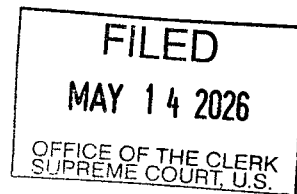


No. 25-7523

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

FREDERICK LUEHRING PETITIONER
(Your Name)

THE SUPERIOR COURT OF ^{VS.} THE COUNTY OF
LOS ANGELES, ~~THE PEOPLE OF THE~~ — RESPONDENT(S)
STATE OF CALIFORNIA
ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPERIOR COURT OF THE COUNTY OF LOS ANGELES
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Frederick Luehring
(Your Name)

550 W. Rancho Vista Blvd, Ste. D.,
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Palmdale, CA, 93551
(City, State, Zip Code)

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1 **IN THE SUPREME COURT OF THE UNITED STATES**

2
3 **FREDERICK LUEHRING,**

4
5 **Petitioner,**

6
7 **THE SUPERIOR COURT OF THE COUNTY OF LOS ANGELES,**

8
9 **Respondent;**

10
11 **THE PEOPLE OF THE STATE OF CALIFORNIA,**

12
13 **Real Party in Interest.**

14
15 **PETITION FOR A WRIT OF CERTIORARI**

16
17 **QUESTIONS PRESENTED**

18
19 Whether the California Court of Appeal's summary denial of an original writ petition
20
21 as "repetitious" under state procedural rule, without addressing the merits of
22
23 petitioner's Fifth Amendment double jeopardy and Fourteenth Amendment due
24
25 process claims, violates the Due Process Clause's guarantee of meaningful appellate
26
27 review.
28

1 Whether holding that a criminal prosecution is not barred by the statute of limitations,
2
3 where the State dismissed a time-barred case and refiled identical charges against the
4
5 same defendant based on the same alleged 2018 conduct, merely by changing the
6
7 characterization of the alleged weapon from “handgun” to “semi-automatic rifle”
8
9 without presenting new evidence, violates the Due Process Clause.

10
11 Whether a State may proceed with a criminal prosecution commenced nearly four
12
13 years after the alleged offense, where the delay was unreasonable, unexplained, and
14
15 presumptively prejudicial, without violating the Due Process Clause and the
16
17 fundamental fairness principles underlying the Sixth Amendment right to a speedy
18
19 trial.

20
21 **RULE 14.1(b) PARTIES**

22
23 Petitioner: Frederick Luehring, an individual

24
25 Respondent: The Superior Court of the County of Los Angeles

26
27 Real Party in Interest: The People of the State of California, represented by the Los
28

2
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12
13 When State Courts Deny Constitutional Claims Procedurally Without Reaching Their Merits

14
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16
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19 Merely Repackages the Same Alleged Conduct

20
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22
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24
25 ww l4

26
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One, Denying Petition for Writ of Prohibition (February 26, 2026)

(December 2025)

(November 4, 2025)

APPENDIXD - California Penal Code § 245 (Assault with Deadly Weapon)

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1 reproduced as Appendix A to this petition. The California Supreme Court denied the Petition
2
3 for Review without opinion.
4

5 The order of the Superior Court of Los Angeles County denying Petitioner's Motion to
6
7 Dismiss is reproduced as Appendix C to this petition.
8

9 JURISDICTION

10
11 The California Court of Appeal entered its judgment denying Petitioner's Writ of Prohibition
12
13 on February 26, 2026. The California Supreme Court denied the Petition for Review, without
14
15 opinion. This Court has jurisdiction pursuant to 28 U.S.C. § 1257, which confers jurisdiction
16
17 over "[f]inal judgments or decrees rendered by the highest court of a State in which a
18
19 decision could be had."
20

21 RELEVANT CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

22
23 U.S. Constitution, Amendment V:
24

25 "No person shall . . . be subject for the same offence to be twice put in jeopardy of life or
26
27 limb"
28

1 U.S. Constitution, Amendment VI:

2
3 "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial . . .

4
5 U.S. Constitution, Amendment XIV:

6
7 "No State shall make or enforce any law which shall abridge the privileges or immunities of
8
9 citizens of the United States; nor shall any State deprive any person of life, liberty, or
10
11 property, without due process of law...."

12
13 **28 U.S.C. § 1257:**

14
15 "Final judgments or decrees rendered by the highest court of a State in which a decision
16
17 could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity
18
19 of a treaty or statute of the United States is drawn in question or where the validity of a
20
21 statute of any State is drawn in question on the ground of its being repugnant to the
22
23 Constitution, treaties, or laws of the United States"

24
25 California Penal Code § 245(b):

26
27 "Any person who commits an assault upon the person of another with a semiautomatic
28

1 firearm shall be punished by imprisonment in the state prison for three, six, or nine years . . .

2
3 California Penal Code § 801:

4
5 “The following causes of action must be commenced within three years: . . . (b) An action for
6
7 taking, damaging, or injuring any goods or chattels, including legal documents, . . . (c) An
8
9 action founded upon the title to real property.”

10
11 **STATEMENT**

12
13 Petitioner Frederick Luehring respectfully petitions this Court for a writ of certiorari to
14
15 review the California Court of Appeal’s denial of his Petition for Writ of Prohibition, which
16
17 summarily rejected his claims that the criminal prosecution pending against him is barred by
18
19 the Double Jeopardy Clause, the statute of limitations, and the Due Process Clause’s
20
21 protections against unreasonable and prejudicial delay.

22
23 **A. Factual Background**

24
25 The underlying conduct at issue in this case is an alleged assault with a deadly weapon that
26
27 the State contends occurred on September 23, 2018. The Petitioner is charged with violating
28

1 California Penal Code § 245, which criminalizes assault with a deadly weapon. The original
2
3 case, No. MA074783, alleged that Petitioner assaulted the victim with a “handgun.”

4
5 The first criminal case was filed by the Los Angeles County District Attorney but was
6
7 ultimately dismissed on November 21, 2022. Prior to that dismissal, on July 18, 2022—
8
9 nearly four years after the alleged incident—the prosecution filed a new complaint, Case
10
11 No. MA083469. This new complaint is based on the identical alleged conduct, involves the
12
13 same victim, and arises from the same factual circumstances as the first case. The only
14
15 material difference is that the prosecution changed the charging language from “handgun” to
16
17 “semi-automatic rifle” pursuant to California Penal Code § 245(b), which carries enhanced
18
19 penalties.

20
21 Under California law, assault with a deadly weapon is a “wobbler” offense that, when
22
23 charged as a felony, is subject to a three-year statute of limitations under California Penal
24
25 Code § 801. Accordingly, any prosecution for the September 2018 incident had to be initiated
26
27 by September 23, 2021. The new complaint was not filed until July 18, 2022—nearly ten
28

1 months after the limitations period had expired.

2
3 **B. Procedural History**

4
5 Petitioner filed a Motion to Dismiss in the Superior Court of Los Angeles County, arguing

6
7 that the prosecution was time-barred under the statute of limitations, barred by the Double

8
9 Jeopardy Clause of the Fifth Amendment, and barred by the doctrine of collateral estoppel.

10
11 The Superior Court denied the Motion to Dismiss on November 4, 2025. The order denying

12
13 the motion is reproduced as Appendix C.

14
15 Following the Superior Court's denial, Petitioner filed a Petition for Writ of Prohibition in the

16
17 California Court of Appeal, Second Appellate District, Division One (Case No. B350871),

18
19 seeking to restrain the Superior Court from proceeding with the unconstitutional prosecution.

20
21 The Court of Appeal summarily denied the petition on December 18, 2025.

22
23 Petitioner then filed a Petition for Review with the California Supreme Court. On February

24
25 18, 2026, the California Supreme Court transferred the matter back to the Court of Appeal,

26
27 instructing that court to reconsider the petition in light of Hagan v. Superior Court, 57 Cal.2d

28

1 767 (1962).

2
3 On February 26, 2026, the Court of Appeal issued an order denying the Petition for Writ of

4
5 Prohibition as “repetitious.” The court’s order, reproduced as Appendix A, stated in its

6
7 entirety:

8
9 “This Court, having determined that the within petition is substantially identical to petition

10
11 No. B350871, considered and denied on December 18, 2025, the within petition is hereby

12
13 denied as repetitious.”

14
15 The California Supreme Court thereafter denied the Petition for Review, bringing this case to

16
17 its final conclusion in the state courts.

18
19 **C. The Lower Courts Did Not Address the Merits of Petitioner’s Constitutional Claims**

20
21 Notably, neither the Superior Court nor the Court of Appeal addressed the substantive merits

22
23 of Petitioner’s constitutional claims. The Superior Court’s minute order denying the Motion

24
25 to Dismiss offered no reasoning, stating only: “The Court denies the Defendant’s written

26
27 motion.” The Court of Appeal’s subsequent denial as “repetitious” similarly failed to engage

28

1 with the constitutional double jeopardy, speedy trial, and due process arguments presented.

2
3 Petitioner here seeks review of the denial of his Petition for Writ of Prohibition—a collateral
4
5 remedy available under California law to restrain a court from proceeding in excess of its
6
7 jurisdiction. This Court has not yet addressed whether a state court’s summary procedural
8
9 denial of such claims constitutes adequate federal review, or whether there are constitutional
10
11 limits on a state’s ability to refile time-barred criminal charges after dismissal.

12 13 **REASONS FOR GRANTING THE PETITION**

14
15 The writ of certiorari should be granted for three independent reasons. First, this case presents an
16 important question of federal law concerning the adequacy of appellate review when state
17
18 courts dispose of constitutional claims through procedural dismissals rather than substantive
19 analysis. Second, this case raises a question of national significance regarding a state’s ability to
20 circumvent criminal statutes of limitations by refiling identical charges based on the same conduct
21 after an initial case is dismissed. Third, this case provides an opportunity to clarify the
22 constitutional limits on prosecutorial delay and the fundamental fairness required at the
23
24 threshold of criminal prosecutions.

25
26 Certiorari is particularly appropriate when, as here, the lower courts have ignored grave
27
28 constitutional claims by disposing of them on procedural grounds. This Court has recognized that

1 “[t]he requirements of procedural due process in judicial proceedings are not derived
2
3 from the amorphous concept of ‘fundamental fairness’ alone, but have their roots in the
4
5 specific procedural protections afforded by the Constitution.” Mills v. Rogers, 457 U.S. 291, 299
6 (1982). When state courts refuse to engage with federal constitutional claims, review by this Court
7 serves its essential function of ensuring that the Constitution’s protections are
8
9 meaningfully enforced.

10
11 **I. This Court Should Grant the Writ to Address the Inadequacy of Substantive Review**

12
13 When State Courts Deny Constitutional Claims Procedurally Without Reaching Their
14

15 Merits

16
17 **A. The Court Below Never Addressed Petitioner’s Double Jeopardy and Due Process**

18
19 Claims

20
21 The California Court of Appeal’s denial of Petitioner’s writ petition as “repetitious” under
22
23 California’s Hagan v. Superior Court procedural rule fatally undermined the opportunity for
24
25 meaningful appellate review of Petitioner’s federal constitutional claims. When a state court
26
27 denies relief on procedural grounds without reaching the merits, the petitioner is effectively
28

1 denied the meaningful federal review to which the Constitution entitles him.

2
3 Petitioner's claims implicated fundamental federal constitutional rights: the Fifth
4
5 Amendment's protection against double jeopardy, the Sixth Amendment's guarantee of a
6
7 speedy trial, and the Fourteenth Amendment's Due Process Clause protections against
8
9 prosecution after the statute of limitations has expired. These claims presented facially
10
11 substantial federal questions that warranted reasoned consideration.

12
13 Yet the Court of Appeal's order denied the petition solely because it was "substantially
14
15 identical" to a previously denied petition—an analysis that took no account of the
16
17 constitutional dimensions of Petitioner's claims. The court below never addressed whether re-
18
19 filing a criminal case nearly four years after the alleged offense, after the statute of limitations
20
21 had expired, and after an initial case on identical facts had been dismissed, violated
22
23 Petitioner's constitutional rights.

24
25 This case presents this Court with the opportunity to hold that summary procedural dismissals
26
27 of constitutional claims violate the Due Process Clause when they foreclose meaningful
28

1 merits review. This Court's precedents recognize that appellate procedures that effectively
2
3 insulate constitutional violations from review are themselves constitutionally problematic.

4
5 See *Schlup v. Delo*, 513 U.S. 298, 319-21 (1995) (emphasizing importance of procedures that
6
7 allow meritorious claims to be heard).

8
9 **B. The Court of Appeal's Reliance on a State Procedural Rule Cannot Shield Its Refusal**
10
11 to Address Substantive Constitutional Violations

12
13 The Court of Appeal invoked *Hagan v. Superior Court*, 57 Cal.2d 767 (1962), to treat the
14
15 second petition as "repetitious" simply because it was similar to an earlier petition. However,
16
17 this procedural rule cannot insulate the court's refusal to address substantial constitutional
18
19 claims from federal review.

20
21 While this Court generally defers to state procedural rules in habeas corpus proceedings, see
22
23 *Coleman v. Thompson*, 501 U.S. 722 (1991), such deference is inappropriate when the
24
25 procedural rule itself operates to deny any opportunity for substantive review of
26
27 constitutional claims. Here, the Court of Appeal's refusal to address the merits—based solely
28

1 on the similarity between petitions—denied Petitioner any reasoned consideration of his

2
3 double jeopardy, speedy trial, and statute of limitations claims.

4
5 The California Supreme Court's transfer of the matter to the Court of Appeal for

6
7 reconsideration in light of Hagan suggests that the state judiciary understood the procedural

8
9 posture was fraught. Yet the Court of Appeal still failed to reach the constitutional merits,

10
11 leaving Petitioner with no state court determination of his federal claims.

12
13 Certiorari should be granted to clarify that state procedural rules cannot bar federal review

14
15 when they effectively foreclose all opportunity for substantive consideration of constitutional

16
17 questions.

18
19 **II. This Court Should Grant the Writ to Clarify That the Due Process Clause Bars**

20
21 **Refiling Identical Criminal Charges After the Statute of Limitations Has Expired When**

22
23 **the State Merely Repackages the Same Alleged Conduct**

24
25 **A. The Prosecution's Refiling After Expiration of the Statute of Limitations Violates**

26
27 **Fundamental Fairness**

28

1 The primary question presented in this petition is whether the Due Process Clause permits a
2
3 State to dismiss a criminal case, allow the statute of limitations to expire, and then refile
4
5 identical charges based on the same conduct against the same defendant, merely by changing
6
7 the characterization of the alleged weapon without presenting new evidence.
8

9 Here, the State's initial prosecution (Case No. MA074783) alleged an assault with a
10
11 "handgun." After that case was dismissed, the State refiled charges (Case No. MA083469)
12
13 alleging the identical transaction, but claiming the weapon was a "semi-automatic rifle." No
14
15 new evidence was presented—merely a recharacterization of the same alleged weapon from a
16
17 generic to a specific type.
18

19 Under California law, assault with a deadly weapon is punishable under either California
20
21 Penal Code § 245(a) (any deadly weapon) or § 245(b) (semiautomatic firearm). The
22
23 difference in charging language does not change the underlying criminal transaction. As the
24
25 California Court of Appeal recognized in *People v. Nguyen*, 204 Cal. App. 3d 181, 188
26
27 (1988), "a change in the description of the weapon does not satisfy the requirement that the
28

1 second prosecution be based on a different factual predicate.”

2
3 This Court has consistently held that statutes of limitations serve important functions in
4
5 protecting defendants from stale claims and preserving the fairness of criminal prosecutions.

6
7 In *Stogner v. California*, 539 U.S. 607 (2003), this Court held that California’s attempt to
8
9 revive time-barred prosecutions retroactively violated the Ex Post Facto Clause. While
10
11 *Stogner* addressed retroactivity, its reasoning about the constitutional significance of statutes
12
13 of limitations is instructive.

14
15 **B. This Case Presents a Question of National Importance Regarding Prosecutorial**
16
17 **Circumvention of Limitations Periods**

18
19 The question presented here—whether a State may circumvent the statute of limitations by
20
21 dismissing a case and recharacterizing the weapon to avoid an expired limitations period—is
22
23 one of national importance affecting criminal prosecutions nationwide. If the California
24
25 approach is permitted to stand, prosecuting authorities across the country could evade
26
27 statutory time limits by manipulating charging language and refiling identical cases after
28

1 favorable dismissals.

2
3 The Double Jeopardy Clause protects against multiple prosecutions for the same offense. See

4
5 *Ashe v. Swenson*, 397 U.S. 436 (1970). While this Court has held that jeopardy does not

6
7 attach until the impaneling of a jury or the acceptance of a guilty plea, the Double Jeopardy

8
9 Clause also incorporates principles of collateral estoppel—once an issue has been finally

10
11 determined, the parties are collaterally estopped from relitigating it.

12
13 Here, the dismissal of the first case on November 21, 2022, was a final resolution of the

14
15 State’s first attempt to prosecute Petitioner for the September 2018 incident. By thereafter

16
17 recharacterizing the weapon and refile allegations based on identical facts, the State

18
19 effectively collaterally estopped Petitioner from contesting the core conduct while seeking

20
21 enhanced penalties through semantic manipulation.

22
23 Moreover, this Court’s decision in *People v. Williams*, which held that the three-year felony

24
25 statute of limitations is a jurisdictional bar, makes the State’s attempted circumvention

26
27 particularly troubling. By allowing the State to dismiss one case and refile based on the same

28

1 conduct after the limitations period has expired—simply by changing the charging

2
3 nomenclature—the lower courts effectively nullified the jurisdictional protections the statute
4
5 of limitations provides.

6
7 Certiorari should be granted to hold that once the statute of limitations has expired on
8
9 criminal charges, the Due Process Clause bars the State from refiling identical charges based
10
11 on the same conduct merely by recasting the charging language without new evidence.

12
13 **II. This Court Should Grant the Writ to Protect the Fundamental Right to Orderly**

14
15 **Criminal Process Free from Unreasonable and Prejudicial Prosecutorial Delay**

16
17 **A. The Nearly Four-Year Delay Violates Due Process**

18
19 The Sixth Amendment guarantees criminal defendants the right to a speedy trial. While
20
21 constitutional speedy trial jurisprudence traditionally focused on post-charge delay, this Court
22
23 recognized in *United States v. Marion*, 404 U.S. 307 (1971), that the Due Process Clause
24
25 protects against pre-indictment delay when it is undertaken to gain tactical advantage over the
26
27 defendant or results in actual prejudice to the defendant's ability to defend.
28

1 Here, the prosecution waited nearly four years after the alleged September 2018 incident

2 before filing the operative complaint—well after the three-year statute of limitations had

3 expired. This delay was unreasonable and unexplained. In *United States v. Lovasco*, 431 U.S.

4
5
6 783 (1977), this Court held that investigative delay is permissible, but delay undertaken to

7 gain a tactical advantage over a defendant violates due process.

8
9
10 The State's delay here deprived Petitioner of the ability to seek a timely resolution and

11 allowed memories to fade, witnesses to become unavailable, and exculpatory evidence to be

12
13 lost. This prejudice is precisely the type of harm the speedy trial right and due process

14
15
16 protections guard against. See *Barker v. Wingo*, 407 U.S. 514 (1972) (establishing four-factor

17
18 test for speedy trial violations). Under *Barker*, courts examine: (1) the length of the delay; (2)

19 the reason for the delay; (3) the defendant's assertion of the right; and (4) prejudice to the

20
21
22 defendant. Here, the nearly four-year delay weighs heavily against the State, particularly

23 given the absence of any legitimate reason for the delay offered by the prosecution. B. The Lower

24
25
26 Courts Failed to Apply Constitutional Protections Against Prejudicial

27
28 Delay

1 Neither the Superiour Court nor the Court of Appeal analyzed Petitioner's due
2
3 Process claims regarding unreasonable deley. The Superiour Court's conlusory
4
5 Denial of Petitioner's Motion to Dismiss provided no reasoning regarding the
6
7 Propriety of proceeding with a complaint filed nearly four years after the incident.
8
9 The Court of Appeal's procedural dismissal as "repetitious" similarly failed to
10
11 Engage with prejudice or the fundamental unfairness of requiring Petitioner to
12
13 Defend against stale allegations.
14
15 This failure of lower courts to apply well-established constitutional standards
16
17 Warrants this Court's intervention. This case presents an opportunity to reinforce
18
19 The principle that prosecutorial delay, when unreasonable and prejudicial, violates
20 the Due Process Clause's guarantee of fundamental fairness in criminal
21 proceedings.

22 23 CONCLUSION

24
25 For the foregoing reasons, Petitioner respectfully prays that this Court grant the
26
27 Petition for a writ of certiorari to review the judgment of the California Court of
28 Appeal.

1 Respectfully submitted, FREDERICK LUEHRING, Petitioner, Pro Se.

2 