No. 20-44

In the

Supreme Court of the United States

In Re. DAVID A GOLDEN (G.),

On Petition for extraordinary writ (Mandamus, Prohibition, & Quo Warranto) for the: Ninth Circuit (No. 19-35608); US District Court of Western Washington (No. CV18 6051 RBL); and US Dept. of Justice

Volume A

PETITION FOR EXTRAORDINARY WRIT (MANDAMUS, PROHIBITION, & QUO WARRANTO) and APPENDIX A (JUDICIAL ORDERS)

David A. Golden
WA Professional Engineer #39855
3459 US 75 AVE
Hull, IA 51239
Tel: (360)915-2612
Email: goldend3@gmail.com

QUESTIONS PRESENTED

1. Whether the 9th Circuit and Western Washington District Ct. have abused their discretion by dismissing Plaintiff's False Claims complaint and appeal, with no hearing and no relief, after fraud and perjury were proven against USDOJ, and the crime was proven by the 9th Circuit's own case law?

2. Whether the Contract Clause of the US Constitution (Art. I § 10 Clause 1) invalidates the False Claims Act and other state legislation (SB 5987)?

3. Whether the 1st, 5th, and 14th Amendments (and Art. I § 7 of the Washington State Constitution) invalidate this same legislation, if petitioner has already shown the Courts below that the challenged legislation (SB 5987) is obtained by the Defendants' abuse of the police state?

4. Whether the 9th Circuit and the District Ct. have abused their discretion in refusing to apply a *strict scrutiny* standard to petitioner's complaint?

5. Whether the 9th Circuit and the District Ct. have abused their discretion by refusing to award sanctions against USDOJ?

6. Whether USDOJ, the 9th Circuit, and US District Court are unable to perform their ministerial duty of enforcing the "Rule of Law" because of political motivations?

PARTIES TO THE PROCEEDING

PETITIONER SEEKS A WRIT OF PROHIBITION AGAINST THE FOLLOWING PARTIES:

Tacoma District Judge Ronald B. Leighton.

PETITIONER SEEKS MANDAMUS RELIEF AGAINST THE FOLLOWING PARTIES:

Tacoma District Ct. Judge Ronald Leighton; The 9th Circuit Appellate Ct.; United States Department of Justice (USDOJ).

PETITIONER SEEKS QUO WARRANTO RELIEF AGAINST THE FOLLOWING PARTIES:

USDOJ: US Attorneyz Bill Barr, Brian Moran, and Ashley Burns.

THE PARTIES LISTED BELOW ARE DEFENDANTS TO THE DISTRICT COURT COMPLAINT, BUT WERE NOT SERVED WITH PROCESS (OR WITH THIS PETITION) DUE TO THE UNITED STATE'S REFUSAL TO ENFORCE THE "RULE OF LAW":

TROY X. KELLEY, individually and the marital community composed thereof; LYNN PETERSON, individually and the marital community composed

thereof, SCOTT NICHOLSON, individually and the martial community composed thereof; TODD HARRISON, individually and the marital community composed thereof; BOB FERGUSON, individually and the marital community composed thereof; JAY INSLEE, individually and the marital community composed thereof; CHRISTINE GREGOIRE, individually and the marital community property composed thereof; PAULA HAMMOND, individually and the marital community property composed thereof; TREVOR OSBORNE, individually and the marital community composed thereof; DAVIES PEARSON ATTORNEYS, DANA DELUE, individually and the marital community composed thereof; PATRICIA BROWN, individually and the marital community composed thereof; WASHINGTON STATE DEMOCRATIC PARTY; DEMOCRATIC GOVERNOR'S ASSOCIATION; DEMOCRATIC NATIONAL COMMITTEE; WASHINGTON STATE REPUBLICAN PARTY; REPUBLICAN GOVERNOR'S ASSOCIATION; REPUBLICAN NATIONAL COMMITTEE; STATE OF WASHINGTON.

CORPORATE DISCLOSURE STATEMENT

Petitioner is an individual suing on behalf of himself and the United States of America. Petitioner has no parent corporation, and petitioner owns less than 10% of any publicly traded company.

RELATED PROCEEDINGS

Petitioner brought related action for duress against Washington State on 1/4/16 in King Co. Superior Ct. (KCSC; #16-2-00011-8 SEA; *Golden v. WSDOT*) using state licensed attorney Eric Helmy (WSBA #012833). Petitioner ran for state auditor in 2016, and informed Helmy he intended to run before commencing suit (the incumbent auditor, Troy Kelley (defendant to this action), was indicted on charges of tax fraud and money laundering on 4/15/15 (this case was also before Dist. Judge Ronald B. Leighton (#3:15-cr-05198-RBL-1)). Helmy advised petitioner not to speak with the media because of the lawsuit. Helmy dismissed the duress claim on 9/22/16 with prejudice (order signed 10/6/16), after assuring petitioner he could bring another action for fraud. After dismissal, Helmy refused to further pursue the claim, and petitioner came in last place for the 2016 auditor primary election.

Petitioner brought *pro se* action on 12/14/16 (*Golden, et al. v. WSDOT, et al.*) in Spokane County Superior Ct. (#16-2-04773-9). The action was

transferred to KCSC (#17-2-04369-9). Complaint was dismissed on 5/19/17 for lack of jurisdiction. Costs were awarded against petitioner to Attorneyz Osborne and Delue on 6/2/17 and 6/5/17, respectively.

Petitioner brought pro se action on 11/29/17 in KCSC (#17-2-30664-9 SEA; *Golden v. WSDOT, et al.*). The case was bifurcated, and the federal defendants were removed to federal jurisdiction (Case #C17-1877RSL). The case was dismissed on 12(b)(6) motion by the District Ct. on 2/8/18; and by KCSC on 4/27/18. Petitioner was ordered to pay $15,419.49 (5/18/18) to Defendant Osborne. An appeal was begun in the 9th Circuit (No. 18-35166); and Div. I Ct. of Appeals (Case 78471-4-1); but petitioner moved for voluntary dismissal; and the order was signed by the Div. I Ct. of Appeals on 7/13/18; and by the 9th Circuit on 6/25/18.

Petitioner filed Motions to Intervene in the following related cases:

> 76310-5-I (*WSDOT v. Mullen Trucking, et al.*); Washington State Court of Appeals Division I; Re. Skagit R. I-5 bridge false claim. Motion to Intervene denied on 7/17/2017. Petitioner's information about: bridge not being posted correctly for clearance; bridge not being inspected correctly in 2012; fraudulent contract settlement agreements was suppressed from public knowledge.

16-2-26961-3 SEA (*City of Seattle v. Seattle Tunnel Partners, et al.*); KCSC; Re. *Bertha* Tunnel Machine false claim; Motion to Intervene denied on 8/11/17. Petitioner's information about fraud on the project was suppressed from public knowledge.

17-2-23111-8 SEA (*Tracy Vedder v. Sinclair Media*); KCSC; Re. Tracy Vedder wrongful termination related to SR 520 bridge $170 million change order false claim; Motion to Intervene denied on 2/14/18. Sanctions awarded against petitioner on 4/2/18. Petitioner appealed to Supreme Ct. of WA for discretionary review (No. 956278); Review denied on 6/1/18. Final decision rendered against Vedder by KCSC on 10/5/18.

17-2-04986-34 (*Associated Press, et al. v. Washington State Legislature, et al.*); Thurston County Superior Court (TCSC); Re. fraudulent concealment of (petitioner's) records (SB 6617) related to Skagit R. I-5 bridge collapse / WA tax bill SB 5987 by "Democrats" and Republicans. Motion to Intervene denied on 12/1/17. Petitioner appealed to Supreme Ct. of WA (No. 95357-1) for discretionary review. Review denied on 4/19/18.

16-2-00980-34 (*WSDOT v. Seattle Tunnel Partners, et al.*); TCSC; Re. *Bertha* Tunnel Machine false claim; Motion to Intervene stricken on 3/29/19). Petitioner's information

about fraud on the project was suppressed from public knowledge.

1:17-cv-1370 (*Roy Cockrum, et al. v. Donald J. Trump for President, et al.*); District Ct. of District of Columbia; Re. Democratic National Committee hacking / Russian Interference; Motion to Intervene denied on 3/28/18.

17-35105 (*State of Washington, et al. v. Donald J. Trump, et al.*); 9th Circuit Ct. of Appeals; Re. immigration and abuse of the Courts for political purposes by WA State Attorney General; Motion to Intervene denied on 2/6/17. Petitioner filed separate motion to intervene in Dist. Ct. on remand; Motion denied on 3/29/17. Petitioner appealed to Supreme Ct for certiorari; certiorari denied on 11/13/17.

1:19-CR-00490 (*United States v. Jeffrey Epstein*); Southern District of New York District Ct.; Re. Jeffrey Epstein "apparent suicide" nolle prosequi; Motion to intervene / quo warranto denied on 8/27/19; judge suppressed petitioner's affidavit and evidence from the docket.

17-232-EGS (*United States v. Michael Flynn*); DC Circuit Ct.; Re. USDOJ's withdrawal from Michael Flynn fraud case; no order issued on motion; DC District Court suppressed the quo warranto petition, affidavit, and evidence from docket.

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JURISDICTION

Petitioner seeks judicial review of the 9th Circuit's 5/15/20 order (p. A14-A15) denying rehearing, rehearing en banc, vacation, or reconsideration of judgment. Petitioner seeks judicial review of the 9th Circuit's 12/19/19 order (p. A12-A13) granting summary affirmance to USDOJ, denying petitioner writs of prohibition & quo warranto, after perjury was established against US Attorney General Bill Barr. Petitioner seeks judicial review of the District Ct.'s 5/15/19 "mooting" of the *quo warranto* action (p. A6-A7), and dismissal of petitioner's complaint (p. A4-A5; p. A8-A9), after fraud and perjury was established against USDOJ. Petitioner seeks judicial review of the District Ct.'s 6/26/19 order (p. A10-A11) refusing to sanction USDOJ, threatening petitioner with sanctions, and denying all of petitioner's post-judgment motions.

This Court has appellate jurisdiction under Article III § 2 of the US Constitution.

This Court has authority to issue writs of mandamus, prohibition, and quo warranto pursuant to 28 US § 1651 and Supreme Ct. Rule 20.

This Court, the 9th Circuit, and the District Ct. have supplemental jurisdiction for quo warranto under 28 US § 1367 (see p. C236 ¶10).

This Court has inherent authority to sanction memberz of the Bar under Supreme Ct. Rule 8.

Petitioner respectfully petitions this Court for these extraordinary writs, to hold the District Ct., the 9th Circuit, and USDOJ to a lawful use of power. USDOJ, the 9th Circuit, and District Court have abused their discretion by dismissing petitioner's claims.

Supreme Ct. Rule 29.4(a) applies to this case; and requires that the Solicitor General be served. Petitioner mailed three copies of this petition to:

Noel Francisco
Solicitor General, Room 5616
Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530-0001

Supreme Ct. Rule 29.4(b) applies to this case. The District Ct. and the 9th Circuit failed to certify (pursuant to 28 USC §2403(a)) that the constitutionality of an Act of Congress (The False Claims Act (31 US §§ 3729 et seq.)) has been drawn into question.

Supreme Ct. Rule 29.4(c) applies to this case. This rule requires that the Attorney General of Washington be served with this petition. The District Ct. and the 9th Circuit failed to certify that the constitutionality of a state statute (SB 5987: Connecting WA gas tax/ light rail tax package) has

been drawn into question. Petitioner mailed three copies of this petition to:

Bob Ferguson
Washington State Attorney General
1125 Washington St. SE, PO Box 40100
Olympia, WA 98504-0100

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES INVOLVED IN THIS CASE

This case was filed under the False Claims Act (FCA; 31 US §§ 3729 et seq.), but also involves fraudulent employment contracts (*2nd Restatement of Contracts,* §159-177; US *Constitution Art I. §10 Clause 1*), and violations of public policy (*2nd Restatement of Contracts* § 178). The contract fraud claim (equivalent to one of the four false claims) was filed against petitioner's previous attorneyz, OSHA agent Patty Brown, the State of Washington, the Democratic Party, and the Republican Party; as these parties conspired to bind petitioner in fraudulent contract agreements.

This case was submitted to the US Attorneyz' Office under 31 US § 3730. Because the Government is involved in the contract fraud claim, and stands to gain $1-2 trillion because of it, the Government moved to dismiss the claim.[1]

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[1] The procedure the Government has adopted to process a FCA complaint is described in the appendix (p. C152-C155) by US Attorney General Bill Barr.

The four false claims together, form a pattern of racketeering activity involving similar participants. This activity is covered in petitioner's complaint (see p. B254) under the Washington criminal profiteering act (RCW 9A.82), which is modeled upon RICO (18 US §§ 1961, et seq.), and uses federal case law as precedent. Petitioner is able to file criminal charges under the FCA.

In May of 2019, petitioner filed a quo warranto action against USDOJ (DC Code §16-3501 to 16-3503; §16-3521 to 16-3523; and §16-3541 to 16-3548). In this petition, petitioner gave sufficient fact and evidence to prove perjury and fraud against US Attorney General Bill Barr (US Constitution Art. II § 3 & 4; US Constitution Art. VI Clauses 2 & 3; 5 US § 3331; 18 US § 1001(a); 18 US § 1621; and 18 US §287), and obstruction and fraudulent motion practice by USDOJ (18 US § 1512; US Constitution Art. II § 3 & 4; 28 US 453; US Constitution Art. VI Clauses 2 & 3; 18 US § 287).

Petitioner (who is a crime victim witness), was then obstructed by the District Ct, and threatened with sanctions contrary to law (US Constitution Art. VI Clauses 2 & 3; 28 US § 453; 18 US § 872); and the 9th Circuit refused to allow a hearing of the appeal.

Because the "Democratic" party / Republican party have monopolistic control on: whistleblower complaints; elections; campaign finance; new tax

legislation; the newz media; legal complaints; and USDOJ; the Sherman Act (15 US § 1 and 2) is also applicable to this case.

Federal Rule of Civil Procedure Rule 11 (Sanctions) is also relevant here, because the United States refuses to enforce the "Rule of Law" for political reasons.

This petition challenges the constitutionality of SB 5987 (WA State gas tax & light rail tax provision); as well as the False Claims Act (31 US §§ 3729, et seq.).

STATEMENT OF THE CASE and FACTS

David A. Golden (herewith, referred to as G.) was a bridge inspector and licensed engineer, employed by the Washington State Department of Transportation (WSDOT) for over 10 years, inspecting many of the state's most complicated structures (see p. B3-B4). On 3/29/13, G. filed an OSHA harassment complaint (p. C1-C24), after filing a whistleblower complaint, with State Auditor's Office and USDOT OIG (Office of the Inspector General). The complaint involved insufficient bridge inspection work on the Skagit R. I-5 Bridge (see p. C8) and four other bridges. On 4/25/13, a "frivolous" Restraining Order (TRO) was filed against G. by Lynn Peterson, the governor's transportation secretary, who stalked G. to his home, and moved into the closest house for sale (see p. C25-C45).

G. was then forced to enroll the "services" of an attorney, and settled on *Davies Pearson* Attorneyz in Tacoma, where his father was a client for years (p. C46-C50). The Attorney there, Trevor Osborne, lured G. into a bait and switch contract agreement in which he later refused to work on the corresponding OSHA claim (the whole reason G. went to *Davies Pearson* in the first place, before the TRO was ever filed (see p. C21)). G. signed Osborne's fraudulent TRO settlement agreement on 6/14/13, three days before the hearing, after Osborne refused to file documents (including the OSHA harassment complaint containing the Skagit R. I-5 bridge (which collapsed on 5/23/13)), refused to contact material witnesses, and other various acts and omissions Osborne made in regards to "bolstering" G.'s defenses for trial (see generally complaint p. B29-B45); and in violation of his contract.

Because Osborne: 1) extracted himself from the OSHA complaint just before the TRO trial; 2) refused to "bolster" G.'s defenses; and 3) saddled G. with nearly $8,000 in fraudulent legal expenses, G. was forced to obtain the "services" of another attorney.

As no other attorneyz would help, G. settled on Ferring-Delue Whistleblower Attorneyz in Seattle. Attorney Delue offered G. a contingency fee agreement (p. C51-C56). However, much like G.'s previous experience at *Davies Pearson Attorneyz* in Tacoma; *Ferring-Delue Attorneyz in Seattle* refused to file documents, contact witnesses,

and made several acts and omissions (see generally p. B45-B75) to force G. into a fraudulent settlement agreement (see p. C57-C65), perhaps the greatest of which was that his firm served as counsel for the Association of General Contractors (AGC; see p. B261-B264), and AGC had been lobbying to get a gas tax / light rail tax (SB 5987) passed for several years.

Likewise, OSHA (Occupational Safety and Health Administration) agent Patty Brown misrepresented (by act or omission) several facts in regards to her contract with G. (see p. C4).

On 12/27/18, G. filed a contract fraud / organized crime / FCA complaint against: G.'s former attorneyz, the "Democratic" Party, the Republican Party, State of Washington, and OSHA agent Patty Brown (the Defendants; see p. B1-B2); as a pattern of recurrent racketeering activity was clearly visible across three other major construction projects (the Oso slide, the Bertha SR 99 Tunnel replacement, and the 520 bridge replacement project (see p. B235-B244)).

In January of 2019, and in accordance with the requirements of the FCA (31 US § 3730(b)(2)), G. served the United States with a 1300(+) page affidavit proving the entire complaint; including his contract fraud false claim; as well as the three other false claims; with the common purpose of the frauds being to ensure passage of a new tax measure (SB 5987; see p. C76) for "Democratic" and Republican political campaign donors (see p. C77-C100).

Rather than letting residents vote on this tax measure (SB 5987), "Democrats" and Republicans did all the voting for them, though an "advisory vote" was later allowed, under which SB 5987 failed by a near a 2:1 majority (see p. C101-C111). In addition to providing funding (for AGC and the labor unions) for highway projects from the gas tax, SB 5987 also granted supplemental taxing authority to Sound Transit 3, the region's new light rail (see p. C104-C107).

On 5/1/19, USDOJ moved for a dismissal of G.'s organized crime / contract fraud / FCA complaint (p. C112-C117), stating that "the United States has concluded that Relator's allegations lack factual and legal support" (p. C114), and that G. must prove that dismissal is "fraudulent, arbitrary and capricious, or illegal" (p. C115) to stop USDOJ from dismissing the complaint.

After reviewing these instructions, on 5/13/19 G. filed a quo warranto action (p. C118-C136) against Bill Barr and the other USDOJ Attorneyz for: fraud / perjury/ obstruction / conspiracy / violations of oaths of office / sanctions; and to seize the office to prosecute the contract fraud and other false claims. The quo warranto had attached by affidavit Bill Barr's position paper on the FCA (p. C137-C203), and other evidence indicating that a dismissal was designed to help politicians launder even more tax money (p. B277-B286; C204).

The next day (5/14/19), the District Court dismissed all of G.'s claims (p. A4-A5). The

following day (5/15/19), the District Court "mooted" the quo warranto action (p. A6-A7) and finalized its decision (p. A8-A9). On 5/20/19, G. filed a timely response to USDOJ's "frivolous" Motion to Dismiss (scheduled for hearing on 5/24; see page C112), arguing that a dismissal was fraudulent, arbitrary, illegal, and capricious.

On 6/6/19, G. filed a Motion to Alter or Amend the judgment and scheduled a hearing on 6/28/19. On 6/10/19, G. filed a Motion to Vacate the Judgement, and scheduled the hearing also on 6/28/19. On 6/20/19, G. filed a Motion for Sanctions against USDOJ for fraudulent motion practice, and scheduled the hearing on 7/5/19. On 6/25/19, G. filed a supplemental Motion for the 6/28 scheduled hearing, and attached the same 1300(+) page Declaration served on USDOJ in January proving the entire complaint.

On 6/26/19, the District Court dismissed all of G.'s motions (p. A10-A11), and refused to grant a hearing, or any other relief for the Defendants' various violations of the criminal, civil, and common law statutes. Instead, the District Ct. threatened G. with sanctions for filing the claim (p. A11).

G. then appealed this decision to the 9th Circuit under 28 US §1291, 28 US §1294, and 28 US §1651. Instead of granting a hearing on the appeal, on 12/19/19, the 9th Circuit Ct. issued a judgment granting summary affirmance to USDOJ's fraudulent dismissal (see p. A12-A13). G. then filed a petition to vacate/ reconsider the

judgement, as well as a petition for rehearing or rehearing en banc. All of G.'s post judgment motions were denied by the 9th Circuit on 5/14/20 (see p. A14-A15).

ARGUMENT

The All Writs Act states that federal courts "may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law," 28 US § 1651(a).

The requirements for a writ of mandamus to issue, according to this Court, are:

> "First the party seeking issuance of the writ [must] have no other adequate means to attain the relief he desires – a condition designed to ensure that the writ will not be used as a substitute for the regular appeals process. Second, the petitioner must satisfy the burden of showing that [his] right to issuance of the writ is clear and indisputable. Third, even if the first two prerequisites have been met, the issuing court, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances." *Cheney v. U.S. District Ct. for D.C.* 542 U.S. 367, 380-381.

This Court has also explained that:

> "The traditional use of the writ in aid of appellate jurisdiction both at common law

> and in the federal courts has been to confine [the court against which mandamus is sought] to a lawful exercise of its prescribed jurisdiction... ***only exceptional circumstances amounting to a judicial 'usurpation of power' or a 'clear abuse of discretion'*** (emphasis added) will justify the invocation of this extraordinary remedy." *Id.* at 380.

This Court has also explained that:

> "the separation-of-powers doctrine requires that a branch not impair another in the performance of its constitutional duties." *Id.* at 382.

and that:

> "our historic[al] commitment to the rule of law... is nowhere more profoundly manifest than in our view that 'the twofold aim [of criminal justice] is that guilt shall not escape or innocence suffer'... a 'primary constitutional duty of the Judicial Branch [is] to do justice in criminal prosecutions.'... an impairment of the 'essential functions of [another] branch,' is impermissible." *Id.* at 384.

Requisite conditions for mandamus to issue are also explained in *McClellan v. Garland*, 217 US 268:

> "where a case is within the appellate jurisdiction of the higher court a writ of

> mandamus may issue in aid of the appellate jurisdiction which might otherwise be defeated by the unauthorized action of the court below." *Id.* at 280.

According to the 9th Circuit or this Court, an abuse of discretion occurs when:

> "District court does not apply the correct law or rests its decision on a clearly erroneous finding of a material fact." *Jeff D. v. Otter*, 643 F. 3d 278, 283 (9th CIR. (2011));

or:

> "District Ct. rules in an irrational manner." *Chang v. U.S.*, 237 F. 3d 911, 925 (9th CIR. (2003));

or:

> "District Ct. makes an error of law." *Keon v. U.S.*, 518 U.S. 81, 100;

or:

> "Record contains no evidence to support district court's decision." *Oregon Nat. Res. Council v. Marsh*, 52 F. 3d 1485, 1492 (9th CIR. (1995)).

The abuse of discretion standard is also explained in the *Corpus Juris Secundum*:

> "An 'abuse of discretion,' for purposes of mandamus relief, implies an unreasonable,

arbitrary, or unconscionable attitude. Accordingly, discretion must be exercised according to the established rules of law. Discretion may be said to be abused where the action complained of has been arbitrary or capricious, or exercised in bad faith. An abuse of discretion occurs where a public officer exercises discretion based on personal, selfish, or fraudulent motives. It may also arise from reliance on false information or from a total lack of authority to act. Moreover, an abuse of discretion arises where the discretion amounts to an evasion of a positive duty, or where there has been a refusal to consider pertinent evidence, hear the parties, or to entertain any proper question concerning the exercise of the discretion." 55 C.J.S. *Mandamus* § 73 (2009).

I. Mandamus should issue to USDOJ, the District Ct., and the 9th Circuit to confine these bodies to a lawful use of power.

a) G. has demonstrated that there is no other avenue to obtain the relief desired other than by mandamus.

In this case, G. has shown repeated refusal to: 1) hear pertinent evidence; 2) apply the law to the facts; 3) entertain any questions put properly before the Courts in compliance with "Rule of Law."

G. filed a complaint with the District Ct. (Appendix B). This complaint contained four false claims (p. B235-B244), including G.'s contract fraud false claim (p. B237-B240). G.'s information about: 1) the Skagit R. I-5 bridge not being inspected correctly in 2012; 2) the Skagit R. I-5 bridge not being posted correctly for clearance when it collapsed due to Washington State's negligence; 3) was fraudulently concealed by the Defendants so that the Defendants could use the bridge collapse as propaganda (p. B154-B155) for the state's new gas tax / light rail tax measure (SB 5987).

The four false claims concurrently (p. B235-B244), also form a clear pattern of fraud and racketeering, with the common purpose of creating false propaganda to ensure passage of the tax measure (SB 5987). According to 31 US § 3730(c)(2)(A) and USDOJ's Motion to Dismiss (p. C114), a qui tam relator (G.) is entitled to an evidentiary hearing; and according to 31 US § 3730(d), G. is entitled to a percentage qui tam award for the four false claims the Defendants made to rip-off taxpayers.

Instead of holding a hearing (*in camera* or otherwise), the District Ct. immediately dismissed G.'s complaint (p. C205; contrary to 31 US 3730(d)(2)), on a *rational review* basis (p. C112-C117), just after G. filed a quo warranto action against Attorney General Bill Barr for fraud and perjury for lying under oath about enforcing the FCA (p. C118-C136).

The District Ct. then refused to vacate alter, or amend the judgement, after G. proved that USDOJ's motion to dismiss was fraudulent and illegal, and in alignment with Barr's personal feelings about the FCA (C137-C203) rather than the "Rule of Law"; and in alignment with politicians laundering an additional $1-2 trillion to PAC donors (see p. B277-B286; C204; see p. C233-C236 ¶9). The 9th Circuit granted summary affirmance to USDOJ's fraudulent dismissal, also refusing to allow a hearing of the appeal.

G. informed both Courts about their errors (*infra*; see p. C205-C232), but these Courts refused to alter any of the judgments.

b) G.'s right to mandamus relief is clear and indisputable.

1) The District Ct. refused to allow an evidentiary hearing, though fraud and racketeering was plead and proven across four major separate construction projects, creating a due process violation (see p. C205-207, C212-C214, and C220).

This Court's standing case law, indicating when an evidentiary hearing should be allowed, and when the refusal of one denies due process, is given in *Goldberg, Commissioner of Social Services of the City of New York v. Kelley et al.* 397 US 254 (1970):

> "The extent to which procedural due process must be afforded the recipient is influenced by the extent to which he may be 'condemned to suffer grievous loss', and depends upon whether the recipient's interest in avoiding that loss outweighs the governmental interest in summary adjudication...consideration of what procedures due process may require under any given set of circumstances must begin with a determination of the precise nature of the government function involved as well as the private interest that has been affected by governmental action." *Id.* at p. 262.

Here, G. has experienced grievous loss and by law, G. is entitled to substantial benefits. G. lost not only his career practicing engineering with WSDOT (p. C66-C74), his home, and incurred psychological damages (p. C75) from the Defendants' fraud and legal abuse, but G. also lost his qui tam bounty under the FCA, due to additional prosecutorial fraud committed by USDOJ (estimated at $1 billion). Whereas, the Governments' interest in summary adjudication is the unconstitutional and illegal laundering of $70 billion via SB 5987; plus an additional $1-2 trillion (p. B277-B286; C204; C233-C236 ¶9); and the denial of due process through legal subversion.

According to *Goldberg*:

> "the fundamental requisite of due process of law is the opportunity to be heard." *Id.* at p. 267.

Here, G. has repeatedly been denied the opportunity to be heard by the District Ct. (see p. C205) and 9th Circuit. When one closely examines the judicial orders, it becomes apparent that the judiciary is participating in the "cover-up", as only the 9th Circuit's order is published. This order (see p. A12-A13) states that: "the questions raised in this appeal [ie., fraud and perjury by USDOJ and US Attorney General Bill Barr, the illegal laundering of $70 billion by WA State politicians, and the illegal laundering of $1-2 trillion more via a federal gas tax (see p. C204)] are so insubstantial as not to require further argument."

> "Where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals... who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy." *Id.* at p. 270.

Here, G. has been severely injured by improper government action. G. has had real property taken from him (his career at WSDOT) because of contract fraud (p. C66-C74). G. has suffered

psychological damages (p. C75) because of contract fraud. G. has lost his home because of contract fraud. G. has also proven the Government's action was motivated by perjurers, malice, vindictiveness, intolerance, and prejudice, but the District Ct. refuses to allow an evidentiary hearing; and the 9th Circuit grants summary affirmance to the refusal. USDOJ's "frivolous" motion even states that G. is entitled to a hearing (p. C114). The only logical conclusion that one can possibly draw from this information is that these things are occurring so that politicians and lawyers can continue fraudulently laundering tax money to PAC donors (p. C101-C111, C204); and the Courts are operating politically rather than by "Rule of Law," contrary to the "ministerial duty" to which they are assigned.

2) *G. has satisfied the burden proving the new legislative act (SB 5987) is illegal, but USDOJ refuses to make the Defendants respond, and instead fraudulently moves to dismiss Relator's complaint (see p. C206, C209-C211, and C222).*

According to this Court's standing case-law, when one alleges a due process violation (1st, 5th, or 14th Amdts.) connected with new legislation, the individual must prove the new legislation is illegal or unconstitutional:

> "legislative Acts... come to the Court with a presumption of constitutionality... the burden is on one complaining of a due

> process violation to establish that the legislature has acted in an arbitrary and irrational way." *Usery v. Turner Elkhorn Mining Co.*, 428 US 1, 15 (1976).

Here, G. has shown repeatedly that the legislative act (the enactment of new taxes via SB 5987) involves abuse of police power (the Courts, petitioner's former attorneyz, and the police force itself (p. C36-C45)), for the common illegal purpose of laundering tax money to a narrow class of PAC donors (see p. C77-100), which the public later voted overwhelmingly to reject by advisory vote (p. C101-C111).

> "The presumption of constitutionality and the approval given 'rational' classifications in other types of enactments are based on an assumption that the institutions of state government are structured so as to represent fairly all the people." *Kramer v. Union Free School Dist. No. 15.* 395 US 621, 639 (1969).

Here, that is not so, as the institutions of state Government are clearly designed to protect the Defendants.

As explained by this Court in *U.S. v. Carolene Products Co.*, 304 U.S. 144 (1938):

> "a statute would deny due process which precluded the disproof in judicial proceedings of all facts which would show or tend to show that a statute depriving the suitor of life,

liberty, or property had a rational basis." *Id.* at p. 152.

Here, USDOJ's fraudulent motion to dismiss petitioner's complaint on a rational basis (p. C115-C116) via the FCA precludes G. from proving loss of liberty, property, and psychological damages due to contract fraud; all so that USDOJ, Democrats, and Republicans can launder an additional $1-2 trillion in tax money to PAC donors (see p. B277-B286; C204), after already illegally laundering $70 billion via SB 5987 by abusing the police state.

3) *Despite the fact that G. has proven the new associated legislation (SB 5987) is illegal, arbitrary, and capricious under the 1st, 5th, and 14th Amdts., the burden was never on Relator, the burden was on the Defendants to prove the necessity and reasonableness of their new legislation, G.'s settlement amount, and how they went about obtaining it (using strict scrutiny; not rational basis review; see p. C208, C212, C215-C219, C222-C223).*

According to this Court's standing case law, when the Contract Clause is invoked:

> "As with laws impairing the obligations of private contracts, an impairment may be constitutional if it reasonable and necessary to serve an important public purpose. In applying this standard, however, complete

> deference to a legislative assessment of reasonableness and necessity is not appropriate because the State's self-interest is at stake. A governmental entity can always find a use for extra money," *United States Trust Co. of NY v. New Jersey*, 431 US 1, 25-26 (1977);
>
> and,
>
> "power has limits when its exercise effects substantial modifications of private contracts... [l]egislation adjusting the rights and responsibilities of contracting parties must be upon reasonable conditions and of a character appropriate to the public purpose justifying its adoption. Evaluating with ***particular scrutiny*** (emphasis added) a modification of a contract to which the State itself was a party... violated the Contract Clause because the legislation was neither ***necessary nor reasonable*** (emphasis added)." *Allied Structural Steel Co. v. Spannaus,* 438 US 234, 244 (1979).

Here, power has no limits, as the Government has defrauded G. from the beginning (using OSHA agent Patty Brown, the police force, and G.'s attorneyz against him). Further, USDOJ has been allowed to commit additional prosecutorial fraud and perjury without penalty. Further, G.'s claim to fraud in contract have been unlawfully terminated on an incorrect *rational review* basis, without the Defendants having to prove the *necessity* and

reasonableness of the frauds they committed to obtain G.'s fraudulent contracts associated with the new legislation, as well as the reasonableness of G.'s fraudulent settlement amount (see p. C57-C65). As G. has plead and proven three other false claims in addition to the contract fraud false claim, the Defendants are unable to do this.

G. sued the defendants for contract fraud (see p. B2; see p. B193-B196, B198-214; B216-B222, B224-B233), and creating two fraud contract settlements (the TRO and OSHA settlement "false claims") to defraud the OSHA whistleblower program (p. B237-B240). G. also sued for three other entirely separate violations of the FCA (see p. B235-B245). When one combines the three other false claims with G.'s contract fraud false claim, a "pattern" is formed, demonstrating "continuity of racketeering activity, or its threat, *simpliciter*." *H.J. INC v. Northwestern Bell,* L Ed. 2d 195, 209.

Here, rather than addressing the pattern of recurrent organized crime, the Government freely violates the Contract Clause (granting nobility status to the Defendants), while denying G. an evidentiary hearing for contract fraud, and dismissing G.'s claim on an incorrect *rational review* basis. Therefore, the FCA is unconstitutional (see p. C219).

This Court has said that:

> "The Constitution of the United States declares that no state shall pass any 'law impairing the obligation of contracts.'

> These propositions may be considered consequent axioms in our jurisprudence:
>
> The laws which exist at the time and place of the making of a contract, and where it is to be performed, enter into and form a part of it. This embraces alike those which affect its validity, construction, discharge, and enforcement;
>
> Nothing is more material to the obligation of a contract than the means of its enforcement. The ideas of validity and remedy are inseparable, and both are parts of the obligation which is guaranteed against impairment;
>
> The obligation of a contract 'is the law which binds the parties to perform their agreement,'
>
> Any impairment of the obligation of a contract – the degree of impairment is immaterial – is within the prohibition of the Constitution;
>
> The States may change the remedy, provided no substantial rights secured by the contract is impaired. Whenever such a result is produced by the act in question, to that extent it is void." *Walker v. Whitehead*, 83 US 314, 317-318 (1873).

Here, there is no obligation, no enforcement, and no remedy. G. has had substantial rights impaired and invaded, but G. is unable to sue for

fraud in contract, as the Defendants are above the law. G. has been denied a hearing by the District Ct. and 9th Circuit; and threatened with sanctions (see p. A10-A11) for seeking one. Further, G. has had the 9th Circuit label the "questions raised in this appeal... so insubstantial as not to require further argument" (see p. A12-A13), and been denied rehearing or rehearing en banc, after proving more fraud against the Government for the phony CIA whistleblower impeachment hearings (see p. A14-A15; C223-C224).

As has been indicated (*supra*), the Democratic and Republican party are required to prove the *necessity* and *reasonableness* of their new legislation under *strict scrutiny*. They are unable to do so, as G. has also already plead and proven the passage of a new "law"(SB 6617), designed to conceal records (see p. B168-B187; B189-B191); in addition to the three other false claims; in addition to the ongoing obstruction of justice by the Government.

G. has also shown that the law (SB 5987; p. C76) is narrowly tailored to benefit a specific class of PAC donors (p. C77-C111); in violation of public policy to the exclusion of fair contractual dealings; as well as abuse of power by the police state. Therefore, the associated:

> "law can hardly be characterized... as one enacted to protect a broad societal interest rather than a narrow class." *Allied Structural Steel Co. v. Spannaus*, 438 US 234, 248-249.

II. This Court should issue a writ of prohibition against the District Ct. for issuing political decisions contrary to law.

According to 55 C.J.S. *Mandamus* § 4 (2009):

> "Mandamus and prohibition are related remedies. Prohibition is the converse of mandamus in that prohibition is employed to bar a court from exceeding its authorized powers, and mandamus is used to compel a court to do something that it is required to do.
>
> The extraordinary remedies of both prohibition and mandamus lie only if there is a clear legal right to relief, and in the case of prohibition only when a court acts or threatens to act without jurisdiction in a matter over which it has no power over the subject matter or where it exceeds its authorized powers in a proceeding over which it has jurisdiction."

Here, G. has demonstrated his clear right to legal relief. Both the District Ct. and the 9th Circuit have exceeded their authorized powers (see p. C205), and unconstitutionally dismissed G.'s complaint on an incorrect *rational review* legal basis, without the Defendants having to prove the legitimacy of their new legislation. G. has also been threatened by the District Ct. with sanctions (see p. A11) for the fraud and perjury committed by

the executive branch. Therefore, the District Ct. has satisfied the elements of extortion by a public officer (18 US § 872), as a dismissal of G.'s complaint allows the Defendants to continue fraudulently laundering an additional $1-2 trillion (see p. B277-B286; C204), after already fraudulently laundering $70 billion, while unconstitutionally denying relator a hearing or any other relief for contract fraud and the Defendants' multiple FCA violations.

> "[C]ircumstantial evidence of intent including the historical background of the decision and statements by decisionmakers, may be considered in evaluating whether a governmental action was motivated by a discriminatory purpose." *Washington v. Trump*, 847 F. 3d 1151, 1168 (9th CIR. (2017)); citing *Village of Arlington Heights v. Metro. Housing Dev. Corp.*, 429 US 252, 266-68.

Here, G. has been discriminated against, and been denied his right to a lawful redress of grievances, and also been threatened with sanctions for additional crimes committed against him by USDOJ, though G. is entitled to quo warranto and seizure of USDOJ by law.

> "Any unjustified discrimination in determining who may participate in political affairs or in the selection of political officials undermines the legitimacy of representative government." *Kramer v. Union School District,* 395 US 621, 626.

Here, G. has been subject to unjust discrimination by the District Ct. (and also the state courts (*supra*)) and obstructed by USDOJ so that the Defendants can launder tax money with impunity. The additional obstruction by the District Ct. and 9th Circuit prevents G. from obtaining the legally owed campaign funding for his 2020 presidential campaign. Therefore, G. has satisfied the requisite conditions for a writ of prohibition to issue.

III. G. is entitled to quo warranto, mandamus, and seizure of USDOJ to prosecute the remainder of his false claims, as G. has proven Bill Barr lied under oath about the FCA during his confirmation hearing.[2]

According to 55 C.J.S. *Mandamus* § 41 (citing *US ex rel. Coleman v. Cox*, 47 F 2d 998 (C.C.A. 5th CIR. 1931):

> "there are three requisites to mandamus: (1) a legal duty to perform a nondiscretionary

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[2] G.'s quo warranto claim has now been obstructed for over a year by the lower courts. Currently, House Judiciary Committee memberz Jerry Nadler and Steve Cohen (D) have introduced a resolution to impeach US Attorney General Bill Barr, to "moot" G.'s quo warranto appeal to this Court, so that "Democrats" and Republicans can corruptly maintain control of this office. The impeachment proposal rings hollow, as Barr previously explained (under oath) how he would handle G.'s complaint based on "cooperative and productive relationships with all the member(z)" to "work with them on projects they're interested in" (p. C131-C132).

> act; (2) a demand for performance of the act; and (3) a refusal to perform...
>
> ...Before mandamus will issue to a court, it must be made to appear that the relator has demanded action and that the court has refused to perform the act or duty sought to be enforced."

Here, G. has submitted a demand (quo warranto; see p. C118-C136), in which, G. has proven perjury against US Attorney General Barr, who lied under oath about enforcing the FCA and other laws in good faith during his confirmation hearing (see p. C122; C126-129).

Rather than prosecute the charges (the Ct.'s ministerial duty), the District Ct. "mooted" the quo warranto action (p. A6-A7), and dismissed the complaint (p. A8-A9), then threatened G. with sanctions (p. A10-A11). And, the 9th Circuit covered up the abuse of discretion by the District Ct. (p. A12-A13) by granting summary affirmance to the illegal dismissal of the complaint; as well as the additional proven charges of fraud, perjury, and conspiracy against USDOJ; so that politicians could launder an additional $1-2 trillion (see p. B277-B286; C204).

The duty of the District Ct. and 9th Circuit to prosecute the quo warranto charges was nondiscretionary (see p. C209), and G. provided sufficient evidence to convict by introduction of Barr's position paper on the subject (p. C137-C203), highlighting Barr's hatred for qui tam. G. put this

information, and the motive for the crime (p. C204) before the 9th Circuit, using that Court's own case law (see p. C225-C230):

> "Direct and positive evidence by testimony of the falsity of a statement of a material matter, willfully made under oath, supported by valid circumstantial evidence, is sufficient to convict." *Vuckson v. United States*, 354 F. 2d 918, 920 (9th CIR. (1966)).

G. also demonstrated the materiality of Barr's crime; as the fraudulent Motion to Dismiss G.'s complaint denied G. any relief for the Defendants' false claims.

And, if it wasn't enough for the 9th Circuit to prosecute the proven charges by its own case law, G. also provided a second witness in Nancy Pelosi, who stated publicly that Barr lied under oath during the confirmation hearing (see p. C233-C236 ¶9).

G. has also shown that there is no other avenue to obtain the relief he desires, other than for this Court to award quo warranto, as "Democrats" and Republicans hold a Sherman monopoly on the US Attorneyz office, as well as the Courts. This was aptly demonstrated when G. filed a separate quo warranto action / motion to intervene in the Michael Flynn case in the DC District Ct. (petition not included for brevity). Flynn was National Security Adviser for Donald Trump, and plead guilty to fraud under 18 US § 1001. After Flynn admitted to the charges, Bill

Barr (through Tim Shea) moved to dismiss, and claimed the fraud was immaterial. And, though G. filed his motion by mail on 5/19/20 (received by the DC District Court & USDOJ on 5/21/20; see p. C237-C239), the DC Circuit Appellate Ct. then immediately ordered the DC District Ct. to show cause why the fraud charges shouldn't be dismissed, *just after G.'s quo warranto petition was received by the DC District Ct.* (p. C240); and the DC District Ct. refused to place G.'s quo warranto petition on the docket. On 5/22/20, FBI Director Chris Wray opened an "investigation" into the case.[3] And, on 6/10/20, House Judiciary Chair Jerry Nadler filed an amicus brief into this very case,[4] containing many of the arguments G. had already made in his quo warranto petition (that was suppressed from the docket by the district judge).

According to the established case law for quo warranto:

> "The action may be brought by the Attorney General '**or on the relation of a third person** (emphasis added).' The circumstances which entitled a third person to the writ are explicitly set out. If the

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[3] https://www.foxnews.com/politics/fbi-director-wray-opens-internal-investigation-into-how-bureau-handled-michael-flynn-case

[4] https://nadler.house.gov/news/documentsingle.aspx?DocumentID=394322

> Attorney General and the District Attorney refuse to act on the request of the 'person interested' the court may issue the writ on such person's verified petition if the reasons set forth in said petition are sufficient in law." *United States ex rel. Noel v. Carmody*, 148 F. 2d 684, 685 (US App. DC (1945)).

This relation of the third person (the Relator), and his standing, is defined as:

> "affect(ing) any property right of the relator the facts stated in the petition would have required a hearing and a decision whether the election was valid." *Id.* at p. 686.

According to the Washington State Supreme Ct.:

> "Under... RCW 7.56.020... when any person unlawfully holds any office... an information may be filed against him by the prosecuting attorney, or by any other person on his own relation, whenever he claims an interest in the office, franchise, or corporation which is the subject of the information." *State v. Horan,* 22 Wash. 197, 197-198.

According to *American Jurisprudence*:

> "Where a quo warranto proceeding is brought to try title to a public office, ***the burden rests on the defendant or respondent, as against the state at least, to show a right to the office from which he or she is sought to be ousted*** (emphasis added). Moreover, since the object of such

> proceedings is to test the actual right of the respondent to the office, and not merely a use under color of right, it is incumbent upon the respondent to show a good legal title, that is, the defendant must show a right de jure and not merely de facto. ***Thus, a defendant who has been nominated, elected, and sworn into office is not entitled to a favorable presumption, in a quo warranto proceeding testing his or her right to hold that position*** (emphasis added)." 65 Am. Jur. 2d, *Quo Warranto*, § 103 (2011);

and:

> "**The public interest demands that controversies respecting title to public office be adjudicated on the merits** (emphasis added; citing *State ex inf. Crow v. Armour Packing Co.*, 73 S.W. 645 (1903))." 65 Am. Jur. 2d, *Quo Warranto*, §112 (2011).

Yet, despite these things, the 9th Circuit and District Ct. (as well as the DC Courts) refuse to allow a hearing, refuse to make the public officer (Bill Barr) respond to the proven charges (the Court's ministerial duty), and unlawfully deny quo warranto relief to Relator, because G. is entitled to seizure of USDOJ to prosecute ALL of the false claims. Therefore, this Court must grant quo warranto and mandamus relief against USDOJ and the 9th Circuit here as well.

IV. Relator has plead and proven a pattern of racketeering activity by the "Democratic" Party, the Republican Party, and USDOJ coincident with the Contract Fraud false claim. The pattern of labor racketeering activity extends across four major construction projects (false claims), highlighting criminal acts with the "same or similar purposes, results, participants, victims, methods of commission, which are interrelated by distinguishing characteristics and are not isolated events." *H.J. INC v. Northwestern Bell*, 106 L. Ed. 2d 195, 216.

In addition to suing the Democratic Party, the Republican Party, and G.'s former attorneyz for fraudulently destroying his person and property under the FCA and *2nd Restatement of Contracts*, G. has sued the Defendants under the State Leading Organized Crime Statute (RCW 9A.82; see p. B2, B254-B255); because a pattern of racketeering activity extends across four separate major construction projects (p. B235-B244)), and "such acts have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics and are not isolated events." *H.J. INC v. Northwestern Bell*, 106 L. Ed. 2d 195, 200.

And, because G. has established a pattern of racketeering, G. is entitled to an immediate payment of $250,000 (see RCW 9A.82.100(1)(d)).

This payment has now been illegally withheld from G. for over 1.5 years.

This Court has stated, that in order to prove a pattern of racketeering activity:

> "a plaintiff or prosecutor must show that the predicate acts of racketeering activity are related and that they amount to or pose a threat of continued criminal activity." *H.J. INC v. Northwestern Bell*, 106 L. Ed. 2d 195, 197.

G. has done this, as he has plead and proven *quid pro quo* benefits (SB 5987; see p. C76, C101-C111) in exchange for political campaign donations (see p. C77-C100). G. has also shown that the attorney that settled his OSHA harassment complaint served as general counsel for AGC (see p. B261-B264; B277-B286), though he failed to share any of this information with G. Instead, Delue forced G. into a fraudulent settlement contract agreement (see generally p. B45-B75), after baiting G. into a fraudulent contingency fee contract agreement (p. C52-C56), in which he had no intention of performing due to his interest in passing SB 5987 for AGC (see p. B261-B264). It is unlikely that politicians would have tried to pass SB 5987 if G.'s information about the Skagit R. I-5 bridge would have been publicly known.

Organized crime is defined as:

> "'the unlawful activities of the members of a highly organized, disciplined association

> engaged in supplying illegal goods and services, including but not limited to... labor racketeering, and other unlawful activities." *H.J. INC v. Northwestern Bell*, 106 L. Ed. 2d 195, 211.

This Court has stated that continuity of criminal conduct can be shown by:

> "(1) proving a series of related predicate acts extending over a substantial period of time, (2) proving related predicate acts that involve a distinct threat of long-term racketeering activity... (3) showing that the predicate acts or offenses are part of an ongoing entity's regular way of doing business... (4) showing that the predicate acts are a regular way of conducting the defendant's ongoing legitimate business or conducting or participating in an ongoing and legitimate RICO 'enterprise.'" *Id.* at p. 200.

and that:

> "The dismissal of a complaint may be affirmed only if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations." *Id.* at p. 201.

Here, however, the District Ct. dismissed Relator's complaint without a hearing (while threatening G. with sanctions), and the 9th Circuit granted summary affirmance to the dismissal, despite the

fact that Relator has plead and proven an ongoing pattern of illegal racketeering activity over a substantial time period, including four separate violations of the FCA, fraud and perjury by USDOJ, entitlement to relief under the state leading organized crime statute, entitlement to relief by quo warranto, entitlement to relief under the *2nd Restatement of Contracts*, and entitlement to relief under the FCA.

V. Sanctions

The District Ct. and the 9th Circuit Court have abandoned this Court's established fraud standard: *Hazel-Atlas Glass Co. v. Hartford - Empire Co.*, 322 US 238 (1944):

> "No fraud is more odious than an attempt to subvert the administration of justice." *Id.* at 251.

and replaced it with this one: *United States v. Sierra Pacific Industries, Inc.*, 862 F. 3d 1157 (9th CIR. (2017)), allowing USDOJ to freely participate in fraud and perjury to subvert the administration of justice. This action has not only:

> ""prejudiced the opposing party,' but... harmed the integrity of the judicial process." *Id.* at 1168.

The District Ct. and the 9th Circuit refuse to perform their ministerial duty to sanction USDOJ

to curb the ongoing practice of filing fraudulent motions.

> "A district court would necessarily abuse its discretion if it based its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence." *Cooter & Gell v. Hartmarx Corp.*, 496 US 384, 405 (1990).

Here, it is obvious that USDOJ filed a fraudulent motion to subvert G.'s complaint for political purposes, but the District Ct. pretends like it doesn't understand any of G.'s claims (see p. A10-A11), and threatens G with sanctions for USDOJ's fraud (see p. A11). As the Government has spent over $33 million on its "frivolous" Mueller investigation (see p. C126-C127), yielding no results, and committed additional fraud and perjury to obstruct G.'s very large claim, G. chose this amount as a reasonable sanction, and trebled it when USDOJ refused to withdraw the offensive and frivolous motion to dismiss (see p. C231-C232).

However, as Donald Trump states, he can do whatever he wants (see p. C233 ¶3), because of his Art. II powers and his "total professional" AG, including violating the Constitution and laws of the United States, as the 9th Circuit and District Court don't enforce them, and refuse to sanction USDOJ for prosecutorial fraud. Therefore, this Court must grant mandamus relief here as well. And though $99 million might initially seem like a large amount, House Judiciary chair Jerry Nadler only

recently proposed sanctioning USDOJ $50 million[5] for dismissing the Flynn case (after G.'s quo warranto petition was suppressed from the docket by the DC District Ct),; and this amount is less than 10% of G.'s overall claim.

VI. Certiorari is not the appropriate avenue to resolve the issues raised in this case.

Though 55 C.J.S. *Certiorari* §11 states:

> "The writ of certiorari will lie to review determinations made without jurisdiction or in excess of the jurisdiction conferred... Any act that exceeds the defined power of a court or inferior tribunal is in excess of jurisdiction for this purpose... making an order not supported by substantial evidence, improperly construing the applicable law, or failing to follow or apply the law;"

and 55 C.J.S. *Certiorari* § 2 states:

> "the writ is reserved for extraordinary situations, or exceptional circumstances...only where to do otherwise would result in substantial injustice...the writ may be used to correct certain errors of law or review certain matters of discretion;"

55 C.J.S. *Certiorari* § 9 states that:

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[5] https://www.reuters.com/article/us-usa-justice-newyork-idUSKBN23S0IB

> "certiorari is not the proper procedure for challenging the constitutionality of a statute or ordinance."

Here, G. is challenging the constitutionality and legality of the False Claims Act; as well as State legislation SB 5987 (*Connecting WA* tax package); as both are unconstitutional when examined next to the 1st, 5th, and 14th Amdts., as well as the Contract Clause, as has already been described above.

CONCLUSION

Judges and members of Congress swear an oath to defend the laws and Constitution of the United States (Art. VI Clauses 2 & 3; 5 US § 3331; 28 US § 453). As Mr. Barr notes in his position paper (see p. C157), this oath should confine the officer to "the faithful execution of the laws."

G. has proven fraud and perjury against USDOJ; and errors of law by the 9th Circuit and District Ct.; and G. has suffered injury in fact (see p. C142) because of it.

Because of this, and because G. planned to use the seized funds for his 2020 presidential election, and because USDOJ (and the Courts) are operating politically rather than by "Rule of Law" (contrary to their mandate), and as the denial of the writs will only result in another Attorney General who will subvert the laws in the Defendants' favor, this Court should award G. writs

of mandamus, prohibition, and quo warranto to confine USDOJ, the District Ct., and the 9th Circuit Ct. to a lawful use of power.

G. has no other adequate means to obtain the desired relief. G.'s rights to the writs are clear and indisputable. The requested relief is appropriate under the circumstances.

Respectfully submitted.

David Golden
Pro Se Petitioner
Washington Professional Engineer
#39855

DATED this 6th day of July, 2020.