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Docket Nr:

**In The
SUPREME COURT OF THE UNITED STATES**

October Term 2005

In re RODNEY F. STICH, Petitioner

V.

UNITED STATES OF AMERICA, Respondent

**PETITION FOR WRIT OF CERTIORARI and WRIT OF MANDAMUS
TO THE
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**

Court Of Appeals # CV 03-6244

Petition for Writ of Certiorari and Writ of Mandamus

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Petitioner in pro se

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QUESTIONS PRESENTED

Petitioner presents the following questions for review:

1. Whether federal judges can legally block Petitioner, or any other former federal agent, or citizen, from reporting federal crimes under the mandatory requirement of the federal crime reporting statute, Title 18 U.S.C. § 4.¹
2. Whether judicial orders permanently barring Petitioner from filing any papers in the federal district and appellate courts, deprives him of the fundamental rights and protections guaranteed by the laws and Constitution of the United States.
3. Whether federal judges can issue unlawful and unconstitutional orders that inflict great and irreparable personal and financial harm upon Petitioner, and then issue unlawful and unconstitutional orders preventing him from exercising legal and constitutional defenses.
4. Whether the abundance of documentary evidence indicates that judicial orders terminating Petitioner’s exercise of legal and constitutional protections were intended, and acted, to prevent Petitioner from reporting criminal conduct of government officials, and deprive Petitioner the protections intended by U.S. laws and Constitution.
5. Whether Petitioner’s attempt to protect national interests by reporting federal crimes, and exercising federal defenses against violations of federally protected rights, met the legal definition of frivolous filings of a vexatious litigant—or a tactic to block him from reporting deadly misconduct by people in government positions.
6. Whether federal district and appellate judges can legally and constitutionally permanently terminate Petitioner’s legal and constitutional right to file papers in federal district, which then terminates the rights and protections guaranteed to all other people.
7. Whether the acts of district and appellate court justices constitute a racketeering enterprise.

27
28

¹ Title 18 U.S.C. § 4. Misprision of felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some 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.

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- 8.** Whether federal judges can order the seizure and liquidation of Petition’s \$10 million in lifetime assets, without a hearing, without notice of hearing, without legally recognized cause.
- 9.** Whether orders can thereafter be rendered barring Petitioner from filing objections to such seizure and liquidation, and then, when objections are filed, they are ordered unfiled, and Petitioner charged with criminal contempt of court for exercising such legal and constitutional rights.
- 10.** Whether the obstruction of justice acts by federal judges enabled to occur the conditions that made it possible for terrorists to hijack four airliners on September 11, 2001, among other preventable national tragedies.

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1 **BASIS FOR JURISDICTION OF U.S. SUPREME COURT**

2 Jurisdiction of the U.S. Supreme Court arises from 28 U.S.C. § 1254 and 28 U.S.C. § 1651
3 (All Writs Act). The final decision of the Second Circuit court of appeals was issued on
4 December 16, 2004, denying Petitioner’s timely motion for rehearing en banc, by the decision of
5 the Second Circuit three-judge panel Filed September 3, 2004. Additional jurisdiction arises
6 under 18 U.S.C. § 4, requiring any federal judge to receive information, testimony, and evidence
7 from anyone who knows of a federal crime. Also, this court’s supervisory responsibilities over
8 the actions of federal judges, on the basis of a pattern of gross misconduct, as stated in Supreme
9 Court Rule 10.

10 **BASIS FOR DISTRICT AND APPELLATE COURT JURISDICTION, AND**
11 **CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED**

12 The basis for jurisdiction of the district court, as it relates to Petitioner’s attempts to report
13 federal crimes, is the federal crime reporting statute, Title 18 U.S.C. § 4. That statute requires
14 any judge—including the Justices of this court—to receive information, testimony and evidence,
15 including then crimes that Petitioner discovered as a key federal aviation safety agent.

16 As it relates to the civil causes of actions arising under the Constitution, the district court’s
17 jurisdiction arose under 28 U.S.C. §§ 1331, 1343, 1361, 2201, 2202; 42 U.S.C. §§ 1985, 2671-
18 2674, 1983-1986, 1961-1965; and the Supreme Court’s void judgment doctrine. Further, the 5th
19 amendment, including due process and equal protection; protection against loss of life, liberty
20 and property clause; right to an unbiased court; deprivation of liberty and property; and
21 privileges and immunities clause.

22 The jurisdiction of the Court of Appeals for the Second Circuit was pursuant to 28 U.S.C. §
23 1291, as well as 18 U.S.C. § 4.

24 **STATEMENT OF THE CASE**

25 This convoluted case started with Petitioner’s attempt to report corrupt and criminal activities
26 related to a series of airline disasters that he initially discovered while holding a key position in
27 the Federal Aviation Administration. Upon encountering repeated administrative blocks in the
28 administrative and congressional branches of government that prevented reporting these matters,
Petitioner exercised the responsibility specifically stated in 18 U.S.C. § 4. That statute clearly

1 states that anyone knowing of a federal crime must “as soon as possible make known the same to
2 some judge” Petitioner did that, and encountered further obstruction of justice, combined
3 with the misuse of judicial power that inflicted great personal and financial harm upon him that
4 that continues to this day.

5 Petitioner’s initial attempts² to carry out the responsibility to report federal crimes were
6 blocked by federal judges who sought to support their obstruction of justice by falsely claiming
7 Petitioner lacked standing to report federal crimes. Petitioner then used his considerable assets³
8 to circumvent the blocks by informing the public through the publishing of books and nationwide
9 radio and television appearances. These efforts threatened to expose those people implicated in
10 the underlying misconduct, and those people who blocked the reports—including judges.

11 **CIA-Front Law Firm’s Attempt to Halt Petitioner’s Exposure Activities**

12 Seeking to halt Petitioner’s exposure activities, a CIA-front law firm,⁴ apparently acting on
13 behalf of unknown parties, filed a sham lawsuit against Petitioner that violated large numbers of
14 state and federal laws and constitutional rights,⁵ all of which barred the action. The intent of the
15

16
17 ² *Stich v. United States, et al.*, 554 F.2d 1070 (9th Cir.) (table), *cert. denied*, 434 U.S. 920
18 (1977)(addressed hard-core air safety misconduct, violations of federal air safety laws, threats against
19 government inspectors not to report safety violations and misconduct); *Stich v. National Transportation*
20 *Safety Board*, 685 F.2d 446 (9th Cir.) (table), *cert. denied*, 459 U.S. 861 (1982))(addressed repeated
21 criminal falsification of official airline accident reports, omitting highly sensitive air safety misconduct,
22 making possible repeated crashes from the same sequestered problems); Amicus curiae brief filed on
23 July 17, 1975, in the Paris DC-10 multi-district litigation, *Flanagan v. McDonnell Douglas*
24 *Corporation and United States of America*, Civil Action 74-808-PH, MDL 172, Central District
25 California.) (addressing the long standing FAA misconduct, of which the coverup of the DC-10
26 cargo door problem was one of repeated instances of tragedy related misconduct); U.S. v.
27 Department of Justice, District of Columbia, Nos. 86-2523, 87-2214, and other actions filed by
28 petitioner seeking to expose and correct the powerful and covert air disaster misconduct.

³ At that time Petitioner’s assets, as shown by government records, exceeded \$10 million.

⁴ San Francisco law firm of Friedman, Sloan and Ross.

⁵ Violations by CIA-front law firm in initial sham lawsuit included California Civil Code §§
4351, 4554, 5004, 5102, 5103, 5108, 5110.720, 5118, 5164; California Code of Civil Procedures
§§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

1 lawsuit was to strip Petitioner of the assets that funded his exposure of the criminal activities and
2 those people implicated in covering up for the crimes.

3 **Federal Judges Repeatedly Blocked Petitioner From the Federal Defenses**

4 The legal remedies to defend against these violations of federally protected rights were
5 provided by numerous federal laws and constitutional provisions. At that stage, before the
6 violations extended into other areas, the federal defenses were provided by the Civil Rights Act
7 and the Declaratory Judgment statutes. Federal judges, instead of providing a federal court forum
8 and allowing these matters to be adjudicated, repeatedly blocked the lawsuit from proceeding,
9 thereby protecting the CIA-front law front and the scheme to strip Petitioner of the assets.

10 **Federal Judges Expanded on Blocking Reports of Additional Criminal Activities**

11 Petitioner's books and his frequent appearances on radio and television caused other former
12 and present government agents⁶ to provide him with information and evidence of corrupt and
13 criminal activities implicating government officials in areas other than aviation. These were also
14 resulting in great harm to national interests, including national security.

15 To comply with the reporting *requirements* of 18 U.S.C. § 4, and to exercise a citizen's *right*
16 to report criminal activities of government officials, Petitioner again sought to report these
17 criminal activities, combining these attempts with federal defenses against the ongoing and
18 expanding violations of federally protected rights that were continuing to inflict great personal
19 and financial harm.

21 796.; *Scott v. Scott* (1958) 51 C.2d 249]; *Spellens v. Spellens* (1957) 498 C.2d 210; *Whealton v.*
22 *Whealton* (1967) 67 C.2d 656; Res judicata and collateral estoppel doctrines.; Title 28 U.S.C. §
23 1738, full faith and credit statute; Article IV, § 1, providing for full faith and credit; Article IV, §
24 2, against taking of previously adjudicated and previously acquired personal and property rights
25 upon changing residence to another state; Fourteenth Amendment due process clause; Fourteenth
26 Amendment equal protection clause; Fourteenth Amendment privileges and immunities clause;
27 Fourteenth Amendment equal protection; Fourteenth Amendment property rights; Fourteenth
28 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).

6 Among the people providing Petitioner with information and evidence were agents of the
FBI, CIA, DEA, Customs, FAA, Secret Service, former drug smugglers working for government
personnel, former Mafia figures exposing FBI ties with organized crime and assassinations.

1 **Expanding Their Tactics: Combining Unconstitutional Orders Inflicting**
2 **Great Harm with Orders Blocking Federal Defenses, While Concurrently**
3 **Blocking Petitioner From Reporting Criminal and Subversive Activities**

4 Federal judges responded to these efforts by blocking the reports and blocking Petitioner’s
5 constitutional right to federal relief. They issued unlawful and unconstitutional orders⁷
6 terminating, for the remainder of Petitioner’s life, the right to file any papers in federal district
7 and appellate courts.⁸ Simultaneously, federal judges continued to render unlawful and
8 unconstitutional orders enlarging upon the personal and financial harm suffered by Petitioner. In
9 this way they caused to continue the criminal and subversive activities that continue to subvert
10 major national interests, including national security.

11 **Seeking to Report Other Criminal Activities Involving Government Personnel,**
12 **Discovered From the Increasing Numbers of Insiders Providing the Information**

13 As other former government agents, former drug smugglers acting for and with the
14 knowledge of government officials, and former Mafia figures, provided Petitioner with
15 information of criminal activities in other government offices and operations, Petitioner against
16 sought to exercise his responsibilities—and his citizen duties—to report these crimes to a federal
17 judges under 18 U.S.C. § 4, and simultaneously seeking relief from the parallel civil violations.

18 **Misusing Judicial Power to Retaliate Against Former Government Agent**
19 **In Further Obstruction of Justice Activities**

20 Justice Department lawyers and federal judges reacted to this latest attempt by charging
21 Petitioner with criminal contempt of court. They denied him a jury trial and sentenced him to
22 federal prison. Appeals to appellate judges and this Supreme Court failed to provide relief.

23
24 ⁷ The injunctive orders required off-the-record approval before Petitioner could report
25 criminal activities and to exercise federal defenses. In addition to the unconstitutional nature of
26 the injunctive orders, the repeated violations and the repeated block to reporting criminal
27 activities, made it obvious that Petitioner would *never* be granted the right to exercise federal
28 defenses.

29 ⁸ The first of these orders terminating Petitioner’s legal and constitutional protections was by
30 Judge Milton Schwartz, Sacramento, California, as Petitioner sought to report criminal activities
31 in both the aviation government offices and in other areas, including CIA drug smuggling and
32 other offenses.

1 **Unconstitutional Seizing Life Assets and Unconstitutional Orders Barring Defenses**

2 While in prison, federal judges, acting in unison with the CIA-front law firm of Friedman,
3 Sloan and Ross, issued unlawful and unconstitutional orders seizing and liquidating Petitioner’s
4 life assets. These were the assets that funded Petitioner’s exposure activities and which were the
5 original target of the sham lawsuit filed by the CIA asset.

6 After seizing these assets, without a hearing, without notice, and without legal cause, orders
7 were rendered barring Petitioner from filing any objections. When Petitioner exercised the legal
8 and constitutional right to file an objection, the filing was ordered unfilled, and Petitioner was
9 then charged with criminal contempt of court. He was denied a jury trial, denied access to his
10 funds that had been seized to hire legal counsel, and sent to federal prison for six months—
11 where he was placed in solitary confinement for two months—at the age of 70 and shortly after
12 undergoing open heart surgery.

13 **Federal Judges Converted Petitioner’s Ten Million in Assets to Zero**

14 These judicial tactics stripped Petitioner of his \$10 million in assets and converted him into a
15 state of poverty. Petitioner was ordered out of his home, with no assets and no income, at the
16 age of 70. Every attempt by Petitioner to exercise legal and constitutional defenses were blocked
17 by federal district and appellate judges—and denied relief by this Court through the process of
18 refusing to file the petitions for relief.

19 **Relationship of These Offenses to Latest Great Tragedies—the 9/11 Hijackings**

20 All of these acts had a relationship to the catastrophic events of September 11, 2001. Among
21 the areas of corrupt and criminal activities Petitioner sought to report was the corruption and
22 criminal activities in the government’s aviation safety offices, which was the primary area of
23 blame that enabled terrorists to hijack four airliners on 9/11.

24 **Latest Combination of Obstruction of Justice and Due Process Violations**

25 After these latest events occurred, Petitioner again sought to report these matters under the
26 mandatory requirements of 18 U.S.C. § 4. And again, despite the latest carnage, federal judges
27 blocked the reports. Petitioner combined that attempt to report the criminal activities with
28 attempt to obtain relief from the harm caused by the continuing violations of federally protected

1 rights that were an integral part of the tactics to halt Petitioner’s exposure activities. Petitioner
2 submitted this filing to the U.S. district court in New York City, where most of the 9/11 lawsuits
3 were filed, which was received for filing on August 15, 2002.

4 **More Judicial Irregularities**

5 Instead of filing the complaint upon receipt, which were in proper form with the filing fee
6 paid, federal judges blocked it from being filed for 13 months. Over a year later, on September
7 22, 2003, Petitioner’s Complaint was finally filed—simultaneous with the filing of a five-page
8 sua sponte dismissal order signed by U.S. district judge Michael Mukasey. That dismissal order,
9 which was probably weeks in preparation, referred to matters in Petitioner’s filing which had not
10 even been a matter of record.

11 **Series of Misstatements of Facts and Misstatements of Law, 12 Combined with Additional Obstruction of Justice**

13 Judge Mukasey falsely stated in the sua sponte dismissal order that Petitioner lacked *standing*
14 to report the criminal activities, and that Petitioner was seeking to interfere with the prosecutor’s
15 discretion. *Anyone* who knows of a federal crime has standing to report it to a federal judge, and
16 as the statute makes clear, if he *doesn’t* exercise that “standing,” he is guilty of a crime. Further,
17 Petitioner’s complaint clearly stated he wanted to *report* the criminal activities, and in no way
18 sought to *affect* prosecutorial discretion. In addition, Petitioner’s unusual position in the
19 government’s aviation safety offices qualified him to be one of the most outstanding experts on
20 this matter.

21 Referring to the massive civil and constitutional violations that were federal causes of
22 actions under the Civil Rights Act, *Bivens*, RICO, the Declaratory Judgment Act, the void
23 judgment doctrine, Judge Mukasey falsely stated that the matters had already been adjudicated.
24 There had never been any adjudication of these matters, and Judge Mukasey never identified any
25 such adjudication. He was lying. He then continued the standard tactic used by prior federal
26 judges, labeling the complaint frivolous, and Petitioner a vexatious litigant.

27 Petitioner filed a timely notice of appeal and submitted timely appellant and reply briefs.
28 Oral arguments in the court of appeals occurred on August 24, 2004. On August 26, 2004, the

1 three-judge appellate panel affirmed the district court's sua sponte dismissal, and in failing to
2 meet their de novo responsibilities, repeated the false and misleading statements of Judge
3 Mukasey. Petitioner filed a petition for rehearing en banc on September 13, 2004, which was
4 denied by order dated December 16, 2004.

5 ARGUMENT

6 I

7 **District and Appellate Judges Repeatedly Blocked Petitioner and Other Former** 8 **Government Agents from Reporting Federal Crimes to a Federal Judge,** 9 **Making Possible Catastrophic Consequences for the United States**

10 The district court's *sua sponte* dismissal blocked Petitioner from reporting criminal activities,
11 including those that he had *initially discovered* during his official government duties. The federal
12 crime reporting statute *requires all* federal judges, as part of their *administrative* duties, to
13 receive information of a federal crime offered by *any person*, and certainly by former
14 government agents. The law reads:

15 *Title 18 U.S.C. § 4. Misprision of felony. Whoever, having knowledge of the actual*
16 *commission of a felony cognizable by a court of the United States, conceals and does not as*
17 *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.

18 **A) Falsely Stated That Petitioner Had No Standing to Report Criminal Activities**

19 The dismissal order stated Petitioner had no *standing* to report federal crimes, as it stated:

20 *Petitioner's claim pursuant to 18 U.S.C. § 4 must be dismissed because he does not have*
21 *standing to maintain such an action. The Court advises Petitioner that the claim must be*
22 *dismissed because there is no explicit or implied authority for private citizens to bring*
suit under this statute.

23 Petitioner, and every other person in the United States, has *standing* to report a federal crime
24 of which that person becomes aware. This is clear by the language of 18 U.S.C. § 4. Failure to
25 report the federal crimes become a felony—just as blocking such reports—becomes a felony.

26 **B) Falsely Stated that Petitioner's Attempt to report Criminal Activities** 27 **Interfered with the Prosecutor's Discretion**

28 *Petitioner lacks right to interfere with prosecutor's determination to dismiss criminal*
action. ... Criminal prosecutions are within the province of the United States Attorney

1 *who has complete discretion over the decision to continue or cease prosecution. Thus,*
2 *Petitioner's claim fails. A private citizen lacks a judicially cognizable interest in*
3 *prosecution or non-prosecution of another.*

4 Petitioner's filing had absolutely no indication of seeking to force a prosecuted to act; his
5 filing clearly stated he wanted to *report* to a federal judge the criminal activities, as required by
6 the clear wording of 18 U.S.C. § 4.

7 **C) Falsely Mischaracterized Petitioner's Attempts to Report**
8 **Criminal Activities as Frivolous Acts of a Vexatious Litigant**

9 The lower court judges mischaracterized Petitioner's reporting of criminal activities, and
10 Petitioner's exercise of legal and constitutional defenses against the parallel violations of
11 federally protected rights as frivolous acts of a vexatious litigant. Those people, who were killed
12 on 9/11, made possible by the corrupt and criminal misconduct Petitioner sought to expose, and
13 blocked by federal judges calling his actions frivolous, might disagree with the judge's
14 characterization.

15 **II**
16 **Violated Multiple *Procedural* Due Process Protections**

17 The lower courts judges violated, and approved, the violation of numerous *procedural* due
18 process protections.

19 **A) Violated FRCivP Rule 12 by Dismissing Complaint That**
20 **Stated Multiple Federal Causes of Actions**

21 The district court's sua sponte dismissal order violated federal law that prevents dismissal
22 when the Complaint states one or more federal causes of action. Petitioner's complaint stated
23 federal cause of action claims under the (a) Civil Rights Act (42 U.S.C. §§ 1983-1985, on the
24 basis of massive violations of state and federal laws and constitutional provisions⁹ perpetrated

25 ⁹ Sampling of state and federal laws violated by the initial lawsuit filed by the CIA-front law
26 firm: California Civil Code §§ 4351, 4554, 5004, 5102, 5103, 5108, 5110.720, 5118, 5164;
27 California Code of Civil Procedures §§1699(b), 1713.1, 1713.3, 1908, 1910, 1913, 915;
28 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,

1 under color of state law in California); (b) Bivens (for numerous violations of state and federal laws
2 and constitutional provisions under color of federal law in federal courts); (c) Declaratory Judgment
3 Act (to declare Petitioner’s legal rights and legal obligations established in five judgments that were
4 put into controversy as a result of a sham lawsuit filed by a CIA-front law firm); (d) Supreme
5 Court’s void judgment doctrine (to declare as void a series of orders permanently terminating
6 Petitioner’s procedural and substantive due process and equal protection right to federal court
7 access); (e) Supreme Court’s void judgment doctrine (to declare as void the unlawful and
8 unconstitutional orders seizing and liquidating Petitioner’s \$10 million in assets, ordered without a
9 hearing, without notice and without legal cause); (f) RICO (for federal claims arising from multiple
10 predicate acts taken against Petitioner in several schemes to halt his exposure of criminal activities
11 that were inflicting fatal consequences in interstate commerce); and (g) FTCA (for torts perpetrated
12 by federal employees in schemes to halt Petitioner’s reporting and exposure of criminal activities).

13 **B) Violated Requirement that Allegations in the Complaint Must be Accepted as True**
14 **For Determining Whether a Federal Cause of action Had Been Stated**

15 A Rule 12 dismissal based on failure to state a claim upon which relief can be granted
16 requires that the factual allegations of the complaint must be taken as true, and any ambiguities
17 or doubts concerning the sufficiency of the claim must be resolved in favor of the pleader. See
18 *Scheuer v. Rhodes*, 416 U.S. 232, 236, 94 (1979); *Conley v. Gibson*, 355 U.S. 41, 45-46, 78.

19 *Dennis v. Sparks* 449 U.S. 24 (1980)(“a section 1983 complaint should not be dismissed unless
20 it appears that the Petitioner can prove no set of facts which would entitle him to relief... For
21 the purposes of testing sufficiency of the complaint, the allegations of the complaint must be
22 accepted as true. ... If Petitioner’s allegations state a claim for which federal courts can grant
relief, the court must accept jurisdiction.”); *Gardener v. Toilet Goods Assn.*, 387 U.S. 167, 172

23 1222, 1229, 1230(a)(2), 1234, 1239(a)(2); Civil Code §§ 4351, 4503; Title 28 U.S.C. § 1738, full
24 faith and credit statute; Article IV, § 1, providing for full faith and credit; Article IV, § 2, against
25 taking of previously adjudicated and previously acquired personal and property rights upon
26 changing residence to another state; Fourteenth Amendment due process clause; Fourteenth
27 Amendment equal protection clause; Fourteenth Amendment privileges and immunities clause;
28 Fourteenth Amendment equal protection; Fourteenth Amendment property rights; Fourteenth
Amendment liberty interests; 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).

1 (1967). (An action, “especially under the Civil Rights Act, should not be dismissed at the
2 pleadings stage unless it appears to a certainty that Petitioners are entitled to no relief under any
3 state of the facts, which could be proved in support of their claims.” *Escalera v. N.Y. Housing*
Auth., 425 F.2d 853, 857 (2nd Cir. 1970). See also *Conley v. Gibson*, 355 U.S. 41, 45-7) 1957).

4 Petitioner’s complaint contained voluminous facts clearing showing multiple federal causes of
5 actions for which relief was available. The dismissal, compounded by being ordered sua sponte,
6 ignored the requirement that the allegations stating multiple federal causes of action, and even
7 violated the requirement that the allegations of criminal activities be accepted as true at that stage of
8 the pleading (although no such requirement exists under 18 U.S.C. § 4, which requires federal
9 judges to receive whatever information and evidence being offered).

10 **C) Violated Right to a Hearing By Sua Sponte Dismissal Order**
11 **Filed Simultaneously With 13-Month Delay in Filing the Complaint**

12 In *Wolff v. McDonnell* (1974) 418 U.S. 539, the Supreme Court held:

13 “The Court has consistently held that some kind of hearing is required before a person is
14 finally deprived of his property interests. In *Anderson National Bank v. Lueckett* (1944) 321
U.S. 233, 246, the court held:

15 “It is error to dismiss a claim on the merits without notice, a hearing, and an opportunity
16 to respond.” FRCivP Rule 12(b)(6). “[T]he court must give notice of its sua sponte
17 intention to invoke Rule 12(b)(6), and afford Petitioners ‘an opportunity to at least submit a
written memorandum in opposition to such motion,” *Crawford v. Bell*, 599 F.2d 890, 893
(9th Cir. 1979).”

18 Dismissals under Fed.R.Civ.P.12(b)(6) “are permitted on a motion if the Complaint “fails to
19 state a claim upon which relief can be granted.” “The court cannot subject even undisputed
20 evidence to interpretation, unless it is only subject to one possible interpretation; it cannot weight
21 conflicting inferences or interpretations that can be put on the evidence. *U.S. v. Diebold, Inc.*,
22 369 U.S. 654; “The district court may dismiss the complaint “only if it is certain that no relief
23 can be granted under any set of facts which could be proved.” *Anders v. California* (1967) 386
24 U.S. 738.

25 **D) Violated FRCivP Rule 56 Requirements for Discovery, Affidavits, and a Hearing**

26 The dismissal order referred to material outside of the pleading, thereby changing the Rule
27 12 into a Rule 56 dismissal. This material, outside of the pleadings, included statements that the
28 issues had been previously adjudicated, that Petitioner’s prior filings were frivolous, and that he

1 was a vexatious litigant. None of these statements were made in Petitioner’s Complaint. The
2 relevant portions of Rule 12 (b) state:

3 Rule 12(b)(6). If, on a *motion* asserting the defense numbered (6) to dismiss for failure of the
4 pleading to state a claim upon which relief can be granted, matters outside the pleadings are
5 presented to and not excluded by the court, the motion shall be treated as one for summary
6 judgment and disposed of as provided in Rule 56.

7 Rule 12(c) Motion for Judgment on the Pleadings. After the pleadings are closed but
8 within such time as not to delay the trial, any party may *move for judgment* on the pleadings.
9 If, on a *motion* for judgment on the pleadings, matters outside the pleadings are presented to
10 and not excluded by the court, the motion shall be treated as one for summary judgment and
11 disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to
12 present all material made pertinent to such a motion by Rule 56.

13 *In Doe v. United States Dept. of Justice*, 753 F.2d 1092 (1985) the court held: “Rule 12
14 provides that if “matters outside the pleadings are presented to the court, the *motion* shall be
15 treated as one for summary judgment and disposed of as provided in Rule 56...” See
16 Fed.R.Civ.P. 12(b)(noting that, if a Rule 12 *motion* is converted into a summary judgment
17 proceeding, “all parties shall be given reasonable opportunity to present all material made
18 pertinent to such a motion by Rule 56.” The relevant part of Rule 56 (c) states:

19 (b) For Defending Party. The judgment sought shall be rendered forthwith if the
20 pleadings, depositions, answers to interrogatories, and admissions on file, together with
21 the affidavits, if any, show that there is no genuine issue as to any material fact and that
22 the moving party is entitled to a judgment as a matter of law.

23 Further, since none of the parties was served before the sua sponte dismissal, there was no
24 motion upon which to make a Rule 12 or Rule 56 decision.

25 **E) Violated Due Process Right to a Jury Trial on Factual Matters Related to
26 Conspiracy to Obstruct Justice and Violate Civil Rights, and As
27 Required by Declaratory Judgment Cause of Action**

28 Petitioner’s Complaint demanded a jury trial, as provided by law. FRCivP 38 states:

Jury Trial of Right. (a) Right Preserved. The right of trial by jury as declared by the Seventh
Amendment to the Constitution or as given by a statute of the United States shall be
preserved to the parties inviolate.

The right to a jury trial is further stated in FRCivP Rule 57:

Declaratory Judgments. The procedure for obtaining a declaratory judgment pursuant to
Title 28 U.S.C. § 2201 shall be in accordance with these rules, and the right to trial by
jury may be demanded under the circumstances and in the manner provided in Rules 38

1 and 39. The existence of another adequate remedy does not preclude a judgment for
2 declaratory relief in cases where it is appropriate. The court may order a speedy hearing
3 of an action for a declaratory judgment and may advance it on the calendar.

4 In *City of Morgantown, W.Va. v. Royal Insurance Co*, 337 U.S. 254 (1949), the Court held:

5 Trial by jury is a vital and cherished right, integral in our judicial system. It is argued that
6 the importance of an interlocutory order denying or granting jury trial is such that it
7 should be appealable. Many interlocutory orders are equally important, and may
8 determine the outcome of the litigation, but they are not for that reason converted into
9 injunctions. The Constitution guarantees to litigants in the federal courts the right to have
10 their case tried by a jury, and Rule 38 of the Rules of Civil Procedure explicitly
11 implements that guarantee. Denial of the right in a case where the demanding party is
12 entitled to it is of course error. The rulings of the district courts granting or denying jury
13 trial are subject to the most exacting scrutiny on appeal.

14 **F) Violated Due Process by Placing a Frivolous Label on Petitioner’s Attempts to**
15 **Report Criminal and Subversive Activities of Government Officials, and On**
16 **Petitioner’s Exercise of Legal and Constitutional Defenses**

17 The dismissal order stated:

18 “All the actions filed by Petitioner between 1984 and 1991 were deemed to be without
19 merit and all actions were summarily dismissed. After finding that Petitioner “has
20 overwhelmingly demonstrated that he is a vexatious litigant,” the United States District
21 Court for the Northern District of California enjoined him “from filing any civil actions
22 in federal court without leave of court.”

23 “Section 1915 ... authorizes courts to dismiss a ‘frivolous or malicious’ action, but
24 there is little doubt they would have power to do so even in the absence of this statutory
25 provision. ... A district court in the Second Circuit may sua sponte dismiss a complaint
26 even if the Petitioner has paid the filing fee. ... The law in this circuit is that a district
27 court may sua sponte dismiss a frivolous complaint even if the Petitioner has paid the
28 filing fee. ... although pro se litigants must be afforded special solicitude, court may
dismiss “claims describing fantastic or delusional scenarios. [a]uthorizes a district court
to dismiss sua sponte a fee-paid complaint that is fantastic or delusional. ... discussing
Petitioner court’s inherent authority to dismiss meritless and/or frivolous fee-paid
cases.”“ Accordingly, the instant complaint is DISMISSED because it fails to state a
claim on which relief may be granted and seeks monetary relief against defendants who
are immune from such relief. Fed.R.Civ.P.12(b)(6). [Dismissal order, pg 4]

There never was any adjudication of any issue, nor an opportunity to present evidence of the
criminal and subversive activities. Obviously, there was no opportunity to have reached a decision
where the frivolous label could have been applied. Further, the law is clear as to what is frivolous, or
without merit:

1 “An appeal [or complaint] is not frivolous if any of the legal points [are] arguable on their
2 merits ...” *Anders v. California* (1967) 386 U.S. 738; “The objective standard looks at the
3 merits of the appeal [or complaint] from a reasonable person’s perspective. ... whether
4 any reasonable person would agree that the point is totally and completely devoid of
5 merit, and therefore, frivolous. ... an appeal is not frivolous if “any of the legal points
6 [are] arguable on their merits.”

7 Continuing in same vein, the sua sponte dismissal order charged Petitioner with being a
8 vexatious litigant

9 “[P]laintiff has overwhelmingly demonstrated that he is a vexatious litigant, ... Section
10 1915 ... authorizes courts to dismiss a frivolous or malicious action ...”

11 To be guilty of being a vexatious litigant the person must be guilty of filing numerous
12 lawsuits that meet the definition of a frivolous action, one that has no arguable merit in law.
13 Every filing by Petitioner was to either *report criminal activities*, under 18 U.S.C. § 4, or to
14 *defend* against massive violations of federally protected rights, or a combination of the two.

15 If the first action filed by Petitioner defending against the massive violations of federally
16 protected rights by the CIA-front law firm had been acted upon, and the law applied, there would
17 be no subsequent filings. In the same vein, it can be safely said that if federal judges had received
18 the information and evidence of the criminal and subversive actions, there would be no 9/11, nor
19 many of the other aviation disasters, nor any of the other unpublicized criminal activities by
20 government officials that have to date been covered up.

21 **G) Violated Due Process by Misstating Facts and Misstating Law**

22 The district court’s sua sponte order falsely stated every issue raised in the Complaint had
23 been previously adjudicated.

24 *The Court notes that Petitioner has brought numerous actions in the United States
25 District Court for the Northern District of California and other Federal Courts
26 containing similar allegations. All the actions were deemed to be without merit and all
27 actions were summarily dismissed. After finding that Petitioner “has overwhelmingly
28 demonstrated that he is a vexatious litigant,” the United States District Court for the
29 Northern District of California enjoined him “from filing any civil actions in federal
30 court without leave of court. ... all the actions were deemed to be without merit.*

31 Not a single major federal cause of action was ever adjudicated, and several were never even
32 addressed. Petitioner’s attempts to report criminal activities in government offices, or exercising

1 federal defenses against massive violations of federally protected rights, were ever allowed to
2 proceed. They were either blocked at the initial pleading stage, or dismissed sua sponte as soon
3 as the Complaint was filed. None were ever adjudicated, and no evidence was provided to show
4 that they were ever litigated. Simple conclusionary statements were made by the district courts.

5 **H) Violated Due Process by Falsely Stating Complaint Raised “No Meritorious Issue”**

6 The dismissal order falsely stated:

7 “Petitioner presents no arguably meritorious issue. ... Section 1915 ... authorizes courts to
8 dismiss a frivolous or malicious action.”

9 Twenty-one pages of facts in Petitioner’s legal action showed massive violations of state and
10 federal laws for which federal defenses exist—which must be accepted as true for opposing
11 dismissal. Further, the criminal activities that Petitioner first discovered and documented as a
12 government agent, and sought to report to a federal judge under 18 U.S.C. § 4, contradicts the
13 blatantly false statement of no meritorious issue. Further, a section 1915 dismissals pertain to
14 filing in forma pauperis, where the filing fee is not paid. Petitioner paid the filing fee.

15 **I) Violated Due Process by Falsely Stating Petitioner’s Complaint
16 Failed to State a Claim on Which Relief May be Granted**

17 The dismissal order stated:

18 [T]he instant complaint is DISMISSED because it fails to state a claim on which relief
19 may be granted and seeks monetary relief against defendants who are immune from such
20 relief. FRCivP12 (b)(6).

21 Petitioner’s complaint stated multiple federal causes of actions for which relief was provided
22 under the laws and Constitution of the United States, and as stated herein. First, Petitioner’s
23 attempt to report criminal activities that he initially discovered as part of his official duties as a
24 government aviation safety agent. Second, all of the facts relating to the federal causes of action
25 under Bivens, the declaratory judgment act, the void judgment doctrine, the Civil Rights Action,
26 RICO, or FTCA, stated multiple claims for which federal judges have the duty to provide a
27 federal court forum in accordance with the laws and Constitution of the United States.

28 Petitioner’s claim under the Declaratory Judgment Act was never even addressed in the
dismissal order. His claims under the Civil Rights Act, Bivens, and RICO, were blocked by the

1 deceptive statement that these were claims against the government for which it has sovereign
2 immunity.

3 **J) Violated Due Process by Refusing to Address Key Issues in Findings of Fact**
4 **And Conclusions of Law, and by False Statements of Facts and Law**

5 The district and appellate court judges failed to issue findings of fact and conclusions of law
6 addressing the multiple facts and law stated in Petitioner’s Complaint and appeal briefs. The
7 statements that should have been based on facts were fabricated conclusionary comments on
8 some matters, and false statements of fact and law on others.

9 Where issues were addressed, the statements were deceptive. In avoiding the issue of
10 reporting criminal activities under 18 U.S.C. § 4, the district court deceptively stated that
11 Petitioner had no standing to report criminal activities—blatantly contradicting the clear wording
12 of the statute, and then falsely stated that Petitioner “lacks right to interfere with prosecutor’s
13 determination to dismiss criminal action;” —when no such statement or implication was made.
14 The appellate panel decision was similar and made a mockery of its de novo responsibilities.

15 The district court’s dismissal relied on allegations that were never subject to discovery, or
16 affidavits, or a hearing, clearly required by FRCivP Rule 56. Where summary judgment is made
17 when issues of fact are involved, as existed with Petitioner’s complaint, summary judgment is
18 not proper, and findings of fact must be made. *Winter Park Telephone Co. v. Southern Bell Tel.*
19 *& Tel. Co. (CA5th, 1950) 181 F2d 341.* Where a Rule 12 (or Rule 56) motion must determine
20 facts to determine the decision on the motion, a hearing must be held to determine the facts.

21 There was never a hearing. In *King v. Wall & Beaver Street Corp.*, (App DC 1944) 145 F2d
22 377, the court held that the defendant’s objection to improper venue raised issues of fact in
23 addition to questions of law, requiring a preliminary hearing pursuant to Rule 12(d). The court
24 made findings and the court of appeals stated:

25 Such preliminary hearings are not summary proceedings, but are separate trials of separate
26 issues. ... Consequently, the court was fully justified, indeed, was required, to make findings
of fact.

27 Where findings of fact are required upon all actions tried upon the facts, findings of fact are
28 necessary in the interest of justice and for appellate review. *Williamson v. Tucker* (1981) 645 F2d

1 404, cert den 454 US 897. The court of appeals noted that despite the district court’s apparent
2 reliance upon the exceptions of Rule 52(a), the purpose of the Rule favors reading it as a whole
3 to require factual findings whenever a decision rests on factual determinations. Findings are
4 inadequate where they fail to cover all material issues raised and did not reveal factual basis for
5 ultimate findings. Statements of ultimate facts mingled with arguments and extraneous views and
6 advice were not findings of fact on vital issues.

7 **K) Violated Due Process by Placing a “Delusional Label” On Attempts to Report**
8 **Criminal Activities That Continue to Result in Catastrophic Consequences**

9 The district court’s sua sponte dismissal order, filed concurrently with the filing of the
10 Complaint, stated:

11 “Although pro se litigants must be afforded special solicitude, court may dismiss “claims
12 describing fantastic or delusional scenario. ... Fed.R.Civ.P. 12(b)(6) authorizes a district
13 court to dismiss sua sponte a fee-paid complaint that is fantastic or delusional.”

14 Petitioner’s attempts to report criminal activities under the mandatory requirements of 18
15 U.S.C. § 4, including those that he discovered as part of his official federal government
16 responsibilities, were beyond the technical competency of the district court judge and not for him
17 to hold as delusional. Similar tactics by prior judges blocked the reporting of the misconduct
18 responsible for the conditions that enabled terrorists to hijack four airliners on September 11,
19 2001.

20 **Petitioner’s High Qualifications, and Gravity of Allegations, Demanded**
21 **Immediate Opportunity to Present Information, Testimony, and Evidence**

22 Although 18 U.S.C. § 4 does not require the person reporting federal crimes to be highly
23 qualified in any particular matter, Petitioner was one of the federal government’s most
24 experienced and qualified aviation safety experts, acted in the capacity of an independent
25 prosecutor while a government agent, and he has hard evidence to back up many of his charges.

26 The federal government gave him the assignment to correct the conditions responsible for the
27 worst series of airline crashes in the nation’s history. He has written highly technical books on
28 aviation safety, and appeared as guest and expert on over 3,000 radio and television shows since
1978. His background includes years as a Navy flight instructor and Patrol Plane Commander; he

1 has years of experience as an international airline captain. Respected people in the aviation
2 community have praised his writings. And thousands of lives have been affected by the
3 misconduct that Petitioner uncovered. And federal judges dare to label his statements as
4 delusional!!

5 **Gravity of Charges Admitted by Prior Judges and Assistant U.S. Attorney**

6 The gravity of Petitioner's allegations have been admitted earlier by numerous people,
7 including U.S. district judge Schnacke in the 9th Circuit; one of the judges on 9th Circuit court of
8 appeals during oral argument; Assistant U. S. Attorney George Stoll; U.S. district judge
9 Schwartz in the 9th Circuit (a week before he suddenly reversed himself and placed a frivolous
10 label on major federal causes of actions); and by members of Congress, who then stated they
11 lacked responsibility over the matters. In addition, the long series of aviation disasters blamed on
12 the uncorrected safety problems that Petitioner stated in government records, and the hijackings
13 of four airliners on September 11, 2001, that again showed the problems in the government's
14 aviation safety offices, made the gruesome consequences of further cover-ups obvious to the
15 judges blocking Petitioner's reports.

16 **III**

17 **Pattern of Major *Substantive* Due Process Violations Blocked Petitioner from Exercising** 18 **Rights and Defenses Guaranteed by the Laws and Constitution of the United States**

19 The district and appellate judges wrongly violated Petitioner's constitutional right to federal
20 court seeking to halt the great harm inflicted upon him by federal judges acting in unison with
21 the CIA-front law firm.

22 **A) Violated Due Process by Denying Adjudication of Federal Claims Under the** 23 **Declaratory Judgment Act That Sought to Declare Disputed Legal Rights** 24 **Established in Five Judgments That Are in Controversy.**

25 Petitioner has a legal right to a declaratory judgment declaring Petitioner's legal rights and
26 obligations previously adjudicated that are in dispute. This right arises under the Declaratory
27 Judgment Act, 28 U.S.C. § 2201, 2202, FRCivP 57, and related case law.

28 Petitioner's rights that have been violated were established in a 1966 judgment and the entry
of that judgment as a local judgment in the states of Oklahoma, Texas, Colorado, Nevada, and

1 California. These rights were initially violated in a sham lawsuit filed in California by the CIA-
2 front law firm of Friedman, Sloan and Ross. Federal judges then continued the violations. These
3 rights and responsibilities remain in controversy. Every attempt to adjudicate this federal cause
4 of action has been illegally and unconstitutionally blocked. The district and appellate judges
5 below have falsely stated that this claim had been adjudicated.

6 **B) Violated Due Process by Denying Adjudication of Federal Claims**
7 **Under the Void Judgment Doctrine Related to Unlawful and**
8 **Unconstitutional Orders Seizing and Liquidating Petitioner's Life Assets**

9 Unlawful and unconstitutional orders were rendered, seizing Petitioner's \$10 million in
10 assets, that violated the legal and constitutional due process rights to a hearing, notice of hearing,
11 and legally required cause. These void orders were then compounded with an order barring
12 Petitioner from filing any objections. The Supreme Court has declared, under the void judgment
13 doctrine,¹⁰ the right to seek an order, at any time and in any case, holding as void, orders that
14 violated due process. This right has been denied to Petitioner by the judges taking the assets.

15 **C) Violated Due Process by Denying Adjudication of Federal Claims Under the**
16 **Void Judgment Doctrine to Declare as Void Unconstitutional Orders That**
17 **Permanently Terminated Petitioner Access to Federal Courts and the Protections**
18 **Guaranteed by the Constitution of the United States**

19 The district and appellate judges unconstitutionally upheld the orders permanently
20 terminating Petitioner procedural and substantive due process protections guaranteed by the laws
21 and Constitution of the United States. This due process violation was perpetrated by issuing
22 orders denying Petitioner the right to file papers in the federal courts.

23 **Additional Effect of Judicial Misconduct Included Deadly Effect on 9/11**

24 One of the effects, and the intent, of these orders was to prevent Petitioner from reporting
25 criminal activities. A secondary effect, and intent, was to prevent Petitioner from defending
26 against the legal actions that were parallel efforts to halt his exposure activities. These tactics

27 10 An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in
28 any court where the validity of the judgment comes into issue. *Morrissey v. Brewer*, 408 U.S. 471 (1972); *Rose v.*
Himely (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; 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.

1 were felonies under such statutes as Title 18 U.S.C. §§ 2, 3, 4, 111, 241, 242, 245, 371, 1512,
2 1513; Title 42 U.S.C. § 1985, and had a series of harmful and deadly consequences.

3 **D) Violated Due Process Rights by Denying Adjudication of Federal Claims Under**
4 **FTCA for Torts Perpetrated by Government Officials**

5 The dismissal order violated Petitioner’s due process defenses under the Federal Tort Claims
6 Act (FTCA) to obtain financial damages against the United States for the torts perpetrated by
7 federal employees as they sought to block Petitioner from reporting criminal activities in
8 government offices. The district court’s dismissal order stated:

9 “Petitioner’s claim against the United States Government must be dismissed because the
10 doctrine of sovereign immunity bars from federal court all suits grounded in tort against
11 the United States absent its express consent.”

12 Congress legislated, through the Federal Tort Claims Act, the right of people to sue the
13 federal government for torts perpetrated by government employees. The dismissal order also
14 stated and implied that Petitioner had not exhausted his administrative remedies under the FTCA
15 claim by filing an administrative claim. Petitioner *did file* administrative claims, only to be
16 blocked by federal judges from providing evidence of such claim.

17 **E) Violated Due Process by Denying Adjudication of Federal Claims Under RICO for**
18 **Multiple Predicate Acts Against Petitioner in a Conspiracy That Affected Interstate**
19 **Commerce with Catastrophic Consequences**

20 The district court’s dismissal order violated Petitioner’s due process right to relief under
21 RICO (Title 42 U.S.C. §§ 1961-1965). Petitioner’s Complaint stated that defendants engaged in
22 multiple predicate acts, in a racketeering enterprise and conspiracy that inflicted great harm upon
23 Petitioner, and upon interstate commerce. On pages 18 and 21 of the Complaint, Petitioner stated
24 he would name the defendants in a separate filing or amended complaint for his causes of actions
25 under the civil rights act, *Bivens*, and RICO.

26 **IV**
27 **Multiple Constitutional Violations by Federal Judges**

28 The appellate panel judges approved and expanded upon the earlier due process violations of
prior federal judges, which included the following:

1 **A) Violated the Constitution’s Fifth Amendment *Due Process* Rights**

2 The Fifth Amendment to the U.S. Constitution states that “No person shall be ... deprived of
3 life, liberty, or property, without due process of law.” Due process is a fundamental principle of
4 justice; it implies and comprehends the administration of laws equally applicable to all under
5 established rules that do not violate fundament principles of private rights.

6 In *Dartmouth College v. Woodward* (US) 4 Wheat 518, the court held: “Due process by law
7 is meant “the law which hears before it condemns; which proceeds upon inquiry, and renders
8 judgment only after trial.” Sua sponte dismissals filed concurrently with the filing of a
9 Complaint does not meet the definition of due process. Nor do the blatant violations of FRCivP
10 Rule 12 and 56 meet the definition of due process. Or the misstatement of facts and law.

11 **B) Violated the Constitution’s *Equal Protection* Rights**

12 The series of orders terminating Petitioner’s rights to file papers in the district and appellate
13 courts—as available to others, including murderers and terrorists—violated the due process and
14 equal protection under the Fifth Amendment to the Constitution. The due process clause of the
15 Fourteenth Amendment applies to the Fifth Amendment, as held in *Bolling v. Sharpe*, 347 US
16 497 (1954):

17 “No state shall make or enforce any law which shall abridge the privileges or immunities of
18 citizens of the United States; nor shall any state deprive any person of life, liberty, or
19 property, without due process of law; not deny to any person within its jurisdiction the equal
protection of the law.”

20 **C) Violated the Constitution’s “taking” clause of the Fifth Amendment**

21 A “taking” under the Fifth Amendment includes the procedural and substantive due process
22 terminations, among others, that seized Petitioner assets, that terminated his rights and
23 protections through denial of federal court access, and by massive repeated violations of multiple
24 procedural and substantive due process protections.

25 **D) Violated the Constitution’s Requirement for an Honest Tribunal**

26 The fundamental requirement of due process is the opportunity to be heard before an honest
27 tribunal at a meaningful time and in a meaningful manner. *Mathews v. Eldridge*, 424 US 371
28 (1971); *Connally v. General Construction Co*, 269 US 385 (1926). Due process requires

1 fundamental fairness, and a fair and impartial trial. *Ward v. Village of Monroeville*, 409 US 57
2 (1972).

3 V

4 **Appellate Panel Judges Violated Their De Novo Responsibilities**

5 On appeal of summary judgment, appellate court judges must conduct a de novo review. In
6 this de novo review, the appellate panel judges had the legal and constitutional responsibilities to
7 correct the many due process violations by the district court judge. If the allegations in
8 Petitioner’s complaints state a federal cause of action for which federal courts can provide
9 relief—which it certainly did—then the appellant panel judges must vacate the dismissal-
10 summary judgment. *Bose Corp. v. Consumers Union of United States*, 466 U.S. 485 (1984).

11 On appeal, the law requires that this court accept the complaint and supporting affidavits as
12 true. *Gardener v. Toilet Goods Assn.*, 387 U.S. 167, 172 (1967). An action, “especially under the
13 Civil Rights Act, should not be dismissed at the pleadings stage unless it appears to a certainty
14 that plaintiffs are entitled to no relief under any state of the facts, which could be proved in
15 support of their claims.” *Escalera v. N.Y. Housing Auth.*, 425 F.2d 853, 857 (2nd Cir. 1970). See
16 also *Conley v. Gibson*, 355 U.S. 41, 45-7 (1957). “Summary judgment is granted as a matter
17 of law, when the fact are not in dispute and the only issues are matters of law. Therefore, the
18 Appellate Court must review the facts anew, in favor of the non-moving party. *Ashton v. Cory*,
19 780 F.2d 816 (9th Cir. 1986).”

20 In *Anders v. California*, 386 U.S. 738 (1967), the Supreme Court held that an appeal on a
21 matter of law is frivolous where “none of the legal points are arguable on their merits.” In
22 *Neitzke v. Williams*, 490 U.S. 319 (1989), the Supreme Court held:

23 An appeal on a matter of law is frivolous where “none of the legal points are arguable on
24 their merits.” By logical extension, a complaint, containing as it does both factual allegations
25 and legal conclusions, is frivolous where it lacks an arguable basis either in law or in fact.

26 The district court's dismissal of the complaints as frivolous is subject to *de novo* review:

27 *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987); *Rizzo v. Dawson*, 778
28 F.2d 527, 530 (9th Cir. 1985). Our role here is to determine whether, as a matter of law, the
claims are critically deficient of the minimum quantum of fact, reason, and law from which the
plaintiff might possibly be entitled to relief. In exercising this review, I proceed on the

1 assumption that “plaintiff's sworn allegations are uncontroverted and entitled to the usual
2 presumption of truth.” *Franklin v. Murphy*, 745 F.2d 1221, 1228.

3 The responsibility of the appellant panel judges was to examine Petitioner’s Complaint de
4 novo, and if any federal cause of action was stated, accepting as true the allegations stated, the
5 district court’s dismissal had to be reversed. Reversal was also required by the sheer numbers of
6 other due process violations. These included (a) the federal causes of actions stated in the
7 Complaint; (b) the denial of discovery, denial of affidavits, and denial of a hearing; (c) denial of
8 a jury trial; (d) the unlawful and unconstitutional injunctions terminating Petitioner’s rights to
9 federal court access; (e) reversing the legal definition of frivolous and placing a frivolous label
10 on Petitioner’s Complaint; (f) denial of meaningful findings of fact and conclusions of law; and
11 the other issues raised in this petition.

12 **Appellate Judges Upheld the Obstruction of Justice and Related**
13 **Massive Violations of Procedural and Substantive Due Process**

14 The district court’s order stated of these unlawful and unconstitutional orders that had an
15 obstruction of justice aspect:

16 “After finding that Petitioner “has overwhelmingly demonstrated that he is a vexatious
17 litigant,” the United States District Court for the Northern District of California enjoined him
18 “from filing any civil actions in federal court without leave of the court.” *Stich v. Patel et al.*,
19 No. 86-0384 (N.D. Cal. June 6, 1986).

20 “The instant action, also brought without seeking leave of the Court, marks yet another
21 attempt by Petitioner to ignore previous warnings and Orders of the Court. Petitioner is
22 advised that the June 6, 1986 Order of the United States District Court for the Northern
23 District of California, enjoining him from filing any civil actions in federal court without
24 leave of court, remains in effect.”

25 That order, by U.S. district judge Marilyn Patel, was rendered within hours of the time that
26 Petitioner had filed it in the U.S. district court at San Francisco. That Complaint stated multiple
27 federal causes of actions associated with the violations of state and federal laws and
28 constitutional protections in the California courts, and the repeated violations of procedural and
substantive due process violations. These offenses accompanied the sham and bizarre lawsuit
filed by a CIA-front law firm of Friedman, Sloan and Ross in San Francisco.

Not only did Judge Patel block Petitioner from reporting criminal activities, including those
that continued to result in fatal airline disasters—and continued in effect the federal offenses that

1 created the conditions enabling terrorists to hijack four airliners on 9/11. Further, the injunctions
2 violated the requirements for injunctions per se.¹¹

3 VI

4 **Other Material Essential to Understand the Grave Issues in Petition (Rule 14(1)(i)(vi))**

5 The facts established in judicial records indicate one or more conspiracies, and a series of
6 corrupt, unlawful, and unconstitutional acts, taken against Petitioner to silence his attempts to
7 report crimes against the United States implicating key government personnel that have had a
8 long series of catastrophic consequences upon the United States.

9 The facts show a culture, a long pattern, by federal district and appellate judges, misusing the
10 courts and their judicial power to selectively terminate the protections under the form of
11 government in the United States while simultaneously issuing orders inflicting grave harm upon
12 those targeted for various reasons—such as those revealing corruption in government offices.

13 VII

14 **Exceptional Circumstances Affecting Multiple National Interests Demands That the 15 Supreme Court Exercises Its Supervisory and Other Responsibilities, and Grant 16 Meaningful Relief Under the Writs That is Obviously Long Overdue**

17 These exceptional circumstances demand that this court exercises its supervisory
18 responsibilities over the judges of the lower court, and other responsibilities. The pattern of
19 documented misconduct by federal judges that have repeatedly blocked the reports of criminal
20 and subversive activities, who have issued a series of injunctive orders terminating Petitioner's
21 protections guaranteed by the laws and Constitution of the United States, while simultaneously
22 issuing unlawful and unconstitutional orders wreaking grave personal and financial harm, and

23
24 11 Legal requirements for injunctive orders are (1) they must halt great and irreparable harm; (2)
25 they must halt unlawful acts; (3) they must be in the public's interest; and (4) the judge rendering
26 the orders must issue a finding of facts showing that these requirements had been met. As
27 repeatedly judicially perpetrated, the law was applied in reverse. The orders did not halt the
28 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 United States and
depriving a citizen of these rights was not in the public's interest. And the findings of facts
showing these requirements were met was never rendered by any of the judges.

1 misusing judicial powers and the power of the courts, meet the legal definition of a racketeering
2 enterprise.

3 By their documented acts, these federal judges have (a) repeatedly blocked reports of corrupt
4 and criminal activities that were clear obstruction of justice offenses, enabled to occur many
5 areas of literal Trojan Horse subversion of vital national interests; (b) enabled to continue the
6 misconduct in the government's aviation safety offices that enabled terrorists to hijack four
7 airliners on September 11, 2001, in addition to many prior preventable airline disasters; (c)
8 corrupted the federal courts and made the constitutional protections valueless for judicial targets;
9 (d): misused judicial power against Petitioner, including issuing unlawful and unconstitutional
10 orders that inflicted great and irreparable harm upon Petitioner while simultaneously issuing
11 orders terminating the legal and constitutional defenses against such acts; (d) converted the
12 federal courts into a racketeering enterprise, far worse than what was addressed in *United States*
13 *v. Stratton*, 649 F.2d 1066 (1981) Obviously, relief cannot be obtained in any other forum.

14 VIII

15 CONCLUSION

16 The evidence is clear. The lower court judges have corruptly misused their power, inflicting
17 great personal and financial harm upon Petitioner, while concurrently causing catastrophic
18 consequences to occur in the United States. They have misused their judicial powers and that of
19 the courts. They have engaged in a scheme with a CIA-front law firm and aided in subversive
20 activities. They have not only obstruct justice directly, but have engaged in a series of gross civil
21 and constitutional violations as they assisted the CIA-front law firm in seeking to permanently
22 halt the reporting of these crimes against the United States by silencing Petitioner. These
23 exceptional circumstances warrant the long overdue exercise of the supervisory responsibilities
24 of the Supreme Court.

25 VIII

26 **Relief Requested Under Petition for Writ of Certiorari and Writ of Mandamus**

27 Obviously, major meaningful corrective actions are required by this court, and that does not
28 mean further retaliation and denial of due process protections to Petitioner. Among the actions

1 that this court should consider, are the following:

- 2 • Grant certiorari, or a writ of mandate, ordering the lower courts to receive evidence from
3 Petitioner and his group of other former government agents of criminal and subversive
4 activities that these former government agents seek to report pursuant to 18 U.S.C. § 4.
- 5 • Rule that the series of injunctive orders permanently barring Petitioner from accessing the
6 federal courts, and terminating for Petitioner the protections guaranteed by the laws and
7 Constitution of the United States, to be void orders.
- 8 • Rule that the orders seizing and liquidating Petitioner's assets are void, and order that
9 these assets be returned to Petitioner. Where the assets are not real estate and cannot be
10 returned, order the people responsible for the losses, including the CIA-front law firm,
11 and the federal government, to reimburse Petitioner for the loss.
- 12 • Rule that Petitioner's prior attempts to report criminal activities to a federal judge under
13 18 U.S.C. § 4, and his exercise of civil remedies, did not constitute frivolous acts, and did
14 not constitute the acts of a vexatious litigant.
- 15 • Rule that all prior filings by Petitioner that were blocked from being adjudicated, be
16 reinstated, and that the statute of limitations for refiling start from that date.
- 17 • And any other relief and action that may be required.

18 Dated: January 5, 2005.

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25 Rodney F. Stich
Petitioner in pro se

26 Appendix:

27 Petitioner's Complaint
28 District court's sua sponte dismissal order
Petitioner's court of appeal brief and reply brief
Appellate panel Summary Affirmance order

1
2 **DECLARATION OF SERVICE**
3

4 CASE: In re RODNEY F. STICH, Petitioner, in Petition for Writ of Certiorari to the
5 United States Supreme Court:

6 I, Rodney Stich, declare as follows:

7 I am over the age of 18 years. My mailing address is P.O. Box 5, Alamo, CA 94507.

8 On January 5, 2005, I served the following:

9 Petition for Writ of Certiorari

10 By placing a true copy in an enveloped addressed to the person named below, at the
11 address set out immediately next to his name, and by sealing and depositing the envelope
12 in the United States mail at Walnut Creek, California, with postage fully prepaid, on
13 January 5, 2005:

14 Solicitor General of the United States, Room 5614

15 Department of Justice

16 950 Pennsylvania Avenue, NW

17 Washington, DC 20530-0001

18 Executed on January 5, 2005, at Walnut Creek, California.

19 I declare under penalty of perjury that the foregoing is true and correct.
20
21
22

23 _____
24 Rodney F. Stich
25 Declarant
26
27
28