

25-5380

ORIGINAL

No. \_\_\_\_\_

FILED  
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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

PETER S. CHOW — PETITIONER  
(Your Name)

vs.

UNITED STATES; ET AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

PETER S. CHOW  
(Your Name)

2514 LEEBE AVENUE  
(Address)

POMONA CA 91768  
(City, State, Zip Code)

(909) 595-5038  
(Phone Number)

QUESTION(S) PRESENTED

Whether federal (no state)  
statute 28 U.S.C. § 1915 (e)(2) states that  
“... court shall dismiss the case  
at any time...” is inconsistent with  
U.S. Constitution Article III where subject  
matter jurisdiction (SMTJ) violations  
must be decided first (cannot “at any  
time” above and without violating SMTJ)  
before court can move further one step  
including 28 U.S.C. § 1915 (e)(2) that can be  
easily abused without due process of law.

## LIST OF PARTIES

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

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

*Federal Bureau of Investigation; Criminal Division of U. S. Department of Justice; Public Integrity Section of Department of Justice; U.S. House Committee on Judiciary; Senate Judiciary Committee; U. S. Government Accountability Office; Intelligence Management of G. A. O.; U. S. House Permanent Select Committee on Intelligence; U. S. Senate Select Committee on Intelligence; Office of the Director of National Intelligence; Office of the High Commissioner for Human Rights; Inter-American Commission on Human Rights; Human Rights Watch; International Justice Mission; Judicial Watch; Global Investigative Journalism Network; American Civil Liberties Union; American Bar Association; International Bar Association*

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## INDEX TO APPENDICES

*Appendices G and I are the Orders for review, attached additional materials essential to understand the misuse of 28 U.S.C. § 1915(e)(2) to cover up subject matter jurisdiction (SMT) and other violations, and are arranged from then to now.*

*APPENDIX A Notice Of Violation Of Summons Issuance Laws — evidenced intentional due process of law violations.*

*APPENDIX B Partial Screening Order and Report And Recommendation — proved Magistrate Judge falsified 28 U.S.C. § 2679(b)(2)(A) to disqualify Claim and thus constitutes SMT violations renders Order and Recommendation void, and confirmed deceitful misuse of 28 U.S.C. § 1915(e)(2) ("Rule 8") to dismiss Complaint one-sided so as to cover up all Violations.*

*APPENDIX C Objections to Report And Recommendation — pointed out Void Law 28 U.S.C. § 1915(e)(2), Falsification above, entirely concealed SMT Violations, and other Violations.*

## INDEX TO APPENDICES

- APPENDIX D District Court's dismiss Order — evidenced District Judge knowingly and illegally adopted Common Scheme to entirely conceal Superior, Bankruptcy and District Courts' SMT and other Violations by deceitfully misused 28 U.S.C. § 1915(e)(2) ("Rule 8") for the covering up; confirms the conspiracy has been continuing.
- APPENDIX E Partial facts section of Appellant's Opening Brief — pointed out Lower Courts' SMT violations, summons issuance violations, and other violations.
- APPENDIX F Notice Of Constitutional Separation Of Powers Violations — pointed out the perpetrator (intelligence agents from the executive branch of government) of the continuing conspiracy.
- APPENDIX G 9 Cir's Memorandum affirming District Court — evidenced entirely concealing SMT Violations and other Violations by allowing the misuse of 28 U.S.C. § 1915(e)(2) to dismiss Complaint one-sided so as to cover up all Violations.
- APPENDIX H Rehearing Petition — again pointed out various Courts' SMT Violations and other Violations and the void law 28 U.S.C. § 1915(e)(2).
- APPENDIX I 9 Cir's deny rehearing Order — evidenced still entirely concealing SMT Violations and other Violations by allowing the misuse of 28 U.S.C. § 1915(e)(2) to dismiss Complaint one-sided so as to cover up all Violations; indeed repugnant to U.S. Constitution Article III and Corruption is continuing and ongoing.
- APPENDIX J Constitutional provisions.
- APPENDIX K Report And Recommendation of Magistrate.

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<i>Am. Fire &amp; Gas. Co. v. Finn</i> , 341 U.S. 6, 17-18 (1951) —————	4, 5
<i>Armstrong v. Obucino</i> , 300 Ill 140, 143 (1921) —————	4, 5
<i>Austin v. Smith</i> , 312 F.2d 337, 343 (1962) —————	4, 5
<i>Bracey v. Warden</i> , U.S. Supreme Court No. 96-6133 (June 9, 1997) —	4, 5
<i>Johnson v. Zerbet</i> , 304 U.S. 458, 58 S. Ct 1019 —————	4, 5
<i>Munoz v. Mabus</i> , 630 F.3d 856, 860 (9th Cir. 2010) —————	4, 5
<i>Pennoyer v. Neff</i> (1877) 95 U.S. 714, 24 L. ed 565 —————	4, 5
<i>Rosenstiel v. Rosenstiel</i> , 278 F. Supp. 794 (S.D. N.Y. 1967) ———	4, 5
<i>Steel Co. v. Citizens for a Better Env't</i> , 523 U.S. 83, 94 (1998) ———	4, 5

### STATUTES AND RULES

28 U.S.C. § 1915 (a)(1) —————	4, 5
28 U.S.C. § 1915 (e)(2) —————	4, 5
F.R. Civ. P. Rule 4 (b) —————	4, 5
F.R. Civ. P. Rule 12 (h)(3) —————	4, 5
Supreme Court Rule 10 (a), (b) and (c) —————	4, 5

### OTHER

<i>Code of Judicial Conduct</i> —————	4, 5
<i>Due Process</i> —————	3, 4, 5
<i>5th Amendment Due Process</i> —————	3, 4, 5
<i>14th Amendment Due Process</i> —————	3, 4, 5
<i>The Principles of Natural Justice</i> —————	4, 5
<i>U.S. Constitution Article III</i> —————	3, 4, 5
<i>U.S. Constitution Article VI Clause 2</i> —————	3, 4, 5

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.

**OPINIONS BELOW**

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix G & I to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the United States district court appears at Appendix D to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☒ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was DEC. 26, 2024.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: MAR. 25, 2025, and a copy of the order denying rehearing appears at Appendix I.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).



### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- U. S. Constitution Article III — See Appendix J attached.
- U. S. Constitution Article VI Clause 2 — See page 2 of 2 of Appendix J attached.
- Due Process — No state shall deprive any person of life, liberty, or property, without due process of law.
- 5<sup>th</sup> Amendment Due Process — 1) Procedural due process: The government must follow fair procedures before depriving a person of life, liberty, or property. 2) Substantive due process: Protect fundamental rights from government interference. 3) The taking clause: Ensures that private property cannot be taken for public use without just compensation.
- 14<sup>th</sup> Amendment Due Process — No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.
- 28 U.S.C. § 1915(a)(1) — Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.
- 28 U.S.C. § 1915(e)(2) — Notwithstanding any filing fee or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that —

# STATEMENT OF THE CASE

Federal courts nationwide not state courts have been using 28 U.S.C. §1915(e)(2) to avoid deciding on subject matter jurisdiction violations and other violations by dismissing complaints one-sided without issuing summons so as to cover up all the violations.

## REASONS FOR GRANTING THE PETITION

Federal courts nationwide have been using 28 U.S.C. § 1915(e)(2)'s "... court shall dismiss the case at any time ..." to avoid deciding on subject matter jurisdiction (SMT) violations and other violations by dismissing complaints one-sided without issuing summons (also violating due process of law "No state shall deprive any person of life, liberty, or property, without due process of law") so as to conceal SMT violations entirely (Courts made no elaboration on the SMT violations at all) is repugnant to U.S. Constitution Article III where SMT violations must be decided first (cannot "at any time" above and without violating SMT) before court can move further one step including 28 U.S.C. § 1915(e)(2). According to U.S. Constitution Article VI Clause 2 "a law repugnant to the Constitution is void". Consequently, the void law 28 U.S.C. § 1915(e)(2) is contributing to the corruption of the judicial branch (due process close SMT violations open) and innocent litigants of this nation (approximately  $\frac{2}{3}$ ). Contrary, conflicting with state courts following 28 U.S.C. § 1915(a)(1) and F.R. Civ. P. Rule 4(b) and not 28 U.S.C. § 1915(e)(2) (evidenced with our actual litigations experience also). Moreover, SMT violations also violating the global Principles of Natural Justice which includes rule against bias and rule of audi alteram partem that conflicting with all courts worldwide including U.S. Supreme Court rendering Rule 10(a), (b) and (c) all applicable to review this case, and "call for an exercise of this Court's supervisory power" to decide whether 28 U.S.C. § 1915(e)(2) is unconstitutional. As a result, resolves the conflict between state and federal courts and facilitates public awareness that deters the corruption. After all, this petition has no vehicle problem and is case-depositive as further affirmed by Appendix I evidenced 9 Cir still entirely concealing the SMT violations and other violations by allowing to use the void law 28 U.S.C. § 1915(e)(2) to dismiss the Complaint one-sided so as to cover up all the violations; indeed repugnant to U.S. Constitution Article III and the corruption is continuing and ongoing.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date: June 18, 2025