No. 17-613

IN THE
SUPREME COURT OF THE UNITED STATES
—o0o—
Linda Shao,
Petitioner,
vs.
Tsan-Kuen Wang
Respondent
—o0o—
On Petition For A Writ Of Certiorari
To California Court of Appeal Sixth Appellate
District (H040395) based on California Supreme Court's
Denial of July 19, 2017 (S242475)
(Related Case with this Court: No. 17-256 & No. 17-82)

RENEWED REQUEST FOR RECUSAL OF CHIEF JUSTICE JOHN ROBERTS, ANTHONY M. KENNEDY, JUSTICE CLERENCE THOMAS, JUSTICE RUTH BADER GINSBERG, JUSTICE STEPHEN G. BREYER, JUSTICE SAMUEL A. ALITO, JUSTICE SONIA SOTOMAYER, JUSTICE

YI TAI SHAO, Petitioner in pro per
SHAO LAW FIRM, P.C.
4900 Hopyard Road, Ste. 100
Pleasanton, CA 94588-7101
Telephone: (408) 873-3888
FAX: (408) 418-4070
Email: attorneylindashao@gmail.com
Petitioner In Pro Per

TABLE OF CONTENTS

I. The January 8, 2018's Order is void as it was entered without due process 4

II. II. IT IS RECENTLY discovered THAT THE EVIDENCE OF CORRUPTIONS WAS PURGED BY BOTH MCMANIS FAULKNER LLP AND THE AMERICAN INNS OF COURT....... 7

III. CONFLICTS OF INTEREST BASED ON FINANCIAL INTERESTS 10

A. No disclosure was made by any Justices about the financial benefits received from the American Inns of Court..... 12

B. The scholarships are not exempt from being "gifts" as they are based on "judicial status" 13

C. The American Inns of Court Has Lost Its Status as Professional Bar but A Private Club with its function violates Rule 5-300 of California Rules of Professional Conduct. 15

D. The attorney members of the American Inns of Court joined the club to earn "rapport" from the participating judges/justices. 17

E. The conflicts of interest is further strengthened by the new discovery that Chief Justice is a Honorary Bencher of Middle Bar 19

F. Caperton and Liljeberg are controlling........................ 21

IV. conflicts of interest based on severe actual prejudice where the eight justices did not rule on the requests for recusal, in a differential treatment against Petitioner which violates structural due process 22

V. The Financial Benefits Are Closely Related To James McManis Who is the Interested Third Party to this Proceeding. 23

VI. irregularities of the clerk's office mimic WHAT happened in the underlying case which were conspired among mcmanis faulkner law firm

and its partners, james mcmanis and michael reedy and the courts which support a public view that these irregularties in this court may also be influenced by james mcmanis. 25

A. attorney meera fox testified to numerous irregularities that took place in the state court and lower courts that are conspiracies between the mcmanis faulkner law firm and the courts25

1. Initial conspiracy to deprive Petitioner of custody of her child 25

2. These conspiracies involved the interested parties McManis Faulkner, LLP., James McManis and Michael Reedy 26

3. Recent actions of the judges of Santa Clara County Court confirmed the appearance that parental deprival was caused by McManis Faulkner, LLP, James McManis and Michael Reedy............. 30

4. Irregularities continued to date by the state courts of California 32

5. Identical irregularities took place in this Court which appear like to be in the same scheme as what happened in the state courts 34

6. Judge Wallace is likely conspiring with McManis Faulkner as he showed up now in 15-17618 with similar Memorandum as that for 17-256 in response to a 28 USC §455(b) motion based on the Ninth Circuit's sponsoring the American Inns of Court. 44

7. There irregularities are illegal and felonious.46

VII. Judicially noticed facts by California Supreme Court including declaration of meera fox and james mcmanis's deposition transcript which unambiguously proved existence of judicial corruptions and irregularities in the state courts ... 50

A. Relationships of McManis Faulkner LLP, James McManis and Michael Reedy with the courts that formed conflicts of interest 54

VIII. It Is Unlikely THAT Chief Justice John Roberts CouLD be impartial..................................... 60

IX. JUSTICE ANTHONY M. KENNEDY IS UNLIKELY TO BE IMPARTIAL 61

X. JUSTICE GINSBURG IS UNLIKELY TO BE IMPARTIAL 62

XI. RECENT IRREGULARITIES AT THIS COURT'S CLERK'S OFFICE DEMONSTRATE THE COURT'S actual prejudice AGAINST PETITIONER 63

XII. The Ninth Circuit And Eight Justices of This Court Both Sponsored The Private Clubs Without Reservation 65

XIII. The SUBSTANTIAL RISK OF INJUSTICE OF FURTHER INJUSTICE IN OTHER CASES, OF LOSING THE PUBLIC'S CONFIDENCE OF INTEGRITY OF THIS COURT, MANDATE VACATION OF THE DENIAL ORDERS IN ALL THREE CASES........... 66

A. Actual injustice in denial of Petitions in 17-82, in 17-256 and in the current proceeding in 17-613............................ 66

B. Substantial Risk of loss of public confidence 67

C. The court's denial of certiorari will cause risk of further injustice in the custody appeal (H040395) and the appeal from the vexatious litigant orders in Shao v. McManis Faulkner (H042531) in the state court of Santa Clara county.......................... 68

1. State Courts refused to docket two appeals at California Sixth District of Court of Appeal. 68

REQUEST FOR JUDICIAL NOTICE 76

AFFIDAVIT/CERTIFICAT OF GOOD FAITH....... 92

TABLE OF AUTHORITIES

Cases

Aetna Life Ins. Co. v. Lavoie, 475 US 813, 825 (1986) ... 6

Bedron v. Baran, 90 Ind. App. 655, 662, 169 N.E. 695 (1930) w 52

Bihun 10

Bihun v. AT & T Information Systems, Inc. (1993) 13 Cal.App.4th 976, 991-995 10
Bracy v. Gramley, 520 U. S. 899 (1997) 6
Caperton 23
Caperton v. *A. T. Massey Coal Co.*, 556 U. S. 868, 872, 129 S. Ct. 2252, 173 L. Ed. 2d 1208 (2009) (quoting *Withrow* v. *Larkin*, 421 U. S. 35, 47, 95 S. Ct. 1456, 43 L. Ed. 2d 712 (1975)) 26
Caperton v. A.T. Massey Coal Company, 556 US 868 (2009) 5, 23
Chaloner v. Sherman, 242 US 455 (1917) 5
Cheney v. US Dist. Court for the Dist. Of Columbia, 540 US 1217 (2004) 25
Cheney v. US Dist. Court for the Dist. Of Columbia, 541 US 913 (2004) (Scalia J.) 25
Comer v. Murphy Oil USA, 607 F.2d 1049, 1057 (5th 2010) 5
Dennis v. *United States*, 384 U.S. 855, 861 (1966), quoting *Haas* v. *Henkel*, 216 U.S. 462, 479 (1910) 51
DeVera v. Long Beach Public Transp. Co. (1986) 180 Cal.App.3d 782, 225 Cal.Rptr. 789, 796 10
Ernest v. US Attorney for the S. Dist. Of Alabama, 474 US 1016 (1985) (J. Powell) 24
Glasser v. *United States*, 315 U.S. 60, 66 (1942) 51
Gravel v. United States, 409 US 902 (1972) (J. Rehnquist) 25
Guy v. United States, 409 US 896 (1972) (J. Blackmum & J. Rehnquist) 25
Hammerschmidt v. *United States*, 265 U.S. 182, 188 (1924) 51
Hanrahan v. Hampton, 446 US 1301 (1980) 25
In re Murchison, 349 U.S. 133, 136, 99 L. Ed. 942, 75 S. Ct. 623 (1955)" 70
Kane v. Yung Won Han, 550 F. Supp. 120 at 123 (New York 1982). 52
Kane v. Yung Won Han, 550 F. Supp.120 at P. 123 (New

York 1982) 52
Kerpelman v. Attorney Grievance Comm'n of Maryland, 450 USS 970 (1981) (C.J. Burger) 24
Laird v. Tatum, 409 US 824 (1972)............................ 24
Liljeberg v. Health Services Acquisition Corp. (US 1988) 486 US 847 .... 23, 70
Lowe v. Letsinger, 772 F.2d 308 (1985, 7th Cir.).......... 52
McCray v. Maryland, 456 F.2d 1, 5 (4th Cir. 1972)...... 52
Milazzo v. Long Is. Light Co, 106 A.D.2d 495 (1984) 7, 12
Morton v. Wagner (2007) 156 Cal.App.4th 963, 968 78, 80
Mullis v. United States Bank Ct., 828 F.2d 1385 n.9 (9th Cir. 1987)... 52
National Education Assoc. v. Lee County Board of Public Instruction, 467 F.2d 477 (5th Cir. 1972)..................... 5
Orion Tire Corp. v. Goodyear Tire & Rubber Co., Inc., 268 F.3d 1133 48
Pate v. Channel Lumber Co. (1997) 51 Cal.App.4th 1447, 1456... 9
Pennington v. Fourth Nat'l Bank 243 US 269 (1917)..... 5
Pilla v American Bar Asso. (1976, CA8 Minn) 542 F2d 56, 58. 6
Rippo v. Baker 137 S.Ct. 905 (2017).............................. 6
Serzysko v. Chase Manhattan Bank 409 US 1029 (J. Powell & J. Rehnquist) 25
Tanner v. United States, 483 U.S. 107......................... 50
Thor v. Boska (1974) 38 Cal.App.3d 558, 565-568........ 10
United States v Heinze (1973, DC Del) 361 F Supp 46, 73-2 USTC P 9756, 32 AFTR 2d 6163....................... 50
US v. Will, 449 US 200 (1980) 4
Voit v. Superior Court (6th District, 2011) 201 Cal.App.4th 1285... 70
Voit v. Superior Court 201 Cal.App.4th 1285 (2011),.... 53
Williams v. Pennsylvania, 136 S.Ct. 1899 (2016),.......... 6

Statutes

§ 371... 51
18 USCS § 371... 49, 50

28 U.S.C. §455(c) 14
28 USC § 455 7
28 USCS § 455 6
28 USCS §455 23
68152 54
Cal. Const., art. I, § 3, ... 53
California Evidence Code § 413 9
California Government Code §68150 53
California Government Code §68151(a)(1) 53
California Government Code §68151(a)(3) 53
California Government Code §68152 54
California Government Code §68153 54
Fourteenth Amendment 5
Section 371 50
U.S. Const., 1st Amend 53

Rules

"Judicial Conference Regulations on Gifts" 15
§620.35 (a) and §620.45 of Guide to Judiciary Policy ... 16
Canon 3(c)(1) of Code of Conduct for U.S. Judges 23
Canon 4(C) of the Code of Judicial Conduct for U.S. Judges 9
Canon 4(D)(1) of Code of Conduct for U.S. Judges 22
Guide of Judiciary Policy 11
Guide to Judiciary Policy §1020.30 16
Guide to Judiciary Policy §620.25 15
Guide to Judiciary Policy §620.30 15
Guide to Judiciary Policy Vol.2C. 15
Guide to Judiciary Policy, Judicial Conference Regulations on Gifts, §620.50. 14
Rule 5-300 of California Rules of Professional Conduct11, 20
Rule 60(b)(6) 70

LIST OF APPENDIX

	Document name	

1	Temple Bar Scholarship recipients and sponsoring Justices of this Court	A.001-4
2	The Temple Bar Foundation was assumed by the American Inns of Court in 1996; the direct benefit received by the clerks who have power to make recommendations to the Court and indirect benefit to the sponsoring Eight Justices require recusal. Snapshots of new video released on the homepage of the website of the American Inns of Court. After the Request for Recusal was filed, **the video was removed from the website.**	A.005-10
3	The American Inns of Court's function is in contravention with Rule 5-300 of California Rules of Professional Conduct and Canon 4(c) of Code of Judicial Conduct for US Judges: "American Inns of Court Member Services" video--- "This is the only organization that I know that the lawyers and judges belong to the trial bar have a chance to meet outside of the courtroom in a social setting and really able to establish the rapport," said Manuel Sanchez. **Attorney Sanchez's video was removed completely from the internet. Estimated removal time to be in late January 2018. (Petitioner has a copy of the video; any one interested may request for a copy.)** **This video will be posted at**	A.011-16

	shaochronology.blogspot.com	
4	The reciprocal international relationship influenced the American Inns of Court to an extent to give award for a special project to acknowledge that the Declaration of Independence of the USA is "illegal."	A.017 -18
5	Reciprocity agreement of the American Inns of Court and the Inns of Court of England and Ireland where James McManis is an active contributor. This international travel program is a major function/expenditure of the American Inns of Court	A.019 -020
6	James McManis is undoubtedly the "leading attorney" for the international program as he is the 3rd leading American obtaining the highest honor of an Honorary Bencher in 2012, after Chief Justice John Roberts **This page was removed from McManis Faulkner's website after filing the Request for Recusal. This page can be found at shaochronology.blogspot.com**	A.021
7	Admission of James McManis on July 20, 2015 about his provision of "pro bono"legal services to unidentified judges/justices clients regarding their personal affairs. Who are these unidentified judges/justices clients? The deposition transcript of James McManis was taken judicial of by California Supreme Court in its Order of July 19, 2017 (App.14 of this Petition/Supplemental	A.023 -36

	Appendix.) Evidence of risk of gross injustice if the certiorari were not issued for Petition No. 17-82, 17-256 and 17-613 as he has influenced the involved courts to have resulted in gross injustice	
8	THE EIGHT JUSTICES HAVE ALLOWED AMERICAN INNS OF COURT TO OPERATE ITS BUSINESS ON THE SITE OF THE US SUPREME COURT A. News release of the Ninth Circuit on 9/19/2016 B. The American Inns of Court used the Supreme Court's site for its Conference on October 21, 2017. Justice Kegan held the conference. Her clerk obtained Temple Bar Scholarship from the American Inns of Court in 2017.	A.037 -40
	Justice Anthony M. Kennedy's direct conflicts of interest in this Petition where the function of American Inns of Court is at Issue.	A.041 -42
10	EVIDENCE OF JUSTICE ANTHONYY M. KENNEDY'S CONFLICTS OF INTEREST-- RECEIVED GIFT/AWARD FROM THE AMERICAN INNS OF COURT WHERE JAMES MCMANIS'S LAW FIRM IS A MAJOR SPONSORING ATTORNEY Members' Handbook showing the function	A.043 -50

	being "social"	
11	EVIDENCE OF ACTUAL PREJUDICE TO PETITIONER--JUSTICE KENNEDY'S SUPER SPEEDY DENIAL OF TWO APPLICATIONS IS LIKELY RESULTED FROM THE CONFLICTS OF INTEREST Justice Kennedy has a history of denial of two applications of Petitioner with super speed-- both on the ensuing day of "docketing" (filing date plus mailing time) when he was the sole decision-maker.	A.051 -53
12	The last membership disclosure by an American Inn of Court--was in 2008 (selected pages). **After 2008, the** members are secret, whether judges or attorneys, except the officers' names.	A.055-57
13	The Ruth Bader Jinsburg American Inn of Court	A.058-59
14	EVIDENCE OF ACTUAL PREJUDICE FROM THE CONFLICTS OF INTEREST--Recent irregularities in this Court's Clerk's Office	A.061-76
15	EVIDENCE OF RISK OF FURTHER INJUSTICE THAT MAY CAUSE IF THE COURT DID NOTGGRANT CERTIORARI Declaration of Meera Fox, Esq.	A.077-110
	A: William A. Ingram American Inn of Court's 2016-17 Executive Committee roster	A.102

	B: William A. Ingram American Inn of Court 2016-17 Executive Committee Meetings	A.103
	C: William A. Ingram American Inn of Court 2016-17 Schedule of Inn Meetings	A.104
	D. Notice of Designation of Court Reporter's Transcript and Clerk's Transcript for Appeal from 3/14/2014's Order, received by California Sixth Appellate Court on October 7, 2014	A.105
	E. Court Reporter's Transcripts Deposited with the Court Pursuant to Rule 8.130(b)(3)	A.106
	F. Email notification of dismissal of custody appeal on March 14, 2016 at 9:25 a.m. (Monday)	A.107
	G. Notice of Appellant's Noncompliance filed on March 12, 2016 (Saturday)	A.108
	H. Order to dismiss the custody appeal of March 14, 2016	A.109
	I. Appellant's Default Notice of March 14, 2017 (repeated attempt to dismiss the appeal by false notices)	A.110
16	Gross injustice will result if certiorari for were not issued. The Ninth Circuit has used its less than 2 pages' Memorandum to suppress the evidence of Judge Lucy Koh's conflicts of interest with McManis Faulkner law firm.	A111-124

	--List of Executive Committee of the William A. Ingram American Inn of Court in 2012 --Selected deposition transcripts of Michael Reedy	
17	A. 135: Petitioner was unaware of the available proceeding of Request for Recusal at this Court until November 27, 2017 A. 136-138: Another Attorney who Petitioner never met informed Petitioner of the direct conflicts of interests of Eight Justices and 38 Clerks at this Court on November 25, 2017	A.125-129
18	1. The Sixth Appellate Court's Order of April 28, 2017, the subject of this Petition 2. A. 129: California Supreme Court granted the motion for judicial notice in support of the Petition for Review without any reservation	A.130-132
19	Evidence of risk of gross injustice will result if certiorari were not issued---**The docket of H040395**	A.133-140
20	Evidence of risk of gross injustice if certiorari were not issued to grant these Petitions,17-256, 17-613 and 17-82	A.141-190
	evidence of exposure of McManis Faulkner's attorney's ex parte communication with the trial judge ---Judge Derek Woodhouse.	A.153
	Presiding Judge Patricia Lucas refused to correct the docket removal of 105FL126882, the repeated false Notices, and invited Shao to make a complaint.	A.159

	Judge Theodore Zayner took the court files and lost Volume 5-- proving his relationship with this civil case in denying custody return to SHAO.	A.160-67
	McManis Faulkner's own expert admitted to the public view that MF is appearing in front of its own client.	A.168-177
	Judge Folan's Order retracting from her tentative decision (A.179)	A.181-82
	Judge Woodhouse's written order to stay jury trial over the objections of SHAO on 3/11/2016	A.189-90
21	Declaration of Michael Bruzzone—Evidence of loss of public confidence	A.189-190
22	ABA's News Release: Paragraph 3 shows that Chief Justice John Roberts is an Honorary Bencher of the Middle Temple, who is directly involved in the Temple Bar Scholarship Program	191-92
23	News release of 4/27/2012 published by McManis Faulkner—Michael Reedy was a key speaker of the American Inns of Court in 2012.	193-194
24	News release of 10/21/2017 published by McManis Faulkner—"The Supreme Court Hosts The American Inns of Court Celebration of Excellence": It was hosted by Justice Kegan and Michael Reedy was invited	195-196
25	Irregularity of the Clerk's Office in de-filing the Amicus Curiae Motion and altering the docket entry: The docket of 17-613 before and after the "de-filing" and emails with Donald Baker which caused the correction	197-203

26	Irregularities continue—an email showing an appeal that was filed on October 30, 2017 has not been docketed by the appellate court for 3 months.	204-205
27	Supervising Clerk Jeff Atkins persisted on not posting the Appendix attached to Requests for Recusal—which apparently was instructed by James McManis and/or American Inns of Court as they purged the evidence	206-214
28	Jeff Atkins disallowed filing of a motion to vacate the January 8, 2018's order in 17-256 and will return filing if Petitioner presented it to the Clerk's Office	215-218

RENEWED REQUEST FOR RECUSAL

The eight Justices of this Court, i.e., all Justices except Justice Gorsuch, did not decide Petitioner's Request for Recusal filed on December 19, 2017 and denied the Petition for Writ of Certiorari on January 8, 2018. Thus, Petitioner hereby submits a Renewed Request for Recusal in conjunction with her Petition for Rehearing.

While the Justices did not rule on the Requests for Recusal that were filed in December 2017 and the Clerk's Office persisted on not posting any pages of the Appendix (supporting evidence) for the two Requests for Recusal, both McManis Faulkner, LLP and the American Inns of Court took action to purge from the internet the evidence of Appendix A.013 and A.022 attached to the Requests for Recusal. See discussion below in Section II. This indicates that James McManis is influential on the judiciary and the American Inns of Court. This indicates that the American Inns of Court and James McManis acknowledged the ethical problem involved in the function and operation of the American Inns of Court. This suggests that Mr. Jeff Atkins' persistence on refusing to post on the court's website of the appendix/evidence to support recusal was directed by James McManis and the American Inns of Court as they wanted to purge the evidence.

Based on the objective facts of the eight Justices' substantial financial interests, awards/gifts received from the American Inns of Court, Chief Justice John G. Roberts' receiving Honorary Bencher from Middle Temple, a partner to the Temple Bar Scholarship, Chief Justice's honor being associated with the American Inns of Court, and the two Justices' names' association with this club presenting substantial personal interest, plus the fact that the eight Justices discriminatively failed to decide the Request for Recusal filed on December 19, 2017 without due process which caused the Order of

January 8, 2018 to be void, any reasonable person may believe that the eight Justices are unable to consider impartially as to the issues in the Petition for Rehearing as well as all three Petitions (17-82, 17-256 and 17-613) where the legality of the function of this club was challenged.

Under the reasonable person test, the eight Justices and their Clerks' financial interest and personal interest with the American Inns of Court made them unlikely to be impartial when the issues asked to certiorari are about the function of the American Inns of Court.

This Petition for Writ of Certiorari asked the Court to grant certiorari on the "QESTIONS PRESENTED" which included the extrajudicial relationship between the attorneys and judges derived from the function of the American Inns of Court, which include:

"1. Does due process require disqualification of the Court of Appeal where the interested parties have extrajudicial relationship with the Justices of the Court of Appeal who are mostly from the trial court where the interested parties are also attorneys and quasi-employee(s) for the trial court? How to handle the appeal when there is direct conflicts of interest with the Sixth Appellate District?

2.Should judges who are members of the American Inns of Court be required as a matter of due process to disclose their social relationship with lawyers who are members of the Inns of Court and who are appearing before the judges?

3.Where the Appellate Court has potential conflicts of interests because of attorney-client relationships, long term regular social relationship and colleague relationships with a party, must the Appellate Court disclose potential conflicts of interest and apply neutral standards to their resolution?"

In addition, Question No. 2 for this Petition states:

"2. Should judges who are members of the

American Inns of Court be required as a matter of due process to disclose their social relationship with lawyers who are members of the Inns of Court and who are appearing before the judges?"

Question No. 3 for this Petition states:

"3. Where the Appellate Court has potential conflicts of interests because of attorney-client relationships, long term regular social relationship and colleague relationships with a party, must the Appellate Court disclose potential conflicts of interest and apply neutral standards to their resolution?"

In addition, the second reason for granting certiorari of this Petition, as shown in Page 29 of the Petition for Writ of Certiorari was:

"B. Judges Who Are Members of The American Inns of Court Should Be Required As A Matter of Due Process to Disclose Their Social Relationship With Lawyers Who Are Members of the Inns of Court and Who Are Appearing Before These Judges" as shown in Pages 29 and 30 of the Petition." (This Petition, P.10-12)

Therefore, the personal interests and financial interests the eight Justices have from the American Inns of Court alone, without probing further on their relationship with James McManis, justify recusal.

The irregularities took place in this Court, including the supervising clerk Jordan Bickell's stepping into the authority of Jeff Atkins to replace the existing regular amicus curiae clerk to deter filing of the amicus curiae motions of Mothers of Lost Children in both Petitions that arose from state courts' appeals (17-82 and 17-613), altering dockets, de-filing the amicus curiae motion on September 19, 2017 simultaneously when the Request for Recusal was filed, supervising clerk Jeff Atkins' reference of "James McManis and Michael Reedy" on October 25, 2017 in trying to return this Petition, Jeff Atkin's refusing to post the entire Requests for Recusal as well as the lack of decision on the two Requests for Recusal filed in December 2017, further suggested existence of the

adverse influence of the American Inns of Court and their leading attorney donor/Master/Honorary Bencher, James McManis.

Justice Neil M. Gorsuch may decide on the Petition or the Court may appoint some Judges that have no conflicts of interest to decide this matter.

There is no applicability of the rule of necessary as the rule only applies when no judge lacking some basis of disqualification is available. As Justice Neil M. Gorsuch is not requested to be recused, the rule of necessity does not apply because there is **a Justice who has no direct financial interest is available**.

[The rule of necessity discussed in the US v. Will, 449 US 200 (1980) does not apply. It is factually distinguished from this case. US v. Will concerned a legislative change to reduce without discrimination, the federal judges' cost of living. In this case, the conflicts of interest derive from a private club's gifts to the Justices and their clerks, which are, in part, supported by the interested third party McManis Faulkner LLP law firm.]

I. THE JANUARY 8, 2018'S ORDER IS VOID AS IT WAS ENTERED WITHOUT DUE PROCESS

The Justices' failure to rule on the Requests of Recusal on January 8, 2018 is a structural error that justifies their recusal as the Justices appeared to have abdicated their Constitutionally-imposed duty to decide. Such failure to rule on the Request for Recusal is a violation of the First and Fourteenth Amendment because of ignoring the most important issue for the function of a court and because such lack of decision was discriminative.

Two Requests for Recusal were filed on Dec.8, 2017 for 17-256 and Dec.19, 2017 for this Petition. Both Petitions

were denied on January 8, 2018 but the Justices and this court did not rule on the Requests for Recusal, for the first time in the 225 years' history of this Court. Petitioner submits that the court has a duty to decide Recusal (O'Hair v. Hill, 641 F,2d 307 (5th Cir. 1981) ft.1), is "absolute" (Comer v. Murphy Oil USA, 607 F.2d 1049, 1057 (5th 2010)) and is constitutionally imposed (National Education Assoc. v. Lee County Board of Public Instruction, 467 F.2d 477 (5th Cir. 1972)).

Since a hundred years' ago, this Court has held that an order entered without due process of law is void. E.g., Chaloner v. Sherman, 242 US 455 (1917); Pennington v. Fourth Nat'l Bank 243 US 269 (1917).

The Due Process Clause of the Fourteenth Amendment requires disinterested judges. The determination of the issues presented by the Renewed Request for Recusal is necessary ***prior to*** any substantive ruling on the merits of the Petition as required by 28 USC §455. Caperton v. A.T. Massey Coal Company, 556 US 868 (2009)

In Caperton v. A.T Massey Coal Company, 556 US 868 (2009), this Court held that "The *Due Process Clause* incorporated the common law rule requiring recusal when a judge has "a direct, personal, substantial, pecuniary interest" in a case."

In Rippo v. Baker 137 S.Ct. 905 (2017), this Court held that "camouflaging bias" theory that this Court discussed in Bracy v. Gramley, 520 U. S. 899 (1997), "**even though speculative, should apply to require recusal** when bribery was alleged as the Due Process Clause may sometimes demand recusal even when a judge has no personal bias" (citing Aetna Life Ins. Co. v. Lavoie, 475 US 813, 825 (1986)) This Court in Rippo also cited William v. Pennsylvania, 136 S.Ct. 1899 (2016) which held that "The court asks not whether a judge harbors an actual, subjective bias, but instead whether, as an

objective matter, the average judge in his position is likely to be neutral, or whether there is an unconstitutional potential for bias." 137 S.Ct. at P. 907.

In Williams v. Pennsylvania, 136 S.Ct. 1899 (2016), this Court held that an unconstitutional failure to recuse constitutes structural error even if the judge in question did not cast a deciding vote.

28 USC § 455 applies to members of **Supreme Court**, Courts of Appeals, district judges, federal magistrates, and bankruptcy judges. See, Pilla v American Bar Asso. (1976, CA8 Minn) 542 F2d 56, 58. The conflict of interests of the 38 Clerks is ground to disqualify the court. E.g., Milazzo v. Long Is. Light Co, 106 A.D.2d 495 (1984) (The plaintiff was a law secretary to two Justices.)

28 USC § 455 states, in relevant part, that:
(a) Any justice.... of the United States shall disqualify himself in any proceeding in which **his impartiality might reasonably be questioned.**
(b) He shall also disqualify himself in the following circumstances:
(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
......
(4) He knows that he, individually ..., has a **financial interest** in the subject matter in controversy or in a party to the proceeding, or **any other interest that could be substantially affected by the outcome of the proceeding;**
(5) He....
(iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding....
(c) **A judge should inform himself about his personal and fiduciary financial interests**, and make a reasonable effort to inform himself about the personal

financial interests of his spouse and minor children residing in his household.
(d) For the purposes of this section the following words or phrases shall have the meaning indicated:
(1) "proceeding" includes pretrial, trial, **appellate review**, or other stages of litigation;
...
(4) "financial interest" means **ownership** of a legal or **equitable interest, however small**, or **a relationship** as director, adviser, or other **active** participant in the affairs of a party... [emphasis added]

II. II. IT IS RECENTLY DISCOVERED THAT THE EVIDENCE OF CORRUPTIONS WAS PURGED BY BOTH MCMANIS FAULKNER LLP AND THE AMERICAN INNS OF COURT

As discussed below, the Ninth Circuit is well influenced by McManis Faulkner, LLP and had irregularly issued two Memorandums (one in 17-256 and one still pending with the Ninth Circuit in case number 15-16827) with the same pattern in not mentioning the judicial relationships with McManis Faulkner law firm and its partners. This Court also did not mention Requests for Recusal in its order of January 8, 2018. A reasonable person knowing all the facts will believe that the Ninth Circuit as well as this Court are all influenced by James McManis through their social relationship via American Inns of Court.

It is interesting to know that at the juncture of such irregularities at the courts, and the Clerk's office's refusing to post the evidence of judicial relationship, McManis Faulkner law firm and the American Inns of Court actively purged the evidence about the same time.

The evidence they purged include:

1. By American Inns of Court: The video of "American

Inns of Court Member Services" where Attorney Emanuel Sanchez mentioned "This is the only organization that I know that the lawyers and judges belong to the trial bar have a chance to meet outside of the courtroom in a social setting and really able to establish the rapport." The video was posted on YouTube since 2014 and now it was taken off about the same time when James McManis's law firm also delete A.022 from its website.

2. By McManis Faulkner law firm: A022 was a webpage print out of James McManis's law firm's news release of August 13, 2012, with the title of "James McManis Elected Honorary Bencher.

The Youtube continued maintains the American Inns of Court's other video where the judges solicited membership for the American Inns of Court. Such action violates Canon 4(C) of the Code of Judicial Conduct for U.S. Judges. (Petition for Rehearing, App.10-11)

The adverse inference doctrine should apply in interpreting the fact that both McManis Faulkner law firm and the American Inns of Court have committed judicial corruptions and thus the certiorari should have been issued.

In a civil case, the destruction of evidence calls for issue, evidence or terminating sanctions. *Pate v. Channel Lumber Co.* (1997) 51 Cal.App.4th 1447, 1456. California Evidence Code § 413 provides: "In determining what inferences to draw from the evidence or facts in the case against a party, the trier of fact may consider, among other things, the party's failure to explain or to deny by his testimony such evidence or facts in the case against him, or his willful suppression of evidence relating thereto, if such be the case."

Concealment, misrepresentation or destruction of

evidence falls within this rule. Bihun v. AT & T Information Systems, Inc. (1993) 13 Cal.App.4th 976, 991-995; Thor v. Boska (1974) 38 Cal.App.3d 558, 565-568; DeVera v. Long Beach Public Transp. Co. (1986) 180 Cal.App.3d 782, 225 Cal.Rptr. 789, 796 (where information was given to defendant about accident "and that defendant claimed to have no information at all about the accident in response to subsequent inquiry, we cannot say that the court erred in instructing the jury on willful suppression of evidence.").

In Bihun, the Appellate Court sustained the admission of evidence that the defendant had lost a key personnel file on the theory of willful suppression of evidence. The Appellate Court approved an instruction to the jury that, if it found the personnel file had been willfully suppressed, it could infer that the file contained damaging material to defendant's case. Id. at 992. Moreover, the Court approved an instruction that went further to state:

> "Such an inference may be regarded by you as reflecting defendant's recognition of the strength of the plaintiff's case generally and/or the weakness of its own case." Id. at 992.

In approving this language, the Court noted that willful suppression of evidence goes to the entire case, not merely the evidence suppressed. It shows a consciousness of guilt or wrongdoing *generally* as to the *entire* case, and the jury may be instructed that it can draw an inference to discredit the defendant's *entire* case. Id., 13 Cal.App.4th at 994-995.

These purging evidence activities proves the inference that James McManis and the American Inns of Court had contacted Jeff Atkins which caused him to delay filing of the Request for Recusal until December 11, 2017 in 17-256 and persisted on not posting the Appendix for

Request for Recusal. Such arbitrary cut-off pleading from posting on the court's website is unique and abnormal. See Appendix 27. Mr. Atkins persisted on not posting the Appendix with an excuse that the file was too large, yet it proved that the total data is 10,024kb.

These purging evidence activities proves the inference that the function of the American Inns of Court is truly illegal, that the American Inns of Court is not a professional bar, and that its function violates Rule 5-300 of California Rules of Professional Conduct and Guide of Judiciary Policy (which has been widely adopted by each Circuit as binding law).

III. CONFLICTS OF INTEREST BASED ON FINANCIAL INTERESTS

Petitioner declares that as a matter of law and based on reasonable person's objective test, she cannot have a fair decision on her Petition from the eight Justices (all except Justice Gorsuch) with their 38 Clerks at this Court who have had the job duties of making recommendations to the eight Justices based on their financial interests at the American Inns of Court, the biggest donor which caused the 38 Clerks as sponsored by the eight Justice to receive an estimated value of $266,000 from 1996 through 2007. As mentioned above, the conflict of interests of the 38 Clerks is ground to disqualify the court. E.g., Milazzo v. Long Is. Light Co, 106 A.D.2d 495 (1984) (The plaintiff was a law secretary to two Justices.)

Petitioner discovered such undisclosed financial interests on November 25, 2017 (A.126-128). This conflict of interests has been brought to this Court's attention twice through a Request for Recusal filed on December 8, 2017 in Petition No. 17-256, and another filed on December 19, 2017 in this Petition.

The sponsoring eight Justices for these clerks were in public view to have tendered such substantial gifts to their clerks by way of the gifts of the American Inns of Court. They are: Chief Justice John G. Roberts, Justice Anthony M. Kennedy, Justice Clarence Thomas, Justice Ruth Bader Ginsburg, Justice Stephen G. Breyer, Justice Samuel A. Alito, Justice Sonia Sotomayer, Justice Elena Kagan and

(1) Christopher Dipompeo, Kate Heinzelman, David Zachary Hudson, Joshua Hawley, who were sponsored by Chief Justice John G. Roberts in or about 2008, 2011, 2012.

(2) Thomas G. Spranking, Charles Harker Rhodes IV, David W. Denton, Jr., Ishan K. Bhabha, James Yarbrough Stern, Brett Gerry, Stephanos Bibas, who were sponsored by Justice Anthony M. Kennedy, in or about 1998, 2001, 2011, 2012, 2013, 2016 and 2017.

(3) Merisa C. Maleck, Jennifer M. Bandy, Michelle S. Stratton, William R. Peterson, Henry C. Whitaker, Adam K. Mortara, Neomi Rao, who were sponsored by Justice Clarence Thomas in or about 2002, 2003, 2005, 2011, 2012, 2015 and 2016.

(4) Daniel A. Rubens, Nathan Rehn, Benjamin J. Beaton, Amy Bergquist, Issac Jared Lidsky, Zachary D. Tripp, Rebecca Gabrielle Deutsch, Michael Wang, who were sponsored by Justice Ruth Bader Ginsburg in or about 1996, 2006, 2008, 2009, 2011, 2012, 2013 and 2014.

(5) Maritza U.B. Okata, Alexander Reinert, Russel Robinson, Jenny Martinez, who were sponsored by Justice Stephen G. Breyer, in or about 1999, 2001, and 2003.

(6) J. Joel Alicea, Alex Potapoy, Barbara A.S. Grieco,

Megan M. Dillhoff, Kyle Douglas Hawkins, Andrew Stephen Oldham, who were sponsored by Justice Samuel A. Alito, in or about 2009, 2014, 2015, 2016 and 2017.

(7) Candice Chiu was sponsored by Sonia Sotomayer in or about 2012.

(8) Gerald J. Cedrone, David J. Zimmer, who were sponsored Justice Elena Kagan in or about 2013 and 2017.

https://home.innsofcourt.org/AIC/Awards_and_Scholarships/Temple_Bar_Scholarships/Temple_Bar_Scholars_and_Reports.aspx (Year 1996 through 2017); see also, A.002-3.

Justice Alito received two gifts for his clerks in 2017, which is close in time to his being the Justice hosting the conference of the American Inns of Court at the Supreme Court on November 5, 2016. (The Ninth Circuit published the news release of September 19, 2016 stating that Judge J. Clifford Wallace would receive the 2016 American Inns of Court A. Sherman Christensen Award in this Conference and that the hosting Justice was Justice Alito.) Likewise, Justice Kegan received a gift for her clerk in 2017 when Justice Kegan held the American Inns of Court's meeting on October 21, 2017.

Due to lack of disclosure by the Justices, the actual relationship between hosting the conferences and receipt of scholarship is unknown, but the above represents an "appearance" of existence of such relationship.

A. No disclosure was made by any Justices about the financial benefits received from the American Inns of Court

In addition to lack of decision on the two Requests for Recusal filed in December 2017 for 17-256 and this case, none of the eight Justices and 38 clerks made statutory

disclosure of the financial interests they and their Clerks have received from the American Inns of Court, as required by 28 U.S.C. §455(c) (Petition for Rehearing, App.2) and Guide to Judiciary Policy, Judicial Conference Regulations on Gifts, §620.50. (Petition for Rehearing, App.14)

American Inns of Court published on its website regarding the value of the gift as below:

"What are the costs?

- Scholars are provided air transportation, lodging, and a modest stipend to help cover their expenses for the duration of the program."

"The scholarship is from October 1 through October 26, 2018."

Petitioner estimated the value to be $7,000 for each recipient of the gift. It is based on the fact that usually a guided tour including lodging and accommodations for 1-2 weeks costs $3,000. This is 4 weeks. The air ticket is about $1,000 or more.

B. THE SCHOLARSHIPS ARE NOT EXEMPT FROM BEING "GIFTS" AS THEY ARE BASED ON "JUDICIAL STATUS"

The Temple Bar Scholarship is targeted at the Clerks of this Supreme Court based on their judicial function. The qualification of such gifts explicitly stated so in http://home.innsofcourt.org/AIC/Awards_and_Scholarships/Temple_Bar_Scholarships/AIC/Awards_and_Scholarships/Temple_Bar_Scholarships/Temple_Bar.aspx?hkey=1df4d433-b273-4c76-a96b-357ecb5921e9.

American Inns of Court published on its website for Temple Bar Scholarship as below:

"How are Temple Bar Scholars selected?
The three principal selection criteria for Temple Bar Scholars® are:

- High academic achievement in law school

- Experience as a law clerk for a judge or justice of a leading appellate court, including the Supreme Court of the United States
- Demonstrated interest in international law issues"

Therefore, the Temple Bar Scholarship should be governed by "Judicial Conference Regulations on Gifts" and Honoraria, Guide to Judiciary Policy Vol.2C. See Guide to Judiciary Policy §620.25. (See Petition for Rehearing, App.14) As this is based on the recipient's judicial status, subdivision (g) does not apply.

The Temple Bar Scholarship applications by the 38 clerks violated Guide to Judiciary Policy §620.30 (Petition for Rehearing, App.14; "A judicial officer or employee shall not solicit a gift from any person who is seeking official action from or doing business with the court or other entity served by the judicial officer or employee, or from any other person whose interests may be substantially affected by the performance or nonperformance of the judicial officer's or employee's official duties.") and Guide to Judiciary Policy §1020.30 (Petition for Rehearing, App.17; no receipt of payment made because of the Clerk's status in the government.) as the American Inns of Court have been doing business with the US Supreme Court by holding its annual conferences at the US Supreme Court for years and at least its leading sponsoring attorneys' interests of their cases at the Supreme Court may be affected by these clerks. The most recent one was October 21, 2017 when Michael Reedy, a Respondent in 17-256 and 17-82, a partner to James McManis, was invited to attend. (Petition for Rehearing, P.11)

Such scholarships violate §620.35 (a) and §620.45 of Guide to Judiciary Policy (Petition for Rehearing, App.15, 16) as (1) the American Inns of Court is not a bar due to the secrecy of its membership and restriction of its membership and (2) the American Inns of Court is

financially supported by many rich attorneys who used this to obtain their favors in the courts, such as James McManis. The irregularities in the proceedings of the three Petitions, 17-82, 17-256 and 17-613 (this one) suggest a public view that this court and judiciary administration were influenced substantially by James McManis, the well-recognized leading attorney of the American Inns of Court.

Many of the 38 aforementioned clerks who received the 4 weeks of free travel expenses "and stipends" from the American Inns of Court are believed to have reviewed the related Petition for Writ of Certiorari in No. 17-82 and 17-256 and should have known of existence of conflicts of interest, but **not only there was no recusal but the requests were not decided at all in a discriminative manner**.

C. THE AMERICAN INNS OF COURT HAS LOST ITS STATUS AS PROFESSIONAL BAR BUT A PRIVATE CLUB WITH ITS FUNCTION VIOLATES RULE 5-300 OF CALIFORNIA RULES OF PROFESSIONAL CONDUCT.

Pursuant to adverse inference doctrine for spoliation of evidence as discussed in II above, the American Inns of Court's purging evidence should constitute an inference as a matter of law that the American Inns of Court is not a professional bar.

As having discussed in Pages 25 through 27 of the Petition for Writ of Certiorari, the American Inns of Court are social clubs.

For example, as having been testified by Michael Reedy (Respondent in 17-82 and 17-256), the William A. Ingram American Inn of Court of the American Inns of Court ("Ingram Inn") is a membership restricted club with about 100 to110 members including 60-70 attorneys and about 30 judges/justices. The members meet 8 times a year where socialization is involved for

each meeting. Its Executive Committee has additional 6 to 7 meetings a year, at a different meeting date from the regular meetings. The judges also act as mentors for attorneys. There is a Symposium where gifts and awards are made to judges. The expenses of the Inn's activities are entirely funded by the 60-70 attorneys who are members (despite the current website stated a reduced membership fees for the judges, Mr. Reedy testified that the judges' membership had been free).

McManis Faulkner law firm has financially supported the Ingram Inn for over 10 years, Reedy has been on the Inn's Executive Committee together with Judges of the Santa Clara County Superior Court ("SCCSC") and the Court of Appeal for the Sixth District (the "Sixth District"). Reedy is the present President-Elect. Almost all justices and judges who may affect the decisions of the SCCSC have been invited to attend the activities of the Ingram Inn. The activities that the 60-70 attorneys sponsored include meals for the 14-15 meetings per year, pupilage groups doing skitsled by judges/justices, mentorship provided by judges/justice to the attorneys, and annual Symposium where the club and members invite speakers who are judges/justices and the club provided awards to such judges/justices and others. Every member has access to email addresses of the judges/justices. This directory is not made available to the public. Membership is confidential. The Inn of Court's Members' Handbook describes the meetings to be one of "socializing":

"The schedule for the monthly meetings (not the dinner meetings) is to gather at 5:30 for **socializing** and hors d'oeuvres. After administrative announcements, the formal program by a Pupillage Group commences at 6:00 p.m. and ends at 7:00 p.m. After the program ends, there is further **socializing**." [emphasis added]

Its membership meeting notices stated: "Inn meeting,

except as noted below, are scheduled on the second Wednesday of each month, with **socializing** at 5:30 p.m., and the program beginning at 6:00 p.m."

D. THE ATTORNEY MEMBERS OF THE AMERICAN INNS OF COURT JOINED THE CLUB TO EARN "RAPPORT" FROM THE PARTICIPATING JUDGES/JUSTICES.

With the reputation earned from supporting this club, as testified by James McManis on July 20, 2015, James McManis had represented the Santa Clara County Superior Court in an unknown matter (Petition for Writ of Certiorari, App. 290), and represented the judges, courtroom clerk, Clerk, bailiffs of the court in their "personal affairs" without charging for his legal services (App.290). James McManis had also represented one of the justices on the Sixth District Court of Appeal and a Justice at California Supreme Court. (App. 291) James McManis would not identify the precise nature of this representation or the specific justice on the Sixth Appellate and on California Supreme Court. (App.290)

Until the latter part of May 2017, McManis Faulkner law firm published on its website for decades that its representative clients included the "Santa Clara County Superior Court" and "Santa Clara County Bar Association". (App. 286) All justices except one at the Sixth District Appellate Court are from SCCSC. Michael Reedy told Petitioner in terminating their attorney-client relationship in March 2011 that McManis Faulkner, LLP sponsored many judicial seats. At least a judge was its prior partner, Judge Mary Arand, who is Assistant Presiding Judge of Santa Clara County. Michael Reedy has had regular and frequent meetings with about 30 judges through the Ingram Inn and he is the "President-Elect".

James McManis's status of "a leading American attorney" was prompted by his active donations to this private club. Mr. McManis has used the US Supreme

Court's hosting the American Inns of Court to elevate his social status. This is very obvious from the firm's recent news release posted on the firm's website on October 21, 2017 with the title of "The Supreme Court Hosts the American Inns of Court Celebration of Excellence". (A.194)

Mr. Michael Bruzzone declared his observation of the "cozy" relationship of McManis Faulkner's law firm with the judges and justices. James McManis's partner, William Faulkner, was observed by him to freely following a Justice from the Appellate Panel into the chamber in pubic view. This type of corruption can only be corrected by the US Supreme Court. (A.192-93)

The above is a typical example of how the American Inns of Court empowered the attorneys members by their publishing their relationship with the judges and the club uses substantial gifts to keep the judges there.

As shown in the video of "American Inns of Court Member Services" that has been posted on the Youtube, at 2:27 minutes, Attorney Manuel Sanchez stated "This is the only organization that I know that **the lawyers and judges belong to the trial bar have a chance to meet outside of the courtroom in a social setting and really able to establish the rapport**." (A.011)

The business and prosperity of the American Inns of Court is apparently built on the attorneys' benefit **to meet the judges in person to establish the "rapport**," including one-on-one "mentorship", which violates Rule 5-300 of California Rules of Professional Conduct which disallowed ex parte contacts and gifts between attorneys and the court (judges and staffs who have the duty to recommend orders).

American Inns of Court lost all tributes as a bar association further because of the secret membership.

The last publication of a directory for all chapters of the Inns is an archive of the membership of San Francisco Bay Intellectual Property American Inn of Court, made in 2008. Since 2008, its membership has been secret. (Request for Recusal, A.055)

Their practice of Temple Bar Scholarship and pupilage groups also violated Rule 5-300 of California Rules of Professional Conduct by allowing direct ex parte contacts and indirect gifts exchanged between the member rich attorneys and the courts.

The receiving clerks have the duty to recommend orders for the eight Justices. Therefore, contacting the clerks and making gifts to the clerks violate Rule 5-300(c) as they have the power of making recommendations to the Justices.

These confidential social functions are the characteristic of **a social private club**. While the American Inns of Court might once have been equivalent or similar to a bar association, they are now more like an exclusive private club. Membership or association in such a private social club with regular private contacts with the judges/justices creates an appearance of bias where attorneys who are members of the Inns appear before judges who are also members or associated with the Inns.

E. THE CONFLICTS OF INTEREST IS FURTHER STRENGTHENED BY THE NEW DISCOVERY THAT CHIEF JUSTICE IS A HONORARY BENCHER OF MIDDLE BAR

It was newly discovered that Chief Justice John G. Roberts is not only an Honorary Bencher of the Kings' Inn but an Honorary Bencher of Middle Temple in London (Petition for Rehearing, App25: ABA's News Release, ¶ 3). Middle Temple of London is the first partner to American Inns of Court (See Request for Recusal, A.020), that is directly related to the Temple Bar

Foundation and Temple Bar Scholarship of the American Inns of Court, the source of the financial interests at issue.

On the American Inns of Court's website about Temple Bar Scholarship, it is published:

"**Temple Bar Program Highlights**
The scholarship is from October 1 through October 26, 2018.
First week highlights:

- Attend the ceremonial opening of the legal year at Westminster Abbey
- Attend a welcome reception held at the Old Hall, Lincoln's Inn
- Visit the four Inns of Court
- Meet with preeminent leaders of the English bench and bar

One of the four Inns of Court is Middle Bar of London and it gave the highest honor to Chief Justice John Roberts. Thus, this added on to the substantial financial benefits at issue to include the association of Chief Justice's name with the American Inns of Court as being the Honorary Bencher of the Middle Temple in London and Kings' Inn, partners to the American Inns of Court.

This suggests existence of the "frequent" or "continuing" relationship referred in Canon 4(D)(1) of Code of Conduct for U.S. Judges: "A judge...should refrain from financial and business dealings that exploit the judicial position or involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the court on which the judge serves". This case presents a clear example, James McManis is likely before the court on which the justices serve as he has cases with the US Supreme Court and he indirectly contributed to the substantial value of the gifts.

This might explain why even the Chief Justice would not decide on the Request for Recusal.

F. CAPERTON AND LILJEBERG ARE CONTROLLING

Caperton v. A.T. Massey Coal Company, 556 US 868 (2009) is the controlling authority.

Caperton has similar facts. The issue of Caperton is "whether the *Fourteenth Amendment* was violated when one of the majority justices refused to recuse himself due to receiving large campaign contributions." This Court held that absent recusal, the judge would review a judgment of his biggest donor, which was "a serious, objective risk of actual bias that required recusal." See also, Canon 3(c)(1) of Code of Conduct for U.S. Judges (App.9)

Pursuant to Caperton, actual bias is not necessary, and proof of actual effect on the consideration of the Petitions is not necessary, even if such proof were possible.

Further, pursuant to Liljeberg v. Health Services Acquisition Corp. (US 1988) 486 US 847, the judge should have recused himself pursuant to 28 USCS §455 if a reasonable person knowing the relevant facts would have expected that judge to have been aware of the conflict of interests, even if the judge was not conscious of the circumstances creating the appearance of impropriety.

Justice Kennedy and Justice Ginsburg's name association with the American Inns of Court was referenced already 7 times in the three Petitions and the financial interests were presented twice by Requests for Recusal.

According to this Court's holding in both Caperton

and Liljeberg, the eight Justices should have recused themselves pursuant to 28 USC §455.

Therefore, Just like Caperton, the gifts in the estimated value of $266,000 to the eight Justices' 38 clerks pose sufficiently substantial risk that absent recusal, the eight Justices would review a Petition affecting the very basic function of their biggest donor, the American Inns of Court.

IV. CONFLICTS OF INTEREST BASED ON SEVERE ACTUAL PREJUDICE WHERE THE EIGHT JUSTICES DID NOT RULE ON THE REQUESTS FOR RECUSAL, IN A DIFFERENTIAL TREATMENT AGAINST PETITIONER WHICH VIOLATES STRUCTURAL DUE PROCESS

Petitioner believes the Justices have decided all Requests for Recusal but these two in 17-256 and in this case that were filed in December 2017.

Justice Rehnquist issued a lengthy opinion in Laird v. Tatum, 409 US 824 (1972) regarding the issue of recusal of himself.

Other requests for recusal were denied without stating a reason. E.g., Ernest v. US Attorney for the S. Dist. Of Alabama, 474 US 1016 (1985) (J. Powell), Kerpelman v. Attorney Grievance Comm'n of Maryland, 450 USS 970 (1981) (C.J. Burger), Serzysko v. Chase Manhattan Bank 409 US 1029 (J. Powell & J. Rehnquist), Gravel v. United States, 409 US 902 (1972) (J. Rehnquist); Guy v. United States, 409 US 896 (1972) (J. Blackmum & J. Rehnquist), Hanrahan v. Hampton, 446 US 1301 (1980), Cheney v. US Dist. Court for the Dist. Of Columbia, 540 US 1217 (2004); Cheney v. US Dist. Court for the Dist. Of Columbia, 541 US 913 (2004) (Scalia J.)

Yet, there appeared to have no requests for recusal that were not decided by the court in this Court as well as throughout the U.S.

As discussed at the beginning of this Renewed Request, the duty to decide recusal is absolute and Constitutionally-imposed. Such failure to decide Requests for Recusal should constitute structural error that justify recusal of the eight Justices.

This Court's precedents set forth an objective standard that requires recusal when the likelihood of bias on the part of the judge "'is too high to be constitutionally tolerable.'" *Caperton* v. *A. T. Massey Coal Co.*, 556 U. S. 868, 872, 129 S. Ct. 2252, 173 L. Ed. 2d 1208 (2009) (quoting *Withrow* v. *Larkin*, 421 U. S. 35, 47, 95 S. Ct. 1456, 43 L. Ed. 2d 712 (1975))

V. THE FINANCIAL BENEFITS ARE CLOSELY RELATED TO JAMES MCMANIS WHO IS THE INTERESTED THIRD PARTY TO THIS PROCEEDING.

According to the American Inns of Court, "The Temple Bar Foundation was created in 1991 by the Right Honorable Lord Denning of Whitchurch, former Master of the Rolls, and Chief Justice of the United States Warren E. Burger to strengthen ties between **leading members of** the English and **American bars**." (Request for Recusal in Petition No. 17-256, A.006; see also, http://home.innsofcourt.org/AIC/Awards_and_Scholarships/Temple_Bar_Scholarships/AIC/Awards_and_Scholarships/Temple_Bar_Scholarships/Temple_Bar.aspx?hkey=1df4d433-b273-4c76-a96b-357ecb5921e9)

In fact, as shown in the newly released video published on the homepage of the American Inns of

Court, the Temple Bar Foundation was assumed by the American Inns of Court as early as in 1996. (A.008) Therefore, **the funding should be majorly, if not entirely, from "the leading members of the American Bar" after 1996.** And, it is well recognized by the American Inns of Court that Mr. McManis is one of the leading members of the American Bar that formed the Temple Bar Foundation, or, a major donor. He is the third one, following Chief Justice Roberts, from the U.S. that received the highest honor of the Inns of Court from the Kings' Inn in 2012. He is a "Master" at the San Francisco Bay Area Intellectual Property American Inn of Court, a strong financial supporter for that Inn, the William A. Ingram American Inn of Court and, presumably, the American Inns of Court. There is no doubt that James McManis is heavily involved in the international reciprocity relationship of the American Inns of Court. See Request for Recusal in No. 17-256, A.008. There is little doubt that James McManis is one of the "**leading member of the American Bar**" that supported the Temple Bar Foundation as he had achieved the highest honor by the Inns of Court, led by the Kings Inn. There is little doubt that Respondent McManis Faulkner LLP donated substantial funds to support the Temple Bar Foundation, or Respondent James McManis is impossible to get the unanimous votes for the highest honor of the Inns.

McManis Faulkner, LLP published the following news release and just removed such news days after receiving the Request for Recusal in 17-256:

"James McManis, founding partner of **leading** Northern California trial firm McManis Faulkner, has been elected, **by unanimous vote**, an honorary bencher of the Honorable Society of King's Inns, Dublin, Ireland.
The oldest institution of legal education in Ireland, the Honorable Society of King's Inns is comprised of benchers, barristers and students. The benchers include

all the judges of Ireland's Supreme and High Courts as well as a number of elected barristers. Prior to the election of McManis and two other Fellows of the International Academy of Trial Lawyers (Tom Girardi and Pat McGroder), the only Americans so honored were U.S. Supreme Court Chief Justice John Roberts and Justice Antonin Scalia. Election as an honorary bencher is the highest accolade that the Inn can confer." (A.022)

VI. IRREGULARITIES OF THE CLERK'S OFFICE MIMIC WHAT HAPPENED IN THE UNDERLYING CASE WHICH WERE CONSPIRED AMONG MCMANIS FAULKNER LAW FIRM AND ITS PARTNERS, JAMES MCMANIS AND MICHAEL REEDY AND THE COURTS WHICH SUPPORT A PUBLIC VIEW THAT THESE IRREGULARTIES IN THIS COURT MAY ALSO BE INFLUENCED BY JAMES MCMANIS.

A. ATTORNEY MEERA FOX TESTIFIED TO NUMEROUS IRREGULARITIES THAT TOOK PLACE IN THE STATE COURT AND LOWER COURTS THAT ARE CONSPIRACIES BETWEEN THE MCMANIS FAULKNER LAW FIRM AND THE COURTS

This Petition concerns the failure of California Courts to provide Petitioner an impartial tribunal to hear her case. The State Courts conspired to deprive Petitioner of her right to a fair hearing. They also deprived her of her right to appeal to an unbiased tribunal, her right to jury trial, her right to appeal, and her right to access to the courts. Such unlawful conspiracies are supported by an expert's declaration. See, Declarations of Meera Fox in the Petition for Writ of Certiorari, App.112-153; see also, A.077-109.

1. <u>Initial conspiracy to deprive Petitioner</u>

of custody of her child

There is no case like this to have involved such egregious judiciary conspiracies: a 5-year-old little child was judicially kidnapped by the court after she was locked at the court for 3 hours on August 4, 2010. There was no evidentiary hearing, no notice and it was done during a Case Management Conference. The initial conspiracy was among the social workers, the family court's Family Court Services' then-supervisor (present Director) Sarah Scofield and screener Jill Sardeson, the family court judge Edward Davila (now a federal judge), Respondent Tsan-Kuen Wang's attorney David Sussman and Respondent Wang.

The kidnapping was done in a very traumatic situation such that the child cried out loud enough to enable the entire parking lot of the court to hear her screaming of "Father, You Liar!" before she was forcibly put into her father's car. The child was placed in the sole custody of her complained abuser against her expressed wishes and forcibly taken from Petitioner. On the next day, the child was observed having about 1.5 inches of purple eyebags, spacing out, with her hands hidden in a coat but not in the long sleeves. Some evidence of the court's crime was published in shaochronology.blogspot.com. For 7 years, no court would help the child. See news in http://www.prweb.com/releases/2013/12/prweb11442126.htm; http://zanonia4.rssing.com/browser.php?indx=3954680&item=915; http://www.prweb.com/releases/2015/02/prweb12519766.htm

2. **These conspiracies involved the interested parties McManis Faulkner, LLP., James McManis and Michael Reedy**

Petitioner hired McManis Faulkner LLP, Michael Reedy and James McManis to challenge and seek to set aside

the orders of Judge Edward Davila of August 4 and 5 of 2010 that deprived Petition of custody of her child. However, her attorneys chose to help the judiciary to cover up such conspiracy, in breach of their fiduciary duty owed to Petitioner. (A.079) Wang's counsel Mr. David Sussman thanked Michael Reedy for "keeping things quiet." See Petition No.17-82, page 4. After McManis Faulkner LLP learned of Petitioner's claim they had committed malpractice, they conspired with the judges and justices of the state courts of California to continue parental deprival after the initial parental deprival was set aside, based on their various relationships with the courts and judges. Such conspiracy was fully exposed on March 14, 2016, in the abrupt dismissal of the custody appeal by the Presiding Justice of California Sixth District Court of Appeal. After such exposure, these judges/justices openly deterred Petitioner from access to the courts, altered dockets, created false records, removed court files, and failed to accept her filings. See, A.077-109; this Petition, App.124-153. All appeals were stalled by the courts involved in the conspiracy. The Santa Clara County Superior Court refused to prepare the records on appeal and disallowed the court reporters from filing hearing transcripts. For this custody appeal that is the subject of this Petition, the State Court proceeding, as manipulated by McManis Faulkner LLP, James McManis and Michael Reedy, has been stalled for more than 3.5 years. The subject of this appeal, the custody order, was signed by the present Presiding Judge Patricia Lucas of Santa Clara County Superior Court on November 4, 2013. The California Sixth District Court of Appeal further denied Petitioner's motion to prepare Records on Appeal herself. Thus far, Petitioner has been unable to prepare an Appellate Opening Brief due to the courts blocking her appeal.

As shown in Paragraph 31 of Declaration of Meera Fox (Petition, App.136; A.094):

"Any reasonable attorney or member of the public who knew of the sequence of events described above that occurred from March 12, 2016 through March 14, 2016 would believe that **there was a conspiracy** to dismiss Ms. Shao's appeals which involved at least Deputy Clerk of Court R. Delgado on behalf of Santa Clara County Superior Court, Justice Rushing at the California Sixth Appellate District Court of Appeal, and the firm of McManis Faulkner if not their attorneys. There is no other explanation for why R. Delgado would go in to work on a Saturday specifically for the sole purpose of creating false perjured documents to effect the specific relief required by McManis Faulkner to assert their collateral estoppel defense. There is no other explanation for why Justice Rushing would be expecting the falsified notices to arrive first thing that Monday morning and to explain how he had the appeals dismissed within 25 minutes of their receipt. There is no other explanation for why a presiding justice would be willing to violate an appellant's due process rights by summarily dismissing her appeals without anyone filing a motion to dismiss and without providing her any notice, in direct violation of the rules of court." [*emphasis added*]

The appeal from McManis Faulkner's vexatious litigant order that they obtained from its client court was stalled 2.5 years, which is the subject of 17-82. The appeal from their buddy's order, Presiding Judge Patricia Lucas's custody order has been stalled for about 4 years. And that is the subject matter of this Petition. Santa Clara County Court, under the management of their buddy, Judge Patricia Lucas, has refused to allow the records/transcripts on appeal to be filed, generated numerous false notices and falsified the dockets trying to dismiss this appeal.

The jury trial for the malpractice case against McManis Faulkner law firm (subject of 17-82) has already been stayed for more than 2 years. See, Petition

No. 17-256; A.189-90.

Petitioner has been completely blocked access to the family court case since April 2016 as McManis Faulkner's buddy, Presiding Judge Patricia Lucas required Petitioner to get her preapproval before filing a motion (i.e., "Request for Order") and she denied all applications.

The family court of Santa Clara County Court had wantonly "de-filed" motions shortly after the civil court helped its attorney James McManis to get the vexatious litigant prefiling order without a statement of decision.

The family court issued bench warrant and refused to call of the warrant, which, in God's hands, "disappeared", then was vacated by another new judge. The Santa Clara County Court illegally maintained the Order to Show Cause re Contempt against Petitioner in a clear attempt to incarcerate Petitioner after three attempts of assassinations failed. It was eventually dismissed on June 17, 2016 when God helped Petitioner with a subpoena on Respondent Wang's mental disorder's medical records and the court dismissed the prosecution in order to protect Respondent from exposure of his mental disorders being entered into evidence. Immediately after that, the Court then ordered Petitioner to release her private home address to Respondent's attorney, which is pending appeal.

The Presiding Judge of Santa Clara Court even invited Petitioner to complain her to the Committee of Judicial Conduct (where she is closely associated with) regarding the issue that Santa Clara County Court removed the family case from the court's website to become a "confidential file."

Meera Fox, Esq. declared in Paragraph 17:

"17. Recently it also became very important to the firm of

McManis Faulkner that Ms. Shao's appeals be dismissed. Not coincidentally, since that became an express priority of the McManis firm, the deputy clerk in charge of records for the appellate division has illegally created several forged and baseless notices of noncompliance and has illegally altered the docket of Ms. Shao's underlying cases many times. Such notices, when received at the appellate court have, within minutes of receipt, resulted in summary dismissals of the appeals despite there being requirements that appeals cannot be dismissed without notice and a motion requesting dismissal. Some of these notices have to this date never been seen by anyone besides Justice Rushing and the deputy clerk of the lower court who keeps issuing them. They get noted in the dockets of the various cases and dismissals are issued by Justice Rushing, without the actual notice or non compliance or dismissal ever being served on the appellant or filed in the case files at either court." (A.087, A.088)

California Sixth District Court of Appeal is watching this Court on how to decide the conspirators last attempt to dismiss the child custody appeal (H040395) with Petitioner's motion pending for almost 5 months to reconsider its June 8, 2017's Order. (A.133-140)

3. **Recent actions of the judges of Santa Clara County Court confirmed the appearance that parental deprival was caused by McManis Faulkner, LLP, James McManis and Michael Reedy.**

In addition to the expert's declarations that proved the existence of the corruptive judiciary conspiracies for both the initial parental deprival and the later parental deprival continued after the initial parental deprival orders were set aside, there is additional evidence discovered that Judge Theodore Zayner was heavily involved in the civil malpractice case of Linda Shao v.

McManis Faulkner, LLP., James McManis, Michael Reedy, and Catherine Bechtel (Case Number of 112CV220571 pending with Santa Clara County Superior Court, the client of McManis Faulkner, LLP. and James McManis).

In July 2017, Judge Theodore Zayner-- the all purpose judge for the family case at issue that had deterred child custody return in violation of due process and who has had undisclosed regular close social relationship with McManis Faulkner, LLP, James McManis and Michael Reedy--- grabbed the court files of Linda Shao v. McManis Faulkner LLP, James McManis, Michael Reedy took the original deposition transcripts of James McManis and Michael Reedy, and lost Volume 5 of the court files. (A.141, A.162-66)

This demonstrated that Judge Zayner's irregular stalling of the child custody return and ignoring the imminent danger of mental disorder of Respondent Wang for five (5) years was to help McManis Faulkner, James McManis, and Michael Reedy on their only defense in the malpractice case.

Ms. Fox declared in ¶16 that "the defendants' only defense requires the appeals to be dismissed or otherwise fail." (A.087; Petition for Writ of Certiorari, App. 131)

Judge Zayner's extraordinary high interest in Shao v. McManis Faulkner, LLP, James McManis and Michael Reedy (112CV220571; 17-82) was exposed as he lost the files.

As declared by Ms. Meera Fox in Paragraph 4 of her declaration (A.080 ¶4; Petition, App.125):

"Since being sued by Ms. Shao for his malpractice, it has become important to Mr. Reedy and the law firm of McManis Faulkner, for whom Mr. Reedy works, to ensure

that Ms. Shao not regain custody of her child, since as long as she does not get her child back, they can argue that their failure to advocate for her did not cause the damage that she suffered. Not coincidentally, the judges who have denied Ms. Shao the return of her child ever since have been very close bedfellows with Michael Reedy and are two top executive members of his social "club," the William A. Ingram American Inn of Court."

4. <u>Irregularities continued to date by the state courts of California</u>

The judges and justices conspired to cover each other and the malpractice of their closely related attorneys McManis Faulkner LLP and James McManis through the elite clubs of the American Inns of Court. By these connections they were able to maintain parental deprival, disregard child safety, to initialize a wrongful prosecution proceeding with the unambiguous attempts to incarcerate Petitioner for a false contempt charge, to require Petitioner to disclose her residence in infringing her privacy rights in disregard of existence of numerous incidents to assassinate Petitioner, to block Petitioner's access to the court by enlisting Petitioner as a vexatious litigant and taking her family case completely off the court's website for about 8 months from February 27 to about October of 2017, to deny change of venue in disregard of direct conflicts of interest and actual bias and prejudice against Petitioner.

All three levels of the State Courts where James McManis has been their attorneys, and have financial interests with the American Inns of Court that the law firm of McManis Faulkner, LLP have supported, have helped McManis Faulkner, LLP, James McManis, and Michael Reedy in allowing them to appear as a party in front of their client, Santa Clara County Court and to disallow change of venue of this family case to other courts. (A.077-109)

As discussed above, the conspiracies played by McManis Faulkner law firm were discovered in March 2016 when they caused the malpractice case's jury trial to stay pending dismissal of the custody appeal on March 11, 2016, caused the trial court to file a false Default Notice regarding the custody appeal on March 12, 2016 (Saturday) and caused Presiding Justice Conrad Rushing at the Sixth Appellate Court to dismiss the appeal in violation of California Rules of Court.

Eleven months after the courts' conspired dismissal of Petitioner's child custody appeal failed and the Court of Appeal could not but vacate the dismissal entered on March 14, 2016, another round of attempts to dismiss the custody appeal was discovered on February 27, 2017 where the docket for H040395 showed a false docket entry on 2/27/2017 representing that there was a default notice on 2/24/2017. Yet, such purported default notice was never filed and never mailed, and is not found in any court files.

Simultaneously with such discovery, simultaneously, Petitioner discovered that her family case was removed from the court's website. The family court's clerk stated that it was removed to be a "confidential case." It is likely that such removal of docket was planned in order to silently dismiss the custody appeal and did not want to allow Petitioner to have access to the family case docket. (The family case docket was put back for the public's access after this Petition was filed.)

Then, another false default notice was issued dated March 14, 2017, apparently to replace the "ghost" notice of 2/24/2017.

This Petition actually arises from the Appellate Court's denial of Petitioner's motion to strike the March 14, 2017 false notice and renewed motion to reverse and remand with instruction to change the court to an impartial

venue. The main issue is lack of impartial tribunal.

5. Identical irregularities took place in this Court which appear like to be in the same scheme as what happened in the state courts

Since September 2017, a series of irregularities also launched to this Court, with the appearance of the same schemes as what were conspired among McManis Faulkner law firm and the State courts and lower federal courts.

9/6/2017	Supreme Court's Clerk's Office received motion of Amicus Curiae of Mothers of Lost Children for 17-82, and 17-256
9/14/2017	A clerk named Donald Baker who was **not** one of the assigned two clerks for the amicus curiae, showed up with "Mr. Brickell" (Supervising Clerk who **does not handle amicus curiae**) to **return the amicus curiae motions** for 17-82 and 17-256 to the amicus's attorney, Attorney Chris Katzenbach, after **holding them days after receipt**. Both were acting **beyond the scope of their authorities at that time**. Such holding off caused the re-submission to be only 2 days prior to the conference time, and the real supervisor in charge, Jeff Atkins, did not agree to postpone the conference date for 17-82.
9/17/2017	Chris Katzenbach received the returned motions and immediately

	process re-printing within a day. The clerk tried to find fault as many as possible. It was returned because the cover did not state "for leave" and "out of time" and there was no table for this 10 pages' small booklet.
9/20/2017	The US Supreme Court received the re-printed motions. Mr. Baker did not answer the calls of Mr. Katzenbach until Mr. Katzenbach concealed his phone number in calling Mr. Baker. Mr. Baker said he would call back to Mr. Katzenbach but he never did. I talked to Mr. Baker. He said Mr. Brickell and he were reviewing the amicus curiae motions. I asked what was Mr. Brickell and Mr. Baker responded--- "a bailiff." Later, Mr. Baker said that he would see to it that the motions be filed.
9/20/2017	The Clerk's office refused to file the amicus curiae motion in 17-82 and **failed to docket receipt of the amicus curiae motion** of Mothers of Lost Children in 17-82. The motions (41 printed copies) were not returned to Mr. Katzenbach either.
10/2/2017	Despite the direct conflicts of interest of Justice Anthony M Kennedy and Justice Ruth Bader Ginsburg as they have chapters of the American Inns of Court established in their names were mentioned 7 times by the three Petitions 17-82, 17-256

	and 17-613, the two Justices did not recuse themselves. The Petition for 17-82 was denied, including the voting of Justice Kennedy and Justice Gingsburg.
10/23/2017	Petitioner called Mr. Baker regarding why there was no filing of the Amicus Curiae motion in 17-82 and why the un-filed motion copies (41 copies) were not returned. Mr. Baker, however, did file the identical motion in 17-256, and the motion was granted. Mr. Baker could not answer but transferred my call to Mr. Brickell – by way of the phone number of Mr. Jeff Atkins (202-479-3263), when apparently Mr. Brickell was in the office of Mr. Atkins. Mr. Brickell said that there were too many deficiencies of the motion such that he did not authorize filing of the reprinted motion, but he was unable to identify what deficiencies, while the same reprinted motion that he alleged to be defective was granted on October 30, 2017 by the Court in 17-256. It was later discovered that Mr. Brickell was <u>**not**</u> in charge of the amicus curiae and ***never*** in charge of the pre-certiorari proceeding. Mr. Brickell actually stepped into the authority of Mr. Jeff Atkins and Mr. Atkins allowed such irregularities to happen.

10/24/2017	Petitioner filed a Request for Rehearing in 17-82, recited the fact of the **<u>"whirlwind" change of personnel at the Clerk's office</u>** where <u>Mr. Donald Baker officially substituted one of the amicus curiae clerks</u> (for many years, there were two clerks exclusively handled amicus curiae matters) after September 20, 2017.
10/25/2017	The docket of "decision date" of 17-613 that was created on 10/24/2017 was altered in the morning of 10/25/2017 from "April 28, 2017" to "June 8, 2017" pursuant to the instruction of Jeff Atkins. Mr. Atkins also instructed the deputy clerk to return the filings of the Petition for Writ of Certiorari based on typos on the captions of the orders of California courts. Mr. Atkins told the Deputy Clerk that <u>the Respondent should be "McManis Faulkner, LLP" only and not to include the individual names of James McManis and Michael Reedy."</u> Yet, because of my close monitoring, the typos on the orders were agreed to be fixed by way of filing a Supplemental Appendix. The typos of the orders are that the case caption of Shao v. McManis Faulkner, LLP, James McManis, Michael Reedy, Catherine Bechtel was used as a template in typing the orders to appeal from, when in fact, they should bear the caption of the divorce case. **<u>Mr. Atkins's being a supervisor and not the docketing clerk, his</u>**

	spontaneously directing the docketing deputy clerk to alter the docket on the ensuing morning following the docketing, can only be explained by a logical inference that **someone was manipulating Mr. Atkins to alter the docket and that person must have been closely watching my filings with the US Supreme Court and familiar with the state's proceedings.**
10/30/2017	The court denied the Petition of writ of certiorari in 17-256, without showing recusals of Justice Kennedy and Justice Ginsburg who have direct conflicts of interest.
11/25/2017	Another supplied the information of the financial interests of the other 6 Justices at the Supreme Court, in addition to Justice Kennedy and Justice Ginsburg
11/27/2017	Jeff Atkins was advised of the new discovery of the conflicts of interest based on the financial interests of the eight justices and 38 clerks; yet, Jeff Atkins did not continue the conference as requested by me. The court denied the Petition of Rehearing in 17-82 without showing any Justices recused themselves
11/27/2017	The docket of 17-613 regarding "decision date" was altered back to "April 28, 2017". This again shows

	that <u>someone who has interest at the Petition read the Supplemental Appendix and informed Jeff Atkins to correct</u> the mistaken alteration of the docket that took place on October 25, 2017.
12/8/2017	Mr. Jeff Atkins filed the Request for Recusal in 17-256. Yet, he posted **<u>only 43 pages</u>** on the court's website. Mr. Atkins persisted on posting less pages despite of his admission that there was no regulation nor rule that may authorize him to do partial posting on the Court's website. The recusal request discussed the financial interests of the eight justices and 38 clerks who received substantial amount of gifts from the American Inns of Court. American Inns of Court are not professional bars as the members directory is confidential and its function violates Rule 5-300 of California Rules of Professional Conduct.
12/9/2017	40 sets of amicus curiae motion for 17-613 that were mailed on November 17, 2017 were received by the Court on November 20, 2017 but were delayed filing by Mr. Donald Baker until 12/9/2017. Then days later, on 12/19/2017, the day the Court received my Request for Recusal, the docket entry of 12/9/2017 was altered from "filing" the amicus curiae motion to "not accept for filing". Someone apparently directed Donald Baker to "de-file" the motion. <u>The altered</u>

	docket entry still remains on the docket. (See attachment)
12/19/2017	Jeff Atkins filed the Request for Recusal in 17-613 but **only posted 76 pages** on the court's website. On the same date, the Amicus Curiae motion in 17-613 was "de-filed" and the docket entry of December 9, 2017 was changed to be "not accepted for filing". (See App.195)
12/20/2017	On December 19, 2017, Petitioner emailed to Mr. Donald Baker the case law that his conduct is not covered by any immunity and constituted a crime. Mr. Baker then put the amicus curiae motion back to the on-line docket of 17-613, after requiring Mr. Katzenbach to re-e-file the motion. A corrected entry was put down that on 11/17/2017, the motion was filed. Yet, there was no entry docketed about the above changes that took place on 12/19 and 12/20 of 2017. (See App.195)
1/8/2018	Petition for Rehearing in 17-256 was denied. Petition for Writ of Certiorari in 17-613 was denied. Amicus Curiae motion in 17-613 was granted. Yet, **the eight justices failed to rule on the Requests for Recusal in both 17-256 and 17-613.** Rule 60b violations were mentioned in both Petitions and disregarded by all of the eight justices.

1/10-30/2018	Supervising Clerk Jeff Atkins has failed to answer my calls regarding the administrative question of what the color of the covers should be for a post-Petition for Rehearing motion – a motion to vacate the order in 17-256 because the Requests for Recusal were not decided. On January 30, 2018 at about 9:45 a.m., for a call transferred from the clerk's office, Mr. Atkins answered and then immediately transferred to the voice mail as soon as he heard that it was me who telephoned.

a. **There are 5 grounds to support the public view that McManis Faulkner, LLP is involved of the above irregularities that took place in this Court**

Firstly, the deterring of filing, giving false notice to de-file the Amicus Curiae motion, altering the docket are the same irregularities took place which has a public view that those were caused by McManis Faulkner's conspiracies.

Secondly, the October 25, 2017's incident suggested that the above similar irregularities were caused by McManis Faulkner law firm and/or the American Inns of Court. On the morning of October 25, 2017 (case was docketed in the late afternoon of October 24, 2017) this Court Clerk's supervisor, Jeff Atkins, directed the deputy clerk to alter the docket by changing "decision date" from "April 28, 2017" to "June 8, 2017." (A.065-69; Supplemental Appendix) It is apparent that someone was watching the filing by Petitioner and directed Mr. Atkins to do so as the "June 8, 2017" date was not stated in this Petition as

the order to be contested.

Such information obtained by Mr. Atkins was apparently through extrajudicial relationship as a clerk usually will not probe into the substance of an action.

Mr. Atkins further instructed the deputy clerk to "de-file" the Petition based on clear caption typing errors on App.14 and 15.

As the original App.14 and 15 contained a clear typo to retain the template of the heading of Shao v. McManis Faulkner, LLP, James McManis and Michael Reedy (both Petitions 17-82 and 17-256 preceded the filing of Petition 17-613 and the Respondents are McManis Faulkner, LLP, James McManis and Michael Reedy), Mr. Atkins further told the clerk that the names of "James McManis and Michael Reedy" should be deleted from being the Respondents in App.14 and 15.

Petitioner happened to call in to inquire the case and thus the deputy clerk agreed to use "Supplemental Appendix" to correct the error. As a result, the Petition was saved from being returned and the Supplemental Appendix was filed on October 30, 2017. The "June 8, 2017" was altered back to "April 28, 2017" in early December 2017, one month later.

Additionally, Mr. Jeff Atkins refused to post the entire Requests for Recusal, which is new in the entire history of the federal courts and California courts. No court did that. Mr. Atkins also acknowledged that there is no rule or regulation to allow him to cut short the e-posting/e-filing of a file.

As discussed in II above, **Mr. Atkins's delaying filing until December 11, 2017 (He apparently back dated the filing date to December 8, 2017; see Appendix 27, A.207-210) and refusing to post the Appendix**

and then later American Inns of Court as well as James McManis's law firm purged the evidence contained on A.013 and A.022, appeared to have been instructed by James McManis and/or the American Inns of Court.

Thirdly, how would Mr. Jeff Atkins allowed Mr. Jordan Danny Bickell, another supervising Clerk, who never handled pre-Certiorari proceedings, to step into his authority and allow Mr. Bickell to replace one of the two Amicus Curiae clerk with Donald Baker, a new clerk who usually does not handle Amicus Curiae motions. As being beyond Mr. Bickell's jurisdiction, Mr. Baker misrepresented Mr. Bickell to be a bailiff when he answered Petitioner's phone call on September 20, 2017.

Simultaneously with the reprinting and refiling of the Amicus Curiae Motion in Petition No. 17-82, the identical motion was submitted for this Petition, Petition No. 17-256. Mr. Bickell filed that one but not the one for 17-82. Moreover, the Amicus Curiae motion in Petition No. 17-256 was later granted by this Court.

Only after receiving Petitioner's criticism about this irregularity in the Petition for Rehearing in No. 17-82, Mr. Bickell caused Mr. Donald Baker to replace one of the two amicus curiae clerks to become an amicus curiae clerk. (Request for Recusal in No. 17-256, App.079-80)

On October 23, 2017 when Petitioner called Mr. Baker regarding the reason why the Amicus Curiae motion was not filed in 17-82, Baker simply transferred the call to Mr. Bickell who was at the desk of Mr. Atkins even though Mr. Bickell has his separate desk and phone number. (A.062) Mr. Bickell commented that there were many problems but unable to identify any problem. Such comments were false as the identical motion was granted in 17-256 and later 17-613, Mr. Bickell actually has no authority to comment on an amicus curiae motion as he

does not handle amicus curiae at all. (A.062) He only handled the proceeding after certiorari is issued. This suggested that someone influenced Mr. Bickell to step in to disallow any filing of the amicus curiae motion in the cases arising from the State cases, and a reasonable person would believe that being McManis Faulkner LLP again, if not including the individuals of James McManis, Michael Reedy and their partner, William Faulkner.

Fourthly, they tried to find any and all faults possible to deter filing of the Amicus Curiae Motion, and delayed days from returning, with the apparent purpose to deter an amicus curiae to be in existence in the case of 17-82, a case arising from Santa Clara County Court and California Court of Appeal. On December 19, 2017, Mr. Baker even "de-filed" the amicus curiae motion in this Petition, which is also a case deriving from Santa Clara County and the Sixth Appellate Court.

Thus, any reasonable person knowing the facts will believe that McManis Faulkner, LLP again is behind all these irregularities of this Court.

6. Judge Wallace is likely conspiring with McManis Faulkner as he showed up now in 15-17618 with similar Memorandum as that for 17-256 in response to a 28 USC §455(b) motion based on the Ninth Circuit's sponsoring the American Inns of Court.

Judge J. Craig Wallace, designer of the function of the American Inns of Court recently showed up irregularly in the Ninth Circuit case of 15-16817, a civil rights lawsuit of Shao v. Judge Edward Davila, et al., where Judge Patricia Lucas, Judge Theodore Zayner were sued and new facts including but not limited to Declarations of Meera Fox which were presented to the Ninth Circuit for the purpose to allow reversal and

remand the 12b dismissal as there is additional evidence of the conspiracies with these judges by James McManis and Michael Reedy and McManis Faulkner LLP.

Based on clear conflicts of interest, Petitioner filed a 28 USC 455 motion to change place of appeal to a circuit which does not support the American Inns of Court.

Then, Judge Wallance lead the Appellate Panel to deny appeal **promptly within 3 days** following the submission date for the appeal by an extremely short Memorandum. (Petition for rehearing, A.31-37) The Memorandum only talked briefly about the judges defendants and Attorney General, leaving out all outstanding issues for the appeal (including not discussing the real issues for the judge defendants and attorney general) and failed to mention any about James McManis nor existence of the 28 USC 455 motion.

This memo is similar in style to that for 17-256, where the Ninth Circuit also suppressed the new facts of relationships between James McManis and Judge Lucy Koh. This memo in substance is about 2 pages and that for 17-256 in substance is about 1 page.

Both Memorandums failed to discuss any issues for appeal and ignored new facts of McManis Faulkner law firm's conspiracies with the courts (App.32-37), by way of alleging that news facts could not be considered which conflicts with the Ninth Circuit's long lasting rule to allow new facts in Reply stage for 12b dismissals. E.g., Orion Tire Corp. v. Goodyear Tire & Rubber Co., Inc., 268 F.3d 1133

Sarcastically, while Petitioner's 28 USC §455 motion specify to transfer appeal to a court without influence of the American Inns of Court, the designer of the American Inns of Court lead the appellate panel to deny appeal without mentioning existence of the 28 USCS §455 motion. See Petition for Rehearing, attached

60(b) motion in App.31-37.

Santa Clara County Superior Court, James McManis's client, and its Presiding Judge, Judge Patricia Lucas who has close regular social relationship with Michael Reedy for 10+ years and who is also the judge who issued the custody order of November 2013, blocked that appeal for almost 4 years and tried to dismiss the appeal, an appeal from her order, denied motions to change place of trial 12 times (all based on new facts) and insisted its attorney James McManis to appear as a defendant in front of that court. California Sixth Appellate Court (where James McManis testified that one Justice was his client) also denied motions to change place of appeals. California Supreme Court also did the same. That is the bases of 17-82 and 17-613.

The judge who dismissed a similar case against McManis Faulkner, LLP, James McManis and Michael Reedy by their defective 12bmotion was Judge Lucy Koh. She was from Santa Clara County Court. She was in the Executive Committee of the Ingram Inn and also a Master at S.F. Bay Area Intellectual Property American Inn of Court. She and Judge Edward Davila (the initial judge issued parental deprival without a notice, motion or trial) were speakers for the Ingram Inn and are colleagues. James McManis has worked closely with Judge Lucy Koh at both Santa Clara Court and US District Court of Northern California.

Because James McManis and Michael Reedy's relationship with the judiciary by American Inns of Court, which developed attorney-client relationship with the courts and quasi-employment relationship with the courts, they were able to manipulate all the courts to create these irregularities. And, as discussed above the same scheme appeared to be shown in this Court.

7. <u>There irregularities are illegal and</u>

felonious.

18 USCS § 371. Conspiracy to commit offense or to defraud United States states in relevant part that: "If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both." (¶1)

18 USCS § 371 proscribes not only conspiracies to commit offense under another federal statute but also ***any conspiracy*** *for purpose of impairing, obstructing or defeating lawful function* of any department of government; therefore, defendant can be charged with conspiracy in violation of §371 without charging underlying substantive offense that is proscribed by another federal statute. See, United States v Heinze (1973, DC Del) 361 F Supp 46, 73-2 USTC P 9756, 32 AFTR 2d 6163

14 years after Heinze, in Tanner v. United States, 483 U.S. 107, at Page 128 (1987), Justice Sandra Day O'connor, on behalf of the entire Supreme Court, stated that:

Section 371 is the descendent of and bears a strong resemblance to conspiracy laws that have been in the federal statute books since 1867. See Act of Mar. 2, 1867, ch. 169, § 30, 14 Stat. 484 (prohibiting conspiracy to "defraud the United States in any manner whatever"). Neither the original 1867 provision nor its subsequent reincarnations were accompanied by any particularly illuminating legislative history. This case has been preceded, however, by decisions of this Court interpreting the scope of the phrase "to defraud . . . in any manner or for any purpose." In those cases we have stated repeatedly that **the fraud covered by the statute**

"reaches 'any conspiracy for the purpose of impairing, obstructing or defeating **the lawful function of any department of Government.'"** Dennis v. United States, 384 U.S. 855, 861 (1966), quoting Haas v. Henkel, 216 U.S. 462, 479 (1910); see also Glasser v. United States, 315 U.S. 60, 66 (1942); Hammerschmidt v. United States, 265 U.S. 182, 188 (1924). We do not reconsider that aspect of the scope of § 371 in this case. Therefore, if petitioners' actions constituted a conspiracy to impair the functioning of the REA, **no other form of injury to the Federal Government need be established** for the conspiracy to fall under § 371."

The prevailing law gave the US Supreme Court too much discretion as to a Petition for Writ of Certiorari. While I think this is a defect of the US legal system as the Supreme Court justices in the civil law countries must decide each appeal from the appellate court, this letter is not to deal with this issue.

One may say that there is no big deal as only about 1% cases would be granted certiorari. Yet, the issue raised here is *not* about the Court's discretion, but about the illegal irregularities in the court including eight Justices' "mandatory" "Constitutional duty to rule".

The Court's docket has been considered as the court's records. E.g., *Mullis v. United States Bank Ct.,* 828 F.2d 1385 n.9 (9th Cir. 1987). The clerk is not allowed to tamper with the court's records and refuse to record filing. See, e.g., *Kane v. Yung Won Han,* 550 F. Supp. 120 at 123 (New York 1982).

The clerk is required **to maintain the docket and to record the activity** that took place, see, FRAP Rule 45, F.R.C.P. Rule 79, USCS Bankruptcy R.5003 (a); In re Nash Phillips/Corpus-Houston, Inc., 114 B.R. 466, 470 (1990); Jackson v. United States, 924 A.2d 1016 (2007)

In Lowe v. Letsinger, 772 F.2d 308 (1985, 7th Cir.), the 7th Circuit denied the clerk's qualified immunity where the clerk, with acting separately and in concert with the judge and the attorney general to **conceal the entry of a decision**, when the typing the notice is a non-discretionary and ministerial work. The 7th Circuit cited *Bedron v. Baran*, 90 Ind. App. 655, 662, 169 N.E. 695 (1930) wwhich held that making entries in a docket book is a ministerial task. It cited *McCray v. Maryland*, 456 F.2d 1, 5 (4th Cir. 1972) which held that no absolute immunity for filing papers.

The clerk is not allowed to tamper with the clerk's records and refused to record filing. E.g., Kane v. Yung Won Han, 550 F. Supp.120 at P. 123 (New York 1982) In Voit v. Superior Court 201 Cal.App.4th 1285 (2011), the Sixth District Court of Appeal of California held that:

> "The inmate was entitled to mandate relief because the clerk's office violated the inmate's right of access to the courts under *U.S. Const., 1st Amend.*, and *Cal. Const., art. I, § 3*, by refusing to file his motion. A court clerk's office had a ministerial duty to file any document that was presented to the clerk's office for filing in a form that complied with the California Rules of Court. Whether a motion had legal merit was a determination to be made by a judge, not the clerk's office."

In California, alteration of the docket is the same as alteration of the court's case file that is a crime. California Government Code §68150 requires court records to be maintained and states: "(d) No additions, deletions, or changes shall be made to the content of court records, except as authorized by statute or the California Rules of Court."

California Government Code §68151(a)(1) defines court records as: "All filed papers and documents in the case folder..." California Government Code §68151(a)(3) defines court records as including "Other records listed under subdivision (g) of Section 68152." Subdivision

(g)(16)of section 68152 provides "(16) Register of actions or docket: retain for the same retention period as for records in the underlying case, but in no event less than 10 years for civil and small claims cases." California Government Code §68152 provides specific instructions that court clerks may only destroy dockets or case filed 10 years following case disposition and only after providing notice of intended destruction of records to all interested parties and attorneys. California Government Code §68153 provides: "Upon order of the presiding judge of the court, court records open to public inspection and not ordered transferred under the procedures in the California Rules of Court, confidential records, and sealed records that are ready for destruction under Section 68152 may be destroyed. ....[Paragraph] Notation of the date of destruction shall be made on the index of cases or on a separate destruction index. A list of the court records destroyed within the jurisdiction of the superior court shall be provided to the Judicial Council in accordance with the California Rules of Court."

Accordingly, the law does not allow removal of papers or alteration of the docket.

VII. JUDICIALLY NOTICED FACTS BY CALIFORNIA SUPREME COURT INCLUDING DECLARATION OF MEERA FOX AND JAMES MCMANIS'S DEPOSITION TRANSCRIPT WHICH UNAMBIGUOUSLY PROVED EXISTENCE OF JUDICIAL CORRUPTIONS AND IRREGULARITIES IN THE STATE COURTS

This Petition is made from California Supreme Court's denial of review. Yet, despite denying review, the California Supreme Court had **granted** Petitioner's motion for judicial notice without any reservation. See, Supplemental Appendix, App. 14 for California Supreme Court's Order of July 19, 2017. The Motion for Judicial

Notice that was granted in full is shown in the Appendix of this Petition after App. 219.

Notably, the following facts were taken judicial notice of:

(1) Judicial conspiracies directed by McManis Faulkner, LLP, James McManis, Michael Reedy, the direct conflicts of interests, demonstrated bias and prejudice of the State Courts against Petitioner, the state courts' unreasonable refusal to change venues, existence of conspiracies in parental deprival and dismissing the underlying custody appeal (subject matter of this Petition), felonious court crimes of alterations of dockets (E.g., A.096(¶34), A.097 (¶36).), creating false notices, and continued shenanigans until present, as shown in its JN-1, which is the Declaration of Meera Fox. (A.077-109; this Petition, App.124-153)

(2) There were repeated false notices of default or non-compliances issued by Santa Clara County Superior Court of California. (This Petition, App.78; A.095 (¶32), A.099 (¶44).

(3) The dismissal by Presiding Justice Conrad Rushing (the California Sixth Appellate Court of Appeal) of the custody appeal on March 14, 2016 violated Rule 8.57 of California Rules of Court and was irregular. (A.093)

(4) The Notice of Non-compliance of March 12, 2016, the basis for Justice Rushing's dismissal of the appeal on March 14, 2017, was not in the court file of the family case when Justice Rushing issued the dismissal order. (This Petition, App.82)

(5) The Notice of Non-compliance of March 12, 2016 was irregularly made on Saturday. This was premised on false facts as all related court reporters' transcripts were received by the Courts years ago, except the trial transcripts which were paid in May 2014 and deterred from being filed by the courts or the court clerks. (This Petition, App. 75-78)

(6) California Sixth District Court of Appeal and

Santa Clara County Superior Court altered the dockets.

(7) California Sixth District Court of Appeal and Santa Clara County Superior Court deterred appeals by failing to prepare the records on appeal and disallow the court reporters to file hearing transcripts.

(8) Presiding Judge Patricia Lucas irregularly ruled on the custody trial as she issued an order to dispose the trial evidence on 10/16/2013, when was 3 weeks prior to her issuance of the order. She issued the order on November 4, 2013, when is beyond the statutory 90 days after the trial which concluded on July 21, 2013.

(9) McManis Faulkner, LLP, James McManis and Michael Reedy caused its client court, Santa Clara County Superior Court, to stay the jury trial in order to apply collateral estoppel of Judge Lucas's custody order, which contained about 5 pages of statements of facts not presented during the trial. (This Petition, App. 85-88)

(10) In staying the jury trial of the malpractice case of Petitioner against them, on December 10, 2015, counsel for McManis Faulkner, LLP, James McManis and Michael Reedy, Ms. Janet Everson, has predicted dismissal of the custody appeal. (A.089; This Petition, App.89)

(11) On March 11, 2016, when Judge Woodhouse actually signed off the order that was prepared by McManis Faulkner's attorney, the intent was to wait for the California Sixth District Court of Appeal to dismiss that appeal (This Petition, App. 93) which was consummated in the ensuing business day of the Court, i.e., March 14, 2016. This apparently caused the clerk to enter the courthouse on Saturday, March 12, 2016 to issue the false Notice of Non-compliance. (A.092)

(12) Mr. James McManis admitted that Santa Clara County Superior Court was his client

(A.027), about 25 judges, Clerk, courtroom clerks, court reporters, bailiffs at Santa Clara County Superior Court are/were his clients (A.032), that a Justice at the California Sixth District Court of Appeal was his client (A.034), and that a Justice at California Supreme Court was his client (A.033).

(13) There is the appearance of bias based on the reasonable person standard that "Appellant cannot have a fair appeal at this Court of Appeal [referring to the California Sixth District Court of Appeal], nor a fair trial in Santa Clara County Superior Court." (This Petition, App.94.a)

(14) Michael Reedy, Esq. has had more than 10 years' regular social relationship with Presiding Judge Patricia Lucas, Judge Theodore Zayner, Justice Patricia Bamattre-Manoukian. (This Petition, App.94.c.)

(15) The custody appeal should be reversed and remanded as Judge Lucas failed to disclose her conflicts of interest in conducting the custody trial in July 2013. (This Petition, App.94.d.)

(16) Change of place of appeal and trial is one of the Court's duty without any need of a motion pursuant to Code of Judicial Conduct and People v. Ocean Shore R.R. (1938) 24 Cal.App.2d 420 at P.423.

(17) There is the appearance of bias and prejudice as Judge Socrates Manoukian has made a factual finding on December 2, 2015 that "Upon review of the file in the above-entitled matter, this Court will recuse itself because a person aware of the facts might reasonably entertain a doubt that the Judge would not be able to be impartial." (This Petition, App.95, 96)

(18) Presiding Judge Patricia Lucas and Justice Patricia Bamattre-Manoukian are closely related to the California Supreme Court in that they were members of the Commission on Future of the Courts appointed by Chief Justice Tani G. Cantil-

Sakauye of California Supreme Court. (This Petition, App.97 & 98)

(19) Presiding Judge Patricia Lucas is closely related to the California Supreme Court who is in charge of Civil and Small Claims Committee and Legislative Subcommittee of the Judicial Council of California. (This Petition, App.99)

(20) Presiding Judge Patricia Lucas publicized her leadership at the William A. Ingram American Inn of Court. (This Petition, App. 101.)

It shocks the conscience to note that, with all of the above being taken judicial notice of, California Supreme Court did **not** grant review. Such denial review without stating a reason is likely caused by its conflicts of interest in order to help the interested parties McManis Faulkner law firm, James McManis and Michael Reedy based on its long term relationships with them as stated below.

A. RELATIONSHIPS OF MCMANIS FAULKNER LLP, JAMES MCMANIS AND MICHAEL REEDY WITH THE COURTS THAT FORMED CONFLICTS OF INTEREST

The bias in issue concerns conflicts of interest arising because McManis Faulkner, LLP, James McManis and Michael Reedy, as interested third parties to this family court proceedings [hereinafter, "MF"], have manipulated the state courts in keeping parental deprival of Petitioner for more than 6 years *after* the initial unconstitutional parental deprival of August 4, 2010 was set aside and they have multiple relationships with California Sixth District Court of Appeal, Santa Clara County Court and this Court. Expert witness Attorney Meera Fox's declaration provides a concise description of how McManis Faulkner LLP law firm has manipulated this underlying family court proceeding of 105FL126882 and the appeal case of H040395, an appeal from Santa Clara County Court's Presiding Judge Patricia Lucas's November 4, 2013's continuous parental deprival order. (A.077-109) As mentioned above, such order was irregularly issued containing about 5 pages of facts not

presented at the trial, which appeared to have been written by someone other than Judge Lucas.
The conflicts because of these relationships arise from:
RELATIONSHIP ONE: MF have regular social relationships with the judiciary through the American Inns of Court. This relationship also appeared to have impacted this Court.

a. Michael Reedy has been an officer at the Executive Committee of the William A. Ingram American Inn of Court of the American Inns of Court and now a President-Elect of the Ingram Inn. (A.101)

b. James McManis has been a Master at the San Francisco Intellectual Property American Inn of Court of the American Inns of Court for years. (A.057)

c. Judge Lucy Koh, who dismissed this case, has had close social relationship with both Inns up to present. Judge Lucy Koh was a member of the Executive Committee of the William A. Ingram American Inn of Court, together with Michael Reedy for about four years from 2008 through 2011 (Request for Recusal in Petition No. 17-256, A.092, 095, 098, 099, 133), and then was a Master at the San Francisco Bay Area Intellectual Property American Inn of Court, together with James McManis. (Request for Recusal in Petition No. 17-256, A.099, A.100)

d. In addition to such close regular social relationship, Judge Koh received gifts indirectly from MF who are the major financial supporters of the two Inns. She was invited to be a key speaker at the William A. Ingram American Inn of Court's Symposium of 2015 and multiple smaller events. (A.046; Request for Recusal in Petition No. 17-256, A.133, A.136) She was also invited to speak at San Francisco Bay

Area Intellectual Property American Inn of Court as well. (Request for Recusal in Petition No. 17-256, A.100, A.103, A.135)

e. The entire Ninth Circuit supported the two Inns and the American Inns of Court. Judge Koh was about to enter the Ninth Circuit as a judge. More than 10 recent News Releases about the American Inns of Court are posted on the Ninth Circuit's website. Judge J. Cliff Wallace is one of the founders of the American Inn of Court. (A.006; Request for Recusal in Petition No. 17-256, A.058)

f. Justice Anthony M. Kennedy has an American Inn of Court in Sacramento, California. (A.042)

g. Justice Kennedy received a gift indirectly from the Respondents in 2004 when he was invited as a key speaker at the annual Symposium of the William A. Ingram American Inn of Court. (A.046; Request for Recusal in Petition No. 17-256, A.142) James McManis and Judge Lucy Koh were both speakers at a Symposium. (A.046; Request for Recusal in Petition No. 17-256, A.094, A.100, A.141, A.142)

h. The Ninth Circuit, in full support of the American Inns of Court, recently announced on its website on November 1, 2107 a "Kennedy Learning Center". (Request for Recusal in Petition No. 17-256, A.066)

i. The Ninth Circuit refused to consider En Banc new evidence of the conflicts of interest arising from the relationships between Respondent and Judge Lucy Koh, deviating from its long-standing policy by stating that "We do not consider arguments of facts that were not presented to the district court. See Smith v. Marsh, 194 F .3d 1045, 1052 (9th Cir. 1999)". See the Memorandum in

Petition for Writ of Certiorari, App.8-9. Yet, Smith actually does not apply to a dismissal from a Rule 12(b) motion. The long lasting policy was to allow new facts even at the time of Rehearing for 12b dismissals. See, supra, Orion Tire Company.

RELATIONSHIP TWO: The Interested Third Party James McManis's leading role in causing reciprocity of visits by U.S. Supreme Court clerks to England/Ireland through England/Ireland's Inns as an Honorary Bencher (Request for Recusal in Petition No. 17-256, App.001-6), when in fact, such relationship was awarded by the American Inns of Court (See below).
Such relationship was established by late Chief Justice Warren Burger. (Request for Recusal in Petition No. 17-256, App.006) The American Inns of Court assumed the operation of the British Temple Bar Foundation. (A.008) The American Inns of Court obtained the privilege of using the site of the Supreme Court up to present. There was a conference of October 21, 2017 held at the Supreme Court by Justice Elena Kegan. (Request for Recusal in Petition No. 17-256, A.059-60). Justice Kegan's clerk is rewarded for a free trip to England in 2017. (Request for Recusal in Petition No. 17-256, A.002).

The Interested Party, James McManis, is presumably a strong financial supporter for the American Inns of Court, based on the fact that James McManis is a leading American attorney at the American Inns of Court, and an **Honorary Bencher** of the Honorable Society of King's Inns in Dublin Ireland since 2012, which was promoted by late Chief Justice Warren E. Burger. (A.008)
Chief Justice John Roberts is one of the two Honorary Benchers before 2012. Respondent James McManis is the third Honorary Bencher in the US. (A.008)
Eight Justices of this Court, and 38 clerks who were or are working for them, received gifts with financial interests from the Inns, as discussed below. (Request for

Recusal in Petition No. 17-256, A.001-4) The clerks include those who reviewed Petitioner's Petitions No. 17-82, No. 17-256 this year as well as Petitioner's prior Petitions No. 11-11119 (2012), No.14-7244 (2014). None of them disclosed this conflict of interest. Justice Kennedy, who had sponsored 5 free trips for his clerks (A.002-4), and received gifts indirectly from Respondents through the Ingram Inn in 2004, denied two applications of No. 14-A677 and No. 16-A683,*with* ***super*** *speed* on the ensuing date following docketing, without disclosing his conflicts of interest. (A.051-53)

14-A677 is a request for emergency relief made to this Court but promptly denied by Justice Anthony Kennedy when at that time, Petitioner was unaware of his relationship with James McManis, or with the American Inns of Court.

On September 15, 2014, through a subpoena duces tecum to CIGNA Health Insurance Company with the underlying family case of In re Marriage of Linda Yi Tai Shao and Tsan-Kuen Wang, Petitioner SHAO received about 275 pages' insurance claims records of Mr. Wang's psychological services with affidavit of CIGNA's custodian of record. It revealed that Wang has had 5 DXM-TR-IV mental disorders, including one that is extremely dangerous which may harm his surrounding two children of the marriage any time. Judge Theodore Zayner knowingly disregarded such evidence and suppressed it. He was later discovered to be a long term close friend to the Interested Third Parties Michael Reedy and McManis Faulkner, LLP through the William A. Ingram American Inn of Court where they have been meeting together at least 14 times/meals a year for more than 10 years as they are all in the Executive Committee. Respondents' prime objective is to keep SHAO parental deprival in order to assert their only defense against SHAO's lawsuit, this underlying lawsuit.

Based on this imminent danger, SHAO filed a Petition for Writ of Habeas Corpus, which was denied by Justice Patricia Bamattre-Manoukian at the Sixth Appellate District of California Court of Appeal, a justice friend to the Interested Third Party Michael Reedy for more than 10 years where Judge Zayner, Justice Bamattre-Manoukian and the Interested Third Party Michael Reedy are all members of the Executive Committee of the William A. Ingram American Inn of Court for more than 10 years with at least 14 meetings a year.

Thus, SHAO applied for immediate relief with this Court. It is under the jurisdiction of Justice Kennedy, who has relationship with Respondents through the Anthony M. Kennedy American Inn of Court and the William A. Ingram American Inn of Court. Justice Kennedy again denied the Application for Stay promptly without giving any reason.

Likewise, a reasonable person reviewing the Application No. 16A683 made with good cause would find an appearance of bias in that Justice Kennedy should have known that the judiciary relationship with the American Inns of Court was a main subject for the intended Petition but failed to recuse himself. Justice Kennedy also promptly denied Petitioner's Application for extension of her time to file a Petition for Writ of Certiorari in Application No. 16-A683 where she did not receive the California Supreme Court's Order and had good cause for an extension. (A.053) It is a related Petition to Petition No. 17-613.

RELATIONSHIP THREE: Attorney-client relationship---- James McManis/McManis Faulkner, LLP represents Santa Clara County Superior Court and multiple *unidentified* judges of that court, of the California court of appeal, Sixth Appellate District (whose rulings are the subjects of Petitions No. 17-82 and No. 17-613) and of the California Supreme Court for a

lengthy period of time. All judges at the District Court in Northern California in San Jose are from Santa Clara County Superior Court of California, including Judge Lucy Koh. Mr. McManis admitted such facts in his deposition of July 20, 2014. (Request for Recusal in 17-256, A.020)

RELATIONSHIP FOUR: Collegial relationship where Respondent James McManis has been appointed as a judicial Special Master (Request for Recusal in 17-256, A.031), including providing counseling to the judiciary on using Special Masters, at multiple state and federal courts, including, but not limited to, Santa Clara County court and the US District Court in Northern California.

VIII. IT IS UNLIKELY THAT CHIEF JUSTICE JOHN ROBERTS COULD BE IMPARTIAL

Chief Justice John Roberts did not recuse himself and did not disclose his relationship with James McManis.

Chief Justice is objectively impossible to have no bias as his name has been associated with the American Inns of Court by having accepted two Honorary Bencher from the partners of the American Inns of Court, as discussed above.

Chief Justice Roberts also has conflicts of interests based on financial interest as having sponsored 4 clerks for Temple Bar Scholarship.

He also has direct conflicts of interest as the Temple Bar Scholarship is related to Middle Temple of London where he is an Honorary Bencher.

In addition, Justice Roberts is the first or second American Honorary Bencher and James McManis is the third leading American received the same "highest" honor, an honor awarded by the American Inns of Court,

the true owner behind the scene. It is impossible for Chief Justice John Roberts to be ignorant of James McManis and ignorant of the fact that these Petitions involve James McManis. Chief Justice should have personal knowledge of James McManis and unlikely to be impartial.

IX. JUSTICE ANTHONY M. KENNEDY IS UNLIKELY TO BE IMPARTIAL

Justice Kennedy has an appearance of bias as

(1) Justice Kennedy has a chapter of an American Inn of Court in his name, creating an appearance of bias in considering the Petition which asserted the ethical issue of the function of the American Inns of Court(A.042; Request for Recusal in No. 17-256, A.062), having 12 regular meetings a year for the secret members of the Inn (Petition for Rehearing of No. 17-256, App. 7-8);

(2) Justice Kennedy has had profound relationship with the American Inns of Court, and received Loweis F. Powell, Jr. Award from the American Inns of Court (A.044; Request for Recusal in No. 17-256, A.064);

(3) Justice Kennedy received a gift indirectly or directly from Respondents by being a speaker at the Symposium of William A. Ingram American Inn of Court in 2004 that is financially supported by McManis Faulkner, LLP. and Michael Reedy has been the officer there and is the President-Elect. Judge Lucy Koh and Respondent James McManis were speakers for a Symposium as well. (A.046; Request for Recusal in No. 17-256, A.142);

(4) Justice Kennedy has profound relationship with

the Ninth Circuit Court of Appeal (Request for Recusal in No. 17-256, A.066) apparently because of the American Inns of Court, where the Ninth Circuit recently established the "Kennedy Learning Center".

(5) Justice Kennedy is further closely related to the Ninth Circuit when both promote the American Inns of Court. The Ninth Circuit recently established "Kennedy Education Center."

(6) The Ninth Circuit has promoted Judge Koh's being nominated to be a judge there, who is also closely related to the American Inns of Court, and with its less than 2 pages' "Memorandum", it knowingly suppressed the evidence about Judge Koh's conflicts with interest and her relationship with James McManis, McManis Faulkner, LLP.

(7) Justice Kennedy should have close relationship with Judge Wallace, who has shown actual prejudice against the Petitioner in irregularly showing up to deny appeal in 15-16817 with an about two pages' short Memorandum.

(8) Justice Kennedy has shown the actual prejudice against Petitioner by exerting super speed to deny two applications that were made with good cause by Petitioner, as discussed above.

X. JUSTICE GINSBURG IS UNLIKELY TO BE IMPARTIAL

Justice Ginsburg has an American Inn of Court in her name and she actively participated. (A.059) A reasonable person would believe that Justice Ginsburg could not be impartial in reviewing the Petitions as she has a chapter of such Inn in her own name and would not acknowledge the ethical issue involved with having an Inn of Court in her name.

XI. RECENT IRREGULARITIES AT THIS COURT'S CLERK'S OFFICE DEMONSTRATE THE COURT'S ACTUAL PREJUDICE AGAINST PETITIONER

This Court has been in full support of the American Inns of Court. The Ninth Circuit Court of Appeal promoted the American Inns of Court and published a news release on September 19, 2016 that this Court provided a site for the meeting of the American Inns of Court when Justice Alito was the Justice who would tender an award to Judge Wallace from the Inns. Justice Alito has two clerks obtained the free trips in 2017. In 2017, Justice Kegan held the conference of the American Inns of Court at this Court and her clerk obtained the luck as well in 2017. As McManis Faulkner has received the highest honor from the Kings Inn, and appeared to be one of the leading member of American Bar to support the Temple Bar Foundation/Scholarship, when it is the major financial supports of two Chapters of the Inns, McManis Faulkner law firm is no doubt extremely influential at this Court.

All of the Petitions for Writ of Certiorari filed by Petitioner this year, including this one, discussed the deprival of Petitioner's fundamental rights to access the court, to appeal, and to jury trial as Respondents had manipulated the State Courts by deterring filings and altering dockets. The same scheme of irregularities took place at the US Supreme Court in the recent two months since September of 2017.

As have discussed above, the irregularities include

(1) Supervisor Jordan Bickell's stepping in, in exceeding his authority and power, to bring in a clerk new to Amicus Curie, and deterred filing of the well-drafted Amicus Curie motion of Mothers of Lost Children in Petition No. 17-82, while the same motion was granted in Petition No. 17-256.

(2) Supervisor Jeff Atkins's alteration of docket of 17-613. The docket was altered back to "April 28, 2017" in recent week. Mr. Atkin attempted to de-file this Petition. Such attempt took place on the ensuing morning immediately after the docketing was entered, which indicates someone was watching for Petitioner's filing.

(3) Supervisor Jeff Atkin was closely connected to Supervisor Bickell to allow him to step into the authority of Mr. Atkin, as Mr. Atkin is in charge of Petition for Writ of Certiorari and Amicus Curie and Mr. Bickell has no authority on these pre-Certiorari proceedings. On October 23, 2017 when Petitioner called Donald Baker to inquire why he did not file the Amicus Curiae Motion in Petition NO. 17-82, Mr. Baker transferred Petitioner's call to Mr. Bickell by way of using Mr. Atkin's extension.

(4) Supervisor Jeff Atkin refused to post the entire Requests for Recusal without any supporting legal authority to allow him to cut off 171 pages from posting, when he eventually filed the Request for Recusal. While Mr. Atkins used to be extremely efficient, he delayed filing of Request for Recusal in Petition NO. 17-256 until December 11, 2017 and backed the date to be December 8, when he received the Request for recusal on December 7. (A.061-75)

As discussed in II above, American Inns of Court and James McManis's purging evidence of A.013 and A022 that were attached as Appendix to the Request for Recusal provides the logical explanation that Mr. Atkins's irregular refusing to post the entire pleading was following their instructions, such as to facilitate their spoliation of evidence that suggests judicial corruptions.

XII. THE NINTH CIRCUIT AND EIGHT JUSTICES OF THIS COURT BOTH SPONSORED THE PRIVATE CLUBS WITHOUT RESERVATION

Ninth Circuit's published in its News Release of September 19, 2016 that:

"Justice Wallace will receive the prestigious A. Sherman Christensen Award... The award will be presented at the 2016 American Inns of Court Celebration of Excellence to be held at the U.S. Supreme Court on November 5, 2016. .....

Justice Wallace was influential in developing the idea of the American Inns of Court and advocated enthusiastically for its establishment.(A.006) He accompanied Chief Justice Warren Burger on the 1977 Anglo-American Legal Exchange and served as keynote speaker at the organizational dinner of the first Inn of Court in Provo, Utah. Judge Wallace served as a regular adviser to Judge A. Sherman Christensen, for whom the award is name. Judge Wallace urged attendees to form the Inn to help address trial inadequacy by attorneys. He wrote an article on the topic that was published March 1982 in the ABA Journal.....

The American Inns of Court, a national organization with 360 chapters and more than 130,000 active and alumni members.... An inn is an amalgam of judges, lawyers.... More information is available at http.//home.innsofcourt.org." (Request for Recusal in Petition No. 17-256, A.058)

The American Inns of Court used this Court to hold annual conferences up to October 21, 2017. (A.037-039; A.194)

XIII. THE SUBSTANTIAL RISK OF INJUSTICE OF FURTHER INJUSTICE IN OTHER CASES, OF LOSING THE PUBLIC'S CONFIDENCE OF INTEGRITY OF THIS COURT, MANDATE VACATION OF THE DENIAL ORDERS IN ALL THREE CASES

In Liljeberg v. Health Services Acquisition Corp. (US 1988) 486 US 847 , this Court held that vacatur is a proper remedy to an order made in violation of Rule 60(b)(6). At Page 864, this Court further stated that

"in determining whether a judgment should be vacated for a violation of § 455 (a), it is appropriate to consider the **risk of injustice to the parties in the particular case, the risk that the denial of relief will produce injustice in other cases**, and **the risk of undermining the public's confidence in the judicial process.** We must continuously bear in mind that "to perform its high function in the best way 'justice must satisfy the appearance of justice.'" *In re Murchison*, 349 U.S. 133, 136, 99 L. Ed. 942, 75 S. Ct. 623 (1955)"

In Voit v. Superior Court (6th District, 2011) 201 Cal.App.4th 1285, the California Sixth Appellate Court held that whether a motion had legal merit was a determination to be made by a judge, not by the clerk's office and that the clerk's office has a ministerial duty to file a pleading. Where the decision not to file was made by the clerk, decision should be reversed because it violated due process.

A. ACTUAL INJUSTICE IN DENIAL OF PETITIONS IN 17-82, IN 17-256 AND IN THE CURRENT PROCEEDING IN 17-613

There is no dispute that Mr. Bickell has no authority to handle the amicus curiae motion. Yet, without disclosing the conflicts of interests, while the Clerk's Supervisor Mr. Jordan Bickell stepped in to deter filing of the Amicus

Curie motion in Petition No. 17-82, the certiorari was voted to be denied. Cle

There is no dispute that the clerk's office has no basis to refuse to file the amicus curiae motion in Petition 17-82 as the identical motion was "granted" in 17-256 already. Similarly, it is obvious that someone caused Mr. Jeff Atkins to direct the deputy clerk to alter the docket entry on "the date of decision" from 4/28/2017 to 6/8/2017 on the next day morning following the docketing.
There is no authority to allow Mr. Atkins to cut off the pages for posting. Not a court ever done so. Both the US District Court in Northern California and the 9th Circuit posted the entire Request for Recusal in 17-256. (A.076) Petition for Rehearing in 17-256 also has Appendix and the entire pleading was posted two weeks prior.
These events created the danger of a public perception that the justices' conflicts of interest may have caused these irregularities.

As shown in Appendix 28, the Clerk's Office went beyond their statutory power and would reject a motion to set aside the January 8, 2018's Order denying rehearing in 17-256 when such order is void as it was made without due process--- the eight Justices did not even rule on the Request of Dismissal.

B. Substantial Risk of loss of public confidence

There is a danger of loss of public confidence in this Court because this Court's acceptance of gifts from a private club of the American Inns of Court. The Supreme Court's mingling with the private club has lead all courts to accept similar gifts. Attorney Manuel Chavez stated the unique benefit for being a member of the American Inns of Court was to have "rapport" and to meet the judges "outside of the courtroom in a social setting." (A.011) Such conducts that have been encouraged by Eight Justices of this Court are in contravention with Rule 5-

300 of California Rules of Professional Conduct. Its subdivision(c) also disallowed the same gifts and contacts with the clerks. (See Footnote 13 of this Request for Recusal in P.53)

The public lost its confidence in the entire U.S. courts because of the judiciary's accepting gifts and contacts with secret attorney members. Another attorney commented the same by email in A.128 and 129. In addition, there is another person Michael Bruzzone who contacted the Petitioner regarding the injustice suffered by him because of the cozy relationship between McManis Faulkner, LLP, James McManis and Michael Reedy and Santa Clara County Superior Court as well as California Sixth District Court of Appeal. See Declaration of Michael Bruzzone in A.192-193.

Moreover, while the paperwork is handled by the Clerk's Office, when the Clerk's Office has betrayed its ministerial duty to file and to maintain the integrity of the dockets multiple times, and when this court's proceedings are all closed and not open to the public, the public has little confidence that the Amicus Curiae motion, and the two Petitions of 17-82 and 17-256 were presented or ever reviewed by any Justices.

C. The court's denial of certiorari will cause risk of further injustice in the custody appeal (H040395) and the appeal from the vexatious litigant orders in Shao v. McManis Faulkner (H042531) in the state court of Santa Clara county.

1. State Courts refused to docket two appeals at California Sixth District of Court of Appeal

In the same scheme, recently, California Sixth District Court of Appeal have not docketed two appeals of Petitioner, one was filed on October 30, 2017 in the

family case (See Petition for Rehearing, App.28; email of), and another was filed on January 17, 2018 (112CV220571).

2. **The highest court is leading the entire courts of the US that the challenged judges can disregard a disqualification.**

Petitioner submits that she was blocked reasonable access to this court by this court's terminating jurisdiction of 17-256 by denying rehearing without due process—without considering the Request for Recusal preceding denial. This will risk the fundamental judicial system of the US--- lack of impartiality became OK and the courts can always disregard a recusal action.

3. **Substantial risk of further injustice in the custody appeal will result for a denial of certioraris**

California Sixth District Court of Appeal is watching how the US Supreme Court will react to the court crimes they have done in H040395. Santa Clara County Court is watching how the US Supreme Court will react to their failure to put on the docket of the filed Verified Statement of_Disqualification on December 5, 2017 and failure to react.

Denial of certiorari in this Petition will cause the state courts to keep re-issuing false notices in order to dismiss the custody appeal in H040395 after February 27, 2017. The motion that caused this Petition was to strike the 5th false notice for the purpose of dismissing the appeal, when was issued on March 14, 2017. After that, there was another false Notice of Non-compliance dated April 25, 2017. That one was decided negatively on June 8, 2017 and pending reconsideration. The reconsideration raised the same issue of court crimes and new evidence of

the direct conflicts of interest of Santa Clara County Superior Court and California Sixth Appellate Court to decide this family case and appeal. The motion to reconsider June 8, 2017's Order was pending for almost 5 months since July 20, 2017; the California Sixth Appellate Court appeared to wait to see this Court's decision. (A.133, A.140) The same issues of lack of impartial courts are raised in the motion of reconsideration.

As mentioned above, no appeal like this involves such strong evidence of the court's conflicts of interests and court crimes in the Sixth Appellate Court's alteration of the docket of this H040395 case, Santa Clara County Court's alteration of the dockets of 105FL126882 and the related case of 112CV220571, conspiracy of dismissal, deterring appeal by knowingly denying Petitioner's right to appeal by tolerating the Santa Clara County Court's refusing to prepare records on appeal, deterring the court reporter from filing trial hearing transcripts, delaying filing pleadings by the courts, and denying Petitioner's motion to change the way of producing records by allowing Petitioner to prepare herself.

Meera Fox's declaration, after filed and entered into the docket of H040395 on May 10, 2017, was immediately removed from the docket on May 11, 2017. (A.138; This Petition, App.239 (entry of docket on May 10, 2017; App.241, the entry was removed on May 11, 2017)
The child custody order that the judicial conspirators and McManis Faulkner Law Firm tried to dismiss is the custody deprival order of Presiding Judge Patricia Lucas made on November 4, 2013, who was a prior President of the William A. Ingram American Inn of Court. For already 3.5 years, Judge Lucas, who led Santa Clara County Court, has directed the Appellate Unit to deter Petitioner's appeal from her Order of 2013. The court reporter was threatened not to file the hearing transcripts, and the Appellate Unit was directed not to

prepare the records on appeal.

On April 29, 2016, after exposure of the conspiracies on March 14, 2016, in violation Shalanti v. Girardi (2011) 51 Cal.4th 1164 at 1173-74, Santa Clara County Superior Court bluntly and openly cancelled all filings, or "defiled" all motions filed by Petitioner without a notice nor a hearing, in her existing family court case, with the excuse that McManis Faulkner obtained a prefiling vexatious litigant order against the Petitioner in the civil case of 112CV220571.

Judge Lucas and Judge Zayner, long term friends of Michael Reedy and McManis Faulkner LLP, through the William A. Ingram American Inn of Court, have collaborated to stall child custody return to Petitioner for 6 years, after the initial parental deprival orders were set aside. (See the judiciary conspiracy declared by Meera Fox, Esq., Petitioner's expert witness, in A.077-109)
In 2017, Judge Lucas removed the family case from the public/Petitioner's access (A.156), when simultaneously there was a false docket entry *silently* shown on the custody appeal of the Sixth Appellate Court (H040395) about a default notice but no such notices were in any court's files. (A.68, A.96-97) Respondents' judicial clients and friends at the State Court generated numerous repeated false notices with the dire attempt to dismiss this custody appeal, an appeal stalled by them for already 3.5 years. (A.077-109)

It is noteworthy that Judge Lucas refused to make corrections in response to Petitioner's asking her to allow public/Petitioner's access to her family case on the court's website and to direct the Appellate Unit to cease issuing false Notices of Appellant's Default/Non-compliance. Judge Lucas arrogantly invited Petitioner to file a complaint against her with California Committee of Judicial Performance. (A.158)

Since September 2015, they used a fraudulently procured child support order trying to suspend Petitioner's bar license repeatedly for already more than 5 times without any notice. Petitioner and her daughter's substantive due process rights were severely prejudiced already more than 7 years.

If Certiorari were not issued for this Petition, it is foreseeable that further injustice for *perpetual* parental deprival and prejudice to the liberty and life of Petitioner will be caused at the state courts *without a leash*. Presiding Judge Patricia Lucas openly invited a complaint against her as she has propounded relationships with California Supreme courts and has been supported by this largest legal gang. Santa Clara County Sheriffs' Office has declined to prosecute any crimes committed by Respondent for the reason that they have conflicts of interest and were instructed not to touch the court's decision and not to investigate any issue of court crimes. As testified by Mr. McManis, his pro bono clients include bailiffs who are working at Santa Clara County Sheriffs' Office.

When the State Bar of California received the deposition transcript of James McManis, they opened an investigation, which was "suspended" shortly thereafter and the case worker was removed. It is not hard to imagine Mr. McManis's judicial friends and client at the Supreme Court would be likely involved to cause the "suspension" of the State Bar's prosecution. Mr. McManis himself is on California State Bar as an official. A.022 posted Mr. McManis's bio where he alleged that he was recently appointed to the newly established Task Force on Admissions Regulation Reform by the California State Bar.

If Certiorari were not issued, it is foreseeable that the Sixth Appellate Court will dismiss the custody appeal by illegal methods in order to please Mr. James McManis

who has hold many confidences of many judges/justices by handling their personal affairs and have given them many financial benefits. The vexatious litigant orders illegally procured by McManis Faulkner without a statement of decision in violation of due process will be uphold by the courts that have received benefits from McManis Faulkner through the American Inns of Court. There will be no law other than the attorneys/judges gang at the American Inns of Court.

4. **Right to jury trial, fair tribunal, and right to appeal from the unlawful vexatious litigant orders are risking further injustice if the denials in 17-82 and 17-256 were not vacated as the Eight Justices and 38 Clerks of this Court failed to disclose the conflicts of interests when they should have noticed from reading the Petitions for Writ of Certiorari and Petitions for Rehearing.**

This Court's votes to deny certiorari in 17-256 and 17-82 must be corrected because of the undisclosed conflicts of interest.

For years, the American Inns of Court formed like a strong legal gang. The public has regarded Santa Clara County Superior Court to be a "no law zone". The William A. Ingram American Inn of Court became the justice in the geographic area of Santa Clara County in California. The leading attorney, James McManis, has become the law. McManis Faulkner's judicial friends and clients have helped to confine the case of Shao v. MCManis Faulkner, James McManis, Michael Reedy to be adjudicated by their client, Santa Clara County Superior Court. And, the California Sixth District Court of Appeal is trying hard repeatedly to dismiss the custody appeal, i.e., Petitioner's appeal from the custody decision of Presiding Judge Patricia Lucas at Santa Clara County

Superior Court of November 4, 2013. The appeal is pending for more than 4 years without any progress other than the fact that the courts jointly wanted to created false notices in order to effectuate dismissal, and to achieve the purpose of perpetual parental deprival without further changes on child custody, in complete disregard of the child safety issue caused by Respondent's dangerous mental disorder.

The interested parties MF appear in front of their own clients, Santa Clara County Superior Court, California Sixth District Court of Appeal and California Supreme Court and won the "Super Lawyer" honors. Money donations in the extrajudicial relationship has dominated the result of justice.

Their clients/bedfellows in the state courts continue allowing the court's attorney to appear in front of the court as a party and refused to transfer venue when Petitioner has suffered prejudiced to her fundamental rights to have access to the court to an extreme.

From its own client court, MF obtained an infamous vexatious prefiling order against Petitioner when it was not supported by a statement of decision, in violation of due process. See Morton v. Wagner (2007) 156 Cal.App.4th 963, 968: a prefiling vexatious litigant order must be included in the statement of decision.

Besides the infamous vexatious prefiling order issue that unfairly restricted Petitioner's litigation privilege and has forced Petitioner to pay attorneys fees in order to pursue her rights, the jury trial was confined by MF's client to be in Santa Clara County Court and has been stayed more than 2 years when there was no legal ground for such stay and such stay was not even done by a motion but simply based on an impromptu oral request of McManis Faulkner's attorney.

On the 12th motion to change place of trial, Judge Maureen Folan who initially issued the vexatious prefiling order for the benefit of MF, withdrew her participation of the conspiracy but still denied the motion

on pure procedural ground—that is, "Ms. Shao did not secure an order from Judge Woodhouse after the April 28, 2017 hearing, permitting a partial lifting of the stay he ordered" (A.182). This excuse is very strenuous as it is in contravention with Rule 3.543 of California Rules of Court where the coordinated judge, i.e., Case Management Judge, has the power to transfer court and manage the case. Immediately followed the hearing of April 28, 2017, the case was removed from the trial judge, Judge Woodhouse, such that it was impossible to make any request to be made in front of the original trial judge after April 28, 2017 to expressly allow a filing of a 397b motion to change place of trial. Therefore, the ground of denial is not logical.

Judge Folan withdrew from her tentative decision (A.179) but issued this procedural denial before she was permanently transferred away from the civil court. (A.181-83)

Petitioner's being denied her fundamental right to jury trial and access the court will continue to more injustice because Santa Clara County Court disallowed any hearings to be made in front of Judge Woodhouse (the original trial judge who stayed the jury trial and ordered no more new motions to be filed; see A.166) nor Judge Folan regarding modifications of their orders, but another CMC judge, in contravention with the laws and principles for a motion to reconsider.

The county court knowingly let Judge Peter H. Kirwan to take over, in disregard of Judge Kirwan's conflicts of interest. Judge Kirwan is the President of the William A. Ingram American Inn of Court and Michael Reedy is the President-Elect of the same Inn.

On December 4, 2017, Judge Kirwan refused to recuse himself, insisted on ruling on behalf of Judge Woodhouse (A.152), and denied Petitioner's application to allow filing of a motion to change the place of trial, despite he was reminded by Petitioner of such conflicts of interests as

The prefiling order violates the due process because Judge Folan's statement of decision did not discuss a

prefiling order at all. See, *Morton v. Wagner* (2007) 156 Cal.App.4th 963, 968 (A Prefiling Vexatious Litigant Order requires a Statement of Decision, or violates the due process.)
WHEREFOR, Petitioner respectfully request recusal of the eight Justices and 38 clerks, reversal of the denial of rehearing in 17-82, grant the Petition for Rehearing in No. 17-256 and issue certiorari for the Petition for Writ of Certiorari of 17-613, 17-256 and 17-82.

REQUEST FOR JUDICIAL NOTICE

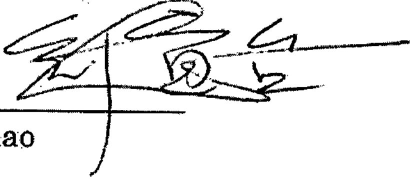
Petitioner respectfully requests the Court to take judicial notice of the existence of the facts and evidence stated in the pleadings that are in the court's files: the entire files of 17-82, 17-256 and 17-613.

VERIFICATION/AFFIDAVIT FOR THE RENEWED REQUEST FOR RECUSAL (17-613) and CERTIFICATE OF GOOD FAITH

I, Yi Tai Shao, swear under the penalty of perjury under the laws of the U.S> that that all the facts stated in the Renewed Request for Recusal of the eight Justices (other than Justice Gorsuch) and 38 Clerks and the attached evidence are true and accurate to her best knowledge.

I, Yi Tai Shao, certified that the Renewed Request for Recusal is made in good faith and not for ulterior purpose of harassment, and well supported by the laws.

Dated: Feb. 1, 2018



Yi Tai Shao

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Alameda }

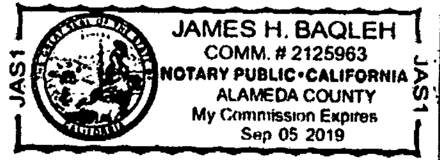
On 2/1/18 before me, James H. Baqleh, notary public, (Here insert name and title of the officer)

personally appeared Linda Yi-Hai Shao,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Notary Public Signature (Notary Public Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

verification/Affidavit for 'Renewed Request'

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages ____ Document Date 2/1/18

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer

  ____________ (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other ____________

2015 Version www.NotaryClasses.com 800-873-9865

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they,~~ is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

Additional material from this filing is available in the Clerk's Office.