
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

In re: Patrick Roy Harper — Petition

v.

United States Court of Appeals for the Ninth Circuit; United States District Court for the Northern District of California; County of Marin; California Department of Fish and Wildlife — Respondents

*On Petition for a Writ of Mandamus and/or Prohibition
to the United States Court of Appeals for the Ninth Circuit
and the United States District Court for the Northern District of California*

PETITION FOR A WRIT OF MANDAMUS AND/OR PROHIBITION

10/17/2025

PATRICK ROY HARPER—Petitioner
Patrick Roy Harper [Pro Se] Voicemail: 707-751-6677
Email: mycasemarin@outlook.com
6690 Bloomfield Road Petaluma, CA 94952

QUESTIONS PRESENTED

1. Whether the Supreme Court must exercise its supervisory authority through extraordinary writs of mandamus and prohibition to disqualify a district judge under 28 U.S.C. § 455 and vacate the resulting judgment as void under Fed. R. Civ. P. 60(b)(4) where the judge’s biased or procedurally defective conduct—including refusing to invoke mandatory federal admiralty jurisdiction under Fed. R. Civ. P. 9(h) and dismissing on non-admiralty grounds—mischaracterized a seaman or vessel of the United States as a “convicted prisoner,” thereby injuring the sovereign interests of the United States and eroding the exclusive federal authority over maritime in rem proceedings?
2. Whether the Supreme Court must invoke its power under the All Writs Act, 28 U.S.C. § 1651(a), to issue a writ of mandamus compelling lower federal courts to restore and certify the official docket, vacate judgments void for lack of admiralty jurisdiction, and proceed to adjudicate maritime claims under Article III and 28 U.S.C. § 1333—where the Ninth Circuit initially treated the appeal as an admiralty matter before dismissing for lack of jurisdiction—thereby correcting the legal impossibility of misclassifying a United States vessel as a convicted prisoner and directly repairing federal sovereign injury?
3. Whether the Supreme Court must grant a writ of prohibition and an emergency stay to reaffirm that federal in rem admiralty jurisdiction under Article III and 28 U.S.C. § 1333 is exclusive, to preempt any state-court encroachment on maritime res or in rem proceedings as ultra vires, and to halt enforcement of district-court judgments procured through procedurally defective, void proceedings—thereby preventing state actors from exercising unlawful jurisdiction over a seaman or vessel of the United States and preserving the supremacy of federal law and constitutional order?
4. Whether the Supremacy Clause requires this Court to vacate a lower court judgment that upholds state enforcement actions in direct conflict with federal law under the National Marine Sanctuaries Act, where Congress has expressly preempted state authority, and whether failure to do so would create an unprecedented circuit split undermining the constitutional supremacy of federal law?
5. Whether the Supreme Court’s refusal to exercise admiralty jurisdiction over a U.S. flag vessel under federal maritime contract, presented as a seaman’s case, constitutes a constitutional decision of first impression, particularly where the District Court and Ninth Circuit abdicated their constitutional duty to hear the matter?
6. Whether the judiciary’s refusal to adjudicate disputes arising under federal maritime contracts effectively nullifies the binding force of government contracts, eroding constitutional accountability of the United States government to its citizens and contractors?

7. Whether refusal to adjudicate admiralty cases involving U.S. flag vessels violates the United States' constitutional obligations under international maritime treaties, raising questions of first impression about the judiciary's role in enforcing treaty commitments?

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OPINIONS BELOW

- **District Court (N.D. Cal.) – Case No. 3:25-cv-00758-RFL:** On April 11, 2025, Judge Rita F. Lin entered judgment (Dkt. No. 26) dismissing Petitioner’s maritime claims without invoking admiralty jurisdiction. On August 13, 2025, Judge Lin entered a second judgment (Dkt. No. 73). In her orders, Judge Lin referred to admiralty jurisdiction as “theoretical,” thereby disregarding the constitutional

command of Article III and 28 U.S.C. § 1333. Judge Lin further refused to notice the U.S. Attorney General of a constitutional challenge, despite Petitioner twice serving certified notices with return receipts under Fed. R. Civ. P. 5.1 and 28 U.S.C. § 2403. These emergency motions were dismissed with prejudice, in violation of federal statute and in reckless denial of the Attorney General's opportunity to intervene in a matter where the United States has a direct sovereign interest, including contracts with NOAA under the Department of Commerce and enforcement authority of the U.S. Coast Guard under the Department of Homeland Security.

- **Court of Appeals – Appeal (Case No. 25-2926):** On May 27, 2025, a Ninth Circuit Court of Appeals panel of Judges William A. Fletcher, Consuelo Maria Callahan, and Lucy Haeran Koh dismissed Petitioner's maritime appeal for lack of jurisdiction under 28 U.S.C. § 1291 and Fed. R. Civ. P. 54(b), despite having already accepted and docketed the case as a maritime appeal, issued briefing deadlines, and received Petitioner's Opening Brief.
- **Court of Appeals – Mandamus (Case No. 25-3583):** On July 22, 2025, a separate panel of Judges U.S. Court of Appeals for the Ninth Circuit Senior Judge Barry Glen Silverman, U.S. District Court for the Northern District of California Judge Eumi Kim Lee, and U.S. Court of Appeals for the Ninth Circuit Judge Lawrence VanDyke denied Petitioner's mandamus petition, holding that Petitioner had not demonstrated a clear and indisputable right to the extraordinary remedy of mandamus. This denial compounded the abdication of constitutional duty by leaving Petitioner without any forum to vindicate federally protected maritime rights.
 - These opinions are unpublished and attached to the Appendix.

INTRODUCTION

Petitioner respectfully petitions this Court for extraordinary relief under the All-Writs Act, 28 U.S.C. § 1651, and the Court's supervisory authority. This case presents an **unprecedented constitutional emergency**. For the first time in the history of the Republic, the exclusive federal admiralty jurisdiction guaranteed by Article III and codified in 28 U.S.C. § 1333 has been abdicated by both a district court and a federal appellate court, thereby conceding in rem maritime authority to state actors.

This reckless abdication undermines the Supreme Court itself, violates the Supremacy Clause, and inflicts systemic injury upon the uniformity of maritime law. Seamen—long recognized as wards of the Court—are stripped of their federally guaranteed protections, and a U.S.-flag vessel operating under federal maritime contracts has been subjected to state enforcement without constitutional authority. Unless this Court intervenes, the failure of the lower courts will effectively nullify maritime law in the United States, destabilize national maritime commerce, and erode the constitutional supremacy of federal admiralty jurisdiction.

Petitioner seeks the following relief:

1. **A writ of mandamus** directing the Ninth Circuit and/or the District Court to vacate and set aside district-court judgments entered without admiralty jurisdiction:

- a. Dkt. No. 26 — Filed & Entered: April 11, 2025 — JUDGMENT (Signed by Judge Rita F. Lin)
- b. Dkt. No. 73 — Filed & Entered: August 13, 2025 — JUDGMENT (Signed by Judge Rita F. Lin)

And to restore and certify the official district-court docket and proceed to adjudicate Petitioner's maritime claims under Article III and 28 U.S.C. § 1333, applying the Supplemental Admiralty Rules and Fed. R. Civ. P. 9(h).

2. **A writ of prohibition** to enjoin and stop any enforcement, levy, seizure, collection, or other sanctions under the challenged district-court judgments until adjudication of Petitioner's maritime claims in accordance with federal admiralty law.
3. **Disqualification or recusal** of the presiding district judge for bias or misconduct (Judge Rita F. Lin), or, in the alternative, reassignment of the case to another judge pending this Court's review and compliance with its directives.
4. **An emergency stay and preservation order** requiring immediate preservation and production of the official district-court record, including but not limited to ECF audit logs, metadata, archived docket snapshots, and any clerk or system records relevant to the case, and staying any enforcement activity pending this Court's disposition.
5. **Any other relief necessary** to protect Petitioner—a seaman and owner/operator of the U.S.-flag vessel F/V Marian (U.S. Official No. 250759)—and to preserve the exclusive federal admiralty forum and the integrity of the federal record.

This Petition therefore calls upon the Supreme Court to exercise its extraordinary supervisory authority to restore the constitutional and statutory order, vacate void judgments, enjoin unlawful state encroachment, and reaffirm that admiralty jurisdiction is exclusively federal and non-discretionary.

JURISDICTION

Petitioner invokes this Court's authority under the All-Writs Act, 28 U.S.C. § 1651(a), and the Court's supervisory authority over the administration of the federal courts. Petitioner has exhausted intra-circuit remedies to the extent practicable.

On May 6, 2025, the United States Court of Appeals for the Ninth Circuit formally accepted and docketed Petitioner's maritime appeal under Case No. 25-2926, arising from District Court Case No. 3:25-cv-00758-RFL. The docket identified the matter as a maritime seaman appeal, and the Court issued a Scheduling Notice setting briefing deadlines under Federal Rule of Appellate Procedure 31 and Ninth Circuit Rule 31-2.1. Petitioner's Opening Brief was due June 16, 2025, and Appellees' Answering Brief was due July 15, 2025, with the admonition that failure to comply would result in automatic dismissal under Ninth

Circuit Rule 42-1. This docket entry confirmed that the Ninth Circuit had accepted jurisdiction and was proceeding under its maritime docketing procedures.

Despite this acceptance, the Ninth Circuit abruptly dismissed the appeal after briefing had commenced, holding that the district court's April 11, 2025, order was not final under 28 U.S.C. § 1291 and Fed. R. Civ. P. 54(b). Petitioner thereafter sought rehearing and mandamus relief, which the Ninth Circuit denied under Case No. 25-3583. These actions left Petitioner without any functioning forum in which to secure adjudication of his maritime claims.

This Court has jurisdiction under the All-Writs Act, 28 U.S.C. § 1651(a), and Article III of the Constitution. The writs sought are in direct aid of this Court's appellate jurisdiction, because both the district court and the Ninth Circuit have abdicated their nondiscretionary constitutional duty to adjudicate properly pleaded admiralty claims.

No adequate remedy exists in the lower courts. The Ninth Circuit first accepted jurisdiction as a maritime appeal, then dismissed it after briefing had commenced, and later denied mandamus relief. This abdication extinguishes ordinary appellate review and leaves Petitioner without any forum to vindicate federally protected maritime rights.

The systemic refusal of multiple federal judges to uphold admiralty jurisdiction constitutes a **historic constitutional breakdown**. Intervention by this Court is not discretionary—it is a constitutional command to preserve the supremacy of federal maritime law, the uniformity of maritime commerce, and the rights of seamen as wards of admiralty.

STATEMENT OF THE CASE

Petitioner, a federally recognized seaman and operator of the U.S.-flag vessel F/V Marian (Official No. 250759), filed a maritime complaint in the Northern District of California invoking admiralty jurisdiction under Article III and 28 U.S.C. § 1333. Despite properly pleading admiralty claims, the district court dismissed the action on non-admiralty grounds, mischaracterizing Petitioner as a “convicted prisoner” and failing to apply Fed. R. Civ. P. 9(h) or the Supplemental Admiralty Rules.

Petitioner appealed to the Ninth Circuit, which formally docketed the case as a maritime appeal (Case No. 25-2926), issued briefing deadlines, and accepted Petitioner's Opening Brief. Four days later, however, the panel abruptly dismissed the appeal for lack of finality under 28 U.S.C. § 1291, despite having already accepted jurisdiction as an admiralty matter. Petitioner sought rehearing and mandamus relief, but the Ninth Circuit denied mandamus on July 22, 2025, leaving Petitioner without any forum to adjudicate his maritime claims.

Meanwhile, state actors—including the County of Marin and the California Department of Fish and Wildlife—initiated enforcement actions against Petitioner and his vessel, producing in rem consequences

outside the exclusive federal admiralty forum. This usurpation of federal maritime authority violates the Supremacy Clause and undermines the uniformity of national maritime law.

Petitioner now seeks this Court’s extraordinary intervention under the All-Writs Act, 28 U.S.C. § 1651(a), to vacate void judgments, compel adjudication of maritime claims, and prevent further unlawful state encroachment on federal admiralty jurisdiction.

ABRUPT DISMISSAL FOLLOWING FILING OF OPENING BRIEF

On May 23, 2025, Petitioner timely filed his **Opening Brief** in accordance with the Ninth Circuit’s scheduling order (Dkt No. 3). That same morning, the Clerk’s Office officially **accepted and filed** the brief (Dkt. No. 4), noting that no paper copies were required at that time.

Just four days later, on May 27, 2025, a three-judge panel of the Ninth Circuit—Judges Fletcher, Callahan, and Koh—issued its decision **abruptly dismissed the appeal** in a two-page order, stating that the district court’s April 11, 2025 order did not dispose of all claims as to all parties and therefore was not final or immediately appealable under 28 U.S.C. § 1291 and Fed. R. Civ. P. 54(b). The panel cited *Romoland School District v. Inland Empire Energy Center*, 548 F.3d 738 (9th Cir. 2008); *Chacon v. Babcock*, 640 F.2d 221 (9th Cir. 1981); and *Branson v. City of Los Angeles*, 912 F.2d 334 (9th Cir. 1990), concluding that the appeal “is therefore dismissed” under Ninth Circuit Rule 3-6(b) for lack of jurisdiction.

This dismissal came after this Court had already accepted the appeal as an admiralty appeal by a seaman under 28 U.S.C. § 1916, issued briefing deadlines, and received Petitioner’s Opening Brief—thereby compounding the procedural harm and foreclosing appellate review of Petitioner’s maritime claims.

APPELLATE PROCEEDINGS AND ABRUPT DISMISSAL IN THE NINTH CIRCUIT

On May 6, 2025, the United States Court of Appeals for the Ninth Circuit formally **docketed Petitioner’s maritime appeal as Case No. 25-2926**, arising from District Court Case No. 3:25-cv-00758-RFL. The docket identified the nature of suit as “**3120 – Marine Contract Actions**”, fee status *in forma pauperis*, and origin in the Northern District of California before **Judge Rita F. Lin**. The Clerk issued a **Scheduling Notice** directing that Petitioner’s **Opening Brief** was due **June 16, 2025**, and Appellees’ **Answering Brief** due **July 15, 2025**, under **FRAP 31** and **9th Cir. R. 31-2.1**, warning that failure to comply would result in *automatic dismissal under Rule 42-1*. Petitioner timely filed his **Opening Brief** on May 23, 2025, and the Clerk formally accepted and filed it that morning (D.E. 3-4).

Only four days later, on May 27, 2025, a panel of Judges **W. Fletcher, Callahan, and Koh** summarily **dismissed the appeal** in a two-page order, citing lack of finality under **28 U.S.C. § 1291** and **Fed. R. Civ. P. 54(b)**.

The panel reasoned that the district court’s April 11, 2025, order did not dispose of all claims as to all parties, and that no Rule 54(b) certification had been entered. The dismissal cited *Romoland Sch. Dist. v. Inland Empire Energy Ctr.*, 548 F.3d 738 (9th Cir. 2008); *Chacon v. Babcock*, 640 F.2d 221 (9th Cir. 1981); and *Branson v. City of Los Angeles*, 912 F.2d 334 (9th Cir. 1990). *

This abrupt termination occurred **after jurisdiction had been accepted, and briefing had begun**, foreclosing appellate review of the maritime issues and contradicting the procedural posture under which the case had been docketed.

Following the dismissal, Petitioner promptly filed a **Motion to Reconsider Dispositive Order on May 28, 2025** (D.E. 7), together with a **Petition for Rehearing En Banc** and related pro se filings. These submissions were entered as “defective” under clerical notation but were substantively treated by the Court as a **petition for a writ of mandamus**, which the Ninth Circuit opened as a new case, **No. 25-3583**, titled *Harper v. United States District Court for the Northern District of California (San Francisco)*.

The new mandamus docket (25-3583) was opened **June 6, 2025**, recorded as an “**Original Proceeding – Non-Paid Mandamus or Prohibition**.” The Clerk issued a schedule referencing the transferred mandamus petition originally filed at D.E. 9 in Appeal No. 25-2926.

Petitioner thereafter submitted additional filings, including a **Disclosure Statement (FRAP 26.1)**, **Emergency Motion for Injunctive Relief**, and **28(j) Letter of Supplemental Authority** (D.E. 6–10).

Despite these active filings, on **July 22, 2025**, a separate three-judge panel (**Silverman, Lee, and VanDyke, JJ.**) issued a summary **order denying the petition** on grounds that Petitioner “has not demonstrated a clear and indisputable right to the extraordinary remedy of mandamus,” citing *In re Mersho*, 6 F.4th 891, 897 (9th Cir. 2021) and *Bauman v. U.S. District Court*, 557 F.2d 650 (9th Cir. 1977).

The panel further ordered that “all pending motions are denied as moot” and that “no further filings will be entertained in this closed case.”

This series of actions left Petitioner without any functioning forum in which to secure adjudication of his maritime claim—first by prematurely terminating his appeal after acceptance and filing of his brief, and then by denying mandamus without addressing the underlying jurisdictional abdication of the district court. The result has been to deprive a federally protected seaman, under 28 U.S.C. § 1916 and § 1333, of both appellate and original maritime review, compounding injury through the failure of two federal tribunals to perform nondiscretionary constitutional and statutory duties.

USURPATION OF EXCLUSIVE FEDERAL IN REM AUTHORITY AND THREAT TO UNIFORMITY

Systemic Judicial Failure to Recognize and Uphold Federal Maritime Sovereignty. The core constitutional and structural failure in this case is not isolated but systemic, involving twelve federal judges—including three panels of three judges—who have collectively refused to recognize, declare, and uphold the Supreme Court’s and Congress’s exclusive authority over admiralty and maritime in rem remedies.

These judges have repeatedly: Declined to invoke or apply admiralty jurisdiction for properly pleaded maritime claims, effectively nullifying the federal maritime forum established by the Judiciary Act of 1789 and codified in 28 U.S.C. § 1333.

Applied res judicata and other preclusion doctrines without specific claim-by-claim analysis of maritime rights, thereby dismissing maritime claims on procedural grounds rather than substantive merit.

Entered final judgments and dismissed claims with prejudice, without applying the Supplemental Admiralty Rules or Fed. R. Civ. P. 9(h), thereby bypassing the statutorily mandated maritime procedures.

Obstructed record preservation and certification by vacating motions or instructing clerks to refuse filings, effectively suppressing the federal maritime record and undermining the integrity of the in rem process.

This pattern reflects a systemic abandonment of the Judiciary Act of 1789's foundational command: that federal courts are the exclusive forum for in rem admiralty remedies. The repeated failure to recognize and declare this supremacy—when the claim is properly pleaded—constitutes a gross structural violation of the constitutional order and the Supremacy Clause.

This systemic abdication has been perpetrated by multiple judges and panels, effectively allowing state actors to usurp federal maritime sovereignty—an ultra vires act that threatens the very foundation of federal maritime law and the uniformity of national maritime policy.

Because this pattern transcends any single judge or case, and because ordinary appellate correction is inadequate, this Court's extraordinary intervention via mandamus and supervisory power is not only justified but required to restore the exclusive federal in rem maritime forum, uphold constitutional supremacy, and enforce the Judiciary Act of 1789. When a state or state actor obtains, or a lower federal court permits, the functional effect of in rem enforcement outside the federal admiralty process—by initiating or sustaining enforcement, forfeiture, or other remedial effects that in substance substitute for federal in rem process—the result is nothing less than a **usurpation of federal authority**. That usurpation was exemplified in this case.

The district court declined to invoke admiralty jurisdiction and failed to apply established maritime procedures; the Ninth Circuit accepted and docketed a maritime appeal, received Petitioner's Opening Brief, and then dismissed the appeal for lack of jurisdiction; and state-actor enforcement submissions and actions were permitted to produce in rem consequences for a U.S.-flag vessel and seaman without the exclusive, uniform federal in rem adjudication required by Article III and §1333. The combined effect of those actions is to transfer, de facto, federal in rem power to state actors and to allow inferior tribunals to ratify that transfer—precisely the structural injury that erodes national maritime uniformity and violates the Supremacy Clause.

The harms from such an abdication are not merely private. Maritime commerce depends on predictable, uniform rules and remedies administered by a national forum. Permitting state-level encroachment on in rem maritime remedies invites fragmented, inconsistent results, encourages forum-shopping, and undermines federal maritime policy. Equally important, seamen are wards of the admiralty entitled to federal protections and procedures (including bench-adjudication of maritime causes and access to maritime remedies and fee

relief under 28 U.S.C. § 1916). The denial or circumvention of the federal in rem process therefore inflicts acute, constitutionally cognizable injuries on individual mariners and on the national maritime regime.

This Court should recognize the following findings as a predicate for relief:

- (1) that the maritime claims pleaded by Petitioner were properly within federal admiralty jurisdiction (Art. III; 28 U.S.C. §1333) and were designated as admiralty/seaman claims in the district court record (see Complaint and civil coversheet, (Dkt. No. 1);
- (2) that the district court refused to apply admiralty procedures (Rule 9(h); Supplemental Admiralty Rules) and thus failed to discharge its nondiscretionary duty to adjudicate a properly pleaded admiralty controversy (see district-court orders;
- (3) that state-actor filings and enforcement activity exercised, or aimed to exercise, effects functionally equivalent to in rem remedies against a U.S.-flag vessel without the exclusive federal in rem forum and in the absence of federal adjudication (see contested enforcement filings; and
- (4) that the Ninth Circuit's acceptance and docketing of a maritime appeal followed by summary dismissal after briefing compounded the injury by extinguishing ordinary appellate relief (see Ninth Circuit docket and orders.

Because these findings demonstrate a systemic, structural failure that threatens the national uniformity of maritime law, this Court should exercise its All Writs and supervisory authority (28 U.S.C. § 1651(a)) to provide the specific remedial relief needed to restore the exclusive federal in rem process, including but not limited to the following orders:

- a. A declaratory directive that in rem maritime proceedings and remedies within the scope of Article III, 28 U.S.C. §1333, and 28 U.S.C. §1916 are exclusively federal and that state enforcement or procedural devices may not substitute for the health, safety and wages of seamen or effectuate federal in rem adjudication;
- b. Vacation or stay of any district-court orders or state enforcement actions that produced in rem effects outside the exclusive federal admiralty forum, pending plenary federal adjudication;
- c. An order directing the district court to recognize and adjudicate Petitioner's admiralty claims on the merits under Rule 9(h) and the Supplemental Admiralty Rules, and to schedule an in-person maritime bench trial with live testimony; alternatively, if the district court refuses or is unable to comply, an immediate transfer to a federal district court competent to adjudicate admiralty claims (for example, the Eastern District of Pennsylvania), accompanied by an expedited, court-enforceable trial schedule;
- d. Preservation orders requiring certification and production of the official docket, ECF audit logs, clerk metadata, and any original filings relied upon by state actors, and appointment of a special master to authenticate the record prior to trial; and

e. Temporary injunctive relief staying any state enforcement or collection measures that would effectuate or ratify the unlawful usurpation of federal in rem authority. These remedies are narrowly tailored to vindicate the Constitution's grant of admiralty jurisdiction, to preserve uniformity and predictability in maritime governance, and to protect the federally guaranteed rights of seamen. Where inferior courts abdicate their nondiscretionary duty to exercise admiralty jurisdiction, only this Court's supervisory intervention can restore the exclusive, national forum on which maritime commerce and seamen depend.

REASONS TO GRANT THE PETITION

A. Void judgments where admiralty jurisdiction was not invoked or applied. A final judgment entered without subject matter jurisdiction is void and may be vacated. See Fed. R. Civ. P. 60(b)(4); *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83 (1998). Petitioner's complaint expressly pleaded admiralty jurisdiction. Because the district court did not invoke or apply admiralty jurisdiction or the applicable admiralty procedures (Fed. R. Civ. P. 9(h); Supplemental Admiralty Rules), the resulting judgments are susceptible to vacatur as void. The Court should grant mandamus directing vacatur and admiralty adjudication.

B. Extraordinary mandamus and prohibition powers where lower courts refuse nondiscretionary duties. Mandamus is extraordinary but proper where a lower court has a clear, nondiscretionary duty and the petitioner has no other adequate means of relief. *Cheney v. U.S. Dist. Court*, 542 U.S. 367 (2004); *Kerr v. U.S. Dist. Court*, 426 U.S. 394 (1976). Here, the district court had the constitutional and statutory obligation to adjudicate maritime claims properly pleaded under Article III and 28 U.S.C. §1333, § 1916 and to apply admiralty procedures. The district court's refusal to do so, and the Ninth Circuit's admiralty acceptance-then-dismissal after briefing and denial of mandamus, have left Petitioner without any adequate remedy. Under these extraordinary circumstances this Court should grant mandamus and prohibition relief.

C. Fraud-on-the-court, forged filings, and docket alterations require immediate corrective action. Where judgments or procedural steps arise from fraud upon the court or materially false submissions used to induce a court's decision, finality cannot stand. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). Petitioner's Appendix contains certified evidence of suspect filings. This Court should order immediate preservation and, where appropriate, vacatur and referral.

D. Supremacy Clause / federal maritime contracts and protections for seamen. Federal maritime jurisdiction and enforcement priorities are matters of national concern; state enforcement that conflicts with or displaces federal maritime authority violates the Supremacy Clause. The district court's failure to recognize admiralty jurisdiction enabled state actors to pursue enforcement in ways that effectively supersede federal maritime

adjudication and to shield state actors from federal review. This Court’s intervention is required to restore the supremacy of federal maritime law.

CONCLUSION

Petitioner stands before this Court not merely as an individual seeking justice, but as a federally recognized seaman, a ward of the Court, and the operator of a United States-flagged vessel—an independent legal entity protected under Title 46—operating under active federal maritime contracts with NOAA, the U.S. Department of Commerce, the Department of Homeland Security, the U.S. Coast Guard, and the U.S. Environmental Protection Agency. Petitioner has properly invoked this Court’s admiralty jurisdiction under 28 U.S.C. § 1333 and 28 U.S.C. § 1916, and stands within the exclusive governance of federal maritime law, including the National Marine Sanctuaries Act (16 U.S.C. § 1431 et seq.), and the Judiciary Act of 1789, whose guarantees to seamen and maritime litigants are not discretionary—they are **constitutionally mandated** and **judicially protected** since the founding of this Republic.

The abdication of admiralty jurisdiction by the district court, affirmed by the Ninth Circuit, constitutes a **flagrant violation of federal law, judicial duty, and constitutional order**. Defendants in this matter have admitted admiralty jurisdiction and the existence of binding federal maritime contracts. Yet the judiciary has refused to adjudicate the claim on the merits, denied Petitioner the rights afforded under maritime law, and failed to respond to properly filed constitutional motions, including notices served with return receipts on the U.S. Attorney General pursuant to 28 U.S.C. § 2403, thereby obstructing the federal government’s right to intervene in a matter in which it has a clear and vested interest.

The consequences are not theoretical: this unlawful judicial abstention has resulted in the effective restraint of maritime commerce, the destruction of Petitioner’s federally endorsed fishing business, reputational and financial ruin, and irreparable psychological harm—juries compounded by the original tort which was itself initiated through falsified law enforcement documents, a forged citation, and ultra vires state action in clear usurpation of the **Supremacy Clause** and the federal courts’ **exclusive in rem admiralty jurisdiction**.

When taken together, the scope of judicial abdication in this matter is **extraordinary** and warrants nothing less than the **intervention of this Court’s extraordinary supervisory authority** to preserve the integrity of federal maritime law, to prevent the erosion of rights guaranteed under the Judiciary Act of 1789, and to protect the liberty interests of both the Petitioner and a vessel of the United States. The Supreme Court alone holds the power and the duty to restore the constitutional and statutory order in this case. **This Petition must be granted. This Petition is a red flag warning to the Supreme Court of grave national consequence.** The abdication of admiralty jurisdiction by the district court and Ninth Circuit has effectively transferred exclusive federal in rem authority to state actors, in violation of the Supremacy Clause and centuries of

binding precedent. If this Court fails to intervene, the result will be nothing less than the nullification of maritime law in the United States. The uniformity of maritime commerce will collapse; seamen will be stripped of their constitutional protections as wards of the Court, and the supremacy of federal law will be irreparably undermined.

RELIEF REQUESTED

Petitioner respectfully asks that this Court:

1. Issue an emergency stay and preservation order directing the Clerk of the District Court to preserve and produce certified copies of the entire official case file for Seaman's Action No. 3:25-cv-00758-RFL, including ECF audit logs, metadata, system change logs, and any archived docket snapshots, within seven (7) days.
2. Issue a writ of mandamus directing the District Court to vacate any judgments entered without admiralty jurisdiction entered April 11, 2025 (Dkt. No. 26) and August 13, 2025 (Dkt. No. 73) and to proceed to adjudicate Petitioner's maritime claims under Article III and 28 U.S.C. §1333, applying the Supplemental Admiralty Rules and Fed. R. Civ. P. 9(h), with an expedited schedule.
3. Issue a writ of prohibition preventing any enforcement, collection, seizure, deprivation, restraint, or other actions perpetuated and undertaken pursuant to the vacated or challenged district-court orders or judgments until compliance.
4. Order disqualification / reassignment of Judge Rita F. Lin from further proceedings or direct the district court to assign the case to a new judge pending compliance.
5. Order preservation and review of contested filings.
6. Grant any additional relief this Court deems appropriate to preserve federal maritime jurisdiction and protect Petitioner and the uniformity of maritime law. Respectfully submitted,



10/17/2025

PATRICK ROY HARPER—Petitioner
Patrick Roy Harper [Pro Se] Voicemail: 707-751-6677
Email: mycasemarin@outlook.com
6690 Bloomfield Road Petaluma, CA 94952

CERTIFICATE OF SERVICE

I, Patrick Roy Harper, hereby certify that on October 17, 2025, I served a copy of the foregoing **Petition for Writ of Mandamus and/or Prohibition**, including all accompanying documents, by CERTIFIED U.S. Mail to the following parties:

Clerk of the United States Court of Appeals for the Ninth Circuit 95 Seventh Street San Francisco, CA 94103

Clerk of the United States District Court for the Northern District of California 450 Golden Gate Avenue San Francisco, CA 94102

California Department of Fish and Wildlife 715 P Street Sacramento, CA 95814 Mailing: P.O. Box 944209 Sacramento, CA 94244-2090

County of Marin 3501 Civic Center Drive San Rafael, CA 94903

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

Executed on October 17, 2025, Petaluma, California

Patrick Roy Harper [Pro Se] 6690 Bloomfield Road Petaluma, CA 94952 Email:
mycasemarin@outlook.com Phone: 707-751-6677



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7 PATRICK ROY HARPER,
8 Plaintiff,
9 v.
10 COUNTY OF MARIN, et al.,
11 Defendants.

Case No.25-cv-00758-RFL

JUDGMENT IN A CIVIL CASE

Re: Dkt. No. 25

12
13 On April 11, 2025, the Court granted Defendant County of Marin's motion to dismiss.
14 Pursuant to Federal Rule of Civil Procedure 58, the Court hereby **ENTERS** judgment in favor of
15 Defendant County of Marin and against Plaintiff Patrick Roy Harper.

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17 **IT IS SO ORDERED.**

18 Dated: April 11, 2025

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RITA F. LIN
United States District Judge

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7 PATRICK ROY HARPER,
8 Plaintiff,
9 v.
10 CALIFORNIA DEPARTMENT OF FISH
11 AND WILDLIFE,
12 Defendant.

Case No. 25-cv-00758-RFL

JUDGMENT

Re: Dkt. No. 73

13 On August 13, 2025, the Court granted California Department of Fish and Wildlife's
14 Motion for Judgment on the Pleadings. The Court previously granted County of Marin's Motion
15 to Dismiss and entered judgment in its favor and against Plaintiff on April 11, 2025. (Dkt. Nos.
16 25, 26.) Pursuant to Federal Rule of Civil Procedure 58, the Court hereby **ENTERS** judgment in
17 favor of California Department of Fish and Wildlife and against Plaintiff. Because the claims
18 against all Defendants have now been dismissed, and judgment is entered in favor of all
19 Defendants, the Clerk of Court shall close the file in this matter.

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21 **IT IS SO ORDERED.**

22 Dated: August 13, 2025

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RITA F. LIN
United States District Judge

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 22 2025

IN RE PATRICK ROY HARPER.

PATRICK ROY HARPER,

Petitioner,

v.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA, SAN FRANCISCO,

Respondent,

COUNTY OF MARIN; CALIFORNIA
DEPARTMENT OF FISH AND
WILDLIFE,

Real Parties in Interest.

No. 25-3583

D.C. No.

3:25-cv-00758-RFL

Northern District of California,
San Francisco

ORDER

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

Before: SILVERMAN, LEE, and VANDYKE, Circuit Judges.

Petitioner has not demonstrated a clear and indisputable right to the extraordinary remedy of mandamus. *See In re Mersho*, 6 F.4th 891, 897 (9th Cir. 2021) (“To determine whether a writ of mandamus should be granted, we weigh the five factors outlined in *Bauman v. United States District Court*.); *Bauman v. U.S. Dist. Court*, 557 F.2d 650 (9th Cir. 1977). The petition is denied.

All pending motions are denied as moot.

No further filings will be entertained in this closed case.

DENIED.

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MAY 27 2025

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

PATRICK ROY HARPER,

Plaintiff - Appellant,

v.

COUNTY OF MARIN and CALIFORNIA
DEPARTMENT OF FISH AND
WILDLIFE,

Defendants - Appellees.

No. 25-2926

D.C. No.

3:25-cv-00758-RFL

Northern District of California,
San Francisco

ORDER

Before: W. FLETCHER, CALLAHAN, and KOH, Circuit Judges.

A district court's dismissal order is not final or immediately appealable under 28 U.S.C. § 1291 "unless it disposes of all claims as to all parties or unless judgment is entered in compliance with Federal Rule of Civil Procedure 54(b)." *Romoland Sch. Dist. v. Inland Empire Energy Ctr., LLC*, 548 F.3d 738, 747 (9th Cir. 2008) (citing *Chacon v. Babcock*, 640 F.2d 221, 222 (9th Cir. 1981)); *see also* 28 U.S.C. § 1291; Fed. R. Civ. P. 54(b); *Branson v. City of Los Angeles*, 912 F.2d 334, 336 (9th Cir. 1990) (denial of reconsideration of non-appealable order is itself not appealable).

This court lacks jurisdiction over this appeal because the April 11, 2025 order did not dispose of all claims as to all parties. Although the district court entered a judgment as to the County of Marin, the district court did not state that

there is no just reason for delay and that the judgment is immediately appealable under Federal Rule of Civil Procedure 54(b). *See Frank Briscoe Co., Inc. v. Morrison-Knudsen Co., Inc.*, 776 F.2d 1414, 1416 (9th Cir. 1985) (order disposing of fewer than all claims or parties is not appealable absent express determination from district court that there is no just reason for delay under Rule 54(b)).

This appeal is therefore dismissed. *See* 9th Cir. R. 3-6(b) (if court determines it lacks jurisdiction, court may dismiss appeal without notice or further proceedings).

DISMISSED.

CIVIL COVER SHEET

This civil cover sheet does not replace or supplement the filing and service of pleadings or other papers. The information on this form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket. Instructions are on the reverse of this form.

I. PLAINTIFF(S)

Patrick Roy HARPER

County of Residence of First Listed Plaintiff:
Leave blank in cases where United States is plaintiff.

Sonoma

Attorney or Pro Se Litigant Information (Firm Name, Address, and Telephone Number)

**Patrick Roy Harper Pro Se 6690 Bloomfield Rd
Petaluma CA 94952**

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

U.S. Government Plaintiff Federal Question (U.S. Government Not a Party)
 U.S. Government Defendant Diversity

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC § 881	<input type="checkbox"/> 375 False Claims Act
<input checked="" type="checkbox"/> 20 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury – Product Liability	<input type="checkbox"/> 422 Appeal 28 USC § 158	<input type="checkbox"/> 376 Qui Tam (31 USC § 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC § 157	<input checked="" type="checkbox"/> 410 State Apportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	LABOR	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 320 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 420 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 430 Labor/Management Relations	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 490 Securities/Commodities/Exchange
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	PRISONER PETITIONS	<input type="checkbox"/> 495 Other Statutory Actions	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury -Medical Malpractice	HABEAS CORPUS	<input type="checkbox"/> 491 Agricultural Acts	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 196 Franchise	CIVIL RIGHTS	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 493 Environmental Matters	<input type="checkbox"/> 893 Environmental Matters
REAL PROPERTY	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 495 Freedom of Information Act	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 530 General	<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 445 Amer. w/Disabilities- Employment	<input type="checkbox"/> 550 Civil Rights		
<input type="checkbox"/> 245 Torts Product Liability	<input type="checkbox"/> 446 Amer. w/Disabilities-Other	<input type="checkbox"/> 555 Prison Condition		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 560 Civil Detainee- Conditions of Confinement		
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS - Third Party 26 U.S.C. § 7609	
			Seaman's case, Collect Clerk's fee before termination pursuant to 28 USC 1916	

V. ORIGIN (Place an "X" in One Box Only)

Original Proceeding Removed from State Court Remanded from Appellate Court Reinstated or Reopened Transferred from Another District

Multidistrict Litigation-Transfer

Multidistrict Litigation-Direct File

VI. FOR DIVERSITY CASES ONLY:

CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

Plaintiff Defendant

Citizen of California
 Citizen of Another State
 Citizen or Subject of a Foreign Country
 Incorporated or Principal Place of Business In California
 Incorporated and Principal Place of Business In Another State
 Foreign Nation

VII. REQUESTED IN COMPLAINT

Check if the complaint contains a **jury demand**.
 Check if the complaint contains a **monetary demand**. Amount: **\$ 2,570,000.00**
 Check if the complaint seeks **class action** status under Fed. R. Civ. P. 23.
 Check if the complaint seeks a **nationwide injunction** or Administrative Procedure Act vacatur.

VIII. RELATED CASE(S) OR MDL CASE

Provide case name(s), number(s), and presiding judge(s).

IX. DIVISIONAL ASSIGNMENT pursuant to Civil Local Rule 3-2

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA-MCKINLEYVILLE

DATE **1-22-2025**

SIGNATURE OF ATTORNEY OR PRO SE LITIGANT *[Signature]*

COMPLETING THE CIVIL COVER SHEET

Complete the form as follows:

I. Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.

Attorney/Pro Se Litigant Information. Enter the firm name, address, telephone number, and email for attorney of record or pro se litigant. If there are several individuals, list them on an attachment.

II. Jurisdiction. Under Federal Rule of Civil Procedure 8(a), pleadings must establish the basis of jurisdiction. If multiple bases for jurisdiction apply, prioritize them in the order listed:

- (1) *United States plaintiff.* Jurisdiction based on 28 U.S.C. §§ 1345 and 1348 for suits filed by the United States, its agencies or officers.
- (2) *United States defendant.* Applies when the United States, its agencies, or officers are defendants.
- (3) *Federal question.* Select this option when jurisdiction is based on 28 U.S.C. § 1331 for cases involving the U.S. Constitution, its amendments, federal laws, or treaties (but use choices 1 or 2 if the United States is a party).
- (4) *Diversity of citizenship.* Select this option when jurisdiction is based on 28 U.S.C. § 1332 for cases between citizens of different states and complete Section VI to specify the parties' citizenship. Note: Federal question jurisdiction takes precedence over diversity jurisdiction.

III. Cause of Action. Enter the statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless jurisdiction is based on diversity. Example: U.S. Civil Statute: 47 U.S.C. § 553. Brief Description: Unauthorized reception of cable service.

IV. Nature of Suit. Check one of the boxes. If the case fits more than one nature of suit, select the most definitive or predominant.

V. Origin. Check one of the boxes:

- (1) *Original Proceedings.* Cases originating in the United States district courts.
- (2) *Removed from State Court.* Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. § 1441. When the petition for removal is granted, check this box.
- (3) *Remanded from Appellate Court.* Check this box for cases remanded to the district court for further action, using the date of remand as the filing date.
- (4) *Reinstated or Reopened.* Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- (5) *Transferred from Another District.* Check this box for cases transferred under Title 28 U.S.C. § 1404(a). Do not use this for within-district transfers or multidistrict litigation (MDL) transfers.
- (6) *Multidistrict Litigation Transfer.* Check this box when a multidistrict (MDL) case is transferred into the district under authority of Title 28 U.S.C. § 1407.
- (7) *Multidistrict Litigation Direct File.* Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.

VI. Residence (citizenship) of Principal Parties. Mark for each principal party *only* if jurisdiction is based on diversity of citizenship.

VII. Requested in Complaint.

- (1) *Jury demand.* Check this box if plaintiff's complaint demanded a jury trial.
- (2) *Monetary demand.* For cases demanding monetary relief, check this box and enter the actual dollar amount being demanded.
- (3) *Class action.* Check this box if plaintiff is filing a class action under Federal Rule of Civil Procedure 23.
- (4) *Nationwide injunction.* Check this box if plaintiff is seeking a nationwide injunction or nationwide vacatur pursuant to the Administrative Procedures Act.

VIII. Related Cases. If there are related pending case(s), provide the case name(s) and number(s) and the name(s) of the presiding judge(s). If a short-form MDL complaint is being filed, furnish the MDL case name and number.

IX. Divisional Assignment. Identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated." Note that case assignment is made without regard for division in the following case types: Property Rights (Patent, Trademark and Copyright), Prisoner Petitions, Securities Class Actions, Anti-Trust, Bankruptcy, Social Security, and Tax.