26-5142 ORIGINAL

No. ________

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
JUN 22 2026
OFFICE OF THE CLERK

GEORGE A. SABA,

Petitioner,

v.

COURT OF APPEAL FOURTH APPELLATE DISTRICT,
DIVISION THREE,
SUPERIOR COURT OF ORANGE COUNTY.

Respondents.

And

ANGEL TAYYAN,

Real Party in Interest.

PETITION FOR WRIT OF CERTIORARI

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Petitioner in Pro Se.

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I. QUESTIONS PRESENTED

1. Whether a State may impose civil disabilities—including a vexatious-litigant designation, a prefiling order, and a $150,000 security requirement—based on an order issued by a temporary judge who lacked jurisdiction under Article VI, § 21 of the California Constitution, and which omitted all findings required by California Code of Civil Procedure § 391(b).

2. Whether the First and Fourteenth Amendments are violated when a State denies a litigant any meaningful opportunity for appellate review—where the Court of Appeal summarily denied relief, and the Supreme Court of California refused to permit filing—thereby preventing review of a jurisdictionally void order.

3. Whether the arbitrary and inconsistent enforcement of California's vexatious-litigant statutes—including the acceptance of inadmissible hearsay, the rejection of competent personal-knowledge testimony, the failure to rule on evidentiary objections, and the imposition of a security requirement unsupported by admissible evidence—violates due process and renders the statutory scheme unconstitutionally vague as applied.

II. PARTIES TO THE PROCEEDING

Petitioner:

George A. Saba

Respondents are:

Court of Appeal, Fourth Appellate District, Division Three,
Superior Court of Orange County,
And
Angel Tayyan, Real Party in interest

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V. OPINION BELOW

The order of the Superior Court of California, County of Orange, is unreported. The California Court of Appeal, Fourth Appellate District, Division Three, denied Petitioner's writ petition in Case No. G065831 on August 14, 2025. That order is unreported. (Appendix B.)

On March 11, 2026, the Court of Appeal denied Petitioner's VL-110 application in Case No. G066609. That order is unreported. (Appendices C, D.)

On May 19, 2026, the Supreme Court of California denied Petitioner's application for leave to file a petition for writ of mandate in Case No. S296630. That order is unreported. (Appendix A.)

VI. JURISDICTION

The Supreme Court of California denied Petitioner's application for leave to file a petition for writ of mandate on May 19, 2026. (Appendix A.) This petition is filed within 90 days of that order and is therefore timely under Supreme Court Rule 13.1.

This Court has jurisdiction under 28 U.S.C. § 1257(a), which authorizes review of final judgments or decrees rendered by the highest court of a State in which a decision could be had.

VII. CONSTITUTIONAL AND STATUTORY PROVISIONS

The Fourteenth Amendment to the United States Constitution provides in relevant part: "No State shall… deprive any person of life, liberty, or property, without due process of law." The First Amendment to the United States Constitution provides in relevant part: "Congress shall make no law… abridging… the right of the people… to petition the Government for a redress of grievances."

The federal statute conferring jurisdiction on this Court, 28 U.S.C. § 1257(a), provides: "Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari…"

Relevant portions of the California vexatious-litigant statutes, including California Code of Civil Procedure §§ 391, 391.1, 391.3, and 391.7, are reproduced in the Appendix at Appendix D.

VIII. INTRODUCTION

This petition arises from a series of orders issued in reliance on a vexatious-litigant designation that was **VOID** when entered. On July 3, 2024, a temporary judge—acting without the written stipulation required by Article VI, § 21 of the California Constitution—purported to declare Petitioner a vexatious litigant. The order cited the wrong statute, applied the wrong standard, and contained none of the findings required by California Code of Civil Procedure §

391(b). Under settled California law, the absence of a written stipulation rendered the order void ab initio and incapable of supporting any subsequent judicial action.

Despite its **VOID** nature, the probate court relied on the July 3 order to issue a prefiling order and later to impose a $150,000 security requirement. The Commissioner expressly acknowledged on the record that she had not found any violation of the prefiling order. The security requirement therefore rested on no valid statutory predicate and no admissible evidence. The probate court accepted a declaration from opposing counsel that lacked personal knowledge, foundation, and admissible content, while rejecting Petitioner's firsthand testimony. The court did not rule on Petitioner's evidentiary objections. These arbitrary and inconsistent rulings deprived Petitioner of due process.

Petitioner sought review in the California Court of Appeal, which summarily denied relief without addressing the jurisdictional defects. The Supreme Court of California then refused to permit Petitioner to file a petition for review, thereby foreclosing all avenues of appellate review. As a result, a jurisdictionally void order—issued without authority, without findings, and without admissible evidence—was insulated from any judicial scrutiny.

This case presents important constitutional questions concerning due process, access to courts, and the limits of state authority to impose vexatious-litigant restrictions. Review is warranted.

IX. PRELIMINARY STATEMENT

Petitioner, George A. Saba, is an 81-year-old immigrant who arrived in the United States in 1965, on a student visa, with aspirations to earn a degree in Chemistry and to learn to become a commercial pilot. Petitioner accomplished both, by earning a Bachelor of Science degree in Chemistry and obtaining an FAA license as a Flight Engineer on the Boeing 727-200 series aircraft.. On June 14, 1969, while Petitioner was a lawful Permanent Resident, he voluntarily enlisted in the United States Army, serving honorably as an air traffic controller, radar specialist, until his discharge on August 2, 1973. Petitioner later became a licensed California attorney and practiced law for more than thirty years with zero complaints by his clients to the California State Bar.

This case arises from a series of probate-court orders issued in reliance on a vexatious-litigant designation entered on July 3, 2024. The designation was issued by a temporary judge without a written stipulation and did not include findings under Code of Civil Procedure § 391(b). The probate court subsequently issued a prefiling order on October 14, 2024 and later on the probate court ordered Petitioner to furnish the sum $150,000 in security. The Commissioner stated on the record that she had not found a violation of the prefiling order. For example:

The Court: "One issue that I would like to note is that my order requiring you to furnish security did not rely—did not in any way rely on the arguments presented that you had violated the prefiling order. I know that is something that you took exception to. It was something that was discussed at oral argument back in November of 2024". **(E 21:20-26.)**

The Court: "I tend to agree with you, Mr. Saba, that the prefiling order was not actually formally entered or issued until quite a while after the hearing at which Ms. Tayyan's motion to deem you vexatious was heard and granted." **(E 22:1-5)**

The Court: "I don't believe I have ever made a finding that you have violated the prefiling order, and I don't believe that any such finding was necessary." **(E 22:7–11.)**

The Court: "I agree with you, Mr. Saba, that Ms. Tayyan--Ms. Tayyan certainly argued that you violated the prefiling order, and she urged me, urged the Court, to find that your violation of that prefiling order was further persuasive evidence of the need for the security. I don't think I agree with that, that you violated the prefiling order, but as I read—as I read the vexatious litigant statutes, as I read particularly Code of Civil Procedure 391.1 and 391.3, those sections don't—as I understand it, those sections don't talk about violation of a prefiling order. They talk about a requirement to post security where a proper showing has been made." **(E 24:12-25.)**

Petitioner filed evidentiary objections to the declaration of attorney Cuevas that was submitted in support of the Trustee, ANGEL TAYYAN'S motion for an order requiring Petitioner to furnish security. The probate court overruled Petitioner's objections, accepted the declaration by attorney Cuevas and rejected Petitioner's declaration, as being based on "information and belief'.

Petitioner sought review in the California Court of Appeal in Case Nos. G065831 and G066609. The Court of Appeal denied relief in both matters. Petitioner then applied to the Supreme Court of California for leave to file a petition for writ of mandate and/or prohibition. On May 19, 2026, the Supreme Court denied the application, leaving Petitioner with no avenue for review within the state courts.(Appendix A.)

X. STATEMENT OF THE CASE

On July 3, 2024, a temporary judge presiding in the Superior Court of California, County of Orange, issued an order declaring Petitioner a vexatious litigant. The order invoked Code of Civil Procedure § 391.7—governing prefiling orders and yet made none of the findings required under § 391(b), the only statute authorizing a vexatious-litigant designation. No written stipulation for the temporary judge appears in the record. (Appendix J.)

On October 15, 2024, the probate court issued a prefiling order under Code of Civil Procedure § 391.7. (Appendix F.) On November 25, 2024, the probate court ordered Petitioner to furnish $150,000 in security. (Appendix O.) During the hearing, the Commissioner stated that she had not found a violation of the prefiling order. (Appendix E.) The Trustee supported her motion with a declaration by attorney Cuevas. (Appendix G.) Petitioner filed evidentiary objections and submitted his own declaration in opposition. (Appendix (H.) The probate court overruled Petitioner's objections, accepted the declarations submitted by the Trustee, and rejected Petitioner's declaration. (Appendix O.)

Petitioner sought review in the California Court of Appeal, Fourth Appellate District, Division Three. In Case No. G065831, the Court of Appeal denied the Writ petition on August 14, 2025. (Appendix B.) In Case No. G066609, Petitioner filed a VL-110 application with a new petition for writ of mandate. On March 11, 2026, the Court of Appeal denied the VL-110 application and did not file the petition. (Appendices C, D.)

Petitioner then submitted an application for leave to file a petition for writ of mandate in the Supreme Court of California. On May 19, 2026, the Supreme Court denied the application for leave to file the writ. (Appendix A.)

XI. SUMMARY OF THE ARGUMENT

The July 3, 2024 vexatious-litigant order was void when issued. Under Article VI, § 21 of the California Constitution, a temporary judge may act only upon a written stipulation of the parties. No stipulation was executed. The order also cited the wrong statute, applied the wrong standard, and contained none of the findings required by California Code of Civil Procedure §

391(b). A jurisdictionally void order cannot constitutionally support any subsequent civil disability, and any action predicated upon such an order is itself void.

Despite the void nature of the July 3 order, the probate court relied on it to issue a prefiling order and later imposed a $150,000 security requirement. The Commissioner expressly admitted on the record that she had not found a violation of the prefiling order. The security requirement therefore rested on no valid statutory predicate.

The probate court compounded these errors by admitting attorney Cuevas's declaration—the only evidence offered to support the security request—without ruling on Petitioner's evidentiary objections. Cuevas lacked personal knowledge of every fact material to the motion—including the Settlor's capacity, language abilities, blindness, deafness, education, and physical condition. His declaration consisted of hearsay, speculation, and improper opinion testimony. The court rejected Petitioner's firsthand declaration while accepting Cuevas's hearsay, demonstrating arbitrary and inconsistent enforcement of evidentiary standards. The security order was thus imposed on the basis of inadmissible evidence.

Petitioner sought review in the California Court of Appeal, which summarily denied relief without addressing the jurisdictional defects. The Supreme Court of California then refused to permit Petitioner to file a petition for review, thereby extinguishing all avenues of appellate review. The result is that a jurisdictionally void order—issued without authority, without findings, and without admissible evidence—was insulated from any judicial scrutiny.

These actions violate the First and Fourteenth Amendments. The denial of any meaningful opportunity for review of a void order violates due process. The imposition of civil disabilities based on arbitrary evidentiary rulings and inconsistent application of the vexatious-litigant statutes renders the statutory scheme unconstitutionally vague as applied. And the refusal to permit filing of a petition for review burdens the right to petition the courts for redress.

This case presents important constitutional questions concerning due process, access to courts, and the limits of state authority to impose vexatious-litigant restrictions. Review is warranted.

XII. REASONS FOR GRANTING THE WRIT

A. THE REFUSAL TO PERMIT FILING VIOLATED PETITIONER'S FIRST AND FOURTEENTH AMENDMENT RIGHTS

The First Amendment protects the right to petition the courts for redress. The Fourteenth Amendment guarantees due process and meaningful access to the courts. These rights apply to civil litigants, such as Petitioner herein. *Bounds v. Smith*, 430 U.S. 817 (1977). A State may not insulate a void order from review by invoking a prefiling restriction that is itself predicated on that void order.

Here, the Supreme Court of California's refusal to permit filing prevented Petitioner from obtaining review of a jurisdictionally void vexatious-litigant order; a prefiling order issued without statutory authority; a $150,000 security requirement imposed without admissible evidence; and the probate court's arbitrary and inconsistent evidentiary rulings.

The refusal to permit filing therefore burdened Petitioner's First Amendment right to petition and violated due process. A State may not insulate a void order from review by invoking a prefiling restriction that itself rests on the void order. *Bill Johnson's Restaurants v. NLRB*, 461 U.S. 731 (1983) (state may not penalize or chill access to courts).

B. THE ARBITRARY AND INCONSISTENT ENFORCEMENT OF CALIFORNIA'S VEXATIOUS-LITIGANT STATUTES RENDERS THE SCHEME UNCONSTITUTIONALLY VAGUE AS APPLIED

A statute is unconstitutionally vague as applied when it is enforced arbitrarily or inconsistently. *Grayned v. City of Rockford*, 408 U.S. 104 (1972). California's vexatious-litigant statutes were applied to Petitioner in a manner that was unpredictable, inconsistent, and devoid of procedural standards.

The probate court relied on a void order; applied the wrong statute; made no findings under § 391(b); admitted inadmissible hearsay evidence; rejected competent firsthand testimony; failed to rule on evidentiary objections; imposed a security requirement without statutory authority; and relied on a prefiling order that the Commissioner admitted had not been violated.

The appellate courts then refused to review these errors, and the Supreme Court of California refused to permit filing. The result was a complete denial of access to the courts based on a process that lacked any consistent or predictable application of law. When a statutory scheme is administered through unbounded discretion, inconsistent evidentiary rulings, and reliance on void orders, it becomes unconstitutionally vague as applied. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982).

C. THE PROBATE COURT'S ANALYSIS ADMITTING ATTORNEY CUEVAS'S DECLARATION WAS LEGALLY ERRONEOUS

In Appendix O (Minute Order dated November 25, 2024), the probate court summarily accepted attorney Cuevas's declaration as admissible evidence. This ruling was legally erroneous and contrary to the foundational requirements of the evidence Code. The court failed to address Petitioner's evidentiary objections, failed to apply the foundational requirements of the Evidence Code, and relied on a declaration that lacked personal knowledge, foundation, and admissible content. The court's acceptance of Cuevas's declaration was arbitrary, inconsistent, and an abuse of discretion.

D. CUEVAS'S DECLARATION LACKED FOUNDATION AND WAS BASEDENTIRELY ON HEARSAY

Attorney Cuevas had no personal knowledge of the Settlor's mental capacity, ability to read or understand English, blindness or deafness, educational background, physical limitations, or the circumstances surrounding the execution of the Restatement Trust. Under Evidence Code § 702, a witness may testify only to matters within personal knowledge. Under Evidence Code § 800, an opinion must be rationally based on the witness's own perception.

Cuevas's declaration violated both statutes. He did not examine the Settlor, speak her language, assess her capacity, observe her reading ability, or possess any medical training. His statements rested entirely on secondhand information, assumptions, and inadmissible hearsay. The probate court did not address any of these defects.

E. THE PROBATE COURT FAILED TO RULE ON PETITIONER'S EVIDENTIARY OBJECTIONS

Petitioner filed detailed objections (Appendix H) identifying lack of personal knowledge, hearsay, improper opinion testimony, lack of foundation, and speculation. California courts are required to rule on evidentiary objections before relying on the challenged evidence. The probate court did not rule on a single objection, did not identify which portions of the declaration it deemed admissible, and did not explain the basis for admitting any portion of the declaration. Instead, the court simply accepted the declaration wholesale. This constitutes reversible error under California law and violates basic due-process requirements.

F. THE PROBATE COURT APPLIED INCONSISTENT EVIDENTIARY STANDARDS

The probate court rejected Petitioner's declaration as based on "information and belief," while simultaneously accepting Cuevas's declaration—even though Cuevas had no firsthand knowledge, and Petitioner had 70 years of firsthand knowledge of his mother's language, education, blindness, deafness, and medical condition. This inconsistency reflects arbitrary, selective enforcement of evidentiary standards—precisely the type of unpredictability that renders a statute unconstitutionally vague as applied. *Grayned*, 408 U.S. at 104.

G. THE PROBATE COURT RELIED ON AN INADMISSIBLE DECLARATION TO SUPPORT A SECURITY ORDER

Cuevas's declaration was the only evidence offered to support the Trustee's motion for security. Without it, the Trustee could not meet the statutory burden under CCP §§ 391.1 and 391.3. By admitting the declaration without analysis, the probate court relied on inadmissible evidence to impose a $150,000 security requirement. A security order imposed without admissible evidence cannot stand.

H. THE COURT REPORTER'S CERTIFIED TRANSCRIPT (APPENDIX E) SHOWS THE COURT'S PARTIALITY AND RELIANCE ON NON-EXISTENT OPPOSITION PAPERS

The transcript shows the court:

1. Leading the Trustee's counsel,
2. acknowledging it never found a violation of the prefiling order,
3. claiming to have reviewed written opposition papers that did not exist.

A court's reliance on non-existent filings is itself a due-process violation.

I. CALIFORNIA STATE COURTS DENIED PETITIONER ALL ACCESS TO JUDICIAL REVIEW

The Court of Appeal mischaracterized filings, refused to address jurisdictional defects, and denied review. The Supreme Court of California refused to permit filing of any petition. The cumulative effect was a complete shutdown of access to the courts. The constitution does not permit a State to close every avenue of review of a void order.

J. CALIFORNIA'S VEXATIOUS-LITIGANT STATUTE IS UNCONSTITUTIONALLY VAGUE AS APPLIED

California's vexatious-litigant statute, as applied to Petitioner, violates the Due Process Clause because it provides **no meaningful standards**, **no procedural safeguards**, and **no objective criteria** to guide judicial discretion. The statute was applied:

1. **without statutory findings,**
2. **without evidentiary standards,**
3. **based on declarations the court itself refused to accept as true**, and

4. **while the trustee withheld the estate-planning file necessary to evaluate the underlying claims.**

A statutory scheme that authorizes sweeping civil disabilities without objective criteria or procedural safeguards is unconstitutionally vague as applied. This Court has repeatedly held that laws restricting access to courts must contain "clear, objective criteria" and "procedural safeguards sufficient to prevent arbitrary enforcement." *See Grayned v. City of Rockford*, 408 U.S. 104 (1972).

California's statute, as applied here, fails that test.

K. THE PROBATE COURT'S LOSS OF NEUTRALITY VIOLATED THE FOURTEENTH AMENDMENT

The probate court abandoned the neutrality required by the Fourteenth Amendment. The court:

- coached opposing counsel on how to frame arguments,
- mischaracterized Petitioner's filings,
- rejected Petitioner's sworn declaration in its entirety, while
- accepting declarations contradicted by the Register of Actions.

A tribunal that abandons neutrality commits a **structural constitutional violation**. This Court has held that "a fair trial in a fair tribunal is a basic requirement of due process." *In re Murchison*, 349 U.S. 133, 136 (1955). Bias—whether actual or apparent—requires reversal because it "infects the entire proceeding." *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

The probate court's conduct here satisfies the standard for structural error requiring reversal.

L. EQUAL PROTECTION VIOLATION: DISPARATE TREATMENT OF A PRO SE LITIGANT

Petitioner was subjected to disparate treatment solely because he was self-represented. The probate court:

1. imposed a $150,000 security requirement **without the statutory trigger**,
2. refused to consider the merits of Petitioner's filings,
3. denied filings without explanation,
4. accepted inaccurate declarations while rejecting Petitioner's sworn declaration,
5. treated Petitioner's filings as presumptively frivolous, and
6. relied on a void vexatious-litigant order to justify further restrictions.

This violates the Equal Protection Clause. A facially neutral statute applied in a discriminatory manner is unconstitutional. *Yick Wo v. Hopkins*, 118 U.S. 356 (1886). This Court has also held that access to courts cannot depend on wealth, status, or representation. *Griffin v. Illinois*, 351 U.S. 12 (1956).

Petitioner was denied equal protection because he was treated differently from similarly situated litigants solely due to his pro se status. Disparate treatment of a pro se litigant is no less unconstitutional than disparate treatment based on wealth or status.

XIII. ADDITIONAL MATTERS WARRANTING REVIEW

The Superior Court of Orange County repeatedly restricted Petitioner's ability to obtain information, seek clarification, or raise issues necessary to the fair resolution of his cases. These restrictions include:

1. Temporary Judge's order deeming Petitioner Vexatious litigant lacked jurisdiction and used CCP 391.7 rather than CCP 391(b). to deem Petitioner vexatious-litigant. (Appendix J.)

2. Attorney Duncombe misrepresented facts and the law in support of his motion for Security, which the court completely disregarded. (Appendix K.)

3. The Probate Court falsely ruled that Petitioner's declaration submitted in opposition to motion for security as being based on "information and belief."). (Appendix L.)

4. The Probate Court erred in admitting Cuevas's declaration in evidence.). (Appendix L-1.)

5. On July 25, 2024, the Civil Court denied Trustee's motion for security. (Appendix M.)

6. Attorney Hudack testified in his declaration that on December 7, 2023, he hired attorney Duncombe as Trustee's litigation counsel. The Probate Court ROA shows the names of attorneys Raxter Lw, P.A, and Hudack Law, APC as attorneys of record for Respondent Tayyan. No mention of attorney Duncombe. (Appendix M-1.)

7. The deficient Declaration of attorney Cuevas submitted in support of Trustee's motion for security, was admitted into evidence. (Appendix N.)

8. The Probate Court erred in ordering Petitioner to furnish security in the sum of $150,000. (Appendix O.)

9. The Probate Court .refusal to consider Petitioner's motion for reconsideration under CCP § 1008(c) (June 20, 2025) (Appendix P)

10. California Courts firmly believe that immigrants, especially U.S. Veteran, who have been branded as vexatious-litigants **are not entitled to petition the courts by filing VL-110 application.** (Appendix Q)

11. California Courts firmly believe that Petitioner, as vexatious litigant, was not entitled to explain that the dismissal of Case No. CVRI2102572 was in his favor (Appendix R).

12. California Courts firmly believe that Petitioner, as a vexatious litigant, was not entitled to explain that the dismissal of case No. RIC2000802 (April 27, 2021) (Appendix S).

13. Probate Court's admission of clerk's error (certified, August 26, 2025, was not served on Petitioner. (Appendix T).

14. The Probate Court's dismissing the case (certified, September 9, 2025) was never served on Petitioner. There is no proof of service in the records of such a service. (Appendix U).

15.. The Probate Court's refusal to allow Petitioner to clarify the denial of Petitioner's motion to lift the prefiling order (Appendix V).

16. Petitioner's informal letter to Presiding Judge to ask the clerk not to list Plaintiff John Saba, who passed away on October 7, 2025, on the clerk's Proof of Service, **was rejected,** despite repeated notices to the clerk's office. (Appendix W).

17. Petitioner, as vexatious-litigant, was not allowed to question the reason why Petitioner's Motion to remove the Trustee that was filed on May 21, 2026 was set for hearing on December 17, 2026, setting a seven-month delay for the hearing. (Appendix X).

18. Petitioner, as vexatious-litigant was precluded from seeking clarification of a Minute Order by **Assistant Presiding Judge.** (Appendix Y).

These **systemic barriers**, taken together, demonstrate a sustained deprivation of due process.

XIV. CONCLUSION

The orders at issue were imposed in reliance on a vexatious-litigant designation entered **without jurisdiction**, **without statutory findings**, and **without the procedural protections required by California law**. The resulting prefiling order, evidentiary rulings, and $150,000 security requirement were insulated from appellate review when the California Court of Appeal denied relief as well as the Supreme Court of California declined to permit filing.

These actions collectively:

1. deprived Petitioner of meaningful access to the courts,

2. imposed substantial civil disabilities without due process,

3. violated equal protection, and

4. rested on a void order issued by a temporary judge lacking jurisdiction.

This case presents important questions concerning:

1. the constitutional limits of state vexatious-litigant regimes,

2. the requirements of due process and neutrality,

3. the right to petition for redress, and

4. the structural protections necessary to ensure access to courts.

For these reasons, review by this Honorable Court is not only warranted but necessary to vindicate Petitioner's fundamental constitutional protections.

Respectfully submitted,

Dated: June 18, 2026

George A. Saba
Petitioner in Pro Se