking of about 15-20 miles for the three days. In total; my CIR case file takes up 2 Banker's boxes and it was **impossible** for me to haul everything down "on my back" as I was being force to do, particularly because I was not sure if I would have to hitchhike etc. with all this stuff.

sleeping directly on the hard ground and the cold. When I was packing up my tent it was *pouring* down rain HARD and thus 16 hours later when I finally got home my backpack/tent was still "dripping" wet. That is the "reality" of having your only photo ID taken away *ex parte*. Further, page 9 was taken on March 9, 2016 and my home is in a "hole" where the wind is usually not bad, but the storm was so strong it blew this huge 11' long X 29"+ inch diameter log down my hill, smashing everything in its path; **including my main water line**. Page picture 10 is how the log looked before I left for my forced trip. Further, because I could not *get to town without any transportation*...I was *not* able to actually get running WATER to my home for another 4-5 days, because I did not have the parts to repair the broken line.

8. August 10, 2017 I was able to get a safe ride down to Dublin CA to ride the BART into (1) Berkley where I was able to speak face-to-face with an investigative reporter about my *Bank of American* and C. I. R. cases and past Court/case "experiences" as cited here. It has taken me 1 ½ + years to be able to accomplish this simple task that I would have done within "hours" of the events complained of here beginning on March 7, 2016. Had my driver's license not been suspended. (2) I continued that afternoon to the Bay Area city location where I was sleeping, was near food, and public bus/BART. This location was entirely exposed to the elements and was unprotected (i.e. was not in someone's backyard or

some such thing). Further, I could catch buses/BART into San Francisco early the next morning. Which I did more or less exactly the same on August 11, 2017, March 7, 2016, and November 28, 2016 arriving at the U.N. Plaza BART station about 8:00AM.

9. U.N. Plaza BART station puts me about 3 blocks from the No. District/Tax Court building and one block from the corner "public" entrance to the Ninth Circuit Courthouse. It is also a 1/2 block to the location where I purchased food on the mornings of "March 7, 2016 at 8:05AM" (Pg. 5) and "November 28, 2016 at 7:57AM" (pg. 4) with these receipts being electronically sent to me and thus there is also independent records in a digital format which I used to print these hard copies of the receipts. I also *specifically* verified those mornings at both these times that the times and dates on the receipts were accurate.

10. BART does NOT giver receipts for tickets paid with cash. Thus, when there was a prior CC/ATM receipt in the machine I grabbed those as an approximate time/location marker. These are attached as pgs. 2, 5 of this declaration. If there were NO such ATM/CC receipts, it was impossible for me to get any such location/approximate time markers. Similarly most buses do not give cash receipts. The only way I learned to get an equivalent was on November 28, 2016 when I got on the wrong bus and was given the "039912" Control Number "Nov 28th 2016" ticket (Pg. 3) which I verified was accurate and correct at that time. I specifically

made sure to get the same bus slip on August 11, 2017 as control No. "181115" and again specifically verified the date and wrote the time of arrival at the end of the line as "Ferry Plaza @ '11:48' 8/11/17" and authenticate that writing as my own/written at that time and date.

11. On the dates of August 11, 2017 and November 28, 2016 I also had learned to purchase light rail tickets in Sacramento once I got up there from San Francisco. These tickets are shown on Pages 1 at "6:46PM" on August 11, 2017 and 2:26PM for November 28, 2016. No such Time/date maker was purchased for March 7, 2016 as I walked to the next bus stop where I was able to catch a 5PM ride From Sacramento to Amador County via a twice per day bus, that arrives at about 6:40PM about 10-12 miles from my home (RJN Pg. 17). A neighbor who was already headed to a poker tournament (my food receipt at "18:55" is attached as pg. 6) picked me up to give me a ride home later that night.

12. I do not have any cell phone reception or internet at my home, nor do I even own any activated cell phones and on March 7, 2016 the only way I was even able to get a hold of my neighbor was via a random person at the Sacramento Train station who let me use his cell phone. I also know as FACT that without a valid "photo ID" I have ALSO been 100% locked out of **ANY** travel via AMTRAK trains, and certify here that on March 7, 2016, November 28, 2016, and August 11, 2017 I again *verified all of these facts* and on all of those days (i) had money to pay for a ticket (ii) would have

purchased one (iii) there was space available on trains to Sacramento but (iv) was *invidiously* refused any service because I did not have a "photo ID."

13. Because I could not ride AMTRAK on August 11, 2017 I was forced to ride a bus up to Sacramento. However, the bus I had planned on riding was FULL. The next bus would leave me stranded in Sacramento overnight either sleeping on the street again or possibly via an "out of the blue" imposition at a friend's home (See pg. 2 Walgreens receipt "to get change for pay phone." My friends let me stay at their home, however, they had plans for the next day and I was *still* stranded in Sacramento as the ONLY public transportation Amador County bus does NOT run on Saturday or Sunday. After calling two neighbors I was luckily able to get a ride 1/2 way via my friends and 1/2 way via my neighbor. This entire experience was reprehensible and like ***all*** prior SF court trips not knowing where *or* when you will be stranded someplace, *or* for how long, doing the *simplest* thing/tasks is insanely difficult, dangerous (RJN Pgs. 6-7), or impossible, in my "real" life terms.

14. On three out of four *forced* trips sleeping out in the cold, rain, hail, and below freezing temperatures I also got very sick (which is not like me **at all**). Attached as Pg. 7 is a picture taken the morning of August 19, 2017 of the *continuing* snot that was so thick it would (as shown) "stick" to a Kleenex and then hang like slime. It took until the *end* of August before I

started to feel better, and for the first week I was in very intense pain even barely being able to sleep. Further, because I am stuck at home I cannot just go "drive" to an *appropriate* dentist or doctor (as I would have normally have done before the events of February 14, 2014), nor take public transportation to a medical provider of my choosing **out of state where laws such as CA Heath and Safety Code §103900 do not exist**; or for that matter even "move out of the state" as I wanted to, and would have, do long ago. But, remaining "blacklisted" in <u>all</u> 50 states (RJN pgs. 28-29) my "right to travel" is <u>totally</u> meaningless as I finally verified 100% on June 27, 2016 (Id.) after spending 4-5 days hitchhiking/walking I'd estimate 50-80 miles at times in 100 degree temperatures with a 45# backpack in order to even "just" get out of the state *without* the help of my neighbors.

15. Whatever sickness I got from this August 10-11, 2017 trip hit me like a "ton of bricks" when I got home on August 11TH, and had began that morning. Further, because of the 24/7 pain *everyday* in my jaws from the remnants of my shattered teeth (e.g. Pgs. 12-15), particularly as to my upper left jaw, the combination of the virus from San Francisco plus my *always* infected jaw caused the **entire side of my Skull** to hurt *very* bad to the point where I could feel it in my left eye and at times made it hard to see/blurry! This type of thing has never happened to me before, and was *totally* needless pain and suffering as a "collateral consequence" from the events here declared *since* March 30, 2014 and proximately due to the August 11,

2017 forced trip. I have *never* gotten sick like this in the 20+ years of living in Amador County.

16. As to picture pages 12-15 the dates on those were taken from my camera and I have verified that they are accurate. None of my teeth shatter all at once, nor did *any* of them shatter neatly, in fact the left and right sides of my upper jaw still have fragments of bone or tooth exposed and any abscess or infection is VERY painful at times. Thus, the "self-extraction" tools I used to help my situation on multiple occasions (e.g. Pgs. 12-13). Pg. 14 is a representational picture from a tooth breaking bit-by-bit this being my upper left jaw I believe and the next day another large chunk broke off while eating a salad. But, stuck at home as I am; I am not going to ask my neighbors anymore for *anything* other than life or death. Because, **every single time** my neighbors or friends have helped me to survive <u>EVERY SINGLE LOWER COURT JUDGE</u> has used such "help" against me (E.g. RJN pgs. 46-47 as most recent example from days ago! See also brief at 28 n.11 (chain example).

17. November 25-29, 2016 trip was rainy and colder then in March 2016, but I was more prepared for the "reality" of being forced to sleep on the streets in the rain and cold. This time THANK GOD I brought my Snow survival school suit and I do not recall if I got sick this trip or not, but after being refused entry into the Northern District Court/Tax Court building I was able to get back up to Sacramento on November 28, 2016 by about 2:30PM,

catch the 5PM bus to Jackson, CA., arriving about 6:40PM. But I could not get a ride until the next morning as I have **no clue** when or **if** I will ever "arrive" at any given point when I expect to, and thus had to sleep up at the airport near the bus company's offices. I verified the temperature outside/where I was sleeping with the AWOS[3] system at the airport and it showed 32 degrees overnight and 34 at 7AM. This overnight temp. is two degrees **colder** then the "34 degrees" in the January 26, 2017 Sacramento Bee story **2nd homeless person in a week found dead on City Hall grounds** "Sacramento temperature dipped to a low of 34 degrees overnight" of (RJN Ex. 6/Pg. 8; also Ex. 7 pgs. 9-11). I have never before spent about 10 hours sleeping/stuck in a freezer, but can now say from experience I know why people DIE fairly quickly with that type of exposure! Even with my survival suit, prior training, preparation this time, and sleeping bag; these were barely enough to keep me safe.

18. As to the U.S. Supreme Court Clerk's letter of June 24, 2015 (RJN Pgs. 24-25). (1) Contrary to the statement in the letter there was never *anything* enclosed "A copy of the Rules of this Court and a sample petition for a writ of certiorari" (pg. 1) and from the looks of the box (one whole side demolished) the box had been; (1) sealed, then (2) whoever did this "forgot" to enclose the letter and (3) *force* stuffed the letter on top of the inner box tabs damaging the box. Further, without any appropriate

[3] Automated Weather Observation System; i.e. The "most accurate" —calibrated regularly to Federal Aviation Administration standards—weather system in Amador County.

access to the law to look up authorities, case citations, interpretation of the "rules" etc. I was totally reliant on my best "guess" as to what I could do at that exact time in order to **attempt** to defend my rights which had *already* been *repeatedly* and unquestionably refused in *every single* lower court that I could file in before that date (another incorrect point with the Clerk's letter pg. 1 "you failed to comply with Rule 23.3... requiring ...") by eventually every single judge on the critical issues of pains and disabilities inflicted upon me in retaliation for my speech and the collateral consequences of that deliberate conduct. And I had already filed a Ninth Circuit Writ of Mandamus (in DMV; case see 13A1264), and an attempted interlocutory appeal where I attempted to argue these very issues in *Bank of America* on May 6, 2015 Case # 15-15925).

19. Had I been given a Order to Show Cause or some other type of *realistic* opportunity to "correct" my filing **before** it was *sua sponte* refused and delivered back to me I would have done so! For example, on the issue of improperly consolidating my three cases into one brief for a stay application (See pg. 1) I would of simply said "remove the first page" then the crucial case of *Vs. C. I. R.* would have been the "only" one being asked to be presented. On the issue of the letter's statement of fact that "Application 13A1264 was denied by the court. Therefore, it cannot be renewed and no further relief is available." (Pg. 1) I have *now* come to learn this is *not* at all true, and that there is "case law" to support a

reapplication for interim relief about a Cross on some War memorial in San Diego that was in the media. I had no clue at that time that the Supreme Court Clerk's statement was *completely* erroneous.

20. Not only had my "situation" tragically continued to get worse between the filing of 13A1264 in June of 2014 and the filing of June 2015. But in April 2015 (pg. 21) I had also gotten the Hon. Congresswoman Barbara Comstock (VA)[4] to demand an explanation in writing from both the Federal Aviation Administration chief Counsel Reginald C. Govan in Washington D.C. as well as from the Jean Shiomoto Director of the California Department of Motor Vehicles. With the CA DMV's letter unequivocally *refusing* to give me back my license in the most *Machiavellian, vague and cryptic* terms, "Once the requested medical information is received and reviewed, Mr. Schneider will be *advised of his licensing options.*" (Emphasis added). This all **after,** on November 25, 2014, I *sua sponte already* sent them a doctor's note from my F. A. A. medical examiner that stated "He has no medical condition that will impair his driving or flying a motorized vehicle." I.e. I *could* fly one of my 27,000-pound TS2A airplanes, but I was *continuing* to be *refused any and all authority* to drive a 200-pound motorcycle or small car according to the CA DMV!

[4] Every "representative" from California, whom I am actually a constituent of, refused to do anything at all on my behalf.

21. Finally, as to the "grounds upon which this Court's jurisdiction is invoked" (Pg. 1). I made the "jurisdictional statement" in the June 2015 application the same as what was held acceptable in 13A1264. Without access to appropriate legal resources this statement made no sense to me *at all*, and to a certain extent *still* makes no sense as I know I cited; (1) the All Writs Act jurisdiction 28 U.S.C.A. § 1651(a) i.e. If I **die** because of being forced to repeatedly sleep on the streets (exposure or violence; RJN pgs. 5-12) or e.g. from poor nutrition without mobility[5] (Stay at 19, n. 9) then *all* of my cases in *actuality* cease (become MOOT without *any* redress) as *none* of my potential administrators would continue to fight them out. I also cited to the general "at any time" jurisdiction under § 2101(f).

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

Dated: September 17, 2017 in Sutter Creek California

Christopher D. Schneider

[5] Over the past three + years any number of things could have caused my death including the 8th largest wildfire in California history only *miles* away from my home (August 10, 2015; no mobility could **not** evacuate for example), a chainsaw accident while cutting wood to heat my home (tree falling on me etc.), falling down on my property and breaking my neck, lack of medical care from a Black Widow Spider bite, tick bite or countless other conditions. The possibilities are as numerous as the imagination can dream up, and all would **only** benefit the U.S. Government (Freddie Mac), State of California, and *Bank of America*.

Additional material from this filing is available in the Clerk's Office.