

Docket Nr:

SUPREME COURT OF THE UNITED STATES

October Term 2002

PETITION FOR EXTRAORDINARY WRIT

United States Court Of Appeals, Ninth Circuit

In re RODNEY F. STICH

Petitioner in pro se

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**To Justice Clarence Thomas**

NINTH CIRCUIT COURT OF APPEALS

Court Of Appeals # 94-80208

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

Petition for Emergency Extraordinary Writ

Order Permanently Terminating Petitioner's Constitutional Appeal To Rights  
Combined With Obstruction Of Justice Under Title 18 U.S.C. § 4

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## **QUESTIONS PRESENTED FOR REVIEW**

1. May federal appellate judges issue injunctions permanently depriving Petitioner the legal and constitutional due process right to file appeal briefs following final orders when timely notices of appeal were filed and the appeal fee paid?

2. May federal appellate judges determine the merits of an appeal, and dismiss it, without appeal briefs being filed and without the lower court records in its possession?

3. My federal judges block the reporting of criminal activities inflicting great harm upon the United States to a federal court, as required to be reported under the federal crime reporting statute, Title 18 U.S.C. § 4, and then inflict great harm upon a former federal air safety agent for attempting to make such report?

### **Of Secondary and Collateral Importance and Relationship**

4. May federal district court judges issue injunctions permanently barring Petitioner access to the federal courts, thereby permanently terminating all legal rights, legal protections, and legal defenses guaranteed by the laws and Constitution of the United States—and blocking his reports of criminal and subversive activities in government offices?

5. May federal district and appellate judges, as part of their administrative duties, block the reporting of criminal activities that Petitioner, a former federal air safety inspector, and a group of other government agents, attempt to report under the federal crime reporting statute, Title 18 U.S.C. § 4?

6. May a federal judge deny to Petitioner's the rights under the declaratory Judgment Act to obtain a declaration of legal rights and legal relations established in five prior judgments arising in prior states of residence, on the basis that the state judge rendering subsequent orders violating federally protected rights is not a defendant in that federal

cause of action?

7. May a federal district court judge deny to Petitioner the right under the Supreme Court's void order doctrine to address and declare the void status of orders taking Petitioner's life assets if the judge is not a defendant in that federal cause of action?

8. May a district judge deny to Petitioner the right under the Supreme Court's void order doctrine and the Declaratory Judgment Act to declare as void injunctions permanently terminating Petitioner's right to seek relief in federal courts from major violations of federally protected rights?

9. Is a state judge totally immune from financial damages who repeatedly and knowingly issues orders inflicting great personal and financial harm while acting without personal jurisdiction and while violating large numbers of state and federal laws and constitutional protections?

10. Is a federal judge totally immune from financial damages who renders orders without personal jurisdiction, or who repeatedly violates large numbers of state and federal laws and constitutional rights, while committing criminal acts, including obstruction of justice and inflicting harm upon a witness and former federal agent?

11. May federal district court judges dismiss an action that states multiple federal causes of actions for which federal remedies are available, while barring discovery, barring the right to a jury, and while refusing to make findings of facts and conclusions of law?

12. May federal judges order Petitioner to pay financial sanctions for naming a state judge as a defendant in a Civil Rights Act cause of action when that state judge had acted without personal jurisdiction, violating large numbers of state and federal laws and con-

stitutional rights, inflicting great and irreparable personal and financial harm upon a citizen?

### **List Of Parties To the Proceeding**

The parties to the questions presented here are the district court judge, Edward C. Reed, Ninth Circuit court of appeal judges James R. Browning, Andrew J. Kleinfeld, and Ronald M. Gould.

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- Exhibit B: Petitioner’s Notice Of Appeal dated March 1, 2002.
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The Ninth Circuit court of appeals order terminating Petitioner’s due process rights and defenses to the appeal courts stated:

This court has reviewed the notice of appeal and accompanying documents [district court’s dismissal order] filed March 1, 2002 in the above-referenced district court docket pursuant to the pre-filing review order entered in this docket. Because the appeal lacks merit,<sup>1</sup> it shall not be permitted to proceed. A certified copy of this order served on the district court for the district of Nevada shall act as and for the mandate of this court.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in this closed docket.

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<sup>1</sup> The “lack of merit” decision was reached without Petitioner’s appeal brief and without the record of district court filings.

## **JURISDICTIONAL STATEMENT**

This petition seeks review of the order dated April 12, 2002, by the Ninth Circuit court of appeals that deprived Petitioner the due process right to file appeal briefs relating to:

- The dismissal of all defendants under the Civil Rights Act, Bivens, civil RICO.
- The refusal to address the cause of actions under the Declaratory Judgment Act seeking a declaration of legal rights and legal relations established in five judgments that are in controversy.
- The refusal to address and declare the void status of orders permanently terminating Petitioner's due process right to file any papers in the district courts and barring Petitioner from filing any appeal briefs.
- The refusal to address and declare the void status of orders taking Petitioner's \$10 million life assets through orders signed while violating the legal and constitutional due process requirement of a hearing, notice of hearing, legal cause, followed by orders barring Petitioner from filing objections to the seizure and liquidation of his assets.
- The refusal to receive reports of criminal activities being presented to a federal court under the federal crime reporting statute, Title 18 U.S.C. § 4.
- The appeal was of a final order/s for which the appellate court had mandatory jurisdiction under 28 U.S.C. §§ 1291.
- The jurisdiction of the district court for the multiple federal causes of actions for which relief was available arose under 28 U.S.C. §§ 1331 and 1343 in conjunction with the Civil Rights Act (42 U.S.C. §§ 1983-1986), Bivens, and RICO (42 U.S.C. §§

1961-1965).

- The responsibility of the district court (and any federal judge) under their administrative duties to receive reports of crimes against the United States arose under the clear wording of the federal crime reporting statute, Title 18 U.S.C. § 4.

This petition is timely: The district court entered its final order dismissing the complaint on February 13, 2002. (Exhibit “D”) Petitioner’s notice of appeal (Exhibit “C”) was timely filed on March 1, 2002. Petitioner’s Amended Notice of Appeal was filed on March 11, 2002. (Exhibit “B”) The Ninth Circuit court of appeals issued its order denying Petitioner the right to file appeal briefs on April 12, 2002, (Exhibit “A”) and dismissed the lawsuit and appeal.

#### **Constitutional Provisions and Statutes Involved In the Case**

- Fifth Amendment due process, equal protection, rights and privileges, property rights, the right not to be deprived of life, liberty, or property, without due process of law.
- Article V of the Bill of Rights, not to be deprived of life, liberty, or property, without due process of law.
- First Amendment right to petition the government for a redress of grievances.
- Title 28 U.S.C. § 1331. The responsibility of federal judges to exercise jurisdiction and provide judicial remedy via actions arising under the Constitution and laws of the United States, giving all citizens the right to petition government for redress against great harm.
- Title 28 U.S.C. § 1343. The due process right to recover damages for injury to person and property arising out of deprivation of massive numbers of substantive and procedural due process violations in conjunction with the Civil Rights Act and other law

and constitutional rights stated in this petition.

- Title 42 U.S.C. §§ 1983-1988. The right to obtain an injunction halting continuing major violations of civil and constitutional substantive and procedural violations occurring in state courts, and for financial damages.
- Bivens doctrine. The right to obtain an injunction halting continuing major violations of civil and constitutional substantive and procedural violations occurring in federal courts, and for financial damages.
- Title 42 U.S.C. §§ 1961-1965, RICO. The right to obtain financial damages against those defendants engaging in a conspiracy, affecting interstate and international commerce, through multiple predicate acts.
- Title 28 U.S.C. §§ 2201 and 2202. The right to obtain a declaratory judgment to declare (a) The validity of personal and property rights established in multiple judgments that have been unlawfully taken from him; (b) The void status of orders taking Petitioner's life assets without any notice of hearing, without a hearing, and without legally recognized cause; (c) 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.
- U.S. Supreme Court's void order doctrine, to address orders permanently terminating Petitioner's legal rights and protections, and to address orders taking Petitioner's life assets in gross violations of legal and constitutional due process.
- Title 18 U.S.C. § 4, to report federal crimes to a federal court under the federal crime reporting statute, which has been repeatedly blocked by federal judges.
- Title 28 U.S.C. § 1361, the right to seek a court order for a federal official to perform

a legal duty and to halt unlawful conduct.

- Article IV § 1 full faith and credit clause.
- Article IV § 2 right to unabridged interstate travel clause.
- Fourteenth Amendment due process, equal protection, property rights.

## STATEMENT OF THE CASE

Petitioner had filed a lawsuit in the U.S. district court at Reno, Nevada, stating facts raising multiple causes of actions for which federal remedies exist. These federal causes of actions included:

- Civil Rights Act (42 U.S.C. § 1983-1986), seeking an injunction and financial damages against judicial and non-judicial defendants for great and irreparable personal and financial harm. These federal offenses include repeated violations of record numbers of state and federal substantive and procedural due process laws and constitutional protections, perpetrated under color of state law, while lacking personal jurisdiction. The reason for these violations was to strip Petitioner of the \$10 million in assets that funded his efforts to report criminal activities that Petitioner initially discovered while a federal air safety inspector.
- *Bivens* doctrine, (*Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971)), seeking an injunction and financial damages against judicial and non-judicial defendants for continuing numbers of federal substantive and procedural due process rights while acting under color of federal law.
- RICO (42 U.S.C. §§ 1961-1966), seeking financial damages against judicial and non-judicial defendants for inflicting great personal and financial harm upon Petitioner through a pattern of multiple predicate acts, in a conspiracy, involving interstate and international commerce.
- Declaratory Judgment Act (28 U.S.C. §§ 2201, 2202 and FRCivP 57) to declare Petitioner's legal rights and relations established in five judgments that are in controversy and to render orders to carry out the declaration of such rights.

- Supreme Court’s void order doctrine<sup>2</sup> (and Declaratory Judgment Act), to declare as void, multiple orders permanently terminating for Petitioner the due process right to federal court access, thereby permanently terminating Petitioner’s legal rights, legal protections, and legal defenses that are available to all other citizens, including terrorists and murderers.
- Supreme Court’s void order doctrine (and Declaratory Judgment Act) to address and declare the void status of orders ordering the taking and liquidation of Petitioner’s \$10 million in assets, including his home and sole source of income. The orders, signed in chambers, violated the legal and constitutional due process requirement of a hearing, a notice of hearing, and legal cause. In addition, orders were subsequently rendered barring Petitioner from exercising legal and constitutional due process to file objections. When an objection was filed, the objection was unfiled, and Petitioner was charged with criminal contempt of court (for exercising due process to halt the taking of his life’s assets). He was denied a jury trial, denied legal counsel, and sentenced to federal prison.
- Federal crime reporting statute. (18 U.S.C. § 4) This statute requires Petitioner and all other persons who know of a federal crime to promptly report it to a federal court, and requires federal judges as part of their administrative duties to receive such information and evidence. Federal judges have repeatedly blocked Petitioner from making such reports, permitting great tragedies to be inflicted upon the United States and

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<sup>2</sup> An illegal order is forever void. An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 L ed 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct 343, 61 L ed 608; A judgment may not be rendered in violation of constitutional protections. The validity of a judgment may be affected by a failure to give the constitutionally required due process notice. *Earle v. McVeigh*, 91 US 503, 23 L Ed 398.

its people, including the events of September 11, 2001.

**Absolute Total Violation Of Multiple Substantive and Procedural Due Process**

Despite the facts stated in the Complaint and Amended Complaint, and the large numbers of statutes, rules of court, case law, and constitutional protections, the district court judge violated every relevant substantive and procedural due process right and protection, including:

- Refused to provide Petitioner his due process right to a federal court forum and relief.
- Unlawfully and unconstitutionally dismissed each defendant and each non-defendant federal cause of action for which relief is available.
- Refused to order defendants to answer Petitioner's discovery.
- Denied Petitioner's request for a jury trial on the factual matters that played key roles in the federal causes of actions.
- Dismissed each defendant California judge on the holding that they were totally immune from liability (despite their five years of issuing orders without personal jurisdiction while concurrently violating large numbers of California and federal laws and constitutional provisions, acting in a conspiracy with a CIA-front law firm, the intent of which was to destroy Petitioner's financial ability to continue exposing criminal activities affecting vital U.S. interests).
- Dismissed each defendant federal judge on the holding that they were totally immune from liability (despite the unprecedented numbers of substantive and procedural due process violations, felony blocking of criminal reports, felony retaliation against Petitioner for attempting to make such reports, aiding and abetting the subversion of federally protected rights through the corrupt misuse of judicial positions and the federal

courts, which offenses are far outside the limits of judicial immunity).

- Dismissed each non-judicial defendant on holdings of res judicata, statute of limitations, and absence of personal jurisdiction. These defendants, lawyers and law firms, acted in the conspiracy with the CIA-front law firm.
- Dismissed the cause of action under the declaratory judgment act to declare Petitioner's legal rights and relations established in five judgments that were in controversy following orders rendered by California judges for the same parties over the same issues that had been adjudicated 20 years earlier. The district court held that since the court dismissed the defendant California judges, that cause of action could not be addressed.
- Dismissed the cause of action seeking to declare the void status of injunctions issued by Ninth Circuit district and appellate judges that permanently barred Petitioner from filing any papers in the district courts and denying Petitioner the due process right to file appeal briefs following timely filing of notices of appeals and payment of appeal fees. The district court held that with the dismissal of the defendant federal judges the right under the void judgment doctrine did not exist.
- Dismissed the cause of action to address and declare the void status of orders taking and liquidating Petitioner's \$10 million life assets that were signed in chambers without the legal and constitutional requirement of a hearing, notice of hearing, legal cause. Further due process violations associated with this taking occurred when orders were rendered barring Petitioner from filing objections to the unlawful and unconstitutional seizure and liquidation of Petitioner's home and all his assets. When Petitioner did file objections, federal judge ordered the objections to be unfiled, and

then charged Petitioner with criminal contempt of court (for the filing), denied him legal counsel, held him guilty, and sentenced him to federal prison.

- Refused to make required findings of facts and conclusions of law associated with the dismissal of each defendant and the denial of every non-defendant cause of action, as was required when factual matters must be considered in Rule 12 or Rule 57 dismissals. Conclusionary statements were made that were contradicted by the facts stated in the complaint, none of which were disputed.
- Blocked Petitioner and his group of other government agents from reporting to a federal court the criminal activities that they had discovered, and which were to be reported to the court through the judge's administration responsibilities.

#### **Aiding and Abetting By Ninth Circuit Appellate Judges**

Petitioner filed timely notices of appeals and paid the appeal fees for the orders dismissing each defendant, for the orders refusing to address the causes of actions under the Declaratory Judgment Act and void judgment doctrine, and for refusing to receive the evidence of criminal activities.

The Ninth Circuit court of appeals refused to provide Petitioner the due process right to file appeal briefs. When Petitioner filed the first notice of appeal, the appellate judges held that their 1994 order permanently barred Petitioner from filing any appeal briefs. In each subsequent *final* order, dismissing defendants and refusing to address the non-defendant causes of actions, the appellate judges refused to address them on the holding that they were not final orders.

When the district court ordered the dismissal of the entire lawsuit (Appendix "D") on February 13, 2002, Petitioner filed a timely notice of appeal on March 1, 2002, and paid

the filing fee. (Appendix “B”) The appellate court refused to allow the appeal to proceed, holding in an April 11, 2002, order (Appendix “A”) that Petitioner has been permanently barred from filing any appeal brief without the prior approval of the appellate court.

### **Appellate Judges Psychic Powers!**

In that April 12, 2002, order, the appellate judges held that Petitioner’s appeal was not meritorious. This holding was made without the appeal brief being filed, without examining the record in the court below, apparently using some form of psychic power. In addition, the appellate judges approved the obstruction of justice by the district court in blocking the reporting of criminal activities affecting national interests.

A draft of the appeal brief that Petitioner’s would have filed is now on the Internet: [www.defraudingamerica.com/appeal\\_brief\\_final.doc](http://www.defraudingamerica.com/appeal_brief_final.doc) and further explained at the following Internet site: [www.defraudingamerica.com/appeal\\_brief\\_significance.html](http://www.defraudingamerica.com/appeal_brief_significance.html).

### **Gravity and Effects Of the Judicial Misconduct Upon U.S. Interests Requires Providing Background Information To Show Segments Of the Conspiracy**

The awesome and unprecedented numbers of substantive and procedural due process violations associated with the repeat documented actions to block the reports of criminal activities, and the great harm inflicted upon U.S. interests, requires that additional background information be provided for the Supreme Court Justices to meet their obligations.

### **Initial Discovery Of Criminal Acts Involving Air Safety Matters**

Petitioner has a long history of sophisticated air safety matters.<sup>3</sup> He was given the federal assignment to correct the air safety problems at the world’s largest airline during

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<sup>3</sup> Petitioner was a Navy patrol plane commander in World War II. He was an international airline captain after the war. He was a federal air safety inspector for many years. He has written books on the politics of air safety. He has appeared as guest and expert on over 3,000 radio and television shows. While in the FAA employ, he acted as an independent prosecutor, conducted a four-month long trial that provided additional documentation of corrupt and criminal activities related to a series of fatal airline crashes.

that airline's 20 years of unprecedented numbers of fatal airline crashes. As part of his official duties he discovered and documented a pattern of air safety problems, air safety violations, and criminal acts, along with major internal FAA problems that prevented the federal government from meeting its air safety responsibilities. These matters caused or made possible many fatalities and many crashes. Petitioner encountered cover-ups by every government check and balance, possibly because of the gravity of the world wide aviation scandal.

Petitioner refused to work under these corrupt and deadly conditions and left government service. He then used his real estate assets to fund his efforts to inform the public and to petition government to act on these corrupt practices. Included in these constitutionally-protected activities were publishing books, appearing as guest and expert on hundreds of radio and television shows, and giving lectures.<sup>4</sup>

### **Increasing Air Disasters Motivated Petitioner To Use Creative Remedies**

As the crashes continued to occur from the deep-seated corruption within the FAA, Petitioner exercised responsibilities under the federal crime reporting statute, Title 18 U.S.C. § 4,<sup>5</sup> to report the federal crimes that he had discovered as a federal air safety inspector to a federal court.<sup>6</sup> He filed several federal actions<sup>7</sup> in the late 1970s and early

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<sup>4</sup> These full-time activities were funded by the considerable real estate investments Petitioner had acquired while he was an airline captain and before entering government service as an air safety inspector

<sup>5</sup> 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 under this title or imprisoned not more than three years, or both.

<sup>6</sup> And to exercise the rights under Title 28 U.S.C. § 1361 to seek a court order forcing a government official to perform a duty and to halt the unlawful conduct.

<sup>7</sup> *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-

1980s seeking to report the federal crimes and to force corrective actions.

### **Repeated Obstruction Of Justice By Justice Department Personnel**

Justice Department personnel had repeatedly blocked the exposure of these criminal activities while Petitioner was a federal air safety agent, and they continued this tactic when Petitioner sought to report the federal crimes to a federal court, which they have continued to this day.

At the request of Justice Department lawyers, and despite the clear wording in Title 18 U.S.C. § 4, federal judges refused to receive the information and evidence. In the first action against the FAA, the Court Of Appeal judges admitted during oral argument that Petitioner's allegations were serious, but that these were matters for Congress. That was correct, but Title 18 U.S.C. § 4 and Title 28 U.S.C. § 1361 also made these matters a responsibility of federal courts.

The judicial refusal to receive the evidence permitted the misconduct to continue, as well as the expected airline crashes. The events of September 11, 2001, are examples of the consequences of this deep-seated FAA misconduct; and the cover-ups.

In Petitioner's second edition of *Unfriendly Skies*, he named people involved in the misconduct and the cover-ups, including federal judges, and the air tragedies that were made possible by this misconduct. It was known that Petitioner's exposure activities were funded by his considerable real estate holdings.

### **The Start Of the Scheme To Halt Petitioner's Exposure Activities**

The scheme to halt Petitioner's exposure activities, using legal process and the courts,

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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.

commenced with a bizarre lawsuit filed against Petitioner. In 1982, a CIA-front law firm in San Francisco<sup>8</sup> filed a lawsuit against Petitioner, targeting the \$10 million in real estate assets that funded Petitioner's exposure of these criminal activities. That lawsuit was barred by dozens of state and federal laws and constitutional protections.<sup>9</sup> That lawsuit was the start of 20 years of massive violations of state and federal laws and constitutional provisions, and the violation and total denial of every relevant procedural due process protection in the California and federal courts.

That lawsuit targeting Petitioner's assets was disguised as a "divorce" action, falsely claiming that Petitioner was married to a Texas resident, and that she wanted a divorce and half of Petitioner's personal and corporate assets. But the parties had been legally divorced for nearly 20 years, as established by a January 31, 1966, divorce judgment that had been entered as a local judgment in the states of Oklahoma, Texas, Nevada, and California. Both parties had been declaring themselves divorced in real estate transactions throughout this period. The parties' divorced status was recognized in over 100 subsequent title insurance policies. In addition, the Texas resident continued to declare herself

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<sup>8</sup> San Francisco law firm of Friedman, Sloan, and Ross.

<sup>9</sup> California CC §§ 4351, 4554, 5004, 5102, 5103, 5108, 5110.720, 5118, 5164; California CCP §§1699(b), 1713.1, 1713.3, 1908, 1910, 1913, 915; California Rules of court Rules 1201(c); 1211, 1212, 1215, 1222, 1229(a), 1230(a)(2), 1234, 1239(a)(2), 1281, and Rule 1282; absence of personal jurisdiction arising from Rule 1230 Motion to quash, 1230(a)(2), 1234, and 1239(a)(2); absence of personal and subject matter jurisdiction under the California Family Law Act: Rules 1201(c), 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, full faith and credit statute; Article IV, § 1, providing for full faith and credit; Article IV, § 2, against taking of previously adjudicated and previously acquired personal and property rights upon changing residence to another state; Fourteenth Amendment due process clause; Fourteenth Amendment equal protection clause; Fourteenth Amendment privileges and immunities clause; Fourteenth Amendment equal protection; Fourteenth Amendment property rights; Fourteenth Amendment liberty interests; landmark U.S. Supreme Court decisions: *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).

divorced while the CIA-front law firm continued to claim she wanted a termination of the marriage that even she disputed. . State and federal laws and constitutional requirements required that Petitioner's legal rights and relations, and those judgments, be recognized by all state courts.

The CIA-front law firm misused the courts and this sham cause of action to file dozens of lis pendens on Petitioner's properties, causing the loss of hundreds of thousands of dollars in real estate equities, including Petitioner's home.

California judges granted every motion requested by the CIA-front law firm, despite lacking personal jurisdiction over Petitioner under the clear wording of California statutes, and while concurrently violating record-numbers of state and federal laws and constitutional protections.

Every relevant procedural due process remedy for defending against these massive violations of federally protected rights was denied to Petitioner by the California courts. California appellate judges even inflicted huge financial retaliation upon him for exercising constitutional due process rights, which under federal law were felonies.<sup>10</sup>

### **Exercising Federal Defenses Against Violations Of Federally Protected Rights**

Suffering great and irreparable harm from the continuing violations, Petitioner filed the first in a series of federal actions seeking to halt the violations. These federal lawsuits exercised defenses under the Declaratory Judgment Act (28 U.S.C. §§ 2201, 2202, and FR CivP 57), to declare Petitioner's personal and property rights established in five prior judgments, and defenses under the Civil Rights Act (42 U.S.C. §§ 1983-1986) to halt the

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<sup>10</sup> 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 so exercised the same, ... they shall be fined ... or imprisoned ...

violations of state and federal laws and constitutional provisions occurring in the California courts.

Despite the bar against dismissal when the facts stated in the Complaint state a federal cause of action for which relief is available, Ninth Circuit federal judges promptly dismissed every action filed by Petitioner, thereby aiding and abetting the violations of federally protected rights that they were duty bound to halt.

In *every instance*, federal judges (and also California judges) deprived Petitioner the legal and constitutional right to discovery, to a jury trial on the factual issues, to findings of facts and conclusions of law, and mislabeled Petitioner's exercise of procedural due process as frivolous, thereby reversing the legal definition of the term, and called Petitioner a vexatious litigant.

### **Simultaneously Discovering Additional Crimes Against the United States**

While these massive violations were escalating, Petitioner continued to discover evidence of serious criminal activities,<sup>11</sup> both as a result of his own investigations and partly from the reports and evidence provided to him by the increasing number of government agents.<sup>12</sup>

Petitioner exercised his responsibilities under the federal crime reporting statute. Commencing in 1986, he sought to report these federal crimes to a federal court, along with seeking relief under the Declaratory Judgment Act and Civil Rights Act. Failure to

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<sup>11</sup> The additional criminal activities included (a) drug smuggling into the United States by people acting under cover of government positions; (b) financial fraud perpetrated by CIA-related proprietaries or fronts; (c) corruption in Ninth Circuit bankruptcy courts; (d) terrorist activities blocked by Justice Department personnel; (e) and other criminal activities, some of which are detailed in Petitioner's books, the third editions of *Defrauding America* and *Unfriendly Skies* and the latest edition of *Drugging America*, which are referred to on the following Internet sites: [www.defraudingamerica.com](http://www.defraudingamerica.com) and [www.unfriendlyskies.com](http://www.unfriendlyskies.com).

<sup>12</sup> The former and present government agents included those from the Federal Bureau of Investigation, Drug Enforcement Administration, Secret Service, Immigration and Naturalization Service, the CIA—including former heads of secret CIA airlines and secret CIA financial operations.

report the federal crimes, and anyone blocking the reports, would be guilty of federal crimes.<sup>13</sup>

### **Combining Obstruction Of Justice With Termination Of Legal Rights, Legal Protections, and Legal Defenses**

Ninth Circuit district judges again feloniously<sup>14</sup> refused to receive the reports of the criminal activities that had expanded to reports of terrorist activities. They even put in writing the termination of Petitioner's due process rights and blocking of the reports of criminal activities as they had previously done de facto.

As the number of documented judicial due process violations escalated to record numbers, providing Petitioner with additional remedies in federal court, and now with Petitioner's attempts to report the criminal activities to a federal court under the mandatory crime reporting statute, Ninth Circuit district judges issued the first in a series of injunctions permanently barring Petitioner access to the federal courts.<sup>15</sup>

These injunctive orders violated major due process rights under the Constitution and violated every legal requirement<sup>16</sup> for such order. It appeared they had no fear of conse-

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<sup>13</sup> Reporting of the federal crimes were mandatory under the federal crime reporting statute, Title 18 U.S.C. § 4 and a right under Title 28 U.S.C. § 1361.

<sup>14</sup> Title 18 U.S.C. § 2. Principals. (a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal. (b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

Title 18 U.S.C. § 3. Accessory after the fact. Whoever, knowing that an offense against the United States had been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

<sup>15</sup> The orders required Petitioner to first submit any filing to the courts to determine whether they would be filed. But every attempted filing was barred despite the record numbers of federally causes of actions stated.

<sup>16</sup> Legal requirements for injunctive orders include (1) they must halt great and irreparable harm; (2) they must halt unlawful acts; (3) they must be in the public's interest; and (4) the judge rendering the orders must issue a finding of facts showing that these requirements had been met. As repeatedly judicially perpetrated, the law was applied in reverse. The orders did not halt the harm; they protected the people inflicting the harm and deprived Stich, who was the recipient of the harm, from defenses and protections in the laws and Constitution of the United States. The orders did not halt the unlawful acts; they provided judicial protection to the continuation and escalating of these violations. Subverting the laws and Constitution of the

quences from higher authority.

The injunctions put in writing what they had been doing throughout the prior 20 years; voiding for Petitioner every legal right, legal protection, and legal defense guaranteed to all citizens—including terrorists and murderers—by the laws and Constitution of the United States, combining that major judicial offense with the criminal offense of blocking the reporting of criminal activities—including their felony cover-ups!

**Combing Obstruction Of Justice, Total Due Process Violations,  
With Felony *Retaliation* Against Former Federal Agent and Witness**

After Petitioner subsequently sought to report additional criminal activities<sup>17</sup> to a Ninth Circuit district court, Ninth Circuit district judges and Justice Department personnel charged Petitioner with criminal contempt of court (on the basis that the prior orders permanently barred Petitioner from federal court access).

The right to a jury trial was denied to Petitioner. He was held guilty of criminal contempt of court by federal judges who were feloniously blocking the reports of criminal and subversive activities. Federal district judges, with the approval of Ninth Circuit appellate judges, sentenced Petitioner to six months in federal prison. He was repeatedly transported from prison to prison in chains and put in solitary confinement for eight weeks. Petitioner was 68 years of age at that time and had recently undergone surgery for six coronary bypasses; death would not have been an unexpected consequence.

**Earlier Attempts To Force A Federal Judge To Perform A Mandatory Duty**

Earlier, because of the great harm Petitioner was suffering and the total deprivation of

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United States and depriving a citizen of these rights was not in the public's interest. The findings of facts showing these requirements were met were never made by any of the judges.

<sup>17</sup> Included in these additional areas of criminal activities were funding by U.S. personnel of terrorist activities for the purpose of gaining political advantage in the upcoming presidential election, as discovered from CIA assets who were part of the scheme known as October Surprise.

all substantive and procedural due process by Ninth Circuit district and appellate judges, Petitioner filed two Chapter 11 cases in Las Vegas, seeking to *force* a federal judge to perform his mandatory duty under the civil rights act and declaratory judgment act. It was here that Petitioner discovered another area of criminal activities in the Ninth Circuit bankruptcy courts that he details and documents in the third editions of his books, *Unfriendly Skies* and *Defrauding America*.

### **Continuation Of Judicial Corruption In Ninth Circuit Courts**

Instead of performing his duty, Chapter 11 judge Robert Jones protected the CIA-front law firm. He signed orders in chambers ordering the seizure and liquidation of Petitioner's \$10 million life assets, which was the goal of the CIA-front law firm with the scheme that was initiated in the California courts.

### **Major Due Process Violations Taking Petitioner's Life Assets**

The orders taking Petitioner's assets, including his home and sole source of income, violated the legal and constitutional due process requirement of a hearing, notice of hearing, and legal cause, and under conditions of judicial fraud. These major due process violations were then followed by Chapter 11 Judge Edward Jellen (Oakland) issuing an unlawful and unconstitutional order barring Petitioner from filing any objections to the seizure and liquidation of Petitioner's assets.

When Petitioner *did file* an objection to the seizure and liquidation of his assets, Jellen ordered the objection unfiled and charged Petitioner with criminal contempt of court for exercising this constitutional right. He denied Petitioner access to Petitioner's funds to hire legal counsel, refused to appoint legal counsel, and issued an order holding Petitioner in criminal contempt of court. Jellen then sentenced Petitioner to federal prison. From

1986 to 1995, Petitioner was continually under either house arrest or in prison.

**Exercising Federal Remedies To Address 20 Years Of Due Process Violations, Obstruction Of Justice, and Felony Attacks Upon Former Federal Agent**

Chapter 11 Judge Edward Jellen issues the last order in 1999 liquidating Petitioner's \$10 million in assets, converting him from a multi-millionaire to a state of poverty. Before the statute of limitations expired on the conspiracy of continuous civil and constitutional violations, Petitioner attempted to file a lawsuit in the U.S. district court at Oakland, California. He was barred from exercising this due process right on the basis of orders initially issue in 1986 that permanently barred him for the remainder of his life from the seeking relief in federal courts.

Petitioner then filed the lawsuit in the U.S. district court at Reno, Nevada, on March 24, 2000, where Petitioner also had a prior residence and where many of the violations of due process occurred. The federal causes of actions included:

- Declaratory Judgment Act<sup>18</sup> to declare Petitioner's legal rights and relations in the five judgments that were in controversy.
- The Civil Rights Act for the violations occurring in the California courts.
- *Bivens*, for the violations occurring in the federal courts.
- RICO, for the conspiracy affecting national interests, including interstate and interna-

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<sup>18</sup> 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 the evidence of major criminal and subversive acts against the United States.

tional commerce.

- Void judgment doctrine, to declare the void status of the Ninth Circuit injunctions terminating Petitioner's due process rights in district and appellate courts.
- Void judgment doctrine to address and declare the void status of orders seizing Petitioner's life assets.
- The mandatory requirement to report federal crimes under the federal crime reporting statute, again seeking to report and provide evidence of the criminal and subversive activities that Petitioner and his increasing number of government agents had discovered.

If due process had not been denied to Petitioner for any one of these major federal causes of actions, the entire 20 years of judicial corruption, the scheme by the CIA-front law firm, and the criminal and subversive activities that were being blocked from being reported by Ninth Circuit judges, would be exposed.

### **Exact Duplication Of 20 Years Of Total Due Process Violations And Repeat Of Judicial Obstruction Of Justice**

Every due process right was again violated by the district court judge:

- Violated federal law barring dismissal. Federal law barred dismissal of the defendants and the cause of action when the facts stated in the complaint state a federal cause of action for which relief is available.<sup>19</sup>
- Dismissed every non-defendant cause of action filed under the Declaratory Judgment Act and the Supreme Court's void order doctrine.
- Denied Petitioner's due process right to discovery by denying Petitioner's motions to

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<sup>19</sup> Federal courts must accept as true the allegations in the complaint and supporting affidavits as true. (See, e.g., *Gardener v. Toilet Goods Assn.*, 387 U.S. 167, 172 (1967). If plaintiff's allegations state a claim for which federal courts can grant relief, the court must accept jurisdiction. The United States Supreme Court stated in *Dennis v. Sparks*, 449 U.S. 24 (1980).

require the defendants to answer discovery.

- Denied Petitioner's right to a jury trial on the factual matters.
- Retaliated against Petitioner for exercising constitutional due process in naming California judges as defendants, ordering Petitioner to pay them \$3300. These were the judges who for five continuous years inflicted great personal and financial harm upon Petitioner while acting without personal jurisdiction and violating dozens of California law and violating federal laws and constitutional protections, as part of the conspiracy to block the reporting of criminal and subversive crimes against the United States.
- Continued the obstruction of justice by refusing to receive reports and evidence on the criminal activities Petitioner and his group sought to report to a federal court under the federal crime reporting statute. This was done despite the 3,000 deaths on September 11, 2001, brought about by terrorist hijackers that were made possible by the corruption Petitioner sought to expose in the aviation environment.
- The district court judge refused to make the requested and required findings of facts and conclusions of law as required<sup>20</sup> when facts must be evaluated for a Rule 12 or Rule 56 dismissal.

### **Continuation Of Due Process Violations and Obstruction Of Justice By Ninth Circuit Appellate Judges**

Petitioner filed timely notices of appeal and paid the filing fees for every order dismissing each defendant and dismissing every federal cause of action. Although these

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<sup>20</sup> The court held in *Williamson v. Tucker* (CA5th, 1981) 645 F2d 404, cert den 454 US 897, 102 S Ct 396, 70 L ed2d 212, that despite the district court's apparent reliance upon the exceptions of Rule 52(a), the purpose of the Rule favors reading it as a whole to require factual findings whenever a decision rests on factual determinations. In keeping with the theory that the trial court should make findings where there is a trial upon the facts, Rule 52(a) recognizes that findings are to be made as provided in Rule 41(b)."

were final orders, Ninth Circuit appellate judges refused to allow briefs to be filed.

The appellate judges denied Petitioner the due process appellate remedies on the first notice of appeal on the holding that a 1994 court of appeal order permanently terminated Petitioner's due process right to file appeal briefs. The denial of due process appeal remedies for every subsequent notice of appeal of final orders was on the holding that these final orders were not final orders.

On February 16, 2002, the district court judge dismissed the lawsuit, making all orders again final, invoking again the responsibility of Ninth Circuit appellate judges to provide due process appeal remedies. Petitioner filed a timely notice of appeal on February 16, 2002 and an amended notice of appeal on April 1, 2002, and paid the appeal fees, which now totaled almost \$1000.

Again, the appellate judges<sup>21</sup> denied to Petitioner the due process right to appeal remedies, claiming that the 1994 order permanently barred Petitioner from the right to file briefs in the appellate court and held that the case was closed. That April 12, 2002, order read:

No. 94-80208 D.C. No. CV-00-151-ECR Nevada (Reno  
Before: BROWNING, KLEINFELD and GOULD, Circuit Judges  
This court has reviewed the notice of appeal and accompanying documents filed March 1, 2002 in the above-referenced district court docket. Because the appeal lacks merit, it shall not be permitted to proceed. No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in this closed docket.

The enormous numbers of clear errors of fact and of law by the district court judge totally contradicted the false statements made in that April 12 order by the three appellate judges. Further, Petitioner's notice of appeal was not the vehicle for determining the mer-

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<sup>21</sup> Ninth Circuit appellate judges James R. Browning, Andrew J. Kleinfeld, and Ronald M. Gould. Ironically, Browning was one of the appellate judges who blocked Petitioner from reporting the criminal activities against the FAA years earlier, which made possible many air disasters.

its of the appeal. The appellate judges did not have the record from the district court to have made any decision on the merits of the case or the issues on which Petitioner's appeal must be decided.

Petitioner now brings these matters of major national importance to the attention of the Justices of the U.S. Supreme Court.

**Repeatedly Notifying Justices Of the Documented Pattern of Obstruction Of Justice and Subversion Of Destruction Of Civil and Constitutional Protections**

Petitioner, by petitions and by letters, has informed the Justices of the U.S. Supreme Court of these serious matters numerous times through petitions and letters, and has been blocked every time. This failure to meet their responsibilities makes the Supreme Court Justices accomplices in these matters, with a vested interest in continuing the crimes against the United States—and against Petitioner.

During this time, only one Justice responded to Petitioner; that was Justice Byron White. In an October 28, 1991, letter, Justice White implied the seriousness of these matters, but his inability to help because of the refusal of other Justices to act. Justice White wrote to Petitioner in a personal letter:

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Dear Mr. Stich,

As a single Justice I can be of no help to you. I am returning your petition.

Sincerely yours,

Byron White

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Among the many violations raised in the complaint dismissed by the district court—which by some psychic powers the appellate judges held were without merit—were the

dismissal of every defendant in clear violation of federal due process law; deprived Petitioner the right to discovery; deprived Petitioner of the jury trial that he demanded; refused to make required findings of facts and conclusions of law; deprived Petitioner the due process rights under the Declaratory Judgment Act and void judgment doctrine, and refused to allow Petitioner to report the criminal activities.

**Orders Permanently Barring Petitioner the Right To Court Access  
Combines Gross Due Process Violations and Felony Obstruction Of Justice**

The due process right to file appeal briefs is provided by title 28 U.S.C. §§ 1291 and 1292. In countless federal decisions, including in the *Matter Of McLinn*, 739 F.2d 1395, the courts have articulated the responsibilities of federal appellate courts in reviewing district court orders.

Federal Rules of Appellate Procedure FRAP 4 provides that appeal remedies are a right. Article III, § 1 of the U.S. Constitution provides for the exercise of mandatory jurisdiction by federal judges over federal causes of actions. Amendment 1 in the Bill of Rights states that there shall be no law “prohibiting [the right] to petition the Government for a redress of grievances,” and this applies to the courts—including the Ninth Circuit!

The Fifth Amendment to the Constitution “guarantees” to every person—including Petitioner—that he shall not “be deprived of life, liberty, or property, without due process of law.” Judicial records show that this important constitutional protection has been repeatedly violated by Ninth Circuit district and appellate judges for the past 20 continuous years, combined with repeatedly blocking the reports of criminal activities that continue to inflict great harm upon the United States and its people.

Due process requires fundamental fairness, a fair and impartial trial. *Ward v. Village of Monroeville*, 409 U.S. 57 (1972). A mockery has been made of this important right by

the same judges paid and entrusted to insure that this protection exists!

Article IV, Section 2, in the Bill of Rights state “All citizens ... shall be entitled to all Privileges and Immunities of Citizens in the several States.”

Terrorists and murderers have the right to appellate due process, but not a former federal agent seeking to report criminal and subversive activities that he and a group of other government agents discovered. The evidence shows that there is a close relationship between the massive civil and constitutional violations and the repeated judicial obstruction of justice by Ninth Circuit district and appellate judges!

### **Defenseless Against Continuing Misuse Of Legal Process To Halt Exposure Of Criminal Activities**

At this moment, Petitioner is the target of further misuse of legal process to halt his exposure activities. A \$ 4 million default judgment was obtained against him in a far-off judicial district in South Carolina, incurring major violations of federally protected rights. When Petitioner sought to file a federal action in the U.S. district court at Oakland, California, addressing these violations of federally protected rights, U.S. district judge Lowell Jensen issued an order (Exh “D”) barring Petitioner from filing the Complaint. Ironically, that Lowell Jensen is described in Petitioner’s *Defrauding America* book with numerous crimes against the United States before becoming a judge!

### **Evidence Reveals Ninth Circuit Courts As A Racketeering Enterprise**

The evidence is overwhelming that judges in the Ninth Circuit district and appellate courts have engaged in a pattern of criminal acts<sup>22</sup> related to obstruction of justice, and have misused the courts to carry out the scheme whose visible commencement was by the CIA-front law firm. The time is long past for any Justice, for all Justices, to address these

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<sup>22</sup> Title 18 U.S.C. §§ 2, 3, 4, 35, 111, 153, 241, 242, 245, 371, 1346, 1512, 1513, among others.

matters with something other than cover-up.

The total and repeated obstruction of justice and the total and repeated massive civil and constitutional violations of massive numbers of state and federal laws and constitutional protections, and then the denial of all legal and constitutional defense remedies, has enabled many tragedies to be inflicted upon innocent people and great harm upon the United States. As a former highly qualified federal air safety agent and expert, it is without any doubt that the 3,000 deaths on September 11, 2001, could not have happened if the Ninth Circuit judges had not blocked the reporting of the corrupt and criminal activities that repeatedly blocked the federal government from meeting its air safety responsibilities. The aviation area is only one of the multiple areas affected by the corruption that Petitioner and his group of other federal agents had discovered.

### **Argument For Granting Relief**

Matters of grave national importance are associated with the matters stated in this Petition, including national security. The Ninth Circuit courts have been made into a racketeering enterprise, subverting the laws and the Constitution in combination with feloniously blocking the reports of major crimes against the United States.

### **Remedies Required By Due Process and Federal Criminal Statutes**

Among the actions that are long overdue, for which you and the other Supreme Court Justices have a responsibility includes:

- Rule that the orders issued by the Ninth Circuit court of appeals and district courts denying Petitioner the due process appellate rights are void.
- Vacate the order by the district court dismissing the lawsuit.
- Create a means by which Petitioner can obtain due process, reinstate the lawsuit dis-

missed by the district court judge, and provide safeguards to insure that Petitioner finally gets his day in court, which obviously cannot occur in the Ninth Circuit courts.

- Issues orders that no judge is immune from financial liability to those who suffer personal or financial harm from judicial acts occurring without personal or without subject matter jurisdiction, or who knowingly violates clear and settled law.

Provide for Petitioner and his group of other government agents to report and provide evidence of criminal and subversive crimes to a judicial body that is receptive to receiving such matters.

Petitioner is now 79 years of age, and has suffered great harm from the corruption in Ninth Circuit courts over which this Supreme Court body has supervisory responsibilities. What has been done to him makes a mockery of the alleged rule of law and the United States' criticism of third world countries. With the advent of the Internet, this information is being accessed throughout the world, and sooner or later there may be sufficient outrage to take other actions if this court continues to aid the judicial obstruction of justice and criminal retaliation against those who seek to report the crimes.

Dated. May 1, 2002.

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Rodney F. Stich  
Petitioner in pro se