

Docket Nr:

IN THE UNITED STATES
SUPREME COURT
OF THE UNITED STATES

October 2000 Term

In re RODNEY F. STICH
Petitioner

PETITION FOR EMERGENCY WRIT

To Justice Sandra O'Connor

NINTH CIRCUIT COURT OF APPEALS

Court Of Appeals # 00-17358

U.S. District Court, Reno, NV # DC CV-00-152-ECR

Petition for Extraordinary Writ

Rodney F. Stich
P.O. Box 10587
Reno, NV 89510
Phone: 775-786-9191

QUESTIONS PRESENTED FOR REVIEW

Primary Question

1. Do the laws and Constitution of the United States allow federal judges to deny to Petitioner, or any other citizen, financial damages against federal judges who engage in a pattern or conspiracy of inflicting great and irreparable personal and financial harm as they:
 - a. Render unlawful and unconstitutional orders taking his home, his businesses, his assets, and his sole source of income, without any notice, without a hearing, and without cause?
 - b. Inflict great harm upon him in retaliation for exercising constitutional due process, including the Civil Rights Act and Declaratory Judgment Act, against record setting violations of state and federal laws occurring in the California courts and then in the federal courts?
 - c. Inflict great harm upon him in retaliation for attempting to report corrupt and criminal activities to a federal court as required to be reported under the federal crime reporting statute, Title 18 U.S.C. § 4?
 - d. Misuse their judicial positions to aid and abet the violations of large numbers of state and federal laws and constitutional protections occurring in a sham lawsuit filed

in the California courts, voiding for Petitioner federal remedies while encouraging escalation of violations of federally protected rights?

2. Do the laws and Constitution of the United States permit a federal judge to deny to Petitioner a federal court forum and refuse to render a decision as required by the Declaratory Judgment Act to declare the validity of multiple judgments that previously adjudicated and established his personal and property rights, with the result that Petitioner suffered great personal and financial harm?
3. Do the laws and Constitution of the United States permit a federal judge to void for Petitioner the right to a federal court forum and a decision addressing void orders rendered by federal judges who seize and liquidate Petitioner's life assets while violating the legal and constitutional right to a notice of hearing, a hearing, and legally required cause?
4. Do the laws and Constitution of the United States permit federal judges to issue injunctive orders barring Petitioner, or any other citizen, for the remainder of his life, the right to federal court access that voids the legal and constitutional rights and protections guaranteed by the laws and Constitution of the United States, especially while state

and federal judges are issuing unlawful and unconstitutional orders causing great and irreparable harm?

5. Do the laws and Constitution of the United States permit the court below to refuse to issue an order under the Declaratory Judgment Act as Petitioner seeks to have his civil and constitutional rights returned to him that were taken by these injunctive orders and repeated due process violations by federal judges?
6. Is Petitioner denied due process—which this court stressed in the recent Bush versus Gore matter—when defendants and the lawsuit are dismissed at the pleading stage, before discovery, when the facts stated in Petitioner’s Amended Complaint state facts showing multiple federal causes of action for which relief is provided under:
 - a. Declaratory Judgment Act ¹to declare the validity of personal and property rights previously adjudicated and subsequently established in multiple states of residence by the filing as a local judgment in the states of Nevada, Oklahoma, Texas, and California when such rights are being taken by defendant California and federal judges and “officers of the court” acting in unison?

¹ Declaratory Judgment Act and related law and rules of court, including Federal Rule of Civil Procedure 57.

- b. Declaratory Judgment Act to declare the void nature of orders rendered in chambers taking Petitioner's home, businesses, assets, and his sole source of income, without the legal and constitutional requirement for notice of hearing, a hearing, and legal cause?
- c. Declaratory Judgment Act to declare the illegal and unconstitutional status of a series of injunctive orders rendered by Ninth Circuit judges, that bars Petitioner, for the remainder of his life, from accessing federal courts and voids for him the rights and protections guaranteed by the laws and Constitution of the United States?
- d. Civil Rights Act (42 U.S.C. §§ 1983-1988) to order a halt to record setting violations of Petitioner's civil and constitutional rights perpetrated under color of state law in the California courts, which inflicted great and irreparable personal and financial harm upon Petitioner, and to obtain financial damages against judicial and non-judicial defendants?
- e. *Bivens* doctrine, to order a halt to record setting violations of Petitioner's civil and constitutional rights perpetrated under color of federal law in federal courts by judicial and non-judicial defendants, and to obtain financial damages against them?

- f. RICO, to obtain financial damages against judicial and non-judicial defendants, acting in a conspiracy and racketeering enterprise, the intent of which was to block Petitioner's exposure of criminal activities by taking the assets that funded his exposure activities?
7. Is Petitioner denied due process when federal judges repeatedly:
- a. Dismiss defendants and the lawsuits at the pleading stage, despite facts stated in the Amended Complaint stating federal causes of action against them for which federal relief is available.
 - b. Block Petitioner from obtaining discovery?
 - c. Reverse the legal definition of frivolous and place that label on Petitioner's lawsuits that state facts showing a record-setting pattern of hard-core civil and constitutional violations for which the evidence is in court records?
 - d. Aid and abet the people committing acts that clearly violate federally protected rights?
 - e. Refuse to address major facts that invoke mandatory jurisdiction under the Declaratory Judgment Act?
 - f. Refuse to address major facts that invoke mandatory jurisdiction under the Civil Rights Act?

- g. Retaliate against Petitioner for exercising constitutional due process remedies under the Civil Rights Act and Declaratory Judgment Act against record-setting violations of federally protected rights?
 - h. Retaliate against Petitioner for exercising responsibilities under the federal crime reporting statute (18 U.S.C. § 4) to report federal crimes to a federal court, and the rights under Title 28 U.S.C. § 1361 to seek a court order for a federal official to perform a mandatory duty?
 - i. Render injunctive orders forever barring Petitioner from access to the federal court as guaranteed to other citizens, which in Petitioner's case was repeatedly accompanied by unlawful and unconstitutional orders inflicting great personal and financial harm upon Petitioner.
 - j. Obstruct justice, aiding and abetted criminal acts, and commit federal offenses involving system of civil and constitutional violations combined with violations of criminal statutes, which are closely inter-related with the pattern of due process violations inflicted against Petitioner?
- 8.
9. Can federal judges render unlawful and unconstitutional orders inflicting great and irreparable harm

upon Petitioner and then render orders barring him from filing objections as provided by the laws and Constitution of the United States?

10. Do the laws and Constitution of the United States permit federal appellate judges to refuse to address timely filed notices of appeal for which the fees have been paid?

No decision has ever been rendered on these matters. For 20 consecutive years, federal judges have dismissed every lawsuit at the pleading stage, often without notice. Findings of facts addressing the issues have never been rendered.

List Of Parties

The parties to the questions presented here are defendant federal judges, including Marilyn Patel, Milton Schwartz, Robert Jones, Edward Jellen, Raul Ramirez, John Moulds, Vaughn Walker.

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Citations Of District and Appellate Court Orders

- None of the lower court orders have been published.
- Order filed July 26, 2000, rendered by District Court at Reno, Nevada, (Exhibit “B”) dismissing defendant federal judges, holding that judges are absolutely immune for damages arising from their unlawful and unconstitutional acts.

- District court order filed August 4, 2000 (Exhibit “C”), refusing Petitioner’s motion for reconsideration,
- Petitioner’s notice of appeal (Exhibit “D”) filed on August 31, 2000.
- Ninth Circuit court of appeals order, dated October 24, 2000 (Exhibit “A”), given a 1994 number, 94-80208, refusing to act on the timely filed notice of appeal for which the fee was paid. This refusal was further confirmed by telephone conversation on November 3, 2000 with the office of the Clerk, during which it was stated that Petitioner has been permanently barred from filing any appeals, thereby denying to Petitioner due process and equal protection of the law.
- Letter from clerk of the Supreme Court dated November 28, 2000, acknowledging receipt of Petitioner’s Petition for Writ of Certiorari. (Exhibit “E”)

BASIS FOR JURISDICTION

Statutory and Constitutional Provisions Primarily

Involved

Statutory and constitutional issues involved in these issues include systematic and long continuing judicial acts that violated:

- Fifth Amendment due process and equal protection of the law.
- Title 28 U.S.C. § 1331. Right to all citizens to federal court access to file a civil action arising under the Constitution and laws of the United States.
- Title 28 U.S.C. § 1343. Right to federal court access for relief from systematic violations of civil and constitutional rights occurring under color of state law and under color of federal law, and financial damages arising from such violations.
- Title 28 U.S.C. §§ 2201 and 2202. Right to obtain a declaratory judgment to declare:
 - The validity of personal and property rights established in multiple judgments that have been unlawfully taken from him.

- The void status of orders taking Petitioner's life assets without any notice of hearing, without a hearing, and without legally recognized cause.
- The void nature of injunctive orders that voided for the remainder of Petitioner's life the rights and protections guaranteed under the laws and Constitution of the United States.
- Financial damages arising from systematic violations of civil and constitutional rights arising under color of state law and under color of federal law.
- Title 42 U.S.C. §§ 1983-1988. Right to have a federal judge order a halt to the documented series of hard-core civil and constitutional violations associated with a scheme to strip Petitioner of the assets that funded his exposure of criminal activities in government offices and in Ninth Circuit courts, and for financial damages against the judicial and non-judicial defendants who systematically and repeatedly inflicted great harm upon Petitioner through violations of civil and constitutional rights.
- Bivens doctrine. The repeatedly violations of Petitioner's civil and constitutional rights by judicial and non-judicial defendants acting under color of federal law.
- Article IV § 1 full faith and credit clause

- Article IV § 2 right to unbridged interstate travel clause.
- Fifth Amendment due process, equal protection, rights and privileges, property rights.
- Fourteenth Amendment due process, equal protection, property rights, privileges and immunities clause.
- The notice of appeal filed in the lower court of an order dismissing defendant federal judges from the lawsuit filed by Petitioner, and is associated with the refusal by Ninth Circuit appellate judges to address the appeal. Also, the grave national issues raised by the documented facts stated in this petition.
- Preceding this petition was a petition for writ of certiorari received by the Supreme Court on November 20, 2000 (Exhibit “F”).

STATEMENT OF THE CASE

This petition/motion for emergency writ addresses a pattern of continuing due process denial, record-setting violations of state and federal laws and constitutional rights, retaliation for exercising constitutional due process, and retaliation for attempting to report to a federal court criminal activities that must be reported under the federal crime reporting statute, Title 18 U.S.C. § 4,

These federal offenses are part of a convoluted pattern of unprecedented violations of constitutional due process juxtapositioned with repeated judicial acts to block the reporting of corrupt, criminal, and even subversive activities that were discovered and documented by Petitioner—a former federal investigator—and a group of other former federal agents.*

The immediate basis for this petition arises from the notice of appeal filed in the lower court of an order dismissing defendant federal judges from the lawsuit filed by Petitioner, followed by the refusal of Ninth Circuit appellate judges to address the timely filed notice of appeal for which the fees were paid.

Preceding this petition for an emergency writ was a petition for writ of certiorari received by the Supreme Court on

November 20, 2000 (Exhibit “F”) that addresses the repeated denial of due process by Ninth Circuit district and appellate judges as large numbers of civil and constitutional violations were judicially inflicted upon Petitioner. These violations were associated with judicial acts blocking Petitioner from reporting criminal activities in key government and judicial positions. These matters of grave national implications, and associated with a pattern of judicial subversion of the laws and Constitution of the United States.

The documented series of civil and constitutional violations combined with a documented pattern of judicial obstruction of justice occurred as follows:

- Petitioner initially discovered corrupt and criminal activities related to a series of fatal airline crashes while he held federal air safety responsibilities for the Federal Aviation Administration at United Airlines. The federal offenses blocked the air safety responsibilities of the federal government, which played a major role in a series of fatal airline crashes, some of which continue to this day.
- Petitioner’s attempts to correct the offenses that blocked the government’s air safety activities encountered repeated cover-ups in the FAA, Justice Department, and the

NTSB. As Petitioner sought to carry out his federal air safety responsibilities during a series of fatal airline crashes in his area of air safety responsibilities, he encountered threats, harassment, and intimidation. These attacks upon a government agent forced Petitioner to leave government service.

- As the fraud-related crashes continued to occur, Petitioner filed federal actions under Title 18 U.S.C. § 4 (reporting federal crimes to a federal court) and 28 U.S.C. § 1361 (exercising a citizen's right to seek a court order forcing a federal official to perform his duty and to halt unlawful conduct).² Despite the gravity of the allegations and the deadly consequences, federal judges dismissed these federal actions at the pleading stage, before discovery and before the submission of evidence. The refusal by federal judges to provide a court forum enabled the corrupt

² *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); U.S. v. Department of Justice, District of Columbia, Nos. 86-2523, 87-2214, and other actions filed by Stich seeking to expose and correct the powerful and covert air disaster misconduct.

activities and the related crashes to continue. These events constituted the world's worst aviation scandal involving many crashes and many deaths.

- Seeking to circumvent the executive and judicial cover-up, Petitioner then used his considerable real estate assets, whose value exceeded \$10 to inform the public of these matters and to generate public support. He published books, appeared as guest on hundreds of radio and television shows, and continued his investigative activities into corrupt activities in government.
- These activities caused other federal agents with knowledge of corruption to provide Petitioner with information and documentation on other forms of criminal activities in government and judicial offices. Petitioner included this information in his books, which included three editions of *Unfriendly Skies* and *Defrauding America*, and one edition of *Drugging America* and *Disavow*. These activities threatened to expose people in the executive and judicial branches of government.

**Sham Lawsuit Targeting Petitioner's Assets
That Funded His Exposure Activities**

- Shortly after Petitioner published the second edition of *Unfriendly Skies* that named Ninth Circuit federal judges, a sham lawsuit was filed against Petitioner in the California

courts that targeted the assets that funded these exposure activities. Using a bizarre and legally prohibited cause of action,³ the lawsuit attacked Petitioner’s personal and property rights that had been previously adjudicated in a judgment 20 years earlier. That 1966 judgment was then entered as a local judgment in the states of Nevada, Oklahoma, Texas, and California, where the laws of those states, and federal laws and constitutional rights, required that these judgments and Petitioner’s personal and property rights be recognized.

- The bizarre argument used to attack these judgments and take Petitioner’s personal and property rights used the argument that the court—20 years earlier—lacked jurisdiction because Petitioner, who was the plaintiff in that earlier action, had not intended to reside permanently in that court’s jurisdiction. That argument was legally bankrupt and barred by dozens of state⁴ and federal laws

³ The lawsuit attacked the validity of the divorce judgment that was rendered 20 years earlier, claiming that the court that issued the judgment in a bilateral consent divorce proceeding lacked jurisdiction because Petitioner, who was the plaintiff in the 1966 proceeding, had not intended to resident permanently in that court’s jurisdiction. That bizarre and unconstitutional argument was barred by dozens of California statutes and rules of court and numerous federal laws and constitutional protections.

⁴ * California Civil Codes: §§ 4351, 4554, 5004, 5102, 5103, 5108, 5110.720, 5118, 5164

* Code of Civil Procedures statutes: §§1699(b), 1713.1, 1713.3, 1908, 1910, 1913, 915.

* Rules of court barring the attack upon the exercise of jurisdiction and when there is a prior judgment for the same matters under the

and constitutional protections⁵ and Supreme Court

decisions. There was no possibility of that lawsuit

succeeding unless California judges cooperated in large

numbers of legal and constitutional rights and subverted

California Family Law Act and deprive the court of jurisdiction: Rule 1201(c); Rule 1211, Rule 1212 Rule 1215 Rule 1222 Rule 1229(a) Rule 1230(a)(2) Rule 1234 Rule 1239(a)(2) Rule 1281 Rule 1282.

* Absence of personal jurisdiction arising from Rule 1230 Motion to quash, as defined by California Rule of court 1230(a)(2); Rule of Court 1234; Rule of Court 1239(a)(2).

- Absence of personal and subject matter jurisdiction under the California Family Law Act on the basis of any of the seven prior divorce judgments. Rule 1201©; 1211, 1212, 1281, 1282, 1215, 1222, 1229, 1230(a)(2), 1234, 1239(a)(2); Civil Code §§ 4351, 4503.

California Supreme Court Decisions, including *Rediker v. Rediker* (1950) 35 Cal.2d 796.; *Scott v. Scott* (1958) 51 C.2d 249]; *Spellens v. Spellens* (1957) 498 C.2d 210; *Whealton v. Whealton* (1967) 67 C.2d 656.

* Res judicata and collateral estoppel doctrines.

* Title 28 U.S.C. § 1738, providing for full faith and credit recognition of Plaintiff's personal and property rights established in seven judgments, which were taken from Plaintiff).

⁵ * Title 28 U.S.C. § 1738, full faith and credit statute.

* Article IV, § 1, in the U.S. Constitution that requires full faith and credit recognition of Plaintiff's personal and property rights.

* Article IV, § 2, the constitutional protection against taking of previously adjudicated and previously acquired personal and property rights upon changing residence to another state. This protection was violated as defendant California judges (assisted by every other defendant) took these personal and property rights after Plaintiff exercised his constitutional right to change residence to California.

* Fourteenth Amendment due process clause, which was repeatedly violated by the defendant California judges.

* Fourteenth Amendment equal protection clause, as Plaintiff's substantive and procedural due process was repeatedly violated by the defendant California judges.

* Fourteenth Amendment privileges and immunities clause was repeatedly violated by denying to Plaintiff the same rights and protections available to other citizens.

* Fourteenth Amendment equal protection, which was repeatedly denied to Plaintiff.

* Fourteenth Amendment property rights, which were repeatedly violated and taken.

* Fourteenth Amendment liberty interests.

* *Williams v. North Carolina* (1945) 325 US 226, 65 S Ct 1092, 89 L ed 1577; *Coe v. Coe* (1948) 334 U.S. 378; *Sherrer v. Sherrer* (1948) 334 U.S. 43; *Vanderbilt v. Vanderbilt* (1957) 354 U.S. 416; *Estin v. Estin* (1948) 334 U.S. 541; *Perrin v. Perrin*, 408 F.2d 107 (3rd Cir. 1969).

every procedural due process protection. These violations did occur, as documented in court records, and involved every level of the California judiciary. In addition, California statutes and rules of court deprived California judges of personal and subject matter jurisdiction. Lacking jurisdiction, and violating record-setting numbers of state and federal laws and constitutional rights, these civil right violations under color of state law continued for six years, inflicting great harm upon Petitioner.

**Extension Of Total Due Process Violations
Throughout the Ninth Circuit Courts**

- Petitioner then exercised federal remedies specifically applicable for these violations of federally protected rights.

The principle federal remedies were provided by the Declaratory Judgment Act (to declare the validity of the multiple judgments and Petitioner's personal and property rights), and by the Civil Rights Act (to order a halt to the repeated record-setting violations of state and federal laws and constitutional protections). Either one of these federal remedies should have immediately halted the scheme targeting Petitioner's assets.

- Federal remedies under the Declaratory Judgment Act⁶ required federal judges to promptly declare Petitioner's

⁶ Title 28 U.S.C. §§ 2201, 2202, FRCivP57, and related case law.

personal and property rights and obligations as previously adjudicated in the 1966 divorce judgment and further established in the filing of that judgment as a local judgment in the states of Nevada, Oklahoma, Texas, and California, and to declare the validity of those judgments.

- Despite their mandatory duty, federal judges refused to address the violations of petitioner's personal and property rights, refused to address the validity of the judgments being violated by the California judges (and later by federal judges). The lower court in this action has continued this refusal to perform a mandatory duty.
- Federal remedies under the Civil Rights Act required federal judges to order a halt to the violations of state and federal laws and constitutional protections that were being perpetrated under color of state law. Federal judges, including those names in the instant lawsuit, refused to order a halt to the violations of the federally protected rights that they were in a position of trust to uphold and enforce.
- Instead of providing a declaration, and instead of ordering a halt to the civil rights violations, Ninth Circuit district judges repeatedly dismissed the lawsuits at the pleading stage, before discovery, before submission of

evidence, and often without notice. These dismissals violated controlling law barring dismissal if facts are stated in the complaint stating federal causes of action for which federal relief exists.

- Simultaneously, Ninth Circuit appellate judges refused to provide relief from the record-setting violations of state and federal laws and constitutional rights, and due process violations occurring in the district courts. These due process violations included refusal to even address timely filed notices of appeal for which the appeal fees were paid.
- This denial of due process rights and protections⁷ continued without interruption for the next 20 years, and is being repeated in the lower courts at this time.
- To this day, federal judges have refused to address the validity of the seven judgments that established Petitioner's personal and property rights that have been taken by California and federal judges, creating contradictory rights and obligations in judicial records.
- Whenever Petitioner filed a lawsuit seeking relief from these violations of federally protected rights under the Declaratory Judgment Act⁸ and Civil Rights Act,⁹ federal

⁷ Right to federal court access, to declaration under Declaratory Judgment Act and FRCivP 57, Civil Rights Act, right to due process.

⁸ Title 28 U.S.C. §§ 2201, 2202, and FRCivP57.

⁹ Title 42 U.S.C. §§ 1983-1988.

judges promptly dismissed them at the pleading stage, sometimes without any notice or hearing.

- These repeated refusal by federal judges to perform a mandatory duty, while protecting the parties violating important federally protected rights, caused Petitioner and people close to him to suffer great and irreparable personal and financial harm.¹⁰ The judicial obstruction of justice increased the harm upon national interests, as described in Petitioner's books

Culture Of Judicial Deception

- Seeking to support their violations of major federally protected rights, federal judges systematically reversed the legal definition of frivolous and placed a frivolous label on Petitioner's lawsuits. These lawsuits stated facts raising major federal causes of action that were further substantiated by taking judicial notice, barring any possibility of such a label.

Continuing To Receive Evidence Of Corruption

- While attempting to defend against these major civil and constitutional violations, Petitioner continued to

¹⁰ Harm suffered as result of the judicial civil and constitutional violations included 20 years of continuing due process violations; loss of home, business, sole source of income, incarcerated in chains for exercising constitutional due process and for seeking to report criminal activities in government and judicial offices, permanently barred from protections guaranteed by laws and constitution.

receive additional information and documentation of criminal activities from his growing list of government insiders. To meet his legal responsibility under the federal crime reporting statute, Petitioner started, in 1986, adding another issue to his repeated attempts to obtain declaratory and civil rights relief. He included in his federal filings a demand to report and provide evidence of the corrupt and criminal activities that he and his group of other federal agents had discovered. These demands were made on the basis of the federal crime reporting statute, Title 18 U.S.C. § 4,¹¹ which makes it a federal crime if anyone knowing of a federal crime fails to promptly report it to a federal judge (or other federal officer). Because of Petitioner's prior discovery of cover-ups by Justice Department personnel, he elected to report the criminal activities to a federal court.

Merging Repeated Denial Of Due Process With Repeated Obstruction Of Justice

- The repeated violations of due process and civil and constitutional protections by federal judges then merged with the refusal by federal judges to receive the reports of criminal activities. This merging helped clarify the reasons

¹¹ Title 18 USC § 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 under this title or imprisoned not more than three years, or both.

for the total due process gridlock in the federal courts. The

inter-relationship of these civil rights violations, denial of

due process, and obstruction of justice is revealed by:

- Federal judges earlier refusing to receive evidence of

the federal crimes related to a series of airline crashes

occurring in Petitioner's area of federal air safety

responsibilities.¹²

- The sham California lawsuit, filed by a law firm with

links to the Central Intelligence Agency that targeted the

\$10 million in assets that funded Petitioner's exposure of

criminal activities in key government and judicial offices.

The dozens of state and federal laws and constitutional

provisions barring that lawsuit would keep any attorney

from filing it without some covert assurance that they

would be protected against the consequences of violating

these great number of federally protected rights.

¹² *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 coverup of the DC-10 cargo door problem was one of repeated instances of tragedy related misconduct); U.S. v. Department of Justice, District of Columbia, Nos. 86-2523, 87-2214, and other actions filed by claimant seeking to expose and correct the powerful and covert air disaster misconduct.

- The repeated denial of all federal defenses against the record-setting violations of civil and constitutional rights insured the success of the sham lawsuit in the California courts.
- The repeated blocking by federal judges of Petitioner's attempts to report to a federal court criminal activities was compatible with their conduct insuring the success of the California lawsuit that had a similar goal: taking the assets that funded Petitioner's exposure of these criminal activities.
- The judicial retaliation against Petitioner by Ninth Circuit judges for seeking to report these criminal activities was compatible with obstruction of justice conduct.
- Federal judges willingness to perpetrate criminal acts would be compatible. These felonies arose from the:
 - Obstruction of justice that violated Title 18 U.S.C. §§ 2, 3, and 4.
 - Retaliating against a former federal agent and witness for seeking to report federal crimes, Title 18 U.S.C. §§ 35, 111, 153, 241, 242, 245(b)(1)(B), 246, 371, 1341, 1343, 1505, 1512, 1513(b), and 1515(a).

- Retaliating against Petitioner for exercising constitutional due process, which is a federal crime under Title 18 U.S.C. § 241.
- Preventing from performing a duty while a federal agent and preventing a former federal agent from reporting federal crimes, obstructing justice, and depriving a party of his rights and privileges. These are federal offenses under Title 42 U.S.C. §§ 1985(1)(2)(3),
- The documented 20 years of judicial acts far exceed conspiracy criteria to obstruct justice and further indicating that a high source in government assured these federal judges and other participants in the conspiracy that they would be protected from the consequences of their multiple federal offenses.

**Seemingly Endless Judicial Offenses Provided
Petitioner Multiple Basis For Court Access**

- The combination of Petitioner attempting to report criminal activities to a federal court and the escalating violations of federally protected rights by California and federal judges provided Petitioner repeated rights to federal remedies. This combination further threatened everyone involved in the violations occurring in the California and in the federal courts, as well as the parties involved in the criminal activities that Petitioner and his group of

government agents sought to report. This threat was followed by even more drastic due process denial and violations of federally protected rights.

Total Deprivation Of Constitutional Protections

- Ninth Circuit judges reacted by issuing a series of unlawful and unconstitutional injunctive orders barring Petitioner, for the remainder of his life, from filing any papers in the federal courts. These injunctive orders voided in writing what had existed in practice: Petitioner's due process right to federal court access and the rights and protections guaranteed under the laws and Constitution of the United States. The injunctive orders also blocked Petitioner and his group of government agents from reporting the criminal and subversive activities that they discovered.

Judicially Stripped Of All Legal and Constitutional Protections

- The injunctive orders unlawfully and unconstitutionally violated every legal and constitutional requirement for such orders:
 - Instead of protecting the person suffering great and irreparable harm, the orders protected the parties inflicting the harm.

- Instead of halting the record-setting violations of state and federal laws and constitutional protections, the orders insured the continuation of these violations.
- Instead of protecting public interests, the subversion of major civil and constitutional protections harmed public interests.
- Instead of making the required findings of facts stating that these requirements were met, federal judges reversed the legal definition of frivolous and labeled Stich's exercise of constitutional due process under the Declaratory Judgment Act and Civil Rights Act as frivolous.

Judicial Retaliation For Exercising Constitutional Due Process and For Reporting Federal Crimes

- When Petitioner filed additional lawsuits seeking relief from subsequent civil and constitutional violations, and sought to report additional criminal activities that he and other federal agents had discovered, Ninth Circuit federal judges charged Petitioner with criminal contempt of court. Federal judges then denied Petitioner a jury trial, and sentenced him to six months in federal prison, which included six weeks in solitary isolation.
- Petitioner was then transported from prison to prison in chains, suffering great stress and humiliation, made worse

by his 70 years of age and the recent open heart surgery for seven coronary bypasses. In addition, he was suffering the taking of his home, his business, his sole source of income, and enduring the daily traumatic experiences that occur while being converted from a multi-millionaire to a state of poverty. All of these harms arose from the combination of his attempts to expose criminal activities, the sham lawsuit filed by a CIA-front law firm, and the repeated violations by California and federal judges acting in unison to subvert the laws and Constitution of the United States. Further compounded by the refusal of every higher court to exercise their duty rather than aid and abet these federal offenses.

**Forcing Petitioner To Seek
Due Process In Chapter 11 Courts**

- The continuing judicial violations perpetrated in the California and federal courts, the great personal and financial harm suffered by Petitioner, the total denial of due process, caused Petitioner to file Chapter 11, seeking to force a federal judge to meet his or her responsibilities under the Declaratory Judge Act and Civil Rights Act. Petitioner had been unaware of the judicial corruption in Ninth Circuit bankruptcy courts, which he later discovered and described in his various books

From One Area Of Judicial Corruption To Another

- Instead of providing relief, federal judges unlawfully and unconstitutionally seized Petitioner's \$10 million in assets. The orders were signed in chambers, without the legal and constitutional requirement of a notice of hearing, a hearing, and legally required cause. Petitioner's life assets were just seized, as federal judges continued acting with the assurance that none of the judicial checks and balances would intervene.
- After seizing Petitioner's assets, federal judges then:
- Turned these assets over to a known embezzler, judge-appointed trustee Charles Duck, who promptly started looting and liquidating the assets. Several years later, after the media identified Duck as perpetrating the nation's worst trustee embezzlement, the Justice Department was *forced* to file charges against Duck. They arranged for a short prison term in a federal prison camp, where he received favorable treatment, seeking to imply that the widespread judicial corruption in these courts had been halted. (Several of Petitioner's CIA assets reported Duck as having a CIA relationship.)
- After seizing Petitioner's assets, federal judge Edward Jellen rendered orders barring Petitioner from filing

objections to the judicial seizure and liquidation of his assets.

- After Petitioner filed objections to the seizure and liquidation, his filings were ordered unfilled.
- Federal judge Jellen then charged Petitioner with criminal contempt of court for exercising these constitutional due process remedies. Retaliating against a citizen for exercising constitutional due process is a felony under Title 18 U.S.C. § 241.¹³
- During the “trial” for the criminal contempt of court charge, Judge Jellen refused to provide legal counsel to petitioner, denied Petitioner the right to testify, and then sentenced Petitioner to federal prison.

**Prison For Exercising Due Process Remedies Against
Unprecedented Judicially Inflicted Civil Rights
Violations**

- In addition, when Petitioner filed a lawsuit in the district courts seeking to halt the taking of his life’s assets, federal judges charged him with criminal contempt of court for exercising these due process remedies. They denied him

¹³ **Title 18 U.S.C. § 241. Conspiracy against rights of citizens**

If two or more persons conspire to injure, oppress, threaten, or 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;

a jury trial, and then sentenced him to federal prison for six months.

- While Petitioner was in prison, including six weeks of solitary confinement, federal judges started liquidating Petitioner's assets, converting him from a multi-millionaire to a state of poverty. His home was taken, his businesses were taken, his sole source of income was taken, and at the age of 70 he became homeless. Many of these assets were turned over to the CIA-front law firm and other attorneys who aided and abetted the scheme.

**Again Seeking Due Process In This Action,
And Again, Due Process Has Been Denied**

- Before the expiration of the statute of limitations for this sordid sequence of judicial acts, Petitioner filed the instant lawsuit, again seeking relief under the Declaratory Judgment Act,¹⁴ the Civil Rights Act, *Bivens*, and RICO,

¹⁴ Declaratory judgment is sought to declare the validity of the seven judgments that require recognition of Petitioner's personal and property rights; declaratory judgment declaring as void the orders rendered by Chapter 11 judges seizing and liquidating Petitioner's assets; declaration returning to Petitioner the civil and constitutional rights taken from him by the series of injunctive orders barring him for the remainder of his life from the rights and protections guaranteed by the laws and Constitution of the United States. Petitioner seeks damages under the Civil Rights Act from the California judges and attorneys who repeatedly violated large numbers of state and federal laws, causing Petitioner to suffer extreme personal and financial losses; financial damages under *Bivens* against the federal judges whose corrupt, unlawful, unconstitutional, and criminal acts were far outside the judicial decision making process for which self-serving judicial immunity has been applied. And damages against the attorneys who aided and abetted the violations of civil and constitutional rights under color of federal law. And finally, a demand that a federal judge receive

and again seeking to report criminal activities to a federal court. The 20-year record of total due process denial by federal judge continues.

- In the action below, the district court judge is enlarging upon the 20 years of due process denial that has been inflicted upon Petitioner since the filing of the sham lawsuit by the CIA-front law firm. Every due process right is being denied by Judge Reed in the court below, as he:

- Dismissed all of the defendants against whom facts have been stated in the complaint that state major federal causes of action, in clear violation of federal law.¹⁵

Additional appeals to the instant appeal have been filed and more have yet to be filed.

- Protects the defendants against discovery. Judge Reed has refused to order the defendants to answer Petitioner's Request For Admissions. If defendants had not been judicially protected against answering Petitioner's discovery questions, they would be admitting many of the allegations that are already proven by taking judicial notice.

the evidence of major criminal and subversive acts against the United States.

¹⁵ Dismissal violates bar against dismissal when facts are stated showing a federal cause of action for which federal relief is available; refusing to render declaratory judgment, protecting defendants against the need to answer discovery, refusing to prepare findings of facts, violation of due process.

- Refuses to address, under the Declaratory Judgment Act, the validity of the multiple judgments establishing Petitioner's personal and property rights that have been taken by California and federal judges. His bizarre holding was that since he dismissed the defendant California judges¹⁶ that Petitioner cannot obtain a declaration of his personal and property rights that are now in dispute in court records. Using this legally bankrupt reasoning, the clear wording of the Declaratory Judgment Act and related case law and rules of court are meaningless, adding to the monumental due process violations that have pyramided during these 20 years of judicial attacks upon Petitioner.
- Refused to address Petitioner's declaratory judgment claim to address the void orders taking Petitioner's life assets, which were issued while violating the legal and constitutional requirement of a noticed hearing, a hearing, and legally required cause. Again, due process is denied to Petitioner. Supreme Court decisions¹⁷ have held that void

¹⁶ These judges rendered the orders while lacking personal and subject matter jurisdiction, which violated several dozen California statutes and rules of court, federal statutes, U.S. Supreme Court decisions, and constitutional protections, making them void orders.

¹⁷ A Judgment of a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of his rights. *Sabariego v. Maverick*, 124 US 261, 31 L Ed 430, 8 S Ct 461, and is not entitled to respect in any other tribunal. It is a fundamental doctrine of law that a party to be affected by a personal judgment must have his day in court, and an opportunity to be heard. *Renaud v. Abbott*, 116 US 277, 29 L Ed 629, 6 S Ct 1194. Every person is entitled to an

orders are forever void, and this protection is denied, again and again, to Petitioner.

- Refusing to address Petitioner's declaratory judgment claim to hold as void the injunctive orders that stripped Petitioner of all due process while being judicially attacked through the misuse of federal courts as a corrupt arm of government. Petitioner will go to his death without having his civil and constitutional rights restored.¹⁸
- Denying to Petitioner the right to financial damages against the judicial and non-judicial defendants that engaged in a conspiracy that violated record numbers of state and federal laws and Constitutional rights under color

opportunity to be heard in a court of law upon every question involving his rights or interests, before he is affected by any judicial decision on the question. *Earle v McVeigh*, 91 US 503, 23 L Ed 398.

¹⁸ In re Clovis Carl Green, 598 F.2d 1126, 1227 (8th Cir. 1979)(en banc), the court stated that "[i]t is axiomatic that no petitioner or person shall ever be denied his right to the processes of the court." The right of access to the courts is an aspect of the First Amendment right to petition, and further established by Supreme Court and other federal court decisions. In In re Green, 669 F.2d 779 (D.C. 1981).

An individual's constitutional right of access to the courts cannot be impaired, either directly or indirectly, by threatening or harassing the individual in retaliation for filing lawsuits; it is not necessary that the individual succumb entirely or even partially to the threat, as long as threat or retaliatory act was intended to limit individual's right of access. U.S.C.A. Const. Amend; The Supreme Court and other federal courts have uniformly recognized a constitutional right of access to the courts. The United States Supreme Court has stated that "[t]he right of access to the courts is indeed but one aspect of the right of petition." *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510, 92 S.Ct. 609, 611 30 L.Ed.2d 642 (1972). The Court has noted that the right to petition is "among the most precious of the liberties safeguarded by the Bill of Rights," *United Mine Workers v. Illinois State Bar Association*, 389 U.S. 217, 222, (1967), and that it has "a sanctity and a sanction not permitting dubious intrusions," *Thomas v. Collins*, 323 U.S. U.S. 516, 530, 65 S.Ct. 315, 322, 89 L.Ed. 430 (1945).

of state law and under color of federal law. The documented pattern of corrupt, unlawful, and unconstitutional acts by the defendant California and federal judges, are far outside the authorized decision making duties for which self-serving case law provides judicial immunity.¹⁹

¹⁹ A judge acts without jurisdiction if he violates clearly and settled statutory or case law. In *Rankin v. Howard*, 633 F.2d 844, 849 (9th Cir. 1980) the Ninth Circuit held:

[W]hen a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes or case law expressly depriving him of jurisdiction, judicial immunity is lost. *Bradley v. Fisher*, 80 U.S. (13 Wall.) at 351.

"when the want of jurisdiction is known to the judge, no excuse is permissible"; *Turner v. Raynes*, 611 F.2d 92, 95 (5th Cir. 1980) (*Stump* is consistent with the view that "a clearly inordinate exercise of unconferrred jurisdiction by a judge—one so crass as to establish that he embarked on it either knowingly or recklessly—subjects him to personal liability."

The loss of immunity from illegal acts by those otherwise protected by qualified immunity—including state and federal judges—is addressed when they violate clear and settled law. (See, e.g., *Forrester v. White*, 98 L.Ed.2d 555 (1988); *Anderson v. Creighton*, 97 L.Ed.2d 53 (1987); *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982) ("Government officials performing discretionary functions ... generally are shield from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.");

In *Rankin v. Howard*, 633 F.2d 844, 849 (9th Cir. 1980) the Ninth Circuit held:

[W]hen a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes or case law expressly depriving him of jurisdiction, judicial immunity is lost. *Bradley v. Fisher*, 80 U.S. (13 Wall.) at 351. ("when the want of jurisdiction is known to the judge, no excuse is permissible"; *Turner v. Raynes*, 611 F.2d 92, 95 (5th Cir. 1980) (*Stump* is consistent with the view that "a clearly inordinate exercise of unconferrred jurisdiction by a judge—one so crass as to establish that he embarked on it either knowingly or recklessly—subjects him to personal liability").

In *Dykes v. Hoseman*, 743 F.2d 1488 (11th Cir. 1984):

We also agree with the *Rankin* court that immunity for judicial acts in the clear absence of jurisdiction is lost ... if the judge knows that he

- Continuing the judicial obstruction of justice by refusing to allow Petitioner and his group of former federal agents from reporting and providing evidence of patterns of criminal and subversive activities involving people acting under the cover of government offices. These felonies are juxtapositioned with the 20 year pattern of judicial civil rights violations against Petitioner.
- Petitioner details some of these corrupt activities in his books, including three editions of *Defrauding America* and *Unfriendly Skies*, the first editions of *Drugging America* and *Disavow*, and the E-book formats. Further details are being made known worldwide on various Internet sites, including, for instance, www.defraudingamerica.com/lawsuit_progress.html

Summary

The civil rights and criminal offenses stated here are constitutional issues of major national importance with criminal implications. The criminal activities that Petitioner and his group of former federal agents have sought to

lacks jurisdiction, or acts in the face of clearly valid statutes or case law expressly depriving him of jurisdiction.

In *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982) the Court addressed the absence of effect of illegal orders and their liability, holding that "government officials ... [are liable for civil damages if for damages if] ... their conduct violate[s] established statutory or constitutional rights of which a reasonable person would have known."

expose—and federal judges have blocked—continue to inflict great harm upon national interests.

Where Is the High-Level Protector?

Of great importance is *where* the source exists that engineered the 20 years of judicial obstruction of justice, the judicial subversion of the laws and Constitution, and that protected these judges from their sordid misconduct. Questions arise as to whether this court's concern for due process and equal protection in the recent *Bush versus Gore* matter was based on constitutional concerns or covert political interests. This court's reaction to these judicial outrages will help make that determination.

The long overdue relief fashioned by this court must address:

- Reinstatement of the federal judicial defendants whose documented and systematic misuse of their judicial positions were far outside any recognized decision making authority. A Supreme Court decision is needed to show that no judge is immune from financial liability for the type of misconduct perpetrated against Petitioner that subverts in an obvious conspiracy the laws and Constitution of the United States.

- Declaratory judgment declaring the validity of the seven judgments and the personal and property rights taken by defendant California judges.
- Declaratory judgment addressing the corrupt and unconstitutional judicial seizure of Petitioner's properties that violated constitutional due process. The orders taking Petitioner's assets should be declared void²⁰ and all assets returned to Petitioner, with damages paid by the defendant attorneys and judges who played roles in the taking. Further, those people now in possession of the real properties should be given time to file lawsuits against the attorneys and law firms, trustees, and California and federal judges who conspired to take these properties from Petitioner.
- Declaratory judgment reinstating the civil and constitutional rights that were taken by the unlawful and unconstitutional injunctive orders. Before Petitioner's life is over, he is entitled to have his civil and constitutional

²⁰ It is a fundamental doctrine of law that a party to be affected by a personal judgment must have his day in court, and an opportunity to be heard. *Renaud v. Abbott*, 116 US 277, 29 L Ed 629, 6 S Ct 1194. Every person is entitled to an opportunity to be heard in a court of law upon every question involving his rights or interests, before he is affected by any judicial decision on the question. *Earle v McVeigh*, 91 US 503, 23 L Ed 398.

A judgment of a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of his rights. *Sabariego v Maverick*, 124 US 261, 31 L Ed 430, 8 S Ct 461, and is not entitled to respect in any other tribunal.

rights returned to him that were taken by corrupt federal judges seeking to block his reports of criminal activities in key government and judicial positions and block his defenses against the litany of judicial civil and constitutional violations.

- Financial damages paid to Petitioner by the defendant California and federal judges, attorneys, and law firms who, in an obvious conspiracy, misused the California and federal courts in a conspiracy, and showed utter contempt for the laws and Constitution of the United States.
- A remedy must be fashioned that will circumvent Ninth Circuit subversion of due process. The extent and the gravity of judicial contempt for the laws and the Constitution eliminate any possibility of due process being obtained in Ninth Circuit courts.
- Recommendation that independent prosecutor be appointed to investigate and prosecute the federal judges who were directly involved in these offenses, and those who aided and abetted the corrupt acts by remaining silent.
- Supreme Court decision clearly stating that state or federal judges acting without jurisdiction, or violating clear and settled laws or constitutional protection, lose any immunity against financial damages.

- Because of the gravity of the issues and their national implications, this court should consider appointing a law firm to assist Petitioner that is able and willing to bring these matters to justice.
- Dated: January 5, 2001.

Rodney F. Stich
Petitioner

Docket Nr:

IN THE UNITED STATES
SUPREME COURT
OF THE UNITED STATES

October 2000 Term

In re RODNEY F. STICH
Petitioner

PETITION FOR EMERGENCY WRIT

To Justice Sandra O'Connor

NINTH CIRCUIT COURT OF APPEALS

Court Of Appeals # 94-80208, dated October 24, 2000.

U.S. District Court, Reno, NV # DC CV-00-152-ECR

Petitioner's Appendix To Petition For Emergency Writ

Rodney F. Stich
P.O. Box 10587
Reno, NV 89510
Phone: 775-786-9191

Further related information at the following Internet sites:

www.defraudingamerica.com

www.druggingamerica.com

www.unfriendlyskies.com
