

20-6167
No.

IN THE
SUPREME COURT OF THE UNITED STATES

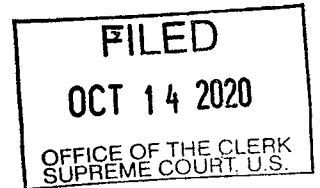
Fareed-Sepehry-Fard-----PETITIONER

v.

THE UNITED STATES, -----RESPONDENTS (s)

ON PETITION FOR WRIT OF CERTIORARI TO

ORIGINAL



United States Court of Appeals for
the Federal Circuit, Case No. 20-1100
After an Unpublished Decision by the Court of Appeal

PETITION FOR WRIT OF CERTIORARI

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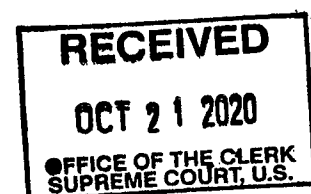


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Notice to Agent is Notice to Principal and Notice to Principal is
Notice to Agent.

QUESTION PRESENTED

Petitioner presented a sworn claim under Oath which makes it a fact under Maxims of Law to the inferior court to enforce Petitioner's non judicial judgment. The Clerk of inferior court refused to enforce Petitioner's non judicial judgment and recoup Petitioner's monies from Respondent citing that the inferior court was without jurisdiction.

However, enacted law, inter alia, at Title 28 US Code Section 1653 and controlling case laws, allow Petitioner to amend the complaint to satisfy any jurisdictional issues, Title 28 US Code Section 1653 , "to correct defective jurisdictional allegations", due process at 5th Amendment, *Haines v Kerner* ", *Id.*, *Platsky v CIA, Id.*, "to correct defective jurisdictional allegations", *Id.*

Moreover, the court of Appeal in Sepehry-Fard expressly set aside perfection of Petitioner's Arbitration Award, as if it did not exist, creating an irreconcilable conflict in the published SCOTUS decision in *Henry Schein, Inc., et al. v. Archer & White*

Sales, Inc. certiorari to the united states court of appeals for the fifth circuit No. 17–1272. Argued October 29, 2018—Decided January 8, 2019. The issue presented is:

- 1) Should this court end the conflict in lower courts by applying *Schein* rules nationwide that Arbitration Award is effective upon its perfection under notary witness sworn affidavit, non-judicially where the issue of the Arbitration Award as an operation of law is the pre-cursor to the secondary questions thus disapproving lower courts' interpretation of non-judicial Arbitration Award which has significantly damaged Petitioner economically, physically and emotionally and continues to damage Petitioner economically, physically and emotionally?
- 2) Should the courts below refrain from legislation when the law clearly avails amending the complaint at inter alia, Title 28 US Code Section 1653 -- to satisfy any jurisdictional issues?

LIST OF PARTIES

All parties appear in the caption page of the case on the cover page.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below issued by the clerk of the United States Court of Appeals for the Federal Circuit Court of Claims.

OPINIONS BELOW

The Decision of the highest United States Court of Appeals for the Federal Circuit Court of Claims denying to enforce Petitioner's non judicial judgment appears at [2 PT 549-550]¹ and is unpublished.

The Decision of the Federal Circuit Court of Claims, refusing to enforce Petitioner's non judicial judgment against the Respondent appears at [1 PT 354-363] and is unpublished.

JURISDICTION

The date on which the UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT decided Petitioner's case was on July 23, 2020, the petition for rehearing was denied on September 4, 2020. A copy of

¹ PT stands for Petitioner's Transcripts concurrently filed, [2 PT 549-550] means volume 2 of Petitioner's Transcripts pages 549 to 550 inclusive, etc. etc

those decisions appears at [1 PT 512-517] and [1 PT 549-550], respectively.

The jurisdiction of this court is invoked under 28 U.S.C §1257(a) and 5th amendment right to due process.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Petitioner was unable to obtain an impartial arbitrator and an impartial forum, without bias, pursuant to the 4th, 5th, 6th, 7th, and 14th Amendment guaranteed rights of the federal Constitution of 1787, as purviewed by the states for Complainant, Petitioner and Appellant Fareed -Sepetry-Fard.

Petitioner has been wronged by the void judgment of the clerk of the lower court in refusing to enforce Petitioner's non judicial judgment, and as an American who has been wronged, is due remedy.

The lower court order is void on its face, in fact and in law due to inter alia, that there is no court in our entire Republic, except this court of records, that has article III judicial power since none other has been ordained and established at Article III Section I of the Constitution of our Republic. The inferior court clerk refused to perform its administrative duties in enforcing Petitioner's judgment.

STATEMENT OF THE CASE

Petitioner, Plaintiff and Appellant Fareed-Sepetry-Fard, *Sui Juris*, (or "Petitioner") appealed a decision by the trial court in refusing to enforce Petitioner's non judicial judgment.

Petitioner noticed the Defendant and its Agent(s) Co Parties Principle(s) by writing to Defendant, several times, with registered and certified mail based on facts on records, that known international money launderers, ponzi schemers and their Co Parties Agent(s) Principle(s) [such as but not limited to U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GREENPOINT MORTGAGE TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-AR2; NATIONSTAR MORTGAGE LLC.; GREENPOINT MORTGAGE FUNDING, INC.; CAPITAL ONE, N.A.; SEVERSON & WERSON APC; JOSEPH W. GUZZETTA, BERNARD J. KORNBERG; ADAM N. BARASCH; MARK JOSEPH KENNEY; WILLIAM A. ASPINWALL; FINANCIAL GUARANTY INSURANCE COMPANY; CLEAR RECON CORP; and Does 1 through 50, collectively, "aforementioned companies" or "entities"] who are actively, even as of now, involved in sex trafficking, human trafficking, prostitution, drug cartel and other unlawfully obtained monies, have attempted to cover up their unlawful conduct to launder those unlawfully obtained monies to what seems to be, inter alia, funding terrorist groups including but not limited to funding ISIS, using Petitioner's (and other people's homes) as a cover up to launder those unlawfully obtained monies when not only Petitioner has never had and had never had any relationships with these entities that Plaintiff complained about to the Defendant, at any time, but also based on extensive research, backed up by a declaration of

an expert witness, based on facts on records, Petitioner found out that not only Greenpoint Mortgage Funding, Inc. did not exist in 2007 in California since it had surrendered to California Secretary of State in 2004, but also there were never, at any time, any financial transactions between Petitioner and any and all of the companies who have or had made claims against Petitioner and Petitioner's real property, also based on facts on records, backed up by the Declaration of Custodian of Records at First American Title insurance Company ("FATIC"), in 2004, 2007, 2009 and in 2011, [1 PT 11], [1 PT 15], [1 PT 28], [1 PT 257].

Moreover, Petitioner, also found out, and noticed all, that based on extensive research, and facts on records, the aforementioned companies and their Co Parties Agent(s) Principle(s) have sold Petitioner's private property, when they are and have always been, complete strangers to Petitioner and to Petitioner's private property, to multiple unknown entities while receiving tax write offs from Internal Revenue Services ("IRS"), TARP, Credit Default Swaps (CDSs), Cross Collarization of Petitioner's alleged loan based on a non existing alleged loan on Petitioner's private property, receipt of Yield Spread Premiums and several other insurance payouts, [1 PT 11].

On or about February 9th, 2018, Petitioner as a realtor on behalf of Defendant and Internal Revenue Services ("IRS") filed a Verified and Sworn Qui Tam complaint in USDC, San Jose

Division ², that based on facts on records, fictitious entities and some of their agents U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GREENPOINT MORTGAGE TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-AR2; NATIONSTAR MORTGAGE LLC.; GREENPOINT MORTGAGE FUNDING, INC.; CAPITAL ONE, N.A.; SEVERSON & WERSON APC; JOSEPH W. GUZZETTA, BERNARD J. KORNBERG; ADAM N. BARASCH; MARK JOSEPH KENNEY; WILLIAM A. ASPINWALL; FINANCIAL GUARANTY INSURANCE COMPANY; CLEAR RECON CORP; and Does 1 through 50 (collectively, "aforementioned companies" or "entities") and their culprits did in fact settled in court with Financial Guaranty Insurance Company ("FGIC") where the aforementioned companies have paid back some of the monies they obtained from FGIC without paying back the monies that they received from IRS and to the Defendant as well as without paying back

² Case No. 5:18-cv-00862-EJD, INTERNAL REVENUE SERVICE, The United States of America ex rel. Qui Tam Plaintiff/Realtor Fareed Sepehry-Fard[©], Sui Juris, v. U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GREENPOINT MORTGAGE TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-AR2; NATIONSTAR MORTGAGE LLC.; GREENPOINT MORTGAGE FUNDING, INC.; CAPITAL ONE, N.A.; SEVERSON & WERSON APC; JOSEPH W. GUZZETTA, BERNARD J. KORNBERG; ADAM N. BARASCH; MARK JOSEPH KENNEY; WILLIAM A. ASPINWALL; FINANCIAL GUARANTY INSURANCE COMPANY; CLEAR RECON CORP; and Does 1 through 50

any monies to Petitioner, without any accounting and accountability, when based on facts on records, there were never ever any financial transaction between Petitioner and the aforementioned companies at any time, whatsoever, [1 PT 12].

The judge in this case, dismissed Petitioner's verified claim, and stated on records that since Plaintiff is not an attorney, he can not file a Qui Tam Complaint setting aside, unlawfully, that there is nothing in False Claims Act that implicitly or explicitly authorizes such an utterly erroneous so called conclusion of law, [1 PT 12].

Since when British Accreditation Regency ("BAR" or "British") agents such as attorneys have more rights than one of "We the People"? Petitioner **require proof of “legislative authority or law” (not color of law) that created lawyers, the BAR association, and actual licensing.** Who gave THEM authority to walk into a courtroom? And what authority does it give them in law? Show the legislative enacted law that give them any authority (they have none) or the order of the judge is void as a matter of law.

Attorneys have no legislative authority to be there. Until the attorneys prove the **legislative authority** and prove the BAR association actually issues a “license” under congressional enacted authority (the BAR is a mere union), before proceeding with their claims, [1 PT 12].

Accordingly, the order by this judge regarding Petitioner's ability to sue aforementioned companies on behalf of himself,

the Defendant and IRS is void as a matter of law since there is nothing in False Claims Act ("FCA") that corroborates and substantiates the judge's erroneous and void decision ³, and Petitioner has been entitled to whistle blower program.

The aforementioned companies and their agents, inter alia, include but are not limited to Greenpoint Mortgage Funding, Inc.; Nationstar Mortgage LLC; Capital One, NA; Clear Recon Corp.; US Bank US BANK NATIONAL ASSOCIATION, as Trustee for Greenpoint Mortgage Pass Through Certificates, Series 2007-AR2; Aurora Bank FSB, FINANCIAL GUARANTY INSURANCE COMPANY and their agent(s) Co Parties Principle(s).

To corroborate on these facts presented to Defendant, verified under the penalty of perjury under the laws of the United States of America and State of California, Petitioner send to the Defendant and its Co Parties Agent(s) Principle(s) numerous letters by certified and registered mail and demanded that the Defendant conduct its official duties and stop the unlawful conduct of the aforementioned companies and their agent(s) Co Parties Principle(s) in their literal theft of Petitioner's assets and monies, to no avail, [1 PT 327], [1 PT 329], [1 PT 331], [1 PT 335], [1 PT 350], [1 PT 371], [1 PT 374].

³ The practice of Law CANNOT be licensed by any state/State. (Schware v. Board of Examiners, 353 U.S. 238, 239), The practice of Law is AN OCCUPATION OF COMMON RIGHT! (Sims v. Aherns, 271 S.W. 720 (1925))

Defendant did nothing to stop these literally criminal conduct and grand theft by the aforementioned companies and in fact aided and abetted aforementioned companies to continue to steal from Petitioner and to maliciously, either on ignorance on purpose or both, caused harm to Petitioner, Petitioner has become disabled due to Defendant's failure to perform its official duties severely damaging Petitioner emotionally, economically and physically, [1 PT 13], [1 PT 27].

Petitioner as a direct and proximate result of Defendant's failure to act has become disabled and in is constant pain even when he uses the prescribed medications by his physician, to ease his constant pain, caused by aforementioned companies and Defendant's failure to prevent harm to Petitioner, when Defendant has been on repeated notice by the plaintiff, [1 PT 14], [1 PT 22]. As a direct and proximate result of Defendant and its Agent(s) Co Parties Principle(s) failure to prevent harm to Petitioner at inter alia, 28 US Code §1346, Petitioner has been economically, emotionally and physically harmed by the aforementioned companies and by the Defendant's failure to act.

The purpose of these pain killers are, to help Petitioner to cope with the constant pain that he is going through as a result of the aforementioned companies misconduct, *Id.*, and Defendant's failure to prevent harm to Petitioner, when on numerous notices. Those pain killers have been prescribed by several LICENSED STATE OF CALIFORNIA PHYSICIANS, [1 PT 228] , [1 PT 236], [1 PT 278].

The allegations above inclusive have evidentiary support under open public records and are likely to reach proof of fact qualifying as Mandatory Judicial Notice under Federal Rule of Evidence 201 and controlling of presumptions under Rule 301 of Evidence Rules.

Any objections to said standings and capacities will be noticed to Plaintiff forthwith so Petitioner can respond. And, that without such notice and objection, Petitioner's capacities and standings are fully recognized nunc pro tunc.

Thereby, Petitioner require protection by federal actions enforcing the laws as written while reporting wrongs of both the state and the federal constitutions and laws and rules to this Court as Petitioner is now witness in this federal action (18 USC § 1512 et. seq.).

The following, in full, and sometimes in part, has been, several times communicated to Defendant and or its Co Parties Agent(s) Principle(s) by registered and certified mail. However, Defendant failed its official duties under the Constitution of the United States of America in protecting Petitioner from being harmed, economically, emotionally and physically by aforementioned companies which are international money launderers and ponzi schemers, which are also known to unlawfully obtain and launder drug cartel, human trafficking, minor prostitution, sex trafficking and other unlawfully obtained monies, dressed falsely as alleged mortgage servicers, trustee of a closed trust that had shut down operations more than 10 years

ago and whatever else one wants to call these sham entities, [1 PT 14], [1 PT 15] , [1 PT 18], [1 PT 34], [1 PT 170], [1 PT 210].

It is against the law for Defendant, for example, to allow a trustee of a closed trust that had shut down operations more than 10 years ago, to wit: U.S. Bank National Association, as Trustee for Greenpoint Mortgage Trust Mortgage Pass-Through Certificates, Series 2007- AR2 to falsely and fraudulently claim that the trustee for a closed trust foreclosed on Petitioner's private land when not only based on facts on records, the trustee for a closed trust is complete stranger to Petitioner and to Petitioner's home and there were never ever any financial transaction between Petitioner and any and all of the companies who falsely have fabricated false and fraudulent papers in County Recorder to give an illusion of a privity between Petitioner and the aforementioned companies, but also a closed and defunct trust can not authorize a derivative action (i.e. a foreclosure, **THINK ABOUT IT!**), [1 PT 15].

Additionally, based on proof positive on records, the attorneys who claimed and still claim that they were and are representing the ghost (US Bank US BANK NATIONAL ASSOCIATION, as Trustee for Greenpoint Mortgage Pass Through Certificates, Series 2007-AR2) do not have and never had any power of attorney from neither the ghost nor from US Bank, [1 PT 436], [1 PT 533].

In spite of these facts and repeated notices to Defendant, Defendant did nothing and in fact encouraged these companies to

continue harming Petitioner by its silence since, it appears that the Defendant too is one of the culprits who has and is still benefiting from Petitioner's deprivation of rights under the color of law actionable at 18 US Code Sections 241 and 242 and Title 42 US Code Sections 1983 and 1985, [1 PT 334], [1 PT 374].

The court of appeal upheld the void judgment. *Sepehry-Fard v. THE UNITED STATES*, opinion at [1 PT 396-397], [1 PT 421 - 422], [1 PT 512-517].

In denying to enforce Petitioner's non judicial judgment at [1 PT 5-33], the inferior court clerk erroneously opined that Petitioner should seek to enforce his non judicial judgment elsewhere without identifying those venues since there are none other, [1 PT 512-516].

Petitioner, several times, corroboratively elucidated to the inferior appeal court clerk that there is no United States District Court in all of our Republic that has judicial power at Article III Section I of the Constitution, *Id.* since none has been ordained and established by congress even though they have falsely been identified as such.

Petitioner explained to the inferior court clerk, in writing, that People can not obtain due process since these courts are not capable to grant relief to people, to wit: they lack judicial power at Article III Section I of the Constitution. However, these so called courts have been faking having such power; they only serve the interest of the government and not the people, *Id.*

Moreover, Petitioner explained, California state establishments falsely labeled as *courts*, are in fact and in law private tribunals which have unknown Employer Identification Number ("EIN"), and have invested in bogus Asset Backed Securities ("ABS") and Mortgage Backed Securities ("MBS") that are not backed by anything. Those are not backed by anything since the false instruments, whether filed in Santa Clara County recorder or not, recite transactions that never ever happened in fact and in law to wit: for any financial transaction to get consummated, there must have been an offer, when there were none; acceptance of that offer, where there were none; and last but not least, for value consideration or payment, when there were never ever any, whatsoever, see Uniform Commercial Code ("UCC"). Moreover, these so called *state courts* are also not ordained and established by congress at Article III Section I of the Constitution, therefore, they too have no judicial power, *Id.*

As clearly corroborated in Petitioner's papers, the false and fabricated paper trails, whether or not filed in Santa Clara County recorder and or securities and exchange commission et. al., are holographic images of empty bags with nothing in them, facilitated, organized and managed at the highest levels of government with most if not all USDC, state, bankruptcy and even appellate court judges' direct and or indirect involvement in laundering monies for sex and human traffickers and pedophiles, laundering 1000s of trillions of dollars through variety of ruses to wit: Collateralized Debt Obligations ("CDOs"), Credit Default

Swaps ("CDSs"), Yield Spread Premiums, TARP, and all other insurance payouts, literally bankrupting every single man, women and child in the entire world as there is less than \$200T of money supply ⁴ in the entire planet.

Public Servants, Petitioner explained, to wit: court administrators labeled as "judges" even though they have no judicial power at Article III Section I of the Constitution, in majority of the cases, disallow discovery at all costs, as to proof of the value paid for the fabricated instruments by the individuals and their culprits subject to the arrest warrants in the complaint, in order to falsely portray consummation of financial transactions that never consummated.

From time to time, very few "judges" in the entire country, based on ignorance or simply because they can not be bought or both, allow discovery, *Id.*, and then, the homeowner, at the 11th hour, is offered a settlement from the racketeers or pretender lenders that he or she can not refuse, BUT, the criminal racket continues against other homeowners while the Defendant is instrumental in making sure these criminal rackets in piracy and grand theft of People's assets continues.

Our President, Mr. Trump has been working hard to drain the swamp and Restore the Republic with numerous patriots helping him, Petitioner included.

<https://nationalfile.com/watch-attorney-general-barr-takes->

⁴ Source: <https://www.marketwatch.com/story/this-is-how-much-money-exists-in-the-entire-world-in-one-chart-2015-12-18>

on-human-trafficking-in-child-welfare-system/ “In the modern age, the level of evil is unbelievable,” said President Trump, who has dramatically increased human trafficking arrests.

As the justices of this court of records may be aware, every case whether criminal or civil or even probate, is assigned a CUSIP⁵ number and traded on wall street among various deep state operatives who launder monies obtained from various unlawful activities including but not limited to kidnapping over 800,000 children on an annual basis in this country alone, and selling their organs and committing all kinds of other heinous crimes on those children⁶ using various other conduits and ruses

⁵ CUSIP refers to the Committee on Uniform Securities Identification Procedures which oversees the entire CUSIP system. The CUSIP number is a unique identification number assigned to all stocks and registered bonds in the United States and Canada, and it is used to create a concrete distinction between securities that are traded on public markets. Foreign securities have a similar number called the CINS number.

Source: <https://www.investopedia.com/terms/c/cusipnumber.asp>

⁶ The individuals subject to issued arrest warrants who are inter alia, attorneys at Severson & Werson [Guzzetta ("Guzz"), Aspinwall, Kornberg, Barasch and others] and their culprits routinely use defunct and closed entities such as but not limited to U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GREENPOINT MORTGAGE TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-AR2, without any power of attorney on records and when specifically demanded of them, through well in excess of 12 Writs, failed to return the Writs, and are involved in laundering illegally obtained monies from inter alia, pedophile rings, human trafficking, sex trafficking, drug cartels and other illegally

obtained monies. These individuals use part of these illegally obtained monies, to bribe corrupt state and federal court judges, to aid and abet them and their culprits such as Nationstar Mortgage LLC. ("Nationstar") to accomplish laundering monies using conduits and guises such as, the homeowner, the home and the alleged so called "loan". That is why they continue to represent closed and defunct entities that, in my case, has shut down operations in excess of 11 years. **This is precisely what other criminals like these individuals and their culprits did during wars in the south east Asia, see and hear the statements made by the ex head of FBI in Los Angeles where illegal drugs were imported into this country using the body cavities of dead GIs.** Theodore L. Gunderson ("Gunderson") was an American Federal Bureau of Investigation Special Agent in charge and head of the Los Angeles FBI. According to his son, he worked the case of Marilyn Monroe and the John F. Kennedy cases (see Retired HEAD OF FBI Ted Gunderson Tells ALL Illuminati Satanism Pedophile Rings <https://www.youtube.com/watch?v=RemeFrbS-0Y>. **According to FBI and Gunderson , every hour, 83 children are missing from this county, over 700,000 children per year, also see another confirmation of this fact, which is obtained from ABS news, "According to the National Center for Missing and Exploited Children, roughly 800,000 children are reported missing each year in the United States -- that's roughly 2,000 per day."**, Source: <https://abcnews.go.com/US/missing-children-americaunsolved-cases/story?id=19126967>

The justices and the Clerk of this court of records are demanded to listen, in full, to the statements made by Gunderson and do an independent inquiry, using alternative media and not the FAKE NEWS, to determine what these criminals and their culprits such as the individuals subject to the arrest warrants, *Id.*, do to the missing 800,000 missing children, on an annual basis, most of whom are NEVER FOUND.

Therefore, the individuals subject to the arrest warrants, *Id.*, (the British agents working at Severson) that state court and USDC administrators routinely shelter and shield, and fail their official

inter alia : Credit Default Swaps (CDSs), Collateralized Debt Obligation (CDOs), Yield Spread Premiums, and other ruses such as but not limited to obtaining federal and state grants which are obtained and distributed among members of these racketeering club members.

Respondent is obligated to guarantee a Republican form of government to Petitioner, to wit: Article IV Section 4 which consists of one (1) clause: (1) Provided that the Federal Government shall GUARANTEE a Republican form of government to all States; providing courts of justice under the Law of the Land, a/k/a Common Law and that is what Appellant demanded.

Respondent repeatedly failed its obligations, *Id.* to Petitioner at inter alia Article IV Section 4 while Respondent has been instrumental in literally stealing 10s of millions of dollars of Petitioner's monies.

Petitioner has been harmed by the Respondent and demands this court to order Respondent to return Petitioner's stolen monies by the Respondent and its culprits, *Id.* as well as

duty to perform, authorized by law, *Id.*, are using corrupt judges and courts, by bribing these corrupt so called judges, by some of the monies that these individuals subject to the arrest warrants, *Id.*, and their culprits obtained and obtain from, inter alia, pedophile rings, to launder illegally obtained monies from satanic acts, inter alia, committed on nearly 800,000 children, on an annual basis, that go missing in our country using closed, DEAD and defunct entities, *Id.* (just like other criminals used *dead* GIs' body cavities to import heroin and other illegal drugs to our country), **SEE THE PARALLEL HERE!!**

pay for Petitioner's damages caused as the direct and proximate results of Respondent's misconduct as fully memorialized in Petitioner's instruments presented to this court of records, see UCC - Presentment.

Moreover, the Respondent, Petitioner explained to the clerk of the inferior court, has been attempting to destroy and abolish our Republican form of government in violation of the law and in the process further economically damaged Petitioner, *Id.*, to wit: Pursuant to 18 USC §2385 – Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of the Republic a/k/a Law of the Land by force or violence; Shall be fined under this title or imprisoned not more than twenty years, or both. Also see 18 U.S. Code § 2382 - Misprision of treason. "*Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.*" and pursuant to Title 28 US Code §454 -- Practice of law by justices and judges-- *Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor.*

These and other takings of Petitioner's monies and properties by the Respondent and its culprits, has severely economically damaged Petitioner, Petitioner is due remedy as an American who has been wronged by the Respondent.

Respondent, based on numerous controlling case laws, admitted to treason, at inter alia, *Bulloch v. United States*, 763 F.2d 1115 (1985) where the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury....It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function, thus where the impartial functions of the court have been directly corrupted." further damaging Petitioner economically, physically and emotionally.

Finally, Respondent has, in addition, stolen 10s of millions of dollars of Petitioner's monies from Petitioner's trust FAREED SEPEHRY-FARD[®], Petitioner demands all of it back and the court is obligated to order the Respondent to pay back the monies in Petitioner's trust which does not belong to Respondent, it belongs to Petitioner.

Petitioner then moved the inferior court, following denial of Petitioner's demand for relief, for findings of facts and conclusion of law [1 PT 423] explaining to the inferior court clerk, that inter alia, the order denying to enforce Petitioner's non judicial judgment are fatally void and if the court would not find

the facts and conclusion of the law, the inferior court would admit that there are no facts NOR any law in failing to enforce Petitioner's non judicial judgment, [1 PT 425].

In Petitioner's motion for reconsideration, Petitioner explained to the clerk of the inferior court, that all laws repugnant to the constitution are null and void, *Marbury v. Madison* [1 PT 523]; that Petitioner never consents nor consented to a Nisi Prius Court [1 PT 399], [1 PT 519]; that all codes, rules, and regulations are unconstitutional and lacking due process, *Rodrigues v. Ray Donovan* (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985); that all codes, rules, and regulations are for government authorities only, [not Petitioner] in accordance with God's laws, *Rodrigues v. Ray Donovan, Id.*; that pursuant to California Government Code 54950, "... The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not", [1 PT 523].

In spite of all these authorities and others, inter alia, *Yick Wo v. Hopkins*, 118 U.S. 356. A sovereign is the source of law. "*Sovereignty itself is, of course, not subject to law, for it is the author and source of law*", *Yick Wo v. Hopkins*, 118 U.S. 356, [1 PT 523], [1 PT 543], the inferior court administrator still failed its official duties to furnish long overdue remedy to Petitioner, did not find the facts NOR any law in refusing to administrator its official duties, failed to abide by his oath of office, and in the

process further harmed Petitioner economically, physically and emotionally.

This summary of facts is based on sworn statements of Petitioner made in the Petition to enforce his judgment.

A. What the Petition to Enforce Petitioner's Non Judicial Judgment Asked the United States Court of Appeals for the Federal Circuit to Do?

Petitioner asked the United States Court of Appeals for the Federal Circuit to enforce Petitioner's non judicial judgment at [1 PT 5-324].

Petitioner presented to the lower courts in addition to fact that the order by the inferior court was and is void and of no force and effect, it must additionally be reversed because it was based on the predicate presumption that there are other courts such as United States District Court or the County Courts to enforce Petitioner's non judicial judgment which would preclude the Court of Claims from jurisdiction to act, to wit: enforce Petitioner's non judicial judgment.

However, as explained at length, these so called courts not only do not have the jurisdiction to act since they have no judicial power at Article III Section I of the Constitution, but also they have vested interests in systematically and systemically denying Petitioner's [and 10s of millions of other men and women of our Republic] inalienable rights to due process at every turn and hence the only remedy Petitioner could seek, would be in the Federal Court of Claims.

Petitioner stated under oath that the false claimants have been committing acts of piracy and grand theft of Petitioner's home, while being aided and abetted by the Defendant, when there were never ever any relationships of any kind among Petitioner and any and all the false claimants, whoever they may be, since the named claimant, to wit: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR GREENPOINT MORTGAGE TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-AR2 ("the ghost") never existed and does not exist and the attorneys have admitted that they have no power of attorney neither from the ghost nor from U.S. BANK NATIONAL ASSOCIATION nor from any damaged party, party of interest and holder in due course of the alleged debt, alleged note [which is forged] and alleged mortgage.

Moreover, attorneys admitted on records that they have no power of attorney from any damaged party, [1 PT 436], [1 PT 533].

B. Trial Court Proceedings

Based on Petitioner's judgment and arbitration award, non-judicially, *Id.*, Petitioner sued Respondents. Petitioner filed his claim on July 26, 2018, (1 PT 6.) The Defendant filed for a motion to dismiss based on jurisdictional issues. Petitioner, in his verified claim against the fictitious Defendant alleged that Respondent has repeatedly failed its official duties and had refused to pay the monies it admitted to owe Petitioner, that Petitioner asked the lower court administrator to enforce

Petitioner's non judicial judgment and recoup Petitioner's monies from the Respondent.

C. The Court of Appeal Affirms.

Petitioner appealed. On January 10, 2020, Petitioner moved the court to strike Respondent's brief in its entirety which were filed during Petitioner's notice of unavailability due to Petitioner's medical conditions caused by the Respondent and its culprits and requested sanctions against the Respondent based on controlling case laws at inter alia, *Tenderloin Housing Clinic vs. Sparks* (1992) 8 Cal. App.4th 299; and *Abandonato v. Coldren* (1995) 41 Cal.App.4th 264, where Abandonato provides for the availability of sanctions to pro per litigants when notice of unavailability is violated [1 PT 369-372]. Petitioner reminded that Petitioner, for close to a decade, had been railroaded by various so called "courts" that the Declaration of Independence anticipated such tyranny by tyrants and availed almost two centuries ago, remedies for the people through the Declaration of Independence, to wit: A Transcription "... But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, **it is their duty, to throw off such Government**, and to provide new Guards for their future security...", emphasis added, [1 PT 374]. Petitioner later on, supplemented the inferior court's mandatory duties owed to Petitioner at inter alia, [1 PT 386-394]. In spite of these and other lawful notices and demands, the Clerk of Court denied that motion without any

lawful opinion on February 26, 2020 [1 PT 396-397]. Petitioner then filed for a motion for reconsideration, [1 PT 398] on March 2, 2020. Again, the clerk of court of records without any opinion denied that motion on March 12, 2020. [1 PT 421-422]

Petitioner on March 16, 2020, filed a motion for findings of facts and conclusion of law reminding the Clerk of Court of Records, if the Clerk does not find the facts NOR any law, then the Clerk of Court of Records would admit that there are no facts nor any law in dismissing the action which would make, again, any and all adverse decisions to Petitioner void and not voidable, [1 PT 425]. Additionally, Petitioner had demanded oral arguments to help the Clerk of Court of Records with availing due process to Petitioner. On May 26, 2020 Petitioner verifiably objected to corporate fiction Respondent's motion for summary affirmance, [1 PT 430] and again demanded oral arguments at inter alia, Fed Rule. 201 (e) and FRAP 34, [1 PT 431].

Petitioner, again, reminded all, that Petitioner corroboratively elucidated the facts and filed those facts in lower courts of records, that inter alia, there are no USDC Article III courts since none has been ordained and established by congress even though they have falsely been identified as such. That People can not obtain due process since these courts are not capable to grant relief to people, to wit: they lack judicial power at Article III Section I of the Constitution. However, these so called courts have been faking having such power, [1 PT 432]. That USDC are administrative court without judicial power

which has the interests of government, and can not be, as a matter of law and fact, an independent adjudicator of facts. These so called courts only serve the interest of the government and not the people, *Id.* Disguised administrative courts are being used to subvert freedom. The federal district courts, Petitioner explained to the lower court, are administrative, legislative, non-judicial courts that are an extension of any administrative harassment caused by persons claiming to represent the national government. Individuals appointed to United States district courts are permitted to believe that they are Article III judges because they are appointed for life. These individuals are actually urged by the other two branches of federal government to act like Article III judges. Injured man, through significant legal research, found out that none of the United States District Courts have any Article III judicial power and that is why People can not obtain justice. Moreover, California state establishments falsely labeled as *courts*, are in fact and in law private tribunals which have unknown Employer Identification Number ("EIN"), and have invested in bogus Asset Backed Securities ("ABS") and Mortgage Backed Securities ("MBS") that are not backed by anything. On July 23, 2020 the court of appeal affirmed in an unpublished opinion, [1 PT 512].

D. Post-opinion proceedings.

Since there were many erroneous facts and law in the void decision, *Id.*, and or otherwise substantial material and law presented to the court, which were, based on ignorance, on

purpose or both, completely overlooked, Petitioner moved the inferior court for vacating the void order at ECF 13-motion for reconsideration, [1 PT 518].

Petitioner once again explained to the inferior court, that inter alia, that there are no other courts that can avail due process and relief to Petitioner, *Id.*, that Petitioner does not understand [or stand under] Nisi Prius courts but a Common Law Court of Records, to wit: that the Clerk of Court of Records, in his void decision at ECF 13, was completely silent as to Petitioner's references to the Respondent's own color of law and subsequent economic damages to Petitioner at Tucker act, to wit: at inter alia, *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), which was a case in which the US Supreme Court ruled that an implied cause of action existed for an individual whose Fourth Amendment freedom from unreasonable search and seizures had been violated by the Federal Bureau of Narcotics. The victim of such a deprivation could sue for the violation of the Fourth Amendment itself despite the lack of any federal statute authorizing such a suit. The existence of a remedy for the violation was implied by the importance of the right violated. Also see *Davis v. Passman*, 442 U.S. 228 (1979) where the court held: A cause of action and damages remedy can be implied directly under the Constitution when the Due Process Clause of the Fifth Amendment is violated. *Cf. Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U. S. 388; *Butz v. Economou*, 438 U. S. 478. Pp., also see *Vancouver (City) v. Ward*, 2010 SCC 27,

authorizing money damages for breach of the Canadian Charter of Rights and Freedoms as it applies to Article IV Section IV of the Constitution of this Republic to wit: the right to a common law trial by jury and the Respondent's repeated refusal to avail to Petitioner, Petitioner's inalienable right to a common law trial by jury at 7th Amendment and 5th amendment right to due process, *Id.*

Petitioner also reminded the inferior court clerk to take notice of Petitioner's Mandatory Judicial Notice of Birth Certificate Fraud; Clausula Rebus SIC Stantibus by kate of kaea Applicable to Petitioner. That Respondent and its culprits have been very busy taking monies and properties from Petitioner, without Petitioner's consent. Those monies and properties unlawfully taken from Petitioner, lawfully belongs to Petitioner.

Petitioner demands his monies and properties back from Respondent and its culprits and this court of records must order the Respondent and its culprits to return Petitioner's stolen and takings of monies and properties by the Respondent, *Id.*

Petitioner explained to the inferior court of records' clerk, that the lower court seems to be the only venue that Petitioner can and should obtain his remedy from the corporate fiction, the UNITED STATES, to wit: "The words, "by due course of law," are synonymous with "due process of law," or, "**the law of the land**;" Emphasis added, *Kansas P. R. Co. v. Dunmeyer* Supreme Court of Kansas, if law of the land is not furnished to Petitioner, and the law of the land has not been furnished to Petitioner, then

Petitioner has been deprived of his 5th amendment right to due process and takings of property by the Respondent and Respondent's culprits, [1 PT 528].

Additionally, On July 31, 2020, Petitioner filed a supplemental for his Motion for Reconsideration of void ECF 13, explaining to the Clerk that inter alia, there is nothing that supports Clerk's conclusion of law at *Taylor v. United States*, 113 Fed. Cl. 171, 173 (2013) - that the Constitution is not a contract with undersigned when based on common sense as well as supporting law, it is, no other evidence exists to the contrary.

Petitioner asked the Clerk, should the Clerk disagree with Petitioner's statement, to please show Petitioner where this reference -*Taylor, Id.* supports Clerk's conclusion, to wit: it is rejected that the Constitution is not a contract? since Petitioner could not find it. Furthermore, Petitioner presented to the Clerk of Court of Records, that even if the Clerk could prove his [erroneous] contention at *Taylor, Id.*, and Clerk could not, still that is irrelevant, to wit: Petitioner's authority as a sovereign trumps any and all color of law and decisions, to wit: "*Sovereignty itself is, of course, not subject to law, for it is the author and source of law*", *Yick Wo v. Hopkins*, 118 U.S. 356.

ARGUMENT

- A. **This Court should grant review to end confusion in the lower courts over the unanimous decision in *Henry Schein, Inc., et al. v. Archer & White Sales, Inc.* that arbitration award is not a cause of action but a fact.**

The unanimous supreme court recent decision, *Henry Schein, Inc., et al. v. Archer & White Sales, Inc.* certiorari to the united states court of appeals for the fifth circuit No. 17–1272. Argued October 29, 2018—Decided January 8, 2019, where Justice Kavanaugh in a unanimous Supreme Court already stated the obvious, " The "**wholly groundless**" exception to arbitrability is inconsistent with the Federal Arbitration Act and this Court's precedent. Under the Act, arbitration is a matter of contract, and courts must enforce arbitration contracts according to their terms. *Rent-A-Center, West, Inc. v. Jackson*, 561 U. S. 63, 67. The parties to such a contract may agree to have an arbitrator decide not only the merits of a particular dispute, but also " 'gateway' questions of 'arbitrability.' " *Id.*, at 68–69. Therefore, a court may not override the contract, even if the court thinks that the arbitrability claim is **wholly groundless**. That conclusion follows also from this Court's precedent. See *AT&T Technologies, Inc. v. Communications Workers*, 475 U. S. 643, 649–650.", emphasis added., also see *Compton v. State of Alabama*, 214 U.S. 175 (1909) and California Maxims of Jurisprudence, the Civil Code of the State of California section 3516 which states" Acquiescence in error takes away the right of objecting to it." which is substantive law and not subject to be changed, amended, modified or altered by any procedural rules, as a matter of law, State of California C.C.P. 3516, *Id.*

Petitioner already has his arbitration award, *Id.*

By definition, any lawsuit filed by the Petitioner to ENFORCE the arbitration award --i.e., to get his monies owed to him admitted by the Respondent and recoupment of his stolen monies from the Respondent --- is NOT an action to EFFECTUATE the arbitration award. The intent of the statute is crystal clear --- that the Petitioner doesn't need to be a lawyer or financier to recoup his monies from the Respondent. It was finalized by the arbitration award. No particular form is required. Moreover, the question of "disputed" and "undisputed" arbitration award was addressed squarely by the SCOTUS unanimous decision in *Henry Schein, Inc., et al. v. Archer & White Sales, Inc.* court in its ruling by stating: "" The "**wholly groundless**" exception to arbitrability is inconsistent with the Federal Arbitration Act and this Court's precedent. Under the Act, arbitration is a matter of contract, and courts must enforce arbitration contracts according to their terms. *Rent-A-Center, West, Inc. v. Jackson*, 561 U. S. 63, 67. The parties to such a contract may agree to have an arbitrator decide not only the merits of a particular dispute, but also " 'gateway' questions of 'arbitrability.' " *Id.*, at 68–69. Therefore, a court may not override the contract, even if the court thinks that the arbitrability claim is **wholly groundless**. That conclusion follows also from this Court's precedent. See *AT&T Technologies, Inc. v. Communications Workers*, 475 U. S. 643, 649–650."

The big mistake is that people, judges and lawyers continue to view Petitioner's arbitration award as a pending claim

--- despite the US Supreme Court stating that courts cannot interpret a statute without finding ambiguity (and being right about that) they don't have power to change, add, amend or modify the express wording of the statute.

This situation is a compelling case for review of a court of appeal decision to "secure uniformity of decision" particularly when the void order was issued by the clerk. Without guidance from this court, People of this Republic will enjoy success or failure depending on where they bring their actions.

Although the fictitious Respondent may have a significant interest in finality, consumers have a countervailing interest in avoiding being railroaded by courts across this Republic.

Henry Schein, Inc, Id. revealed the majority of federal , state and bankruptcy courts had "misinterpreted the will of the enacting Congress," in allocating to People the burden to go to court to enforce their statutory arbitration award at Federal Arbitration Act. The Briefs filed by Respondents in courts below are barred under the doctrine of lack of subject-matter jurisdiction by operation of Federal Law. There are no exceptions under the statute, *id.* Fed. R. Civ. P. Rule 12 (h) (3), Lack of Subject-Matter Jurisdiction.

B. Title 28 US Code Section 1653 Violation

Petitioner explained to the inferior Court of Records Clerk at [1 PT 535], that inter alia, the Court administrators are and were obligated, based on enacted law at, inter alia, Title 28 US Code Section 1653 and controlling case laws, to allow Injured

man to amend the complaint to satisfy any jurisdictional issues, Title 28 US Code Section 1653 , "to correct defective jurisdictional allegations", due process at 5th Amendment, *Haines v Kerner* ", *Id.*, *Platsky v CIA, Id.*, "to correct defective jurisdictional allegations", *Id.*

REASONS FOR GRANTING PETITION

The core question of the arbitration award is answered affirmatively by the non-judicial operation of the law that governs the statue. The secondary consequences of the same operation of law produces the logical and only answer to the questions of arbitration jurisdiction in the Lower Court and its reliance upon void and deficient orders without, inter alia, findings of facts and conclusion of law.

Respondents do not have a "dispute" provision to rely upon under the statue. Respondents, and all parties who have taken an oath were absolutely mandated by law to defend Petitioner's constitutional rights against all enemies, foreign and domestic by operation of law.

Petitioner's jurisdictional challenge was founded strictly and specifically upon the operation of his arbitration award and the lack of standing of Respondents to file for a motion to dismiss or other ruses. Note Petitioner's appellate "Issue Presented" in its chronological order where the issue of the arbitration award as an operation of law is the pre-cursor to the

secondary questions in addition to the void order issued by a clerk of court below.

The court below views Petitioner's arbitration award, endorsed by all three branches of the government to wit: The President, the congress and the SCOTUS unanimous decision in *Henry Schein, Inc, Id.* that arbitration award is effective upon its finality under notary witness and sworn statement and nothing more is needed from the Petitioner, as a cause of action and a pending claim which, according to the court below, was not in the jurisdiction to avail remedy to Petitioner as an American who has been wronged by the Respondent and its Co Parties Agent(s) Principle(s).

However, arbitration under Federal Arbitration Act is not a *cause of action*, it is non-judicial mechanism of law that is triggered by, and is effective upon its perfection under notary witness in sworn statement made by Petitioner.

Because *Sepehry-Fard v. UNITED STATES et al.*, unpublished opinion as well as other courts of appeal and lower courts have led to disregard established Federal law and clear unambiguous statute, *Id.*, that arbitration award is effective upon the Respondents acquiescence to non judicial judgment at Federal Arbitration Act and the void order issued by the clerk of court, this court should grant review in this case to continue to uphold *Henry Schein, Inc, Id.* It should eliminate the confusion and confirm that *Henry Schein, Inc.*, apply throughout California and nationwide, specially to a void judgment by a clerk.

CONCLUSION


For these reasons, the petition for writ of certiorari should be granted.

DATED: 12th day of October, 2020

Respectfully presented,

All rights reserve waive none

By:


Fareed-Sepehry-Fard[©]