

No. _____

SUPREME COURT OF THE UNITED STATES

1997-1998 Term

RODNEY F. STICH,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ON WRIT OF CERTIORARI TO UNITED STATES
COURT OF APPEALS, DISTRICT OF COLUMBIA

PETITION FOR WRIT OF CERTIORARI

Brief for Petitioner
Joint Appendix

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QUESTIONS PRESENT FOR REVIEW

1. May federal judges block the reporting of major criminal activities implicating high-level government personnel that must be reported under federal crime-reporting statute Title 18 U.S.C. Section 4?

2. May federal judges retaliate, and inflict great and irreparable harm, against a person who seeks to report criminal activities under the mandatory requirement of Title 18 U.S.C. Section 4?

3. May federal judges render orders forever barring that person from federal court access, effectively blocking that person's reporting of criminal activities that are required to be reported to a federal judge under Title 18 U.S.C. Section 4?

4. May federal judges void, for that person, the rights and protections guaranteed by the laws and Constitution of the United States, denying him access to federal court when that person is suffering great and irreparable harm from government retaliation for having sought to report criminal activity in government?

5. Have federal judges engaged in a pattern of unlawful and unconstitutional actions as they voided the important crime-reporting statute, as they blocked Petitioner's reporting of criminal and subversive activities, and voided for Petitioner the statutory and constitutional defenses guaranteed for all citizens against the type of tactics judicially inflicted against him?

LIST OF PARTIES

The parties to the proceedings are Rodney F. Stich, Petitioner, and the U.S. Government, Respondent.

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REFERENCE TO LOWER COURT DECISIONS AND JURISDICTIONAL STATEMENT

The date of the entry of judgment by the Court of Appeals was April 14, 1997. Petitioner filed a request for rehearing, and this was denied on June 5, 1997. This petition for a writ of certiorari is filed within the 90 day jurisdictional period as provided by Supreme Court Rule 13.

Supreme Court jurisdiction arises under Title 28 U.S.C. § 1254 in petitions for writ of certiorari from the orders of U.S. Court of Appeals.

The Justices of the Supreme Court also have a responsibility under federal crime reporting statutes, particularly Title 18 U.S.C. § 4,¹ to receive evidence of high-level government crimes being perpetrated against the United States.

District Court jurisdiction arose under Title 18 U.S.C. § 4 (requiring it to receive evidence of criminal activities); and under the Federal Torts Claim Act, Title 28 U.S.C. §§ 2401 et al. The District Court entered its judgment dismissing Plaintiff's Complaint with prejudice on January 3, 1997.

Court of Appeals Jurisdiction arose under 28 U.S.C. § 1291 and 28 U.S.C. § 1294(a), as the Judgment appealed from was final, and disposed of the action as to all claims by all parties. Appellant-Petitioner filed a Notice of Appeal on January 6, 1997, which was timely under Federal Rules of Appellate Procedure 4(a)(1).

The court of appeals affirmed the dismissal by order filed April 14, 1997. On May 19, 1997, Petitioner filed a timely motion for reconsideration, suggesting an en banc rehearing.

¹ **Title 18 U.S.C. § 4 (misprision of felony).** "Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judgeshall be fined....or imprisoned"

This request was denied by order filed June 5, 1997.

I

STATEMENT OF THE CASE

Petitioner Rodney Stich filed three diverse-matter Complaints on December 12, 1995, seeking to report patterns of high-level criminal activities² that he and a group of former FBI, CIA, and other deep-cover agents-operatives had discovered. Petitioner exercised the authority to report these crimes to a federal judge, as provided by 18 U.S.C. § 4.

Concurrent with seeking to report these criminal activities, Petitioner's district court filings raised federal causes of actions under the Federal Tort Claims Act. The basis for this remedy was the great and irreparable harm inflicted upon Petitioner by the tortious and criminal acts of government employees as they sought to block his reporting of the high-level criminal activities, and to retaliate against him for attempting to do so.

Without notice, District Judge Charles Richey promptly rendered an order consolidating the three filings, dismissing two of them, and ordered the Defendant to file a motion requesting dismissal of the remaining filing. This was done.

By order filed January 3, 1997, Judge Richey dismissed the remaining action, blocking Petitioner and his group of

² The criminal activities for which Petitioner and his sources had evidence included, among others: (a) a pattern of drug smuggling into the United States by CIA, DEA and military personnel, aided and abetted by persons in Customs, Justice Department, DEA, and others; (b) converting federal Chapter 11 courts into criminal enterprises through felony looting of Chapter 11 assets by a conspiracy consisting of corrupt federal judges, trustees, covert Justice Department and CIA law firms; (c) and many other areas.

former federal agents and operatives from reporting the criminal activities that they had discovered.

Seeking to justify his actions, Judge Richey cited a September 23, 1991 order by Judge Stanley Sporkin permanently enjoining Petitioner from access to federal court. Judge Sporkin was one in a long line of federal judges who had repeatedly blocked Petitioner from reporting the criminal activities. This pattern of judicial dismissals also blocked the federal remedies upon which Petitioner sought relief from the great harm being inflicted upon him in the scheme to block his reports of government corruption.

Judge Sporkin was formerly legal counsel for the Central Intelligence Agency, and surely was aware or involved in the CIA's criminal activities that Petitioner and his group of former federal agents had discovered. It was in Sporkin's self interest to block any reporting of these matters.

Petitioner filed a timely notice of appeal of this dismissal on January 6, 1997. Subsequently, the court of appeals dismissed Petitioner's appeal by order filed April 14, 1997, seeking to justify their decision by making reference to Judge Sporkin's order barring Petitioner from federal court access.

Petitioner then filed a motion for reconsideration on May 19, 1997, suggesting an *en banc* hearing by the entire court, as provided by FRAP 35 and 40. Petitioner reminded the panel of their responsibility under Title 18 U.S.C. § 4 to receive evidence of the criminal activities under the federal crime reporting statute. This motion for reconsideration was denied on June 5, 1997. This petition for writ of certiorari to the Supreme Court is timely filed.

IMPORTANT BACKGROUND FACTS

To understand the judicial tactics used in the pattern of obstruction of justice and government-funded retaliation against Petitioner, brief reference is made to the history of judicial acts taken against Petitioner.

Some years ago, Petitioner (and other federal inspectors) discovered a pattern of criminal activities associated with a

continuing series of fatal airline crashes occurring in Petitioner's area of federal air safety responsibilities. This misconduct involved management within the Federal Aviation Administration (FAA), United Airlines, and the National Transportation Safety Board (NTSB). All checks and balances in the Executive Branch of government refused to act when the criminal activities were reported to them, making possible additional airline crashes and deaths. This misconduct is detailed and documented in Petitioner's third edition of *Unfriendly Skies*, in FAA records, and in various court filings.

This obstruction of justice and the related air tragedies motivated Petitioner to circumvent the high-level government block and exercise judicial remedies provided by the federal crime-reporting statute, Title 18 U.S.C. § 4. This use of the important federal crime-reporting statute started a series of Justice Department and judicial retaliatory acts that over the last two decades inflicted enormous personal and financial harm upon Petitioner, and continued the harm being inflicted upon the United States, its national security, and its government institutions.

Exercising Judicial Remedies In Federal Crime Reporting Statute

In the late 1970s, Petitioner filed several federal actions³ against the FAA and NTSB under the federal crime reporting

³ *Stich v. United States, et al.*, 554 F.2d 1070 (9th Cir.) (table), *cert. denied*, 434 U.S. 920 (1977)[addressed hard-core air safety misconduct, violations of federal air safety laws, threats against government inspectors not to report safety violations and misconduct]; *Stich v. National Transportation Safety Board*, 685 F.2d 446 (9th Cir.) (table), *cert. denied*, 459 U.S. 861 (1982)[addressed repeated criminal falsification of official airline accident reports, omitting highly sensitive air safety misconduct, making possible repeated crashes from the same sequestered problems]; Amicus curiae brief filed on July 17, 1975, in the Paris DC-10 multi-district litigation, *Flanagan v. McDonnell Douglas Corporation and United States of America*, Civil Action 74-808-PH, MDL 172, Central District California.[addressing the long standing FAA misconduct, of which the cover-up of the DC-10 cargo door problem was one of repeated instances of tragedy related misconduct].

statute, which remained active through the appeal processes in the federal courts from 1976 to 1982. These actions detailed and documented the ongoing criminal activities, showing their relationship to specific crashes and, of course, specific deaths.

During this period, Petitioner published the second edition of *Unfriendly Skies*, and appeared as guest and expert on hundreds of radio and television shows, describing the criminal activities and also the obstruction of justice reaction by federal judges and Justice Department personnel.

Exposing Justice Department and Judicial Misconduct Was Followed By Pattern of Government Retaliation

Petitioner's exposure activities were followed by a series of judicial retaliatory acts that continue to this day. These judicial activities included seizing and destroying Petitioner's life assets of \$10 million—that funded his exposure activities. In addition, orders were rendered that barred Petitioner from defending in court against the harm judicially inflicted upon him.

Orders were rendered that blocked Petitioner from reporting federal crimes, blocked him from access to federal court, and blocked him from the protection of the laws and Constitution of the United States. The page limitation for this filing does not permit going into detail, but the details and documentation appear in the underlying complaints and the attachment to those complaints, being the second edition of *Defrauding America*.

Start of Bizarre Judicial Acts

In 1982, apparently to strip Petitioner of the assets that funded his exposure activities, a covert CIA and Justice Department law firm (Friedman Sloan and Ross, San Francisco) commenced an action in the California courts against Petitioner that was barred by large numbers of state and federal statutes, case law, and rules of court.

The action was mislabeled a dissolution of marriage action so as to immediately seize Petitioner's assets on the

community property doctrine. But Petitioner had already been divorced, for over 16 years, as judicially established by five divorce judgments. Further, Petitioner's former wife, residing in Texas, had repeatedly declared herself divorced in real estate and personal dealings, continuing to do so after the sham action was filed.

For the next 13 years, every state and federal law that barred the action was repeatedly violated, along with every relevant procedural protection. Orders were repeatedly rendered, without jurisdiction under California law, that inflicted great personal and financial harm upon Petitioner. These orders constituted major violations of the Civil Rights Act, invoking federal court jurisdiction.

Whenever Petitioner exercised state and federal remedies, Judges mislabeled the exercise of them as frivolous, promptly dismissed the filings, and either ordered Petitioner to pay huge financial sanctions or ordered Petitioner incarcerated for alleged contempt of court.

Federal Protections Judicially Voided

Petitioner repeatedly sought relief in federal court under the Civil Rights Act for the continuing series of civil rights violations. He also filed under the Declaratory Judgment Act (28 U.S.C. §§ 2201, 2202) to have a determination made showing the validity of the five prior judgments showing Petitioner to be a divorced person for the prior two decades. But instead of meeting their responsibilities, federal judges blocked every attempt by Petitioner to have the validity of those five divorce judgments, and his personal and property rights, established as provided by federal law. The same tactics were used to block his reporting of the high-level criminal activities, both matters apparently related.

Forcing Petitioner To Seek Relief In Chapter 11

The refusal by federal district and appellate judges to exercise their responsibilities under the Civil Rights Act and the Declaratory Judgment Act forced Petitioner to seek relief in Chapter 11 proceedings from the financial harm arising

from the judicial acts.

Discovering Another Area of Government Corruption

Petitioner's Chapter 11 filing revealed another area of corruption that had received very little national attention, involving many of the same federal personnel involved in other areas of corruption. These included federal judges, Justice Department and judge-appointed trustees, law firms and others.

This corruption resulted in the unlawful seizure and liquidation of Petitioner's \$10 million in assets, converting Petitioner from a multi-millionaire to a state of poverty (in addition to having been stripped of all statutory and constitutional remedies and subjected to years of government-funded persecution).

These corrupt judicial acts raised additional federal causes of action for which Petitioner sought relief from the same federal judges whose conduct had brought him to this stage. Again, as with Petitioner's attempts to report criminal activities in government, as with Petitioner's attempts to invoke federal protections against the sham state court action, federal judges united in blocking the federal defenses intended to protect citizens against these outrages.

Discovering Still Other Areas of Criminal Activities

From approximately 1986 Petitioner started developing contacts with a large number of former FBI, CIA, DIA, DEA and other deep-cover agents and operatives who sought to expose the high-level corruption that they had discovered during their official government duties. These contacts gave Petitioner evidence of high-level government corruption far beyond what Petitioner had already discovered as a former federal investigator and then in the bankruptcy courts (as explained in *Defrauding America*).

Guilty Of A Crime If He Did Not Report the Criminal Activities Made Known To Him Through FBI, CIA and Other Government Agents and Operatives

If Petitioner did not promptly report these crimes to a

federal judge (or other federal officer), he would be guilty of a criminal act under the clearly worded crime-reporting statute, Title 18 U.S.C. § 4. Because of the Justice Department pattern of cover-ups, a federal judge was the only federal personnel to whom Petitioner could make such reports of criminal activities involving high-level government personnel.

Commencing in 1986, Petitioner exercised his responsibilities under Title 18 U.S.C. § 4, seeking to report and provide evidence of these crimes to a federal judge. The results were predictable.

Constant Pattern of Judicial Obstruction of Justice

Again and again, federal judges blocked these reports of criminal activities as they had done when Petitioner attempted to report the criminal activities related to a series of airline crashes occurring in Petitioner's area of responsibilities.

Absolute Judicial Block, Year After Year

In every instance, starting in 1976 when Petitioner sought to bring a halt to the continuing fraud-related airline crashes, federal judges blocked his reports, blocked his defenses against the government-funded retaliatory acts, and never allowed him to present his facts or have his day in court.

As a former trained federal investigator, it was clear that these judicial acts were part of a scheme to block Petitioner's reporting of the criminal activities and to concurrently void federal law intended to protect him against such government outrages.

Judicial Tactics Were To Bar Petitioner From Court and Void Statutory and Constitutional Protections

The continuing pattern of wrongful judicial acts continued to raise additional federal causes of action for which statutory and constitutional defenses were available. To avoid abandoning federal remedies, Petitioner had to file federal actions seeking to halt the new violations of federally protected rights. In turn, federal judges had to cover up for the underlying criminal activities that Petitioner had sought to

expose, they had to cover up for the scheme in the California courts, and they had to cover up for the actions and inactions by federal judges. In addition, it became known that Petitioner had developed sources in the FBI and in deep-cover operations that were revealing to him additional areas of very great criminal activities.

Necessity Of Voiding All Federal Protections

The massive numbers of federal causes of action that were developing required that Petitioner be denied access to federal courts, thereby blocking his reports of worsening criminal activities and removing all federal protections against the increasing onslaught of civil and constitutional violations judicially inflicted upon him.

In 1986 federal judges⁴ commenced rendering orders barring Petitioner from even filing papers in federal court, a restriction that exists to this very day. Petitioner is powerless to exercise the statutory and constitutionally guaranteed protections, and as a result, has suffered catastrophic personal and financial losses that will continue for the remainder of his life.

Federal judges made Petitioner powerless to defend against the sham California action, the seizure and liquidation of his assets in the bankruptcy court racketeering activities, and the reporting of federal crimes.

⁴The Daisy Chain series of orders blocking Petitioner from federal court, blocking him from reporting federal crimes and from defending against the retaliatory acts, including judges Milton Schwartz (Sacramento), Marilyn Patel (San Francisco), Stanley Sporkin (District of Columbia), among others.

Repeating This Scheme In the Instant Actions

This blocking practice occurred in the instant actions. Immediately after filing the present actions seeking to report the criminal activities under Title 18 U.S.C. § 4 and seeking relief from the outrages inflicted upon Petitioner, Judge Ritchey dismissed the actions. He sought to justify the dismissal by making reference to Judge Sporkin's 1991 order that voided for the remainder of Petitioner's life the right to federal court access.

The issues involved in this case are of great national importance, and failure to properly address them will have even worse repercussions for the nation than the repercussions arising from the judicial cover-up of tragedy-related corruption in the aviation area.

II ARGUMENT

A. Petitioner Had A Duty Under Federal Criminal Statutes To Report Federal Crimes To A Federal Judge.

The most important federal statute available to the American people to defend themselves and the country against government corruption is the federal crime-reporting statute, Title 18 U.S.C. § 4. This statute is especially important when federal personnel in control of the highest law-enforcement agency are engaging in criminal cover-up and obstruction of justice, as exists in the U.S. Department of Justice.

Petitioner's Qualifications

Federal crime-reporting statutes do not require a person reporting federal crimes to a federal judge to meet any competency or credibility standards for the information to be received. In addition, Petitioner has been a highly respected and qualified federal inspector-investigator. He has been in a position to have discovered these criminal activities. He had nothing to gain and everything to lose.

Petitioner's initial motivation was the combination of hard-core criminal activities and the continuing consequences of brutal airline crashes.

The accuracy of Petitioner's reports of widespread corruption in government, and its criminal cover-up, are given further support by the evidence provided by a group of former FBI, CIA, and other former agents and operatives who are seeking to provide testimony to a recognized government body of the high-level crimes that they discovered.

B. Federal Judges Have A Mandatory Duty to Receive Evidence of Criminal Activities Offered Under the Mandatory Crime-Reporting Statute.

Implicit in the crime-reporting statute is that federal judges have a mandatory requirement to receive evidence of federal crimes brought to a federal court under the mandatory requirement of Title 18 U.S.C. § 4. This includes the Justices of the U.S. Supreme Court.

C. Federal Judges Lack Authority To Convert Any Person Into A Man (or Woman) Without A Country By Voiding His Access To Federal Court and Voiding Civil and Constitutional Protections While That Person Is Suffering Great Harm From Civil Rights Violations.

Obviously, Federal judges have no authority to convert anyone into a man without a country, especially someone seeking to report high level government corruption.

By blocking, and even threatening to put Petitioner into prison for seeking to report this government corruption, and for exercising federal defenses seeking to halt the brutal personal and financial harm inflicted upon Petitioner, federal judges, acting in unison with Justice Department personnel, have created a criminal environment in the nation's courts and institutions.

D. Federal Judges Lack Authority To Misuse Their Judicial Position To Retaliate and Inflict Great Harm Upon Any Person Seeking To Report Government Corruption.

There is obviously no authority in law for any federal judge to retaliate against any citizen for seeking to report high-level criminal activities, as required to be reported by Title 18 U.S.C. § 4. Federal judges have retaliated repeatedly against Petitioner for seeking to report the federal crimes, and for exercising federal defenses specifically intended to protect people being subjected to the harms inflicted upon Petitioner.

Federal judges aided and abetted the sham action in the California courts. They inflicted huge financial penalties upon Petitioner for exercising federal defenses and threatened him with prison if he continued to report the crimes or continued to object to the harm being inflicted upon him. Federal judges repeatedly sent Petitioner to federal prison, and from 1986 to 1995, had him confined also solely to his home while criminal contempt of court charges were filed against him, seeking to insure that their obstruction of justice would succeed.

E. The Judicial and Justice Department Retaliation Against Petitioner For Seeking To Report Government Corruption Are Crimes Under Federal Criminal Statutes

The pattern of judicial orders barring Petitioner's access to federal court, blocking Petitioner's reports of criminal and

subversive activities, the retaliation against Petitioner, were clearly federal crimes under Title 18 U.S.C. §§ 1512, 1513, 241.

In addition to the criminal aspects of retaliating against Petitioner, the tactics constituted other crimes, including misprision of felonies (18 U.S.C. § 4); obstruction of Justice (18 U.S.C. § 1503); guilty as the principles (18 U.S.C. § 2); accessory before and after the fact (Title 18 U.S.C. § 3); and conspiracy against rights of citizens (18 U.S.C. § 241).

If Petitioner was still a federal investigator, he would report the pattern of judicial and Justice Department joint cover-ups, obstruction of justice, and retaliation as a criminal conspiracy. And that the intent was to obstruct justice relating to high level government crimes against the American people and the government of the United States.

F. Judge Sporkin's Order Permanently Blocking Petitioner From Federal Court Access Was, At Best, Outrageous Judicial Error.

Judge Sporkin's order barring Petitioner from reporting the federal crimes was clearly an unlawful order with criminal connotations. He riddled this order with false statements against Petitioner seeking to justify the pattern of judicial cover-ups in which he so eagerly joined. Page limitations prevent Petitioner from addressing the pattern of false statements made by Judge Sporkin.

It is interesting to note that some of the most notorious criminal activities that Petitioner and his government agents and operatives sought to report occurred in the CIA while Judge Sporkin was legal counsel for this corruption-riddled agency. It is "understandable" that Judge Sporkin would render his unlawful and unconstitutional September 23, 1991 order that blocked Petitioner from reporting the criminal activities that heavily involved the CIA in such serious crimes as years of drug trafficking, looting of savings and loans, and other crimes against America.

G. Petitioner Made Valid Claims Under the Federal Tort Claims Act That Also Barred Dismissal.

The litany of judicial and Justice Department actions taken against Petitioner, perpetrated by federal employees, were tortious acts for which Petitioner was entitled to relief under the Federal Tort Claims Act (and under RICO and *Bivens*). These acts inflicted

great harm⁵ upon Petitioner, constituting major federal causes of action that, as with every other court filing, were never addressed nor had their day in court.

There was never any hearing on these issues. These were major federal causes of action. Federal law requires that the allegations made in a complaint must be recognized as true at this stage of the pleadings. Only if these allegations do not state a federal cause of action may the Complaint be dismissed.

Controlling law clearly states that if a plaintiff alleges facts that are within the jurisdiction of the federal courts, the action cannot be dismissed at that stage of the proceedings. Appellant has met that test. *See Escalera v. N.Y. Housing Auth.*, 425 F.2d 853 (2nd Cir.1970) at 857. The same principle was stated by the U. S. Supreme Court in *Dennis v. Sparks*, 449 U.S. 24 (1980). If a federal

⁵ The great harm included repeated imprisonment on contempt of court charges; nine years of restricted travel, from 1986 through 1995, as federal judges and Justice Department prosecutors repeatedly charged Petitioner with criminal contempt of court in retaliation for seeking to report the criminal activities in which they themselves were implicated; the seizure and looting of Petitioner's life's assets ordered by Judge Robert Jones (Las Vegas) on the basis of the contempt of court charges (converting Petitioner from a multi-millionaire to a state of poverty); and many related harms on his personal rights under the laws and Constitution of the United States.

cause of action is stated, the Complaint qualifies to going forward in a federal court. Petitioner did state facts relating to the Federal Tort Claim issues, none of which were addressed by either district or appellate courts.

H. Judicial Pattern Of Repeated Violations Of Important Substantive and Procedural Law Is Prima Facie Evidence Of A Scheme To Obstruct Justice

Judicial records, as partly described in the exhibit with the initial complaint, *Defrauding America*, clearly show a pattern of corrupt judicial and Justice Department tactics blocking Petitioner's reports of criminal activities, inflicting great harm upon Petitioner, and voiding for him the protections guaranteed by the laws and Constitution of the United States.

Since the scheme was first initiated in 1982, every single relevant substantive and procedural protection, numbering in the dozens, were repeatedly and openly violated by California and federal judges acting in unison, showing the federal control over all levels of government in the United States.

These judges and Justice Department personnel criminally misused their federal offices to obstruct justice, to retaliate against Petitioner, and to destroy for him the protections guaranteed by the laws and Constitution of the United States.

I. Exceptional Circumstances Demand That the Supreme Court Exercises Its Jurisdiction In This Case

There are exceptional circumstances warranting and demanding that this court exercise its legal and supervisory responsibilities upon the lower court judges that have engaged in a pattern of grave misconduct and even criminal obstruction of justice.

The issues in this case are of great national importance. The criminal acts that Petitioner and his group of former agents and operatives seek to expose, and the related judicial obstruction of justice, are continuing to inflict great harm to the nation's security and well being, and to the lives and deaths of its citizens.

The crimes perpetrated by people in control of key government offices against the nation's own people, being perpetrated by federal officers over whom this Court has supervisory responsibilities, are unprecedented in the history of the United States and of any modern nation.

Exposure of these grave offenses will be traumatic to the country, but cover-up can be fatal. Adequate relief Cannot Be Obtained in any Other Forum or Any Other Court.

CONCLUSION

Petitioner's charges are true and the grave misconduct must be openly addressed and corrected. Federal judges have repeatedly obstructed justice, obstructed the intent of the important crime reporting statute, have misused their office to criminally retaliate against a patriotic American seeking to meet his responsibilities.

The sordid spectacle of vast numbers of federal judges joining in conduct subverting the laws and Constitution of the United States, undermining the national security, making federal courts into criminal enterprises, constitutes a major threat to national security.

Problems Preventing Correction Of This Judicial Corruption and Obstruction of Justice

However, a serious problem exists. The Justices of the Supreme Court have known since 1977 about these criminal acts from filings, attempted filings, and letters, including the crimes perpetrated by judges over whom the Justices have supervisory responsibilities. They knew of the corruption-related pattern of airline crashes. They knew of the sham California action that grievously violated large segments of the Civil Rights Act that permitted Petitioner to suffer grievously.

The Justices knew of the criminal retaliation against Petitioner by misuse of raw government power and the courts. They knew the consequences faced by those who would later die in fraud-related air disasters. They knew of the death and destruction being inflicted upon the American people by the vast CIA drugging of America. And they aided and abetted these crimes for which they now share a criminal responsibility. Obviously, the system under our form of government has broken down, and this court can't possibly do anything but continue its prior sordid conduct.

Refusal to hear and rule favorably on this matter will not settle the case; it will simply further implicate the Justices of the Supreme Court. Refusal to adequately address these issues will of course play a role in the continuing harm inflicted upon the American people, the national security, and the further corruption of government offices.

This includes the criminal activities associated with the CIA's

drug smuggling into the United States and other crimes by people in control of this covert agency. Cover-up continues the tragic harm inflicted upon thousands of American in the fraud-riddled bankruptcy courts. Cover-up continues the other crimes and tragic consequences associated with them, as discovered by Petitioner and his large group of former FBI, CIA, DIA, DEA, and other deep-cover agents and operatives.

Dated: August 15, 1997.

Rodney F. Stich
Petitioner

No. _____

SUPREME COURT OF THE UNITED STATES

1997-1998 Term

RODNEY F. STICH,)
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COURT OF APPEALS, DISTRICT OF COLUMBIA

PETITION FOR WRIT OF CERTIORARI

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Book
Defrauding America, 3rd edition, attached as exhibit to complaints.

Stich v. U.S.,
773 F.Supp. 469 (D.D.C. 1991)
Filed Sep 23, 1991
United States District Court
District of Columbia

Rodney Stich, Plaintiff,

v.

United States of America,
et al., Defendants

Sept. 23, 1991

United States moved for vexatious litigant order in view of plaintiff's pattern of activity. The District Court, Sporkin, J., ruled that plaintiff was required to obtain leave of court before filing any more pro se suits in light of his previous abuse of judicial system.

Motion granted.

Plaintiff in this case is nothing if not a regular customer of the Federal court system. He is best called a "serial litigator." In the past three years he has filed over thirty pro se actions. Between 1984 and 1987 he filed at least seventeen suits and appeals in Federal court against his ex-wife, her attorneys, and the state and federal judges who had earlier ruled against him. He has been convicted of criminal contempt for violating a 1986 order by United States District Court Judge Milton Swartz. [Schwartz] In the past four years, he has filed fifteen cases with this District Court and eight appeals in the court of appeals for this circuit.

Just three months ago, in June of this year, Judge Hogan dismissed with prejudice a complaint that made allegations of a secret scheme to continue the imprisonment of the 52 American hostages in Iran. [October Surprise] Two weeks before that case was summarily dismissed by Judge Hogan plaintiff filed a virtually identical complaint. In over fifty rambling pages of often unintelligible claims, plaintiff alleges, "Smoking-gun evidence of the conspiracy defrauding the United States, through a scheme to deplete United States and NATO military supplies to delay the release of the American hostages by Iran." He claims there were "possible/probable" assassinations association with this plot. He

then alleges widespread federal crimes and corruption in the Justice Department and the federal judiciary. He makes claims under a laundry list of federal statutes and constitutional provisions.

Plaintiff has shown an appalling lack of respect for the judicial branch by again bringing what appears to be the identical complaint not once but twice to this same Court. The defendants in this action have moved for a vexatious litigant order. In view of plaintiff's pattern of activity over the past years and especially over the past few months, this Court deems it appropriate to grant defendants' motion.

There is precedent for the entry of such an order in this circuit and in other circuits. The court of appeals for this circuit has affirmed injunctions restricting the ability of pro se plaintiffs to bring cases. *See In re Powell*, 851 F.2d 427 (D.C. Cir. 1985); *Martin-Trigona v. United States*, 779 F.2d 72 (D.C. Cir. 1985); *Urban v. United Nations*, 768 F.2d 1497 (D.C. Cir. 1985). The second circuit explained why such orders are necessary when it wrote, "Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions. *In re Martin-Trigona*, 737 F.2d 1254, 1261-1 (2d Cir. 1984), *cert. denied*, 474 U.S. 1061, 106 S.Ct. 807, 88 L.Ed2d 782 (1986).

In the *Martin-Trigona* case, another vexatious litigant had plagued the district court of Connecticut and the second circuit with volumes of litigation. In upholding the district court's injunction, the second circuit wrote, "If such power [to protect Article III jurisdiction] did not exist, or if its exercise were somehow dependent upon the actions of another branch of government or upon the entitlement of a private party to injunctive relief, the independence and constitutional role of Article III courts would be endangered." *Martin-Trigona*, 737 F.2d at 1261.

In *Procup v. Strickland*, 792 F.2d 1069 (11th Cir. 1986), the eleventh circuit echoed these reasons when it held that the district court has authority to restrict a litigant's ability to bring law suits in a single judicial district. This behavior consumed large amounts of court time, for, as the court said, "Every lawsuit filed, no matter how frivolous or repetitious, requires the investment of court time, whether the complaint is reviewed initially by a law clerk, a staff attorney, a magistrate, or the judge." 792 F.2d at 1072.

No matter how plagued the court might feel by the filing of numerous frivolous lawsuits by Mr. Stich, it would not issue an

injunction restricting the filing of suits without a carefully reasoned basis for doing so. The court takes note of the opinion in *In re Powell*, 851 F.2d 427 (D.C. Cir. 1988) where the court of appeals found that such injunctions should only be issued in “exigent circumstances” and as an exception and not a regular practice. This Court has found that Mr. Stich’s actions are frivolous and constitute outrageous harassment of the named defendants. Mr. Stich had demonstrated that he lacks the ability to discern those matters which genuinely demand judicial attention from those so frivolous or duplicative as to be a hindrance to the court. Mr. Stich has not filed a single lawsuit in the past three years with merit. He has clearly abused the system, and while he cannot be precluded from filing any future suits, he will be required to obtain leave of court before doing so. Accordingly, it is necessary that Mr. Stich obtain leave of court before filing any more suits pro se.

ORDER

Upon consideration of the motion for an all encompassing vexatious litigant order filed on behalf of defendants Thornburgh, United States District Courts, United States Court of Appeals, and the United States and the entire record therein, it is this 20th day of September 1991, hereby

ORDERED that defendants’ motion is granted; and it is

FURTHER ORDERED that both cases be dismissed with prejudice; and it is

FURTHER ORDERED that plaintiff shall seek leave of this Court before filing any new civil action; that he shall certify that any such complaint raises new matters not pending before or decided on the merits by any federal court or if the suit raises issues that have been adjudicated or are otherwise pending, he must explain to the court why he intends to file another duplicative action; and that he shall truthfully so certify any complain on

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pain of penalty of contempt of this court.
Civ. A. No. 91-1432

APPENDIX A

Cases Filed by Pro Se Plaintiff Rodney Stich in United States District Court for the District of Columbia

Docket No. Case Name

1. 87-2214 Stich v. United States of America
2. 89-0170 Stich v. Kennedy

3. 89-0470 Stich v. Rehnquist
4. 89-1908 Stich v. United States of America
5. 89-2060 Stich v. United States of America
6. 89-2290 Stich v. United States of America
7. 89-2940 Stich v. Lynch
8. 89-2941 Stich v. Rehnquist
9. 89-2973 Stich v. Thornburgh
10. 89-2974 Stich v. United States of America
11. 89-3350 Stich v. Thornburgh
12. 91-1242 Stich v. United States of America
13. 91-1432 Stich v. United States of America
14. 91-2143 Stich v. United States of America
15. 91-2281 Stich v. United States of America

APPENDIX B

Appeals Filed by Pro Se Appellant Rodney Stich in the United States Court of Appeals for the District of Columbia Circuit

- | <u>Case No.</u> | <u>Case Name</u> |
|-----------------|------------------|
|-----------------|------------------|

5a
United States District
For the District of Columbia

Rodney Stich,) Filed Dec. 10, 1996
Plaintiff,)
v.) Civil No. 95-2260 (CRR)
United States of America,)
Defendant.)
_____)

Memorandum Opinion of Charles R. Richey
United States District Judge

APPEARANCES

FOR THE PLAINTIFF: Rodney F. Stich, pro se.
FOR THE DEFENDANTS: R. Craig Lawrence, Assistant United
States Attorney, along with whom Eric R. Holder, Jr., appeared on
the briefs.

INTRODUCTION

Before the Court in the above-captioned case is the defendant's Motion to Dismiss. Based on the pleadings, the entire record herein, and for the reasons expressed below, the Court shall grant the defendant's Motion.

BACKGROUND

On December 12, 1995, the plaintiff filed the above-entitled case alleging that various federal judges, federal officials, and Members of Congress have "failed to perform mandatory and ministerial duties" and committed tortious acts against him in violation of the Federal Tort Claims Act in order to block Plaintiff's reporting of subversive and criminal activities," and "protect the scheme and the perpetrators that sought to destroy Plaintiff's ability to report the initial underlying criminal acts and the judicial acts taken to accomplish this goal." Complaint, at p. 2. On that same day, and again on December 22, 1995, the plaintiff filed identical Complaints in Civil Action Nos. 95-2261 and 95-2363, respectively. On December 26, 1995, this Court consolidated the plaintiff's three actions pursuant to Federal Rule of Civil Procedure 42(a). On January 23, 1996, the plaintiff filed an appeal from the Court's consolidation Order.

On February 12, 1996, the plaintiff filed a Motion to Disqualify the Undersigned member of this Court from any of his cases. The Undersigned denied the plaintiff's Motion for Reconsideration of the Undersigned's refusal to disqualify, which also was denied.

On June 24, 1996, the Court of Appeals dismissed the plaintiff's appeal because the Court's consolidation Order was not appealable pursuant to 28 U.S.C. § 1291. The plaintiff filed a Petitioner for Rehearing with the Court of Appeals on July 8, 1996, which the Court of Appeals denied on August 8, 1996.

On July 5, 1996, the plaintiff filed a second Motion to Disqualify the Undersigned, which was denied. The mandate issued from the Court of Appeals on September 5, 1996.

Before the Court is the defendant's Motion to Dismiss, filed on July 26, 1996. The plaintiff filed an Opposition to the Motion to Dismiss on August 12, 1996.

DISCUSSION

In a decision issued September 23, 1991, Judge Sporkin of this Court permanently enjoined the plaintiff from filing any new civil action with this Court before first obtaining leave to do so. Judge Sporkin ordered the plaintiff either to certify that any such complaint raised new matters not pending before or decided on the merits by any federal court or to explain why he is filing a duplicative action, upon pain of penalty of contempt of this court. Stich v. United States, 773 F.Supp. 469 (D.D.C. 1991), aff'd without opinion, 976 F.2d 1445 (D.C. Cir. 1992). As justification for such an Order, Judge Sporkin detailed the abuses on the Court that has been perpetrated by the Plaintiff. See id. Judge Sporkin recognized that "[f]ederal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions." Id. At 470 (citing In re Martin-Trigona, 737 F.2d 1254, 1261 (2d Cir. 1984), cert. denied, 474 U.S. 1061 (1986)).

In filing the present action, the plaintiff stands in contempt of the Order of this Court. Accordingly, the Court shall dismiss the plaintiff's suit.

CONCLUSION

For the above-stated reasons, the Court shall grant the defendant's Motion to Dismiss. The Court shall enter an Order of even date herewith, consistent with the foregoing Memorandum Opinion.

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United States Court of Appeals
For The District of Columbia Circuit

No. 97-5007
September Term, 1996
95cv02260

Rodney F. Stich,
Appellant
Filed April 14, 1997

v.

United States of America,
Appellee

Before: Edwards, Chief Judge; Wald and Tatel, Circuit Judges

ORDER

Upon consideration of the motion for summary affirmance, and the opposition thereto, it is

ORDERED that the motion for summary affirmance be granted substantially for the reasons in its memorandum opinion filed December 10, 1996. The merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987)(per curiam); Walker v. Washington, 627 F.2d 541, 545 (D.C. Cir.)(per curiam), cert denied, 449 U.S. 994 (1980).

The clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. See D.C. Cir. Rule 41.

Per Curiam

9a

United States Court of Appeals
For The District of Columbia Circuit

No. 97-5007
September Term, 1996
95cv02260

Rodney F. Stich,
Appellant
Filed June 5, 1997

v.

United States of America,
Appellee

Before: Edwards, Chief Judge; Wald, Silberman, Williams,
Ginsburg, Sentelle, Henderson, Randolph, Rogers, Tatel and
Garland, Circuit Judges

ORDER

Upon consideration of Appellant's Suggestion for Rehearing
In Banc, and the absence of a request by any member of the court
for a vote, it is

ORDERED that the suggestion be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

By:
Linda Jones
Deputy Clerk

CONSTITUTION OF THE UNITED STATES

FIRST AMENDMENT:

"Congress shall make no law ... abridging the freedom of speech, ... or ... to petition the Government for a redress of grievances."

FIFTH AMENDMENT:

"No person shall ... be deprived of ... liberty, or property, without due process of law;"

United States Statutes

Title 18 U.S.C. § 4 (misprision of felony). "Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined not more than \$500 or imprisoned not more than three years, or both."

Title 18 U.S.C. § 1512. Tampering with a witness, victim, or an informant—

(b) Whoever knowingly uses intimidation or physical force, or threatens another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to —

(1) influence, delay or prevent the testimony of any person in an official proceeding; shall be fined ... or imprisoned ... or both. [1988 amended reading]"

Title 18 U.S.C. § 1513. Retaliating against a witness, victim, or an informant.(a) Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—(1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or (2) any information relating to the commission or possible commission of a Federal offense ..."

Title 18 U.S.C. § 241. Conspiracy against rights of citizens

If two or more persons conspire to injure, oppress, threaten, or 11a intimidate any citizen in the free exercise or enjoyment of any right

or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; ... They shall be fined ... or imprisoned ... or both;

Title 28 U.S.C. § 2201. Creation of remedy. "In a case of actual controversy within its jurisdiction, any court of the United States, upon the filing of an appropriate pleading, may **declare the rights and other legal relations of any interested party seeking such declaration**, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

Title 28 U.S.C. § 2401(b)

A tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues or unless action is begun within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented.

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PROOF OF SERVICE BY MAIL

I, Glenda Guilinger, declare as follows:

I am over the age of 18 years. My place of residence is 1319 Oakmont Drive, # 6, Walnut Creek, California. On August _____, 1997, I served this Petition for Write of Certiorari by placing a true copy in an enveloped addressed to each of the parties named below, and by sealing and depositing the envelope in the United States mail at Walnut Creek, California, with postage fully prepaid:

* U.S. Attorney, 333 Constitution Avenue, NW, Washington, DC 20001.

* U.S. Court of Appeals, 333 Constitution Avenue, NW, Washington, DC 20001.

* U.S. District Court, 333 Constitution Avenue, NW, Washington, DC 20001

Executed on August _____, 1997 at Walnut Creek, California. I declare under penalty of perjury that the foregoing is true and correct.

Glenda Guilinger